



Pete Ricketts, Governor

November 12, 2019

Ben Winters
Electronic Privacy Information Center
1519 New Hampshire Avenue NW
Washington, DC 20036
winters@epic.org

RE: Public Records Request

Dear Mr. Winters,

I am writing in response to your request for public records that was received on November 5, 2019. Your request is for documents related to risk assessment tools being used by the Nebraska Department of Correctional Service (NDCS). In accordance with Neb. Rev. Stat. § 84-712, a response is due to your request within four business days, which calculates to November 12, 2019.

Attached are records responsive to your request.

The following articles were provided to NDCS and are responsive to your request. They may be accessed directly through the journal/organization listed:

Hamilton, Z., Kigerl, A., Campagna, M., Barnoski, R., Lee, S., Van Wormer, J., & Block, L. (2016). Designed to fit: the development and validation of the STRONG-R recidivism risk assessment. *Criminal Justice and Behavior*, 43(2), 230-262.

Hamilton, Z.K. & van Wormer, J. (2015). Customizing offender assessment. Spokane: Washington State Institute for Criminal Justice.

NDCS possesses records responsive to this request that are not being provided to you. These records consist of NDCS Policy 201.13 *Identification of Potential Aggressors and Victims* and assessment tools including source codes and offense codes. These documents are confidential and exempt from disclosure under Neb. Rev. Stat. §§ 84-712.05(3); 84-712.05(4); 84-712.05(8). Therefore, I am denying you access to these documents on the basis of Neb. Rev. Stat. §§ 84-712.05(3); 84-712.05(4); 84-712.05(8).

Scott R. Frakes, Director

Dept of Correctional Services

P.O. Box 94661 Lincoln, NE 68509-4661
Phone: 402-471-2654 Fax: 402-479-5623

corrections.nebraska.gov

If you believe records have been withheld contrary to Neb. Rev. Stat. § 84-712, you may pursue administrative or judicial remedies as outlined in Neb. Rev. Stat. § 84-712.03.

NDCS may be in possession of additional documents responsive to this request. If you would like an email search conducted for these additional documents, there will be a cost to you in accordance with Neb. Rev. Stat. § 84-712(3)(b)(iii). The cost of running an email search is \$82.00/hour. If you provide us with a timeframe from which you want emails searched, we will be able to provide you with an estimated run time for the search.

Note that the cost to run the email search does **NOT** include the cost of any staff hours spent reviewing the search results for relevance and confidentiality. If the email search returns results that NDCS staff cannot reasonably review in four hours or less, we will request your approval for the additional cost of staff time before we begin reviewing the results. The first four hours would be provided free of charge in accordance with Neb. Rev. Stat. § 84-712(3). Any additional NDCS staff hours would be charged at a rate of \$22.14/hour.

If you would like to proceed with an email search, please notify me in writing within ten (10) business days. At that time, please also inform me of the timeframe from which you would like emails searched. Upon receipt of that information, we will provide you an estimated run time cost for approval. We estimate that we will receive the results of the search within eight (8) business days of your notification to proceed. We will then be able to provide you with an estimated completion date for the review of the results and any associated cost.

Sincerely,



Kathleen Kokensparger
Public Records Manager