Dear Ms. Amdor,

In response to your request dated June 29, 2016, here is an update on the recommendations from the NIC Report:

1. *Train the Record Administrator how to perform sentence computations.*
2. *Reassign Mickie Baum to sentence computation unit.*
   a. *Need experienced that knows how to perform sentence computations*
   b. *Roselle Brown return sentence computation unit.*

Response to #1 and #2: The former Records Administrator, Kyle Poppert, is no longer employed by NDCS. Mickie Baum was hired as the new Records Administrator and remains in that position currently. Ms. Baum has extensive experience calculating sentences in her prior role as a records manager and has been involved with the Sentence Calculation project since its inception.

3. *Create an Assistant Record Administrator—succession plan.*

Response to #3: While we have not obtained an FTE with this job classification, Records Administrator Baum has improved leadership opportunities for Records Managers which would put them in a better position for advancement. She has also greatly increased communication with the Records Managers. For example, Records Managers have been actively involved with the testing of the new sentence calculation software. Records staff regularly meet. The records staff also worked on the sentencing manual as a group project. These activities have all helped records managers gain a more comprehensive understanding of sentence calculations. Furthermore, we have increased our communication with Legal, which is another good tool to help records managers understand sentence calculations.

4. *Create comprehensive record office training manual.*

Response to #4: Records managers met as a group to create a sentence calculation manual, which records manager have access to. In addition, Legal has created a sentence calculation binder to assist attorneys in responding to sentence calculation questions from records staff. The binder includes bills, statutes, case law, AG's opinions and letters, A.R. 104.08, and the good time laws. We have also drafted a flowchart which makes Pre-LB605 sentences, LB605 sentences, and LB1094 sentences easier to follow; the flowchart is currently complete and awaiting review by the Attorney General's office. We created a new sentence calculation A.R. (A.R. 104.08). A.R. 104.08 was also recently revised to ensure that its language was clear and that it matched the good time laws, and we will continue to revise it to keep up with any changes in the law.

5. Conduct quarterly training meetings and provide training documents to support the meeting.

Response to #5: The Records Administrator has been conducting regular records meetings at least quarterly, and usually more frequently. At the meetings, sentence calculation issues are discussed and processed. When applicable, the meetings are entered into the Employee Development Center for training credit. For example, one training session was held in 2016 which presented several sentencing scenarios the records managers had to evaluate and calculate. This kind of training gives the records managers the confidence and experience to accurately apply sentencing orders. The agency's attorneys are present in these trainings as needed to ensure accurate application of orders and statute.

6. Invite Judges, County Attorney's Office and law enforcement agencies to conduct training relevant to record office operations.

Response to #6: On October 7 and 8, 2015, training sessions were given to the Nebraska County Attorney's Association and District Court Judges. A portion of the session was devoted to sentence calculations including: NDCS historical issues with sentence calculations, where we are going, and how attorneys and the courts can help our records managers in their sentencing orders. Examples included: listing jail credit in days, indicating whether there is a mandatory minimum, listing the crime and the class of felony on the sentencing order, and clearly listing whether the sentence is consecutive or concurrent. The presentations also included a discussion on LB605. Conversations have been held with the court administrator and a district judge relative to uniform sentencing orders, to which NDCS would like to move at some point.

7. Create Record Office Cheat Sheets that explains rules for performing calculations based on Nebraska's State statute and court rulings.

Response to #7: With the computerized sentence calculation project, the sentences will be calculated automatically by a computer, and cheat sheets would not be needed. That being said, the flowchart mentioned in Response #4 will be a useful "cheat sheet" to help records managers enter sentences correctly.

8. Create a mandate log sheet to track all mandates issued by the court.

Response to #8: We do not plan to use a mandate log sheet exactly like the example from the NIC report, but we have put a system in place to ensure that we are aware of relevant appeals. The legal division reviews Nebraska Supreme Court decisions, Court of Appeals decisions, United States Supreme Court decisions, and 8th Circuit Court of Appeals decisions on a regular basis. If there is a case relevant to how NDCS operates, it is appropriately circulated. Examples include cases involving sentence calculation, human resources, appeals for our inmates in which a

criminal case was overturned or ordered to be resentenced, job-related lawsuits in which an employee was a party, etc.

9. The Record Administrator should make routine rounds to the facilities.

Response to #9: Although she has been spending much of her time working on projects at Central Office, the records administrator has greatly increased communication with the records managers at the facilities. Having been a facility records manager in two locations, the records administrator has significant insight into the work records managers do. She has developed a great rapport with each records manager and they speak and meet regularly. She has involved them with the sentence calculation project not only to ensure accuracy of the calculation process, but also to increase their individual and collective knowledge of the records function. This is a big shift from how NDCS operated in the past, and the change has been a positive one. Making regular site visits to the facilities is a goal once the automated calculation project is completed.

10. Develop a sentence computation log to track historical computation rule changes.
*   a.   The log should consist of offender number, subject, decision narrative and authorized by.*

Response to #10: This will be one of the big advantages of our new automated system. The new system will allow for notes to be kept when a change occurs. Furthermore, the new system will automatically track changes, including who made the changes and when they were made.

11. Create (Electronic) Release Checklist.
*   a.   The checklist ensures required information is examined prior to an offender release.*

Response to #11: NDCS facilities currently use a paper release checklist and facility records staff meet with the releasing inmate, in person, to ensure all items listed in the relevant administrative regulation are completed. The Department is in the process of standardizing the release checklist and will be making it an electronic document.

12.   Examine implementing an internal promotion system within record department to maintain experienced personnel.

Response to #12: There is currently a series of positions related to Records: records officer, records manager I, records manager II, and records administrator. The increased communication and training provided by the records administrator assures that individuals in the records manager I and II positions receive the information and skills necessary to promote to the next level. The records administrator has served in the position of records officer (TSCI), records manager II (NSP and Central Records) and then records administrator currently.

13. Institute computation certification exam.

Response to #13: The Department does not currently have a sentence computation certification exam, but will be establishing a training curriculum for records managers once the sentence automation project is completed. This project reduces the amount of manual calculations that need to be performed and alters the type of training that records managers need to perform their duties. The records administrator has compiled a packet of sentencing orders to be used in training new staff which will be used in developing the new training curriculum. This practice ensures the new staff knows how to read an order, spot issues, enter the order into the automated system and use the system as a check and balance for accuracy.

14. Develop a Five-Year Plan detailing objectives for record office.

Response to #14: There is some recollection that a five-year plan was started by the former records administrator; however, it has not been located and is not in use. Since 2014, the records administrator has been focused on the sentence automation project and developing processes to ensure orders are received and calculated correctly. The records division, as with all areas of the department, is directed by the agency's three-year strategic plan and will be identifying goals and outcome measures as part of the strategic planning process.

15. Network with other record administrators and visit other state operations.

Response to #15: At the time the report was written, communication by and the skill level of the records administrator was limited. That is not the case with the current records administrator. Networking with other states is something that will be considered once the automation project is complete. It is important to note that because each state's laws are so different, practical assistance is not realistic. However, operating procedures for a records division may be of some assistance in ensuring the NDCS records division operates in the most effective and efficient manner possible.