

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

May 6, 2005

The Nebraska Commission on Law Enforcement and Criminal Justice met Friday, May 6, 2005, at 9:30 a.m., in Lower Level Conference Room A of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Legal notice of the meeting was published April 4, 2005 in the Lincoln Journal Star.

CALL TO ORDER

The meeting was called to order at 9:35 a.m. by Chairman Jon Bruning. The following members were **in attendance**: Scot Arnold arrived at 9:40 a.m., Jon Bruning, Scott Ford, Robert Houston, Gary Lacey, Paul Leseberg, Tom Nesbitt, Don Overman, Peter Pirsch, James Riskowski, Thomas Warren arrived at 9:40 a.m., George Watson, and William White. **Members excused**: Charlie Brewster, William Brueggemann, Susan Jacobs and Kathy Moore. **Staff present**: Michael Overton, Steve Lamken, Nancy Steeves, Bruce Ayers, Jennifer Tomrdle, Monica Miles Steffens, Jef Sevenker and Barbara McCreight. **Also present**: Charles Lowe, Assistant Attorney General.

Bob Houston, Director of the Department of Correctional Services, and George Watson, PSAC Chairman, were welcomed as new members of the Commission.

APPROVAL OF MINUTES

Nancy Steeves offered a correction to the minutes of the Violence Against Women Act Advisory and Grant Review Committee's joint meeting of April 7, 2005, page 5. Grant #04-VW-711 should be listed to Heartland Family Service - Bellevue/Cass County not Sarpy County.

Motion

A motion was made by Overman and seconded by White to approve the minutes of the Crime Commission meeting of January 28, 2005; Police Standards Advisory Council meetings of January 19th, February 16th, and March 16, 2005; Violence Against Women Act Advisory Committee and Grant Review Committee's joint meeting of April 7, 2005 as amended; County Attorneys Standards Advisory Council meeting of April 15, 2005; and Nebraska Coalition for Juvenile Justice meeting of March 18, 2005. The motion passed unanimously by acclamation.

The minutes of the Jail Standards Board meeting of January 15th and the Community Corrections Council meeting of February 18th were provided for the member's review.

III. EXECUTIVE DIRECTOR'S REPORT

The Executive Director's report was presented by Michael Overton, Acting Director.

1. The Governor's Office has not announced the selection of a new executive director.
2. Jef Sevenker, who was hired as a Jail Inspector for the Jail Standards Division, was introduced to the Commission.
3. Copies of the 2005 Nebraska Criminal Justice Directory were distributed to members.
4. The Legislature reinstated the appropriation to the Commission to pass through funds to NE Crime Stoppers.
5. The proposed legislation to maintain the Law Enforcement Improvement Fund (LEIF) will not be considered further this session.

OLD BUSINESS

Update on Steven Hauser Case

Overton reported that the Steven Hauser case was heard by the Supreme Court for a third time. The court ruling supported the revocation decision by the Commission. Following the ruling, the Commission contacted the State Patrol and was notified that Sgt. Hauser resigned from the State Patrol effective April 1, 2005. No other appeals are anticipated.

Report on Meeting with Governor Heineman

James Riskowski reported on the meeting with Governor Heineman regarding the selection of a new executive director and the Commission's focus. Those attending the meeting included Charles Brewster, Kathy Moore, James Riskowski, and staff members Nancy Steeves and Michael Overton. A background on the accomplishments of the Commission was presented. It was a positive meeting in which the Governor was open to the group's suggestions. Governor Heineman asked members to forward any names of persons interested in the executive director's position the Commission felt would be a positive force and beneficial to the state.

NEW BUSINESS

Nebraska Law Enforcement Training Center

Revocation of Law Enforcement Certification - Loren Trautman, #LR-029-03, Ainsworth, Nebraska.

The Commission next considered a request to revoke the law enforcement certification of Loren Trautman, #LR-029-03, Ainsworth, Nebraska. Bruning declared a public hearing to consider this request for revocation. Bruning noted the Police Standards Advisory Council acted as the hearing board for this complaint. Bruning recused himself from any vote on this matter since his office was representing the Commission but he continued to chair the meeting.

Charlie Lowe, Assistant Attorney General, presented the hearing board's findings regarding the decertification complaint. He offered into evidence the entire record of the full evidentiary hearings held by the PSAC. The record included pleading and documents; two transcriptions from hearings held January 19, 2005 and February 16, 2005; and exhibits offered and received at those hearings. Lowe noted all exhibits were picked up by the court reporter at the previous hearings whether they were all offered or received. Those actually received into evidence were so marked.

A letter received by Fax at the Commission at 7:58 a.m. on May 6, 2005 from Trautman's attorney Justin J. Cook was distributed. The letter stated that neither Mr. Cook nor Mr. Trautman would attend today's hearing due to the fact that Mr. Trautman underwent surgery May 4th. The letter stated Trautman's position that he did not deserve the decision of the Council.

Bruning noted the Commission was hearing this case pursuant to its authority as stated in Neb.Rev.Statute §81-1403 section 6 and its related statutes. He accepted the state's exhibits and ordered them so marked: Exhibit #1, Bill of Exceptions; Exhibit #2, the transcript from the 2 hearings, Exhibit #3, exhibits from the 2 hearings; and Exhibit #4, the May 5, 2005 letter from Justin J. Cook, attorney for Loren Trautman.

Bruning noted on January 19, 2005 and February 16, 2005, revocation hearings were held before the Police Standards Advisory Council regarding Loren Trautman. The Commission was to review the Council's actions pursuant to Neb.Rev.Statute §81-1403, section 6.

Lowe noted the revocation complaint involved Loren Trautman who was the sheriff of Cedar County. On February 16, 2005 after a full evidentiary hearing, the PSAC unanimously voted to revoke the 3 law enforcement certifications held by Loren Trautman including his basic certificate and management and supervision certificates. The findings of fact and conclusions of law that support the Council's decision and reasoning behind it was signed and sent out one month later to Mr. Trautman and his attorney.

In 1999, Mr. Trautman was sheriff of Cedar County. Certain conduct by him was observed by Deputy Sheriff Brad Thornburg. The deputy sheriff reported his observations to the county attorney and ultimately to the attorney general's office. The NE State Patrol was asked to investigate. As a result of that investigation, criminal proceedings were brought against Mr. Trautman in the District Court by a special prosecutor.

The charges filed against Mr. Trautman were brought before the PSAC seeking revocation of Mr. Trautman's law enforcement certificates. Lowe stated the evidence offered supported the charges against Mr. Trautman overwhelmingly. Deputy Thornburg and 2 NSP investigators testified regarding the charges, no counter testimony was offered to mediate any of the charges. Mr. Trautman did not testify at the hearings.

Charges brought which were supported by the evidence were:

On April 1, 1999, Mr. Trautman while sheriff of Cedar County, allowed or permitted an inmate in the county jail to have access to and handle his service weapon.

On April 15, 1999, Mr. Trautman while sheriff of Cedar County, gave consent for that same inmate (a trustee) to be given a beer. However, the inmate did not take one.

On May 3, 1999, Mr. Trautman while sheriff of Cedar County, told one of his deputies that he (Trautman) had struck a protective custody prisoner several times in the face while transporting the handcuffed prisoner. He later claimed that he had not hit the prisoner but had just told the deputy the story to "test him" to see if he would report it to the State Patrol investigator.

During the course of the investigation of these incidents by the NSP, Mr. Trautman denied that he had permitted the inmate to handle his service weapon. He later, in a subsequent interview and after much prodding, admitted that it had in fact occurred. When first interviewed by the NSP about the prisoner handling his service weapon, Mr. Trautman had lied.

The final charge was that Mr. Trautman was convicted in Cedar County Court on a charge on misdemeanor false reporting for that initial denial given to the investigator.

Lowe stated the evidence presented at the hearings overwhelmingly supported these allegations and charges. No counter evidence was given. As a result, the PSAC issued its Findings of Fact and Conclusions of Law which set forth the facts of the case and the conclusion that these acts constituted incompetence and emotional instability and that Mr. Trautman's law enforcement certificates should be revoked.

Motion

A motion was made by Nesbitt and seconded by Ford to revoke the law enforcement certifications (Basic, Management and Supervision) of Loren Trautman, #LR-029-03, Ainsworth, Nebraska upon a finding of clear and convincing evidence submitted by the Hearing Board. Voting in favor of this motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

Annual Certification of Law Enforcement Academies of the Nebraska State Patrol, Lincoln Police Department, and the Omaha Police Department

Bruning announced that agenda item A(2) for the annual certification of law enforcement academies would be moved to the Commission's next meeting to allow for completion of the annual inspections.

Applications for Instructor Certification/Recertification

George Watson reviewed the Police Standards Advisory Council's recommendations for instructor certification.

Motion

A motion was made by Lacey and seconded by Leseberg to grant the following instructor certifications per Police Standards Advisory Council's recommendations: General Certification to Erin E. Sims, Lincoln Police Department; Professional Certification to Robert M. Brenner, Lincoln Police Department; Launa Groves, Lincoln Police Department; Michon R. Morrow, Lincoln Police Department; Steven J. Niemeyer, Lincoln Police Department; Timothy B. Ringhoff, Omaha Police Department; Michael A. Ripley, Lincoln Police Department; and Robert R. Varga, Jr., Lincoln Police Department; Professional Recertification to Michael L. Engel, Lincoln Police Department; Chris F. Ehrhorn, Lincoln Police Department; Robert S. Kubicek, Lincoln Police Department; John T. McGahan, Lincoln Police Department; John L. Pitts, Lincoln Police Department; Julie A. Pucket, Lincoln Police Department; Conan L. Schafer, Lincoln Police Department; James J. Spanel, Lincoln Police Department; John Walsh, Lincoln Police Department; and Robert R. Ziemer, Lincoln Police Department. Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

Public Hearing to Receive Comment on Nebraska's Amended Drug and Violent Crime Strategy for Justice Assistance Grant Funds

A public hearing was called by Chairman Bruning to receive public comment on Nebraska's Amended Drug and Violent Crime Strategy for Justice Assistance Grant Funds.

Nancy Steeves noted the Byrne grant program will receive a significant reduction in grant funds for the next fiscal year. The Byrne grant fund program was rolled into the

JAG grant program which has broad funding areas. The award to the state for the next fiscal year went from the current \$3.6 million to \$2.1 million. There are 6 direct awards to cities and counties, however, these funds are relatively small in amount.

The funds available for state projects total about \$861,000 compared to \$1.2 million last year. Local programs will receive \$1.1 million compared to \$2 million last year. In the past Nebraska has used the funds to support 9 drug and violent crime task forces which cover 73% of the state.

The Commission met with the Grant Review Committee to discuss how to best proceed with the award of the \$2.1 million in grant funds to the state and to still meet the goals outlined in the 4 year drug strategy approved last year. Meetings were held across the state to gather input and to select program areas for the reduced funding. The consensus was to focus the funds on the primary program areas identified in the strategy for the multi jurisdictional drug and violent crime task forces, offender treatment and the criminal justice information system. If additional funds were available, other program areas could also be addressed. A 25% cash match will be required for the funds.

Steeves stated with the exception of the Omaha Tribe, all 6 eligible local units of government eligible to receive direct awards had applied for the funds (Kearney/Buffalo County, Omaha/Douglas County, Grand Island/Hall County, Lincoln/Lancaster County, and Scottsbluff/Scotts Bluff County.) Omaha will receive \$750,000 and has dedicated \$450,000 of that amount to support their task force. Lincoln/Lancaster County will receive \$310,000 which they have earmarked for their task force. The rural areas receiving direct awards may also choose to focus on the task forces but the awards still do not provide enough money to meet the operational costs of the task forces.

Steeves noted the Commission is also uncertain whether the grant funds will be available again next year. Without federal funds, the local communities will not be able to maintain the task forces.

Leseberg noted there are gaps in each area in resources of all types. He would like to see more emphasis and spending in the area of prevention.

Steeves stated grants would be considered for demand reduction programs. However, last year no grants were received in this area.

Overman states his support for continued funding of the task forces. He stated he could not comprehend the problems Nebraska would be facing with meth if it were not for the task forces.

Lacey suggested the Commission send a letter under the Attorney General's and Acting Director's signatures notifying all political subdivision of the likelihood that grant funds would not be forthcoming next year. He noted they need to be aware of the potential shortfall in time to plan for the next budget cycle and to have time to contact their senators.

Warren stated Omaha held public deliberations on the cuts in grant funding. Omaha arrived at a 60/40 split with Douglas County for distribution of the grant funds to be received.

Lacey noted that other grant programs such as HIDTA are also unsure of future funding support. He noted the level of the meth problem experienced by the Midwest has yet to be found on either coast. He noted the need to inform the congressional delegates of the state's situation.

Arnold agreed that local boards do not know the seriousness of the funding situation regarding federal grant funds. They need time to react to shortfalls before the budget process begins. He also noted sheriffs and chiefs may hesitate to be political in addressing this problem.

Ford stated administrators try to inform their boards of the trends in funding but that it can be overwhelming to them or seen as an attempt to just solicit more money. He encouraged the Commission to release information to the county boards and city councils.

Arnold suggested the Homeland Security program should focus funds on the meth program as it is really impacting communities.

Overton stated the Governor's Office is preparing a total state response to federal cuts in funding. The Governor is concerned about agencies approaching the congressional delegates on individual cuts.

Nesbitt stated the Patrol will only be applying for grant funds for the MULE Task Force. Seizure/forfeiture funds will be used to overhaul the AFIS system and to provide for a criminal analysis person. He stated the task forces are a necessity for the state as they provide undercover and investigative services. Meth is an epidemic in the state.

Lacey reported the National Association of District Attorneys (NADA) passed resolutions condemning the loss of federal grant funds and suggested this fact could be incorporated into a letter to the federal delegates. He suggested resolutions by other professional organizations could also be included or attached to the letter.

Motion

A motion was made by Warren and seconded by Arnold to have Jon Bruning send a letter, under his signature as chairman of the Crime Commission and on his letterhead, to the congressional delegates on the impact to the state on the loss of justice program grant funds. Voting in favor of the motion: Arnold, Ford, Lacey, Leseberg, Overman, Pirsch, Riskowski, Warren, Watson and White. Abstaining: Houston and Nesbitt. Motion carried.

Motion

A motion was made by Leseberg and seconded by Overman to have the Commission notify county boards and city councils of cuts in grant programs to allow an opportunity for them to take action and to contact their legislators. Motion carried unanimously by acclamation.

Motion

A motion was made by Warren and seconded by Watson to approve Nebraska's Amended Drug and Violent Crime Strategy for Justice Assistance Grant Funds as presented. Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

Report on Compliance with 2004 Continuing Legal Education Requirements for County and Deputy County Attorneys

Overton reported on compliance by county and deputy county attorneys with the 2004 continuing legal education requirements. He noted official notifications were sent to all county and deputy county attorneys in noncompliance with Rule and Regulation, Title 78, Chapter 6.002 and .005. The Commission received requests for waivers from all 10 county or deputy county attorneys out of compliance with the annual training requirement. A waiver will allow the attorney's deficit hours to be added to the 20 hour training requirement for 2005. The County Attorneys Standards Advisory Council recommended granting waivers to those listed.

Motion

A motion was made by Arnold and seconded by White to accept the County Attorneys Standards Advisory Council's recommendation to grant waivers of 2004 Continuing Legal Education requirements as follows : 1 hour Crimes Against Children (CAC) to Charles Hamilton, Adams County; 3.75 hours to Robert Westadt, Colfax County; 20 hours to include 1 hour CAC to Vance Haug, Dawes County; 6.75 hours to include 1 hour radar training to Brent Bloom, Douglas County; 20 hours to Thomas McKenney, Douglas County; 4.5 hours to Mark D. Rhodes, Douglas County; 1 hour CAC training to George Vinton, Hooker County; 4 hours to John Skavdahl, Sioux County; 15 hours to Warren Arganbright, Thomas County; and 4 hours to John Higgins, U.S. Attorneys Office (Dawson County). Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

Award of FY 05/06 General Funds to NE Crime Stoppers

Bruce Ayers reported for the period July 1, 2005 to June 30, 2006, \$13,457 in general funds is expected to be appropriated to the Commission to be passed through to NE Crime Stoppers for its operating costs.

Motion

A motion was made by Nesbitt and seconded by Arnold to approve disbursement of \$13,457 in general funds to Nebraska Crime Stoppers for fiscal year 2005/2006 contingent upon receipt of the appropriation of funds by the Commission. Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

Award of General Funds to Knox County

Ayers reported that \$21,970 in general funds was appropriated to the Commission to be utilized for police operating costs for law enforcement services and jail operating costs for counties with Indian reservations. Knox County is currently eligible to receive these funds.

Ayers noted upon notification by the Bureau of Indian Affairs that formal retrocession has been approved by the federal government, the executive director of the Commission is to promptly notify the budget division of DAS to administratively reduce the appropriations for any remaining unspent General Funds included within this program for FY 2005-06 and FY 2006-07.

Motion

A motion was made by Nesbitt and seconded by Arnold to award \$ 21,970 in general funds to Knox County for FY 2005/2006 for law enforcement services and jail operating costs. Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

Appeals of Denied VAWA 2004 Grant Applications - Grant #04-VW-700, Sandhills Crisis Intervention Program (Ogallala), and #04-VW-718, Bright Horizons (Norfolk)

Bruning declared a public hearing to consider the grant appeals filed for grant #04-VW-700, Sandhills Crisis Intervention Program (Ogallala), and grant #04-VW-718, Bright Horizons (Norfolk). As per Operating Instruction #12, "Grant Appeal Process", all appeals were considered solely on the basis of the written appeal. Oral testimony was not allowed.

Jennifer Tomrdle stated the VAWA grant funds are to be used to create comprehensive, positive changes in the criminal justice system's response to women who are victims of domestic violence and sexual abuse. She reviewed the process followed in reviewing grant applications and outlined the basis for appeals allowed in Operating Instruction #12. The written appeal must explain and be based on one or more of the

following: 1.) A decision by a grant review committee or the Executive Director, which was biased, arbitrary or prejudiced against the applicant; 2) A failure by the Crime Commission staff, Executive Director and/or a Crime Commission grant review committee to properly follow written procedures which directly affected the denial; or 3) A failure by the Crime Commission staff, Executive Director and/or a Crime Commission grant review committee to follow written guidelines which directly affected the denial. and presented findings on each appeal.

Grant #04-VW-700, Sandhills Crisis Intervention Program (Ogallala).

Tomrdle reported the appeal of grant #04-VW-700, Sandhills Crisis Intervention Program, was based on point 1, a decision by a grant review committee or the Executive Director, which was biased, arbitrary or prejudiced against the applicant. However, Tomrdle noted the applicant's appeal did not state how the decision to deny funding was biased, arbitrary and prejudiced. The review committees felt this program was not functioning as a Coordinated Response Team at this time and needed time to regroup and strengthen its efforts. The decision to deny this application was based on the fact the grant application lacked clear and complete information, lacked continuity and consistency, and lacked clear identification of resources available. The lack of available grant funds was also considered.

Motion

A motion was made by White and seconded by Ford to deny the grant appeal of #04-VW-700, Sandhills Crisis Intervention Program (Ogallala). Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

Grant #04-VW-718, Bright Horizons (Norfolk)

Tomrdle stated the written appeal by grant #04-VW-718 was based on point 1, a decision by a grant review committee or the Executive Director, which was biased, arbitrary or prejudiced against the applicant. The appeal letter also reviewed steps taken by Bright Horizons after the original grant application was submitted.

Tomrdle reviewed the findings on the appeal of grant #04-VW-718, Bright Horizons (Norfolk). She noted the appeal did not state how the decision to deny funding was biased, arbitrary and prejudiced. The review committee's funding decision was based on the submitted grant application and the programmatic information provided. The grant application lacked clear and complete information, lacked continuity and consistency, and lacked clear identification of resources available. The lack of available grant funds was also considered.

Motion

A motion was made by Warren and seconded by White to deny the grant appeal of grant #04-VW-718, Bright Horizons (Norfolk). Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

Steeves reported that staff is willing to work with grant programs which were denied funding. The program faced \$138,000 in cuts and attempted to make funding decisions that would use the money in the most productive manner and insure good services to victims.

Arnold stated as an applicant and as a grant reviewer, he was amazed how much staff works with the applicants.

Award of 2004 Violence Against Women Act Grant Funds

The Commission next considered requests for 2004 Violence Against Women Act grant funds. Tomrdle reviewed the funds available which included \$8,131 in 2003 funds and \$996,300 in 2004 funds for a total of \$1,004,431. It was noted the 2004 award was \$74,700 less than the 2003 award. Nineteen applications were received by the Commission requesting \$381,222 more than funds available. Of the 19 applications, 2 were for new programs. The review committee recommended denial of 5 applications.

Motion

A motion was made by Nesbitt and seconded by Overman to accept the funding recommendations for and contingency stipulations of award as outlined by the Grant Review Committee and the Violence Against Women Act Advisory Committee for the \$1,004,431 in 2004 Violence Against Women Act grant funds as follows:

DENY:

| <i>Number</i> | <i>Agency/Title</i> | <i>Amount</i> |
|--------------------|---|---------------|
| <i>04-VAWA-700</i> | <i>Ogallala - Sandhills Crisis Intervention Program (Victim Assistance)</i> | <i>\$0</i> |
| <i>04-VAWA-711</i> | <i>Bellevue – Heartland Family Service (Cass County Coordinated Response Team)</i> | <i>\$0</i> |
| <i>04-VAWA-715</i> | <i>Lincoln – Nebraska Supreme Court (Development and Implementation of a Model Rural Domestic Violence Court)</i> | <i>\$0</i> |
| <i>04-VAWA-716</i> | <i>Seward – Seward County Attorney’s Victim Advocacy Program (24 Hour Enhanced Crisis Intervention Victim Advocate)</i> | <i>\$0</i> |

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| 04-VAWA-718 | <i>Norfolk – Bright Horizons</i> | <i>\$0</i> |
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AWARD:

| <i>Number</i> | <i>Agency/Title</i> | <i>Amount</i> |
|----------------------|--|------------------------|
| 04-VAWA-701 | <i>Lexington - Parent-Child Center (Community Response for Dawson & Gosper Counties)</i> | <i>\$29,000</i> |
| 04-VAWA-702 | <i>Fremont - Crisis Center (Coordinated Response: Intervention Advocate)</i> | <i>\$31,693</i> |
| 04-VAWA-703 | <i>Lincoln - Nebraska State Patrol (Nebraska Domestic Violence/Sexual Assault Program)</i> | <i>\$50,000</i> |
| 04-VAWA-704 | <i>Lincoln - Nebraska Attorney General's Office (Attorney General's Prosecutorial Response to Domestic Violence/Sexual Assault Program)</i> | <i>\$67,000</i> |
| 04-VAWA-705 | <i>North Platte – CDVIP (Community Domestic Violence Intervention Program)</i> | <i>\$79,200</i> |
| 04-VAWA-706 | <i>Auburn – Project Response, Inc. (Public Information Coordination Project)</i> | <i>\$30,437</i> |
| 04-VAWA-707 | <i>Columbus – Center for Sexual Assault/Domestic Violence Survivors (Coordinated Response System for SA/DV)</i> | <i>\$45,000</i> |
| 04-VAWA-708 | <i>Grand Island – Crisis Center, Inc. (Coordinated Community Response Team)</i> | <i>\$23,457</i> |
| 04-VAWA-709 | <i>Hastings – SASA Crisis Center (Adams County Domestic Violence Team)</i> | <i>\$43,000</i> |
| 04-VAWA-710 | <i>Wayne – Haven House Family Service Center (Enhancement of Dakota County CRT)</i> | <i>\$55,000</i> |
| 04-VAWA-712 | <i>Kearney – The S.A.F.E. Center (Five County Coordinated Community Response)</i> | <i>\$29,421</i> |
| 04-VAWA-713 | <i>Bellevue – Heartland Family Service (Sarpy County Coordinated Response Team)</i> | <i>\$88,500</i> |
| 04-VAWA-714 | <i>Lincoln – Lancaster County Justice Council (A Coordinated</i> | |

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|-------------|--|-----------|
| | <i>Response to Reducing Domestic Violence in Lancaster County, Nebraska)</i> | \$202,723 |
| 04-VAWA-717 | <i>Omaha – Domestic Violence Coordinating Council of Greater Omaha (DVCC/Douglas County DV Coordinated Response)</i> | \$230,000 |

Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

Award of Juvenile Services Act 2005 Grant Funds - \$587,812

Monica Miles-Steffens reviewed the current level of available funds and the funding recommendations of the Nebraska Coalition for Juvenile Justice. She stated 36 applications were received requesting a total of \$1.6 million dollars. Sixteen of the programs fell under some level of the step-down program. Five new programs were proposed which included 4 after-school programs and 1 wrap around program. The review committee’s funding recommendations were for programs that fall under prevention programs or alternatives to detention.

Motion

A motion was made by Ford and seconded by Arnold to accept the Nebraska Coalition for Juvenile Service’s funding recommendations and contingency stipulations of award for the \$587,812 in 2005 Juvenile Services Act grant funds as follows:

DENY:

| <i>Number</i> | <i>(Agency/Program Title)</i> | <i>Amount</i> |
|---------------|--|---------------|
| 05-JS-402 | <i>Kearney Public Schools Foundation (Paw PRIDE)</i> | \$0 |
| 05-JS-409 | <i>Scotts Bluff County Board of Commissioners (Scotts Bluff Co. Juvenile Drug Court)</i> | \$0 |
| 05-JS-411 | <i>Loup City Public Schools (After School Program)</i> | \$0 |
| 05-JS-413 | <i>Uta Halee Girls Village (Uta Halee After School Program)</i> | \$0 |
| 05-JS-414 | <i>Child Development Council of Adams County (Transitional/Independent Living)</i> | \$0 |

| <i>Number</i> | <i>(Agency/Program Title)</i> | <i>Amount</i> |
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| <i>05-JS-416</i> | <i>JOURNEYS (JOURNEYS Community Reintegration Grant)</i> | <i>\$0</i> |
| <i>05-JS-417</i> | <i>Lincoln Action Program (The HUB)</i> | <i>\$0</i> |
| <i>05-JS-418</i> | <i>Lancaster County (Truancy Court)</i> | <i>\$0</i> |
| <i>05-JS-419</i> | <i>CEDARS Youth Services (Youth As Resources)</i> | <i>\$0</i> |
| <i>05-JS-420</i> | <i>CEDARS Youth Services (The Amazing Race Program)</i> | <i>\$0</i> |
| <i>05-JS-421</i> | <i>CEDARS Youth Services (Southwest Nebraska Wraparound Services)</i> | <i>\$0</i> |
| <i>05-JS-428</i> | <i>Homer Involvement with Adults & Youth (After school/Recreation Program)</i> | <i>\$0</i> |
| <i>05-JS-429</i> | <i>South Sioux City Community Schools (Building Bridges)</i> | <i>\$0</i> |
| <i>05-JS-431</i> | <i>Release Ministries (Juvenile Justice Mentoring Program)</i> | <i>\$0</i> |
| <i>05-JS-433</i> | <i>Lutheran Family Services of Nebraska, Inc. (Johnson & Pawnee Counties Juvenile Pretrial Diversion Program)</i> | <i>\$0</i> |

AWARD:

| <i>Number</i> | <i>(Agency/Program Title)</i> | <i>Amount</i> |
|------------------|---|-----------------|
| <i>05-JS-400</i> | <i>WE CAN Regional Consortium (Kids Talk About Divorce)</i> | <i>\$19,054</i> |
| <i>05-JS-401</i> | <i>Sherman County- Loup City (Sherman Co. Youth Prevention & Diversion)</i> | <i>\$14,850</i> |
| <i>05-JS-403</i> | <i>Crete Public Schools (Crete Cardinal Zone)</i> | <i>\$35,000</i> |
| <i>05-JS-404</i> | <i>Otoe County- Nebraska City (Otoe Co. STARS Project)</i> | <i>\$22,646</i> |
| <i>05-JS-405</i> | <i>Lancaster County (Youth Excelling in School YES Truancy Prevention)</i> | <i>\$61,822</i> |
| <i>05-JS-406</i> | <i>Lancaster County (Minority Outreach Diversion MOD)</i> | <i>\$14,256</i> |
| <i>05-JS-407</i> | <i>Lancaster County (Community Integration Team CIT)</i> | <i>\$23,018</i> |
| <i>05-JS-408</i> | <i>Lancaster County (Project SEEK)</i> | <i>\$19,490</i> |

| <i>Number</i> | <i>(Agency/Program Title)</i> | <i>Amount</i> |
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| <i>05-JS-410</i> | <i>Sidney Public Schools (Youth As Resources/Support Through Intervention)</i> | <i>\$30,000</i> |
| <i>05-JS-412</i> | <i>Rushville/Gordon Public Schools (Achievers Consortium)</i> | <i>\$40,000</i> |
| <i>05-JS-415</i> | <i>YWCA Adams County (After School Zone)</i> | <i>\$23,617</i> |
| <i>05-JS-422</i> | <i>Seward County BRIDGES (Seward County After School Program)</i> | <i>\$13,000</i> |
| <i>05-JS-423</i> | <i>CEDARS Youth Services (Central Nebraska Wraparound Services)</i> | <i>\$37,125</i> |
| <i>05-JS-424</i> | <i>Girl Scouts – Homestead Council (Girl Scouts in the PM)</i> | <i>\$50,000</i> |
| <i>05-JS-425</i> | <i>Camp Fire USA Midlands Council (Action Pact South)</i> | <i>\$17,625</i> |
| <i>05-JS-426</i> | <i>Omaha Fire Department (Juvenile Fire Starters Diversion Program)</i> | <i>\$25,000</i> |
| <i>05-JS-427</i> | <i>GLW Children’s Council, Inc. (GLW CC Juvenile Services Program)</i> | <i>\$30,000</i> |
| <i>05-JS-430</i> | <i>Good Beginnings (Franklin After School Program)</i> | <i>\$18,000</i> |
| <i>05-JS-432</i> | <i>Blue Valley Community Action (Jefferson Community Coalition Juvenile Services)</i> | <i>\$25,000</i> |
| <i>05-JS-434</i> | <i>Lutheran Family Services (Program for Children & Adolescents with Sexual Behavior Problems)</i> | <i>\$34,897</i> |
| <i>05-JS-435</i> | <i>Lutheran Family Services of Nebraska, Inc. (4-County Mentoring Program)</i> | <i>\$33,412</i> |

Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

Award 2004 Juvenile Justice and Delinquency Prevention - Title II Formula Grant Funds - \$671,000

Miles Steffens next reviewed the funds available under the 2004 Juvenile Justice and Delinquency Prevention, Title II formula grant program. With \$671,000 available for award, the Commission received 22 applications for \$766,000 which included 6 new programs. The Coalition also moved 3 grant programs from the juvenile Services grant program. The step-down requirements are applied to 12 of the programs. Priorities selected in the Three Year Plan developed by the Coalition for the grant funds include community-based services, alternatives to detention, DMC (Disproportionate Minority Contact), and evaluation. One of

the main focus areas was juvenile diversion; 10 of the programs selected are diversion programs.

Motion

A motion was made by Arnold and seconded by Houston to award \$671,000 in Title II, 2004 Juvenile Justice and Delinquency Prevention Act formula grant funds as follows:

DENY:

| <i>Number</i> | <i>Agency/Program Title</i> | <i>Award</i> |
|-----------------|--|--------------|
| <i>04-JJ-03</i> | <i>Sarpy County - Papillion (Sarpy County Juvenile Day/Evening Reporting Ctr.)</i> | <i>\$0</i> |
| <i>04-JJ-09</i> | <i>Fourth Judicial District- Douglas County (Young Adult Court)</i> | <i>\$0</i> |
| <i>04-JJ-11</i> | <i>Asian Community & Cultural Center (Strengthening Families-Asian Center Program)</i> | <i>\$0</i> |
| <i>04-JJ-14</i> | <i>Omaha Nation Community- Macy (ONCRT Community Diversion Program)</i> | <i>\$0</i> |
| <i>04-JJ-15</i> | <i>Lincoln Action Program (Youth & Community Together)</i> | <i>\$0</i> |
| <i>04-JJ-17</i> | <i>Lancaster County (Substance Abuse Alternative)</i> | <i>\$0</i> |
| <i>04-JJ-19</i> | <i>Holt County- O'Neill (Youth Resources Program)</i> | <i>\$0</i> |

AWARD:

| <i>Number</i> | <i>Agency/ Program Title</i> | <i>Award</i> |
|-----------------|---|-----------------|
| <i>04-JJ-01</i> | <i>Buffalo County- Kearney (Buffalo Co. Juvenile Diversion)</i> | <i>\$30,794</i> |
| <i>04-JJ-02</i> | <i>Merrick County (Juvenile Services/Diversion Coordinator)</i> | <i>\$8,000</i> |

| | | |
|-----------------|---|------------------|
| 04-JJ-04 | <i>Sarpy County Sheriffs Office (Sarpy County Assessment Center)</i> | \$23,000 |
| 04-JJ-05 | <i>Otoe County- Nebraska City (Otoe County Juvenile Diversion)</i> | \$36,000 |
| 04-JJ-06 | <i>Douglas County- Omaha (Juvenile Assessment Center)</i> | \$144,815 |
| 04-JJ-07 | <i>University of Nebraska at Omaha- Omaha (Disproportionate Minority Contact (DMC)/Evaluation Project)</i> | \$69,532 |
| 04-JJ-08 | <i>University of Nebraska at Omaha- Omaha (Gage County Truancy Reduction Initiative)</i> | \$29,614 |
| 04-JJ-10 | <i>The Separate Juvenile Court of Douglas County (Juvenile Handbook)</i> | \$11,250 |
| 04-JJ-12 | <i>Hall County- Grand Island (Juvenile Accountability/Probation Intake Officer)</i> | \$40,000 |
| 04-JJ-13 | <i>Omaha Tribe of Nebraska- Macy (Mark of Honor Therapy Program)</i> | \$24,750 |
| 04-JJ-16 | <i>Cedars Youth Services- Lincoln (Southwest Nebraska Juvenile Diversion Services)</i> | \$29,625 |
| 04-JJ-18 | <i>Heartland Family Service- Omaha (Probation Tracker Program)</i> | \$20,000 |
| 04-JJ-20 | <i>Platte Valley Diversion Program (Bilingual Diversion Officer)</i> | \$13,320 |
| 04-JJ-21 | <i>Dakota County Commissioners- Dakota City (Juvenile Electronic Monitoring)</i> | \$5,196 |
| 04-JJ-22 | <i>Nebraska Crime Commission- Lincoln (Compliance Monitoring)</i> | \$22,492 |
| 04-JJ-23 | <i>Lincoln Action Program (The HUB)</i> | \$82,549 |
| 04-JJ-24 | <i>CEDARS Youth Services (Youth As Resources)</i> | \$36,563 |
| 04-JJ-25 | <i>Lutheran Family Services of NE (Johnson & Pawnee Counties Juvenile Pretrial Diversion Program)</i> | \$43,500 |

***Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman,
Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.***

Award Interest from Juvenile Accountability Block Grant Funds (JABG)

Miles Steffens stated the Juvenile Accountability block grant funds were allowed to draw interest on the grant award. Remaining 2002 JABG administration funds (\$55,000) and interest dollars (\$57,267) must be spent by September 8, 2005 (total \$112,267).

Diversion Mini Grant Program

A diversion mini grant program proposal was reviewed which would use \$50,000 of the available JABG funds. Grant applications will be brought to the July Commission meeting for approval. Neb.Rev.Stat. §43-260.07 requires the collection of juvenile diversion data. The Commission has been installing free case management software in county attorneys offices which will extract the required data to NCJIS. Cooperation from the county attorneys has been very good. Data is beginning to be uploaded. There is \$3,357 left over from this project which will be added to the funds available for diversion mini grants. If approved, an announcement will be sent out this month on the availability of up to \$2000 in grant funds per county for upgrading software and/or hardware equipment with the special condition that it will be used for diversion programming and that they will get the diversion case management system and report their diversion data per the rules and regulations.

Motion

A motion was made by Overman and seconded by White to designate \$53,357 in 2002 Juvenile Accountability Block Grant administration funds and interest dollars to establish a diversion mini grant program as outlined. Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

Ongoing Support for JJI for Diversion Case Management System - #02-JA-610

The Commission considered the next proposal for the funds which would provide \$12,186 to grant #02-JA-610, Juvenile Justice Institute, University of Nebraska-Omaha.

Miles Steffens stated the Juvenile Justice Institute (JJI) has provided assistance to the Commission in implementing the reporting requirements mandated by the Legislature in LB 43. Their efforts have also provided assistance to counties on operating diversion programs. A case management system was built and installed in thirty counties which will easily push required data to the Crime Commission electronically.

The request for additional funds will allow JJI to provide support to the ongoing installation of the CMS and to provide technical assistance to counties using the new case management system, to assist all counties with the electronic reporting process, and to expand the reporting effort to counties with new diversion programs. The funds would cover the period June 1, 2005 through August 31, 2005.

Motion

A motion was made by White and seconded by Arnold to approve the award of \$12,186 in 2002 Juvenile Accountability Block Grant administrative funds and interest dollars to grant #02-JA-610 to the Juvenile Justice Institute, University of Nebraska Omaha, for ongoing support for the diversion case management system. Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

YLSI Implementation - #02-JA-611

Miles Steffens stated the next proposal for the \$44,247 in interest funds would be directed to the Youth Level Service Inventory (YLSI) implementation. The Commission would contract with the University of Cincinnati for a flat fee of \$8,000 to provide train the trainer sessions.

The remaining \$36,247 would support State Probation Administration's grant #02-JA-611 which would implement the YLSI training for probation officers statewide using the trained trainers. This would provide a common standardized risk assessment tool used by probation and the Office of Juvenile Services.

Probation has started the implementation of the risk assessment tool and is ready to train all of their traditional probation officers.

Motion

A motion was made by Warren and seconded by White to approve the award of \$36,247 in 2002 Juvenile Accountability Block Grant administrative funds and interest dollars to the State Probation Department for the implementation of YLSI training statewide for their probation officers. Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

Start up Costs for Diversion Case Management System: Cedars Youth Services

The last proposal for the JABG interest funds was grant #02-JA-612 to Cedars Youth Services for Cedars Diversion Training for \$3,077. Miles Steffens reviewed the request for funds to provide technical assistance to assist a minimum of five communities across the state with the development of a Juvenile Diversion Program that would individually fits the needs of their communities. Training and technical assistance to other juvenile diversion programs at the state level will be offered. It is the goal to provide a minimum of 5 training sessions across the state by June 2006.

Motion

A motion was made by Houston and seconded by White to approve the award of \$3,077 in 2002 Juvenile Accountability Block Grant administrative funds and interest dollars to grant #02-JA-612, Cedars Youth Services for Cedars Diversion Training. Voting in favor of the

motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

Public Hearing to Adopt Rule and Regulation, Title 78, Nebraska Commission on Law Enforcement and Criminal Justice, Chapter 8, “Juvenile Diversion Data Collection”

Chairman Bruning declared a public hearing to consider adoption of Rule and Regulation, Title 78, Nebraska Commission on Law Enforcement and Criminal Justice, Chapter 8, *“Juvenile Diversion Data Collection.”*

Miles Steffens reported that the proposed rule outlines how the Commission would implement the requirements of Neb.Rev.Stat. §43-260.07. The statute requires the Commission to collect juvenile diversion data from county attorney offices statewide.

The Commission brought programs together and asked for their input as they conducted a data analysis of their various programs. The Commission developed a case management system (CMS) to assist the counties report electronically.

The rule outlines what data elements are to be reported, requires counties not operating a diversion program to notify the Commission in writing each year and to state why they are not operating a program. The rule was presented at the Juvenile Diversion Conference in October, 2004. Copies were also mailed to all county attorneys and emailed the diversion coordinators seeking input.

Miles Steffens stated the Commission had received 3 written responses:

1. The Rock County Attorney stated his concern that he should not have to send a letter stating he does not have a diversion program because it is not required by statute. Miles Steffens stated she explained the purpose was to assist in planning and stated that there is no penalty to the county for not reporting.
2. The Adams County Attorney expressed concern that they already have a case management system. They contract with someone to do their diversion program. Miles Steffens stated the contractor does have the Commission’s case management system installed but does not have the staff time to enter data at this time. They plan to hire someone to enter the data. Miles Steffens stated the Commission’s willingness to work with them to avoid duplication.
3. The Phelps County Attorney stated that some data elements, i.e. “Scores of assessment, family size, family income, etc., are not always asked on their intake forms. Miles Steffens informed them that there is no penalty if some data elements are not reported.

Overton reported that the Commission had not received any response to the proposed rule from the Executive Council.

Bruning noted there was no one from the public present to speak to the proposed rule.

Motion

A motion was made by Lacey and seconded by Houston to adopt Rule and Regulation, Title 78, Nebraska Commission on Law Enforcement and Criminal Justice, Chapter 8, "Juvenile Diversion Data Collection" as presented. Voting in favor of the motion: Arnold, Ford, Houston, Lacey, Leseberg, Nesbitt, Overman, Pirsch, Riskowski, Warren, Watson and White. Motion carried unanimously.

OTHER BUSINESS

The Commission discussed holding the next quarterly meeting in the western portion of the state.

Motion

A motion was made by Lacey and seconded by Leseberg to have the July 29th Commission meeting in Scotts Bluff County subject to assurances of reaching a quorum. Motion passed unanimously by acclamation.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:15 a.m.

Respectfully submitted,

Barbara McCreight