



OVERVIEW OF THE NEBRASKA CORRECTIONAL SYSTEM

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Brief History

- ▶ Population of the state correctional system grew in the 1980's and 1990's and exceeded design capacity of the facilities within the system. Legislation was passed in 1997 to create two new facilities—Tecumseh State Correctional Institute and the Work Ethic Camp in McCook.
- ▶ The Community Corrections Council was established by the Legislature to bring the courts, parole, probation, legislature, corrections and other key stakeholders together to address concerns that were raised prior to 1997.
- ▶ Population growth temporarily stabilized and percentage of design capacity decreased but then grew as “tough on crime” sentences changed and a decrease in correctional programs led to a stagnation of paroles.

Population Growth

- ▶ Currently, Nebraska's correctional system is at 159% of design capacity. It was projected in 2014 to hit 170% of design capacity by 2020. (The Bureau of Justice Statistics defines "design capacity" as the number of inmates that planners or architects intended for the facility.)
- ▶ Under state law, the Governor may order an overcrowding emergency when the system is at 140% of design capacity.
- ▶ Some examples of overcrowded facilities include:
 - ▶ Omaha Correctional Center – 192%
 - ▶ Diagnostic and Evaluation Center – 246%
 - ▶ Nebraska State Penitentiary – 189%
 - ▶ Both Community Correctional Centers are around 190%
- ▶ Nebraska's annual corrections spending increased 20 percent from FY 2004 to FY 2013, from \$134 to \$157 million.

Council of State Governments (CSG)

- ▶ In 2014, leaders from all three branches of government asked the Council of State Governments Justice Center to use a data-driven justice reinvestment approach to help the state slow its prison population growth, reduce corrections spending, and reinvest a portion of savings in strategies that can reduce recidivism and increase public safety.
- ▶ Phase one was completed in 2015. After CSG completed a comprehensive data and policy analysis, Legislative Bill 605 was passed and it is expected to reduce Nebraska's prison population by 1,000 people per year and ensure supervision for an additional 300 people released from prison per year. It includes policies to utilize probation for individuals convicted of low-level offenses, ensure post-release supervision for most people upon release from prison, and improves parole supervision.
- ▶ Phase two is taking place right now and is assisting with the successful implementation of justice reinvestment, including having four issue specific teams report to a Steering Committee represented by the Courts, Corrections, Parole and Probation. The four teams are Sentencing, Data, County Reinvestment and Restitution.

LR 424/34 Committee

- ▶ In 2014 the Legislature adopted Legislative Resolution 424 in order to establish the Department of Correctional Services Special Investigative Committee (Chaired by Senator Steve Lathrop) to initially examine the Nikko Jenkins' situation. It eventually evolved into a much more detailed investigation into the practices of the Department including such issues as restrictive housing, early release of inmates, mental health treatment, and sentence miscalculations.
- ▶ After the Special Investigative Committee completed its' work in 2014, the Legislature re-established the Committee through the adoption of Legislative Resolution 34.
- ▶ The LR 34 Committee is chaired by Senator Seiler and it continues to provide oversight of the Department of Correctional Services regarding a number of issues: programs, the need for space, restrictive housing, treatment, etc.

Where are we?

- ▶ Overcrowding continues as we await impact of LB 605.
- ▶ Protective services staffing issues primarily at Tecumseh and Nebraska State Penitentiary.
- ▶ Health services and treatment staffing issues throughout the system – especially nurses, licensed mental health practitioners and psychologists.
- ▶ Programming and treatment challenges throughout the system.
- ▶ Lack of flexibility to move inmates based on their custody and needs and restrictive housing issues.
- ▶ Riot at Tecumseh in May 2015 – gradually getting back to normal but is that good?
- ▶ Legislature did provide funding in 2016 for an expansion of community corrections beds, staff retention efforts, and expansion of other housing options.
- ▶ Reentry grant program began in 2015 and new grants are being awarded next week for the next two years.

Thoughts from Director Scott Frakes

- ▶ The tight labor market and lack of a competitive wage structure is a challenge for the Department as they try to make progress.
- ▶ The hole that NDCS is in took a long time to dig and it will take several years to climb back out of it.
- ▶ The Agency's commitment to reform is sincere, and the pace of change will gain momentum.
- ▶ Fixing the problems of the NDCS is not just about money.
- ▶ There is more good work going on than people realize, or the media portrays.
- ▶ A healthy corrections system needs a combination of evidence based programming delivered by trained clinicians and properly trained staff – along with promising practices and pro-social activities.
- ▶ Evidence based practices are not as simple as delivering a program purchased off the shelf – the package includes use of an risk needs responsivity tool and validated classification tool, staff trained to understand evidence based concepts, and ensuring fidelity in the delivery of programs.
- ▶ Open to meeting with any legislative candidates to share more information with you.
- ▶ Contact him at 402-479-5675 or scott.frakes@nebraska.gov.