

81-1426.01.

County Justice Reinvestment Grant Program; created; grant recipient; duties; report.

(1) There is created a separate and distinct budgetary program within the commission to be known as the County Justice Reinvestment Grant Program. Funding shall be used to provide grants to counties to help offset jail costs. It is the intent of the Legislature to appropriate five hundred thousand dollars to the County Justice Reinvestment Grant Program.

(2) The annual General Fund appropriation to the County Justice Reinvestment Grant Program shall be apportioned to the counties as grants in accordance with a formula established in rules and regulations adopted and promulgated by the commission. The formula shall be based on the total number per county of individuals incarcerated in jails and the total capacity of jails.

(3) Funds provided to counties under the County Justice Reinvestment Grant Program shall be used exclusively to assist counties in the event that their average daily jail population increases after August 30, 2015. In distributing funds provided under the County Justice Reinvestment Grant Program, counties shall demonstrate to the commission that their average daily jail population increased, using data to pinpoint the contributing factors, as a result of the implementation of Laws 2015, LB605. The commission shall grant funds to counties which have an increase in population compared to the average daily jail population of the preceding three fiscal years. In calculating the average daily jail population, counties shall only include post-adjudication inmates who are serving sentences or inmates serving custodial sanctions due to probation violations. Counties may apply for grants one year after August 30, 2015.

(4) No funds appropriated or distributed under the County Justice Reinvestment Grant Program shall be used for the construction of secure detention facilities, secure treatment facilities, secure confinement facilities, or county jails. Grants received under this section shall not be used for capital construction or the lease or acquisition of facilities. Any funds appropriated to the County Justice Reinvestment Grant Program to be distributed to counties under this section shall be retained by the commission to be distributed in the form of grants in the following fiscal year.

(5) In distributing funds provided under the County Justice Reinvestment Grant Program, recipients shall prioritize use of the funds for programs, services, and approaches that reduce jail populations and costs.

(6) Any county receiving grants under the County Justice Reinvestment Grant Program shall submit annual information electronically to the commission as required by rules and regulations adopted and promulgated by the commission. The information shall include, but not be limited to, the objective sought for the grant and estimated savings and reduction in jail inmates.

(7) The commission shall report annually to the Governor and the Legislature on the distribution and use of funds for grants appropriated under the County Justice Reinvestment Grant Program. The report shall include, but not be limited to, the information listed under subsection (6) of this section. The report submitted to the Legislature shall be submitted electronically.

(8) The commission shall adopt and promulgate rules and regulations to implement this section.

Source

- Laws 2015, LB605, § 87.

Title 74 – County Justice Reinvestment Grant Program

Chapter 1 – Distribution of County Justice Reinvestment Grant Program Funds

001 Purpose: To establish procedures governing the distribution and management of the County Justice Reinvestment Grant program funds by the Nebraska Commission on Law Enforcement and Criminal Justice. Counties may apply for grants one year after August 30, 2015.

002 Scope: Applicable to all counties within the State of Nebraska operating an adult detention facility requesting and receiving funds distributed by the Commission with the intent to offset jail costs as set out in Neb. Rev. Stat. §81-1426.01 Cumulative Supplement 2015.

003 Reference: Neb. Rev. Stat. §81-1426.01

004 Definitions: The following terms and definitions will be utilized for purposes of this chapter:

004.01 Average Daily Jail Population means the total number of individual post-adjudicated inmates days divided by 365. The total number of inmate days is a cumulative total of all days served by individual inmates during the fiscal year.

004.02 Custodial Sanctions are sanctions imposed by the court as outlined in Neb. Rev. Stat. §29-2266, consisting of up to three days in jail or up to thirty days in jail, as imposed by the court.

004.03 Post-adjudication inmates mean inmates being held in the county jail who are serving sentences or custodial sanctions.

004.04 Commission is the Nebraska Commission on Law Enforcement and Criminal Justice.

004.05 County Justice Reinvestment Grant Program Funding Formula is an apportionment based on the specific jail's percentage of the entire state jail inmate population.

004.06 Applicant is any county in the state of Nebraska that is eligible to apply for County Justice Reinvestment Grant Program Funds.

004.07 Executive Director is the individual who is responsible for the supervision of the policies as established by the Commission and has the powers and duties as outlined in Nebraska Revised Statute §81-1425.

004.08 Staff Review Team shall be made up of four employees of the Commission, to include the Community Corrections Division staff.

004.09 Request for Application is the announcement and solicitation for County Justice Reinvestment Grant Program applications that is distributed as aid by the Commission as outlined in the chapter. The Request for Application includes, but is not limited to program specifications and application procedures.

005 Funding Eligibility

005.01 All counties with adult detention facilities may apply if they are eligible to receive funds as specified in this section.

005.02 Counties are eligible to receive funds when

005.02(A) Counties show an increase in population indicated by submission of data

005.02(B) The increase in average daily jail population is a direct result of changes specified in Neb. Rev. Stat. 81-1426.01, and

005.02(C) Counties show the prioritization of funds received from the grant program for specified programs to reduce jail inmate population.

006 Apportionment Formula

006.01 Once eligibility criteria have been met, the apportionment formula will be based on the following:

006.01(A) The County's percentage of inmate population relative to the total capacity of jails in the state of Nebraska. Each county will receive the percentage of grant dollars directly proportional to that county's percentage of jail inmates of the total jail inmate population in the state.

006.01(B) Each county must identify and submit to the Commission its average daily post adjudicated inmate population for the three previous fiscal years prior to the effective date of Neb. Rev. Stat. §81-1426.01.

006.01(C) If the county shows an increase in its average daily post-adjudicated inmate population over the three previous fiscal years as determined in 006.01(B), they are eligible for an award of funds from the County Justice Reinvestment Grant Program.

007 Application Process

007.01 Notification of the availability of funds shall be announced by the Commission through a Request for Application. Such notification will include application requirements and instructions. Funding amount will be calculated by the County justice reinvestment grant program formula.

007.02 Applicants must submit an application for funds that demonstrate the applicant is eligible for County Justice Reinvestment Grants by identifying how funds will be used, the objective sought for the grant, the estimated savings and reduction in jail inmates, and how the applicant is prioritizing the use of the funds for programs, services, and approaches that reduce jail populations and costs.

007.03 Applications must be received by the Commission by the deadline specified in the request for application.

008 Review of Grant Application

008.01 All grant applications that were received by the appropriate deadline outlined in the Request for Application shall receive initial review by the Staff Review Team. Upon completion of the staff review, funding recommendations and summary comments will be sent to the Executive Director of the Commission.

008.01(A) In order to make a determination of eligibility for grant award, the staff review team will be looking for data that shows an increase in average daily jail population of post-adjudicated inmates, the county's prioritization of the use of funds for programs, services, and approaches that reduce jail populations, the objective sought for the grant, and the estimated savings and reduction in jail inmates.

008.01(B) In the event that there are questions arising from the application, the staff review team shall contact the applicant to request further information.

008.02 The Executive Director will conduct a final review of the grant application to ensure that the applicant is eligible to receive funds. The Executive Director shall take the grant proposal and recommendations from staff review under advisement and make the final funding decision.

008.03 Upon issue of the final decision, the Executive Director or his or her designee will notify applicants within ten (10) working days of the final decision.

009 Acceptance of Funds

009.01 Applicants who are approved to receive aid from the Commission will be required to accept the grant award subject to the conditions outlined in this chapter and specified by the Commission.

009.02 Applicants who are required to meet contingencies articulated by the Commission will have thirty (30) days from the notification of application approval to satisfy the requirements. Exceptions to the thirty (30) day deadline may be allowed on an individual basis, approved by the Executive Director of the Commission.

009.03 After contingencies have been approved by the Executive Director of the Commission, the applicant will be notified within ten (10) working days of the approval.

009.04 Once all the steps have been taken to award and approve all grant applications, applicants who have been awarded funds will adhere to all reporting requirements as outlined in this chapter and in Neb. Rev. Stat. 81-1426.01 Cumulative Supplement 2015.

010 Request for Further Review

010.01 Applicants may request further review of the reinvestment grant award by the Crime Commission. Review is limited to the following grounds: Partial denial of reinvestment award requested, or full denial of reinvestment award requested.

010.02 The basis for review shall be limited to one or more of the following grounds: The decision being reviewed was biased, arbitrary, or prejudiced against the applicant county, the decision being reviewed was reached without following procedures outlined in this chapter, or

the decision being reviewed was reached without adherence to statutory requirements as specified in the County Justice Reinvestment Grant Program act, (81-1426.01).

010.03 Notice of a request for review must be made in writing and submitted to the Executive Director within ten (10) working days of receipt of the denial of reinvestment award requested. Notice of a request for further review shall identify the basis of the request, and will inform the Executive Director of the intent to file a full written request for further review.

010.04 A full written request for further review will detail the basis for the review, and include an explanation of why the reinvestment grant application satisfies the requirements of this chapter. The full written request for further review will be submitted to the Crime Commission within (20) working days of the notice of request for further review.

010.05 The burden of demonstrating that the Executive Director's award decision should be reversed is on the party filing the request for further review. The burden of proof shall be by a preponderance of the evidence.

010.06 Should the applicant filing the request for further review fail to meet deadlines established in section 010 of this chapter, the request for further review will be considered waived or the reinvestment grant decision shall be final.

010.07 The hearing shall be conducted before the Commission at its next available quarterly meeting. The Commission will take into consideration the written request for further review of the appellant, all recommendations for funding made during the application review process and testimony from parties made during the further review hearing. The final request decision shall be determined by a majority vote of the Commission.

010.08 All decisions made by the Commission shall be final.

011 Reporting Requirements

011.01 Jail Data Collection: it is the responsibility of each county jail to collect data to be submitted to the commission annually. Data must be used in order to identify the contributing factors that increase the average daily jail population. In calculating average daily jail population, counties shall only include post adjudication inmates.

011.02 Data reports submitted to the Commission must contain, but are not limited to, the prioritization of the use of funds, objectives sought for the grant, and estimated savings and reduction in jail inmates.

012 If any one section of this chapter or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.