



Toolkit for Developing Family-Focused Jail Programs

Children of Incarcerated Parents Project

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Through no fault of their own, millions of children have been exposed to and affected by the criminal justice system by witnessing their parent being arrested, by seeing their parent in court, or by visiting their parent in jail or prison. Indeed, many of the thousands of adult men and women who are arrested, prosecuted, and incarcerated each year leave behind minor children¹ who must grapple with their parent's absence for days, months, or years. Although such exposure does not always result in negative outcomes for children, the extant research does suggest that parental involvement in the criminal justice system can put children at risk of residential instability, economic strain and financial hardship, mental health problems, poor academic performance, and antisocial and delinquent behavior.² Parental involvement in the system can be traumatic for children and can hinder the quality of the relationship they have with their parent.

To aid in the field's understanding of the potential for policy and practice to mitigate this trauma and to improve parent-child relationships, the Urban Institute has collaborated with the National Institute of Corrections (NIC) to identify promising practices across the country and to highlight a few of those in three practitioner toolkits and a framework document. This toolkit and the strategies and experiences described herein are intended for people who are interested in developing family-focused jail programs in their own jurisdictions, such as jail practitioners and community-based organizations working with jail administrators and jail detainees. The other two toolkits are focused on parental arrest policies³ and family impact statements,⁴ while the framework document⁵ offers context for the issue of involvement in parental criminal justice. The framework document also provides information about a broader array of programs and practices for children of justice-involved individuals, and it discusses key challenges and recommendations for the field. Box 1 describes the methodology we used to develop the toolkits and framework document.

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BOX 1

Methodology

In collaboration with NIC, Urban’s methodology to determine which practices to highlight included a literature review and a scan of practice by leveraging professional networks,^a culling publicly available information online, and conducting telephone interviews with program staff members in 40 organizations and agencies. Through this process, we worked with NIC to identify three locations: New York City; Allegheny County and Pittsburgh, Pennsylvania; and San Francisco, California.^b Those locations had efforts that were focused on children of justice-involved parents and that seemed to be promising and worth disseminating to a larger audience through this project.

The three locations were selected because they had stakeholders from nonprofit organizations and government agencies working together for children of justice-involved individuals. Thus, selecting them offered us the opportunity to gain a diversity of perspectives and to learn about their public-private partnerships. Those jurisdictions also allowed us to gather information about how a single location can target parental involvement across each stage of the criminal justice continuum, including arrest, pretrial detention, and sentencing.

We visited the three locations and met with relevant stakeholders in government agencies and in nonprofit, community-based, and faith-based organizations. This project did not include an independent assessment or evaluation of any of the policies or practices discussed herein, though they appear to hold some promise for reducing trauma and improving the lives of the children who are experiencing parental justice involvement. Those practices also do not represent the full body of programs and services available to children. Remember that this toolkit and the other deliverables stemming from this project are not intended to be an endorsement of any particular practice. Rather, they are illustrative examples to guide your thinking and to help you incorporate the lessons learned in your own jurisdiction.

^a Networks included those of the Urban Institute, as well as the National Institute of Corrections, the US Department of Health and Human Services (HHS), and the Office of Faith-Based and Neighborhood Partnerships. HHS and the Office of Faith-Based and Neighborhood Partnerships are critical stakeholders in this effort and play an advisory role on the project.

^b We also visited organizations in Oakland, but the majority were in San Francisco.

Family-Focused Jail Programs

This toolkit summarizes information learned from interviews of key stakeholders in San Francisco and Allegheny County regarding their experiences in designing and implementing family-focused jail programs. The programs include components such as parenting classes, parent-child contact visits, and phone calls during which parents are “coached” by staff members about how to speak with their children. Those components are designed and integrated in such a way that they build on and complement one another in a single, comprehensive program.

Family-focused jail programs were implemented in those two locations to help minimize the trauma that children face when their parents are arrested and detained in jail. The distress includes the feeling of separation that a child feels when a parent is removed from the home and the trauma of seeing a parent behind bars (such as is the case in many visitation rooms in jails around the country). The programs presume that children should not be punished for their parents' mistakes.

In particular, stakeholders in San Francisco cited the city's Children of Incarcerated Parents Bill of Rights as a reason for implementing family-focused jail programs. The Bill of Rights indicates, among other things, that children have a right to speak with, see, and touch their parents (see box 2 for full Bill of Rights). Thus, it is important to provide children with the opportunity to have contact visits with their parents in jail and to prepare parents to support their children's emotional needs during those visits.

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BOX 2

Children of Incarcerated Parents Bill of Rights

1. I have the right to be kept safe and informed at the time of my parent's arrest.
2. I have the right to be heard when decisions are made about me.
3. I have the right to be considered when decisions are made about my parent.
4. I have the right to be well cared for in my parent's absence.
5. I have the right to speak with, see, and touch my parent.
6. I have the right to support as I face my parent's incarceration.
7. I have the right not to be judged, blamed, or labeled because my parent is incarcerated.
8. I have the right to a lifelong relationship with my parent.

Source: San Francisco Children of Incarcerated Parents Partnership (2003).

The family-focused jail program in San Francisco is called One Family and is operated by Community Works, a local community-based organization. In Allegheny County, services are provided by the Family Services of Western Pennsylvania under the Family Support Program. The two programs each offer parents in jail a range of services that are intended to improve the relationships they have with their children and families. Both programs are innovative in the way they integrate multiple services into a single, comprehensive, family-focused program.

We identified several key considerations when developing and implementing family-focused jail programs:

- **Identify goals.** When one develops a comprehensive, family-focused jail program, it is important to identify the goals of the program. In this section, we describe the main goals of the programs in Allegheny County and San Francisco to guide you in defining your own objectives for implementing a family-focused jail program.
- **Ensure that the process is collaborative.** Consider which agencies, organizations, and individuals would be helpful in developing and implementing family-focused jail programs. In the section, we discuss the importance of garnering buy-in and building relationships with (1) jail administrators and staff, (2) government agencies such as child welfare organizations, (3) family members of the incarcerated parent, and (4) the child's caregiver.
- **Determine what components should be in the program.** Think through the services you would like to offer the parents and children whom you hope to serve under the family-focused jail program. In this section, we describe the components of the programs in Allegheny County and San Francisco, which include parenting classes, coached phone calls, contact visits, relationship classes, family circles, and therapy.
- **Implement the program.** Once you have identified goals, collaborated with necessary partners, and decided which components to include in the program, it is time to implement the program. In this section, we discuss possible ways to develop the family-focused jail program, what eligibility requirements to consider for program participants, and how to think about training program staff members.

Considerations for Developing a Comprehensive Family-Focused Jail Program

Identify Goals

The first consideration when developing a comprehensive, family-focused jail program is to identify the goals for the program, a step that will help in effectively designing the program's components. Think about what you aim to accomplish when creating a family-focused jail program. Who should the program benefit? How might those benefits be realized? Are the goals in line with current practices?

Identifying goals not only helps improve understanding of what services to provide, but also helps determine how to provide them. Some of the goals identified by stakeholders include the following:

- Strengthen the bond between parent and child
- Ensure that parent-child interactions are as beneficial as possible for the child
- Allow individuals to make parenting decisions
- Use evidence-supported practices and evaluated curricula

One important goal is to *strengthen the bond between parent and child*, thereby striving to minimize the trauma and feelings of separation that children face when their parents are detained in jail. Beyond allowing children to see and touch their parents, a goal might be to *ensure that parent-child interactions are as beneficial as possible for the child*. Because many of the parents detained in jail are not in the best emotional state to talk to their children and to interact with them in an appropriate, socially supportive manner, the family-focused jail programs in Allegheny County and San Francisco aimed to provide services that help prepare parents to interact with their children. For example, parents may learn parenting skills through parenting classes, while phone calls and visits enable program staff members to work on communication issues with parents.

The family-focused jail programs in Allegheny County and San Francisco aimed to provide services that help prepare parents to interact with their children.

It is also important to *allow individuals to make parenting decisions* even though they are in jail. People may be in jail for several reasons, and those reasons often do not mean that an individual is unfit to be a parent. Your goal, then, may be to provide parents an opportunity to play an active role in the decisions that affect their children and to help resolve issues with coparents and caregivers. Family-

focused programs may even improve the way parents are involved in their children's lives because the programs teach parenting skills and provide a structured environment in which parents, children, and caregivers can interact with one another.

Another goal is to *use evidence-supported practices and evaluated curricula*. This goal can be accomplished by following best practice guidelines for selecting and delivering services to parents and children. For instance, the program administrators in San Francisco and Allegheny County used parenting curricula that had been evaluated in other settings. Doing so can provide some level of assurance that program components will be effective, or at least that they will be rooted in findings from prior research and evidence.

Ensure That the Process Is Collaborative

The second consideration is to ensure that the process of developing the program and providing services is collaborative. Specifically, stakeholders recommended these steps:

- Clarify roles
- Build trust and strive for a mutually beneficial relationship
- Think broadly about partners
- Involve families in the process

The programs in both locations began as part of broader collaborative efforts. In Allegheny County, the Family Support Program was built on existing collaborative efforts and developed by an entity named the Allegheny County Jail Collaboration, which is a partnership among several agencies in Allegheny County (including probation, human and health services, program providers, and jail administration). The stakeholders in the Jail Collaboration realized they were serving many of the same individuals across their agencies and aimed to improve the services to this shared population. In response, they worked together to develop the Family Support Program. Similarly, San Francisco's One Family program was created in part as a result of the collaborative efforts of several government agencies and community-based organizations that met under the San Francisco Children of Incarcerated Parents Partnership, or SFCIPP.

When one thinks about collaboration, it is important to *clarify roles*. In San Francisco and Allegheny County, community-based organizations (Community Works and Family Services of Western Pennsylvania) provide and facilitate most of the program components. Those organizations have a long history of providing services to justice-involved individuals and their families. However, many stakeholders attributed the success of their family-focused jail programs to significant coordination and collaboration with jail administration and staff. For example, program staff members must rely on the jail staff to get clearances for visitors, to adjust visiting and class schedules, and to secure spaces for program delivery. Thus, when developing a family-focused jail program, you will need to determine

everyone's role in program delivery, including who will oversee program administration and who will provide specific services.

Because a good working relationship between service providers and jail staff members is critical to the success of such programs, it is also important to *build trust and to strive for a mutually beneficial relationship*. Some family-focused services, such as contact visits, could create opportunities for family members to sneak contraband into the facility. Close collaboration with jail administrators can help program staff members implement measures to make the programs effective and still ensure that they do not compromise the safety and security of the jail or disrupt other jail proceedings. In Allegheny County and San Francisco, program staff members and jail administrators negotiated to ensure that service providers would follow jail policies by adequately searching family members before contact visits or by monitoring parents during visits and phone calls with their children.

As you determine roles and build mutually beneficial relationships, consider *thinking broadly about partners* and including stakeholders who are not directly involved in service delivery or program administration. For example, try to work with child protective services (CPS) and other child welfare agencies in your community. Parents who want to participate in the family-focused jail programs may have an open CPS case. It is essential, then, that program staff members work with CPS to make sure the contact visit is not in violation of an open case. One of the program staff members in San Francisco was hired specifically to work with the San Francisco Sheriff's Department and CPS to improve the chances that the parents are united with their children upon their release. The staff member investigates whether a parent has an open CPS case, verifies the criminal charges with the sheriff's department, determines whether the parent would be a good fit for the contact visits and other family-focused services offered in the jail, and updates CPS on the client's progress. Thus, you should strive to receive buy-in from multiple types of policymakers and stakeholders, an effort that may help the program achieve long-term stability and success.

Finally, it is important to *involve family members in the process*. Neither of the studied family-focused programs would work—or would be as effective—without active participation from the nonincarcerated coparents and caregivers. Coparents and caregivers are responsible for bringing the child to the jail on the day of the contact visits, a duty that can be challenging and expensive. The visits can be quite burdensome for some caregivers because they might have to travel long distances, take time off work, and invest their own resources to arrive on time for the visits. Caregivers are sometimes uncomfortable or even afraid of coming to a jail, and those feelings may exacerbate the other challenges they face.

Thus, you will need to work to make sure family members see the importance of the program. Program staff members may need to contact family members directly to explain the benefits of the program for jailed parents and their children. In addition, providing support to coparents and caregivers, such as help with transportation, could make it easier for them to get to visitation appointments and participate in the family-focused programs. Finally, you may want to solicit feedback from family members on program components, including how burdensome they are and how effective or useful family members perceive them to be.

Determine What Components Should Be in the Program

A third consideration to keep in mind when implementing comprehensive, family-focused jail programs is what components to include. Both the One Family and the Family Support programs are made up of several components, including the following:

- Parenting classes
- Coached phone calls
- Contact visits
- Other components (such as relationship classes, family circles, one-on-one meetings, and post-release check-ins)

What follows is a description of those program components. While considering the components for your own jurisdiction, keep in mind the first two considerations: to ensure their success, program components should address the identified goals and should be selected through collaboration with the right people.

PARENTING CLASSES

Program staff members in San Francisco and Allegheny County facilitate classes with the jailed parents, and those classes provide parenting skills training to help parents understand child development and to identify and prevent problem child behaviors, such as acting out and fighting. Parenting classes help to achieve the goals of ensuring that parent-child interactions are beneficial for the child and of allowing parents to be involved in making decisions that affect their children.

Several parenting curricula are available. One Family staff members use the Parenting Inside Out (PIO) curriculum for all of their participants. The program staff members in Allegheny County use PIO only for the mothers in their jail and use another curriculum—Inside Out Dads—for the fathers. Both staffs chose those curricula because they consider them to be evidence based, but other established parenting curricula are being used in jails and prisons across the country.

Class facilitators shared that the parenting curricula they use does have limitations. For example, parenting classes can be too focused on traditional family structures (i.e., marriage and biological children), a focus that is not always appropriate for class participants who have less traditional family structures. Program staff members may need to augment or adapt curricula to meet the particular needs of their class participants. The curricula often provide a framework for class discussion, but staff members should feel free to talk about other subjects that are relevant to the individuals in the class, even if they stray from the curriculum. Thus, in addition to selecting appropriate curricula, you may need culturally competent facilitators to determine how best to make the content of the parenting classes fit the needs of participants.

Finally, determine how many facilitators are needed for the parenting classes. Program staff members in the locations we visited preferred having two facilitators per parenting class. They said that two facilitators were more effective at communicating with and engaging the parents; facilitators also could take turns with one another so they did not have to facilitate an entire class on their own. In particular, we heard that coed parenting class facilitation can be effective because male and female facilitators are able to model what a healthy relationship looks like for class participants. For example, facilitators can demonstrate respect to one another, take turns leading the class, and apologize to one another openly when appropriate. Despite the advantages of using two facilitators, this option is more expensive than having only one facilitator. It is important to determine what best fits the needs and goals of the program.

COACHED PHONE CALLS

Another component to consider incorporating in your comprehensive family-focused program is coached phone calls between parents and their children. When developing the Family Support Program, the Allegheny County Jail Collaboration found that it was very expensive for parents to call their children and other family members. Therefore, a critical component of the program is free: coached phone calls that parents can make to their children (as well as to their spouses, partners, and children's caregivers).

Before starting to coach phone calls, you need to determine how to facilitate the coached phone calls, how long the phone calls should last, and how many phone calls each parent should be given. In Allegheny County, calls are typically 10 minutes long, and each participant receives two phone calls per month. Again, you should figure out what best fits the needs and goals of your program.

Likewise, create procedures to ensure that parents are using the phone calls appropriately: (1) to talk with their children, (2) to provide advice, and (3) to make appropriate parenting decisions. You may want parents to use the phone calls to learn about how their kids are doing in school, whether they are getting along with other family members, how they are feeling at home, or whether they are struggling with anything. That process may be accomplished by providing program oversight, encouragement, and help during the phone calls.

In Allegheny County, a program staff member dials the number of the child or family member and listens to the conversation. Staff members also provide advice and support to the parent if a situation or conflict arises during the call. One example we heard during our interviews was a conversation during which a staff member was able to help a parent talk to a child who had a developmental disability and figure out which additional services that child should receive. Program staff members also redirect conversations if parents begin to focus on things other than the child or family during the call. If such is needed, a staff member can debrief and provide feedback to parents after the phone call is over.

CONTACT VISITS

Another component of the One Family and the Family Support programs to consider implementing is contact parent–child visits. In both San Francisco and Allegheny County, contact visits are not allowed for the general jail population; rather, they are a special privilege reserved for parents enrolled in the family-focused program. Because the programs are meant to be comprehensive with each program component building on one another, you will need to determine how to implement the contact visits in conjunction with other program components, such as parenting classes and coached phone calls. For example, parents in San Francisco are allowed to have visits only after they have attended or enrolled in a parenting class. In Allegheny County, parents must have started both parenting classes and coached phone calls.

Still, it is important to be flexible with these requirements and to make decisions on a case-by-case basis. For instance, some parents may be in jail for only a short period of time and thus would not be able to meet the requirements in time to benefit from the contact visits. Other parents might be in other jail programs that conflict with the schedule of the parenting classes or coached phone calls, thereby preventing them from meeting the requirements for the contact visits.

It is important to make the visits conducive to strengthening the parent–child relationships. To accomplish this goal, program staff members might provide coaching and support to parents during the visit. The relationships also can be strengthened by holding contact visits in rooms that are kid-friendly. The visiting rooms in San Francisco and Allegheny County were decorated colorfully and had brightly colored rugs, toys, games, and other activities for the children to play with. By making visitation rooms kid-friendly, children and parents feel more at ease during the visit and are more likely to interact with one another. Thus, you will need to find the staff, space, and materials necessary to make the visits enjoyable and effective.

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OTHER COMPONENTS

Though parenting classes, coached phone calls, and contact visits are the three main program components of the family-focused jail programs, many other services can be provided. For example, the One Family and the Family Support programs offer several services that are important on their own or that support the three main program components. Both locations offered a type of relationship class in addition to the parenting class. Relationship classes can help parents strengthen their relationships with other adults and family members (e.g., spouses, partners, coparents, and caregivers), which may ultimately benefit the child as well.

In Allegheny County, program facilitators also provided coached relationship calls that coincided with the coached phone calls with children. In San Francisco, One Family provides “family transition circles” in which the parent and family discuss what harm is created by the parent’s incarceration, what the parent can do to help heal that harm, and how to support one another after release. Family circles are intended to address the overall effect an individual’s repeated incarceration has had on other family members and to create a space for family members to share honestly with one another.

Other components of the San Francisco program include therapy and one-on-one meetings with parents in jail, which are designed to address the more individualized needs of parents. Program staff members in Allegheny County also conduct post-release check-ins with individuals after they leave jail and return to the community. The check-ins help the program staff to identify parents’ needs and to coordinate service delivery upon their release.

As you consider whether to incorporate those components into the program, think of other services not listed in this toolkit that better fit the needs of the parents, children, and family members you hope to serve. As an example, think about providing additional support or services directly to caregivers or children.

Implement the Program

Once you have identified your goals, have collaborated with necessary partners, and have decided which components to include in the program, you are ready for implementation. In this section, we discuss how family-focused jail programs are being implemented in San Francisco and Allegheny County. While the examples are illustrative, they are not the only ways to implement a family-focused jail program. In implementing the program, consider the following:

- Program structure and sequence
- Eligibility
- Staff training

PROGRAM STRUCTURE AND SEQUENCE

In San Francisco and Allegheny County, the structure of the family-focused programs is similar: They are designed so that individual components build on one another. Parents are not eligible for contact visits in either location until they have participated to some extent in other program components (i.e., the parenting classes and, in Allegheny County, coached phone calls). That structure was implemented because (1) it enables parents to begin building their parenting skills in the parenting class before they have a contact visit with their child, and (2) it requires the parents to demonstrate their commitment to strengthening their relationship with their child. You may similarly want to determine how each of the components selected for the family-focused jail program will build on and support one another.

Because each program component is part of the more comprehensive program, staff members are typically involved in multiple components. The program staff may hold a caseload, facilitate a parenting

class or coached phone call, provide counseling, supervise visitation, and so on. When staff members participate in multiple facets of the program, parents are able to build a relationship with them and to see them throughout each of the various program components. In particular, it is useful to have the staff members who facilitate the parenting classes also oversee the contact visits: this system enables staff members to have a rapport with the parents in class and to use information learned in class to help guide the parents during their visit.

As you consider the structure and sequence of the program, you will also want to think specifically about how each program component—in particular contact visits—will be conducted. Parents in Allegheny County typically receive one contact visit per month; most of the facilities in San Francisco can accommodate one contact visit per week. To determine how many visits your jail(s) can accommodate, think about how much space and staff support are available for visits, as well as what the parents' needs will be. Most of the parents who participate in Allegheny County's program are serving a sentence and thus are likely to be in the jail for a longer period of time than are inmates who are detained and awaiting a sentence. Conversely, the parents in San Francisco's jails are often awaiting trial, are incarcerated for less definite periods of time, and may be better served by more frequent contact visits.

You will also need to determine who will be allowed to participate in the contact visit. In Allegheny County, the incarcerated parents are allowed to bring in as many children as they want, as well as additional family members, including spouses, partners, parents, grandparents, and others. Stakeholders in Allegheny County said that they chose this structure because they were focusing on the family as a whole and that the parent-child relationship was part of the family.

Alternatively, incarcerated parents in San Francisco are allowed to have contact visits only with their children. Family members or caregivers who bring the children must remain in the waiting room during the visit. Stakeholders said the rationale for their policy is that the focus of the contact visit should be the parent-child interaction, and the presence of other family members could be a distraction.

ELIGIBILITY

It is important to determine who is eligible for the program. In Allegheny County, participation in the Family Support Program is restricted to individuals who are housed in each jail's Reentry Pod. Thus, the family-focused services are part of Allegheny County's larger reentry programming. Individuals in this pod have been assessed to be at a medium or high risk to reoffend, have been sentenced to serve 90 days or more in jail, and have no open charges. However, in some cases (in particular for females), the pre-sentenced inmate population also is eligible to join the reentry pod. After they are in the reentry pod, parents may become eligible to participate in the contact visits once they have (1) attended the first three parenting classes, (2) started the coached phone calls, and (3) remained misconduct-free for 30 days prior to the visit.

In San Francisco, both pretrial and sentenced inmates are eligible for One Family. The program staff meets with individuals to make sure they are ready for the visits. Parents are deemed fit for the contact

visit on the basis of their emotional and mental state. If inmates are not ready for a visit, a staff member works with them to help get them ready. Staff members then check to see if the parents have a restraining order against them, whether they have charges related to their children, and whether they have any behavioral issues. Therefore, as you determine who is eligible for the program, determine the legal status and specific needs of your inmate population.

STAFF TRAINING

An important part of implementing a program is making sure to have a properly trained and prepared staff to facilitate and operate the program. Staff members at Community Works and Family Services of Western Pennsylvania have a range of credentials, training, and relevant experiences, including licensed therapists and individuals who personally experienced parental incarceration. When possible, it also helps to have facilitators and other employees who themselves have experience in the criminal justice system. Such individuals can be great facilitators and make strong connections with participants. If you are interested in including former inmates on your staff, you should determine what restrictions the jail has in allowing individuals with a criminal history to work in the facility.

For an organization to be successful in developing family-focused jail programs, the program staff should have experience in jail-based service provision and should be knowledgeable about child development and well-being. Staff members should also have adequate training and continued support throughout their work. Some staff members may find working in a jail setting each day to be difficult. Take care to hire individuals who are able to handle the situations they will experience in such facilities.

Challenges and Lessons Learned

Throughout our field interviews, stakeholders discussed challenges they encountered and lessons they learned as they designed and implemented their family-focused jail programs. Consider the following issues:

- Have adequate and appropriate space for the various program components
- Strike a balance between having fun and providing a service
- Minimize the trauma associated with visiting a parent in jail
- Account for high population turnover in jails
- Secure adequate, sustainable funding

Challenge: Stakeholders indicated that a challenge in implementing family-focused jail programs is *having adequate and appropriate space for the various program components*. Space must be big enough to accommodate the various program components, such as contact visits and parenting classes. Moreover, as indicated in a previous section of this toolkit, the contact visiting rooms need to be kid-

friendly enough to provide a fun and supportive atmosphere for the parent–child interactions. Locating the necessary space can be a challenge when space and materials are limited in jails.

Lesson Learned: Stakeholders in San Francisco and Allegheny County often had to *convert existing rooms in the jail to create child-friendly visiting spaces*. In many cases, staff members had to convert traditional visiting spaces and existing classrooms into rooms that could accommodate contact visits and then return them for use in other jail programs and services. Staff members would bring carpets, toys, games, and other activities into the rooms for the contact visits, and then would remove the materials and clean the rooms afterward. Explore similar options in your own jurisdiction to find and create a space that is conducive to program components.

Challenge: Stakeholders also cautioned that contact visits must be educational and can reinforce what parents learn in class, but visits must also be fun and enjoyable for both the parent and child. Thus another challenge you may encounter is *striking a balance between having fun and providing a service*.

Lesson Learned: To remedy this problem, the program staff in both locations *supervised the visits and provided assistance to parents* as necessary. If staff members saw parents paying more attention to an activity (or, in Allegheny County, to another family member) than to their children, they would intervene and encourage parents to focus on the child, or they would offer suggestions for conversation topics. However, staff members also *provided parents and children with toys and decorated the visitation rooms*. Parents and children in both of the locations we visited have access to books, toys, puzzles, games, and other child-friendly activities. Those items gave parents positive, prosocial tools to use when interacting with their children. In Allegheny County, staff members even took pictures of the children with their parents and printed a copy each for the child and the parent.

Challenge: Another challenge is *minimizing the trauma associated with visiting a parent in jail*. Program staff members learned that children found it traumatic to watch their parents being led out of the visitation room one-by-one and searched at the end of each visit. Watching their parents leave the room caused them to relive feelings of separation and anxiety, and then they had to wait until all of the parents were returned to their cells. The process is required by jail administration to make sure family members do not leave before there is confirmation that no contraband has been introduced into the facility.

Lesson Learned: As a solution, consider *providing an additional service to the children to entertain and distract them from noticing their parents* being led out of the visitation room and searched. In Allegheny County, program staff members partnered with another local organization to read stories to the children while the parents were being called back to their cells. During our visits, the children seemed to really enjoy the stories and to not be too focused on the parents being led away.

Similarly, stakeholders in Allegheny County realized that children and family members were coming to the facility early in the morning to check in before the contact visits but that the children had nothing to do in the waiting room. To address that problem, program staff members *created a family-activity center in the lobby of the jail*, which includes an area for arts and crafts, a video nook, and a book corner.

Challenge: The stakeholders we interviewed also mentioned the challenge of *accounting for high population turnover in jails*. Staff members had difficulties engaging parents in family-focused services for very long, especially the parents who were awaiting trial and not serving a sentence.

Lesson Learned: Stakeholders recommend *being flexible in how policies are enforced*. For example, despite the eligibility requirements that both San Francisco and Allegheny County have before a parent can have a contact visit (i.e., participating in a parenting class and a coached phone call), program staff members should try to be flexible with the requirements if a situation calls for it. Flexibility will help ensure that parents and children participate in and benefit from the program as expediently and appropriately as possible.

Challenge: The final challenge encountered by stakeholders is *securing adequate, sustainable funding*. Programs such as those in San Francisco and Allegheny County are often funded by a mix of public and private dollars, both of which can run out at any time. Funding uncertainty can make long-term stability difficult to maintain. Similarly, funding is often inadequate to implement all of the program components that you think are necessary for the parents in your jail.

Lesson Learned: Although there is no simple solution to this challenge, one option to consider is to *think about collecting adequate data from the inception of the program*. Keeping track of program participation, successes, and outcomes might help to answer questions such as these: Does program participation improve parents' behavior in jail? Are parents learning more about child development? Do the parenting classes improve the way parents interact with their children during visits? You may also want to partner with other agencies, such as school districts and child welfare agencies, to collect data directly on children's well-being. Being able to demonstrate improvement might help during the search for ways to fund the program.

Conclusion

The strategies addressed in this toolkit seek to add opportunities for key decisionmakers to address the needs of parents in jail and their children. Our conversations with stakeholders in San Francisco and Allegheny County revealed that family-focused jail programs appear to hold promise for improving parent-child relationships. Successful implementation of family-focused jail programs may mitigate the trauma and feelings of separation that children experience when their parents are arrested and placed in jail. Although we cannot quantify the outcomes or effects (both positive and negative) that such policies have on parents or children, the programs appear to be worth considering if your goal is to become more child- and family-centric.

Appendix A. Links to Other Sources of Relevant Information

- * **The National Institute of Corrections Children of Incarcerated Parents Project:**
<http://nicic.gov/coip>
- * **The National Resource Center on Children and Families of the Incarcerated:**
<https://nrccfi.camden.rutgers.edu/>
- * **San Francisco Children of Incarcerated Parents Partnership:** <http://www.sfcipp.org/>
- * **Osborne Association's New York Initiative for Children of Incarcerated Parents:**
<http://www.osborneny.org/programs.cfm?programID=23>
- * **The International Association of Chiefs of Police's *Safeguarding Children of Arrested Parents*:**
<https://www.bja.gov/Publications/IACP-SafeguardingChildren.pdf>
- * **The National Reentry Resource Center:** <http://csgjusticecenter.org/jc/category/reentry/nrrc/>
- * **Crime Solutions:** <http://www.crimesolutions.gov/>

Notes

1. Pew Charitable Trusts (2010).
2. Bendheim-Thoman Center (2008); Brazzell (2008); Ehrensaft et al. (2003); Foster and Hagan (2007); Geller et al. (2009); Moses (2006); Murray and Farrington (2005, 2008); Murray, Janson, and Farrington (2007); Murray, Farrington, and Sekol (2012); Phillips et al. (2002); Phillips et al. (2006); Phillips and Gleeson (2007); Trice and Brewster (2004); Wildeman (2014); Wright and Seymour (2000).
3. Kurs et al. (2015).
4. Cramer et al. (2015).
5. Peterson et al. (2015).

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Bryce Peterson is a research associate in the Urban Institute's Justice Policy Center. His research focuses on correctional policy, prisoner reentry, children of justice-involved parents, federal and state justice statistics, and quantitative data analysis. He has received grants from federal agencies, such as the National Institute of Corrections, and has used his training in quantitative research methods and data

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Jocelyn Fontaine is a senior research associate in the Justice Policy Center at the Urban Institute. Her research portfolio is focused mostly on evaluating community-based crime reduction and reentry initiatives targeted to vulnerable populations. Fontaine directs projects using both quantitative and qualitative research methodologies to explore the effect of community-based initiatives on a range of outcomes, including individual, family/social network, and community outcomes. Fontaine is committed to using rigorous social science methods to change policy and practice and contribute to the public discourse on crime and the justice system. She received her PhD in justice and public policy from the School of Public Affairs at American University.

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ABOUT THE URBAN INSTITUTE

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Web sites: www.cega.com - www.contact-center.org - www.crimeday.net – www.icpa-training.com

To: Doug Koebernick, Barb Brunkow
From: Gary Hill
Subject: Talking Paper on a Potential Nebraska Correction Program Concept
Date: 19 February 2016

The Nebraska Sentenced to Work Program

The following is based on parts of existing correction programs that operate various parts of the world, including the United States, Australia, Norway, and Canada.

The overall philosophy comes from two different Australian programs, modified to fit the laws of Nebraska and some existing parts of the Prairie Gold Homes project.

The Approach:

The overall aim is defined by its vision and mission statement.

Through articulating the vision and mission, we are better able to provide staff, prisoners and external stakeholders with an understanding of the Nebraska Sentenced to Work (NSW) approach.

This makes the location accountable, with a clearly defined set of standards that can be realistically assessed or measured.

NSW is a prison modelled on a Therapeutic Community, but in reality is a community where treatment is provided. It is guided by “*The Nebraska Sentenced to Work*” approach.

Vision and Mission Statement (WHO)

The Nebraska Sentenced to Work facilities Vision and Mission affirms a commitment to providing a Programs Community modelled on the concept of a therapeutic community:

Our Vision:

To enhance community safety through an innovative environment that enables positive behaviour change.

Our Mission:

Provide a safe, secure and respectful Programs Community based on guiding principles.

Treatment Community Model (Why)

While there is substantial literature available explaining various detailed models of Therapeutic Communities, the essence of this evidence based concept is a facility in which the whole of the community itself is the principal means for promoting positive personal change.

A Therapeutic Community promotes the concepts of collective responsibility, empowerment and positive behaviour in a manner that encourages the acceptance of personal responsibility.

The Nebraska Sentenced to Work model is a programs community underpinned by a variety of guiding principles, which operationalise the NSW concept of a collaborative approach to reducing offending behaviour and improving wellbeing.

Guiding Principles

Guiding Principles are based on the experience, knowledge and operation of the NSW environment.

Common Goals

All areas of Nebraska Sentenced to Work may have varying contributions, however, all team directions and goals are aligned to the Nebraska Sentenced to Work Approach.

Respect

An environment in which all people treat others with respect, regardless of personal beliefs, values and principles.

Accepting Responsibility

An environment in which all people are accountable for their own actions and responsibilities

Supportive Environment

The Nebraska Sentenced to Work community provides an environment that empowers all individuals to reach their agreed goals in a non-judgemental and supportive manner.

Innovative and Progressive

Nebraska Sentenced to Work will maintain a culture of continuous improvement: through research, professional development, knowledge sharing, data, technology and best practice nationally and internationally.

Appropriate Role Modelling

Every interaction is an opportunity to demonstrate and reinforce socially acceptable behaviour.

Acceptable use of Discretion

All decisions will be determined case by case, and based on an understanding of all relevant information to support positive change.

Preferred Profile

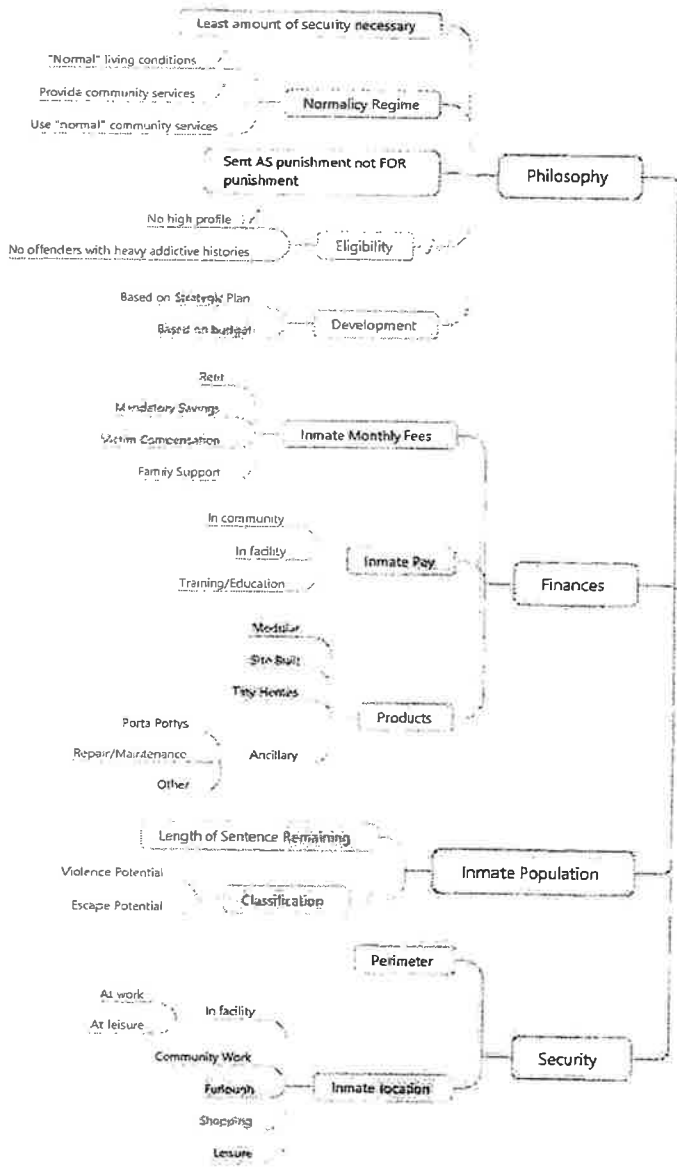
Proactively manage the preferred prisoner profile at Nebraska Sentenced to Work and actively address behaviours that are not aligned to the Nebraska Sentenced to Work Approach.

The Basics:

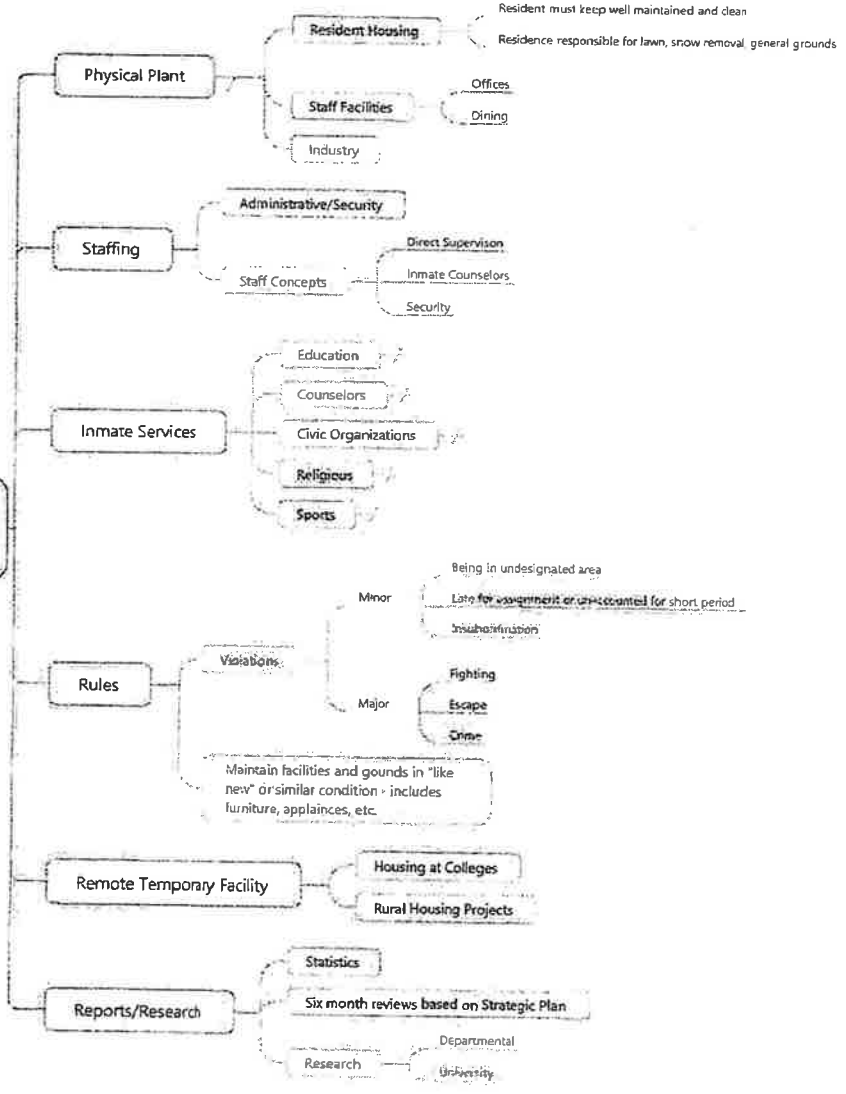
1. Using the Prairie Gold Homes training/construction process:
 - a. Inmates in the Prairie Gold Homes project will build 50 person correctional units outside of current secure facilities, preferable on currently owned government land. The goal is to house 200-250 residents within a six-month period. The facilities (approximately 12-15 housing units) will be constructed in such a way that an entire facility could be moved very quickly to a different location. For example from a government space in Lincoln to a Campus in a small city to build a large quantity of student housing or after a natural disaster to build replacement homes.
 - i. The facilities would have a “normal” six to eight-foot wire fence around the perimeter. Its purpose is to define the borders so residents know the limits of the property and to keep non-employees or residents out.
 - ii. Entrance gate will be near enough to the office so separate personnel are not needed for security.
 - iii. Office(s) will provide administrative space, a small café for use by staff and residence, public bathroom, 2 classroom style rooms and a reception area.

- iv. A workshop, storage facility will allow for on-site construction of modular homes, maintenance and tool carts used in on-site construction projects.
- b. Staff working for the facility will receive special training in dynamic security and all will have security, inmate program, counselling and service-provision responsibilities.
- c. The facilities will be Minimum Security for inmates who are, through classification, determined to be able to work in community businesses or with minimal security supervision within the facility or on public building sites.
 - i. Classification to concentrate on those deemed unlikely to use violence or attempt escape.
 - ii. Length of sentence not a major classification factor, but those chosen should not be high profile offenders or have extensive drug or alcohol use backgrounds.
 - iii. Offenders chosen should come from existing maximum/medium secure facilities.
 - 1. Of the approximately 4,500 Nebraska inmates about 3,000 are being held in high security facilities. The proposal anticipates at least 200 of those could easily be held in an open type program.
 - 2. Those chosen for the initial program must be physically and mentally able to do construction, service industry or office work.
- d. Resident housing will be on slabs and designed to be moved to outside locations if they are purchased as low income housing.
 - i. Resident housing will include:
 - 1. 4 bedrooms – one of which can be converted back to general living space should the unit be sold as affordable housing
 - 2. Kitchen
 - 3. Laundry room
 - 4. Common room
 - 5. Bathroom
 - ii. Residents will be able to purchase
 - 1. Their own food and cook it themselves – if desired they will be able to eat some meals with staff in the cafeteria in the office complex
 - 2. Bicycle if they need public transportation for work or leisure
 - 3. Televisions, entertainment centers
 - 4. Computers (facility will have open wifi access)
 - 5. Mobile phones
 - iii. Residents will pay rent on a sliding scale up to a maximum amount. Inmate pay will also be used for victim compensation (10%), facility overhead costs (amount to be determined), family support, personal items. A mandatory savings account will be established, not to be used until release – it is hoped to allow the residents to leave with a significant nest egg.
 - iv. At least 2 “tiny homes” built by Prairie Gold Homes personnel will be on the facility and can be used for out-of-town visitors or by long-term inmates (rent will, of course be higher) until they are sold.
 - v. As units are sold, replacement units are built by Prairie Gold Homes students/workers.
- e. Residents, as much as possible will obtain and hold jobs within the community
 - i. Gas stations, factories, stores, restaurants, hospitals – whatever jobs are available. They may change jobs if desired, after giving employer appropriate advance notice, but it is hoped they will continue on after release from custody.

1. Transportation to and from work will be the responsibility of the resident – using public transportation, bicycles, walking, carpooling.
2. Normal services (counseling, minor medical, education, etc.) will be obtained from the community. Only under special circumstances will Department of Correction services located within secure facilities be used. Payment for those services will be worked out between the Nebraska Sentenced to Work staff, the resident and service provider. This is very much in line with the “normalcy” concept of the facility and program.
3. Residents are paid by their employer by check or direct deposit. Those paid at the employer location will turn the check into the NSW office immediately upon returning to the facility.
 - ii. Recreation will be obtained in the community (bowling, YMCA, gyms, etc.)
2. Resident rules will be as few as possible but will be strictly adhered to:
 - a. Minor infractions – dealt with within the facility and warning issued
 - i. Being late from work or leisure without notifying staff
 - ii. Being in an area not authorized
 - iii. Not checking in on time
 - iv. Discourteous or uncivilized conduct to fellow residents, staff, visitors or community members
 - b. Major infractions – to result in being transferred from the Nebraska Sentenced to Work program and not eligible to return for at least one year
 - i. Escape
 - ii. Fighting
 - iii. Use of drugs or alcohol (on or off the facility)
 - iv. Commission of a crime (even a misdemeanor) other than an normal traffic or similar type offense.
 - v. Too many Minor violations (number to be determined)
3. This outline is very basic and only meant to show the concept and potential ways it may operate. The actual program must be based on:
 - a. Discussion with the Department of Corrections to insure compatibility with current thinking and to insure it meets existing laws impacting on corrections
 - b. A strategic plan developed specifically for the Nebraska Sentenced to Work program
 - c. Those sentenced to the program are being sentenced AS punishment for their crimes and not FOR punishment. The punishment is the restriction of freedom and the adherence to program rules.
 - d. Other than normal minimum security concerns (similar to those of a person on parole) the laws of the community are the basic rules that must be obeyed by the resident.
 - e. Residents are expected to actively participate in social/civic service programs such as Lincoln’s Snow Angels, helping with park cleaning, services to youth and elderly, etc.
 - f. Research on the program to be conducted both by Department of Corrections personnel and in conjunction with a university
 - g. Other than the restrictions of movement outside the compound, life for the residents will be very much as it would be living in an apartment complex or college housing unit.

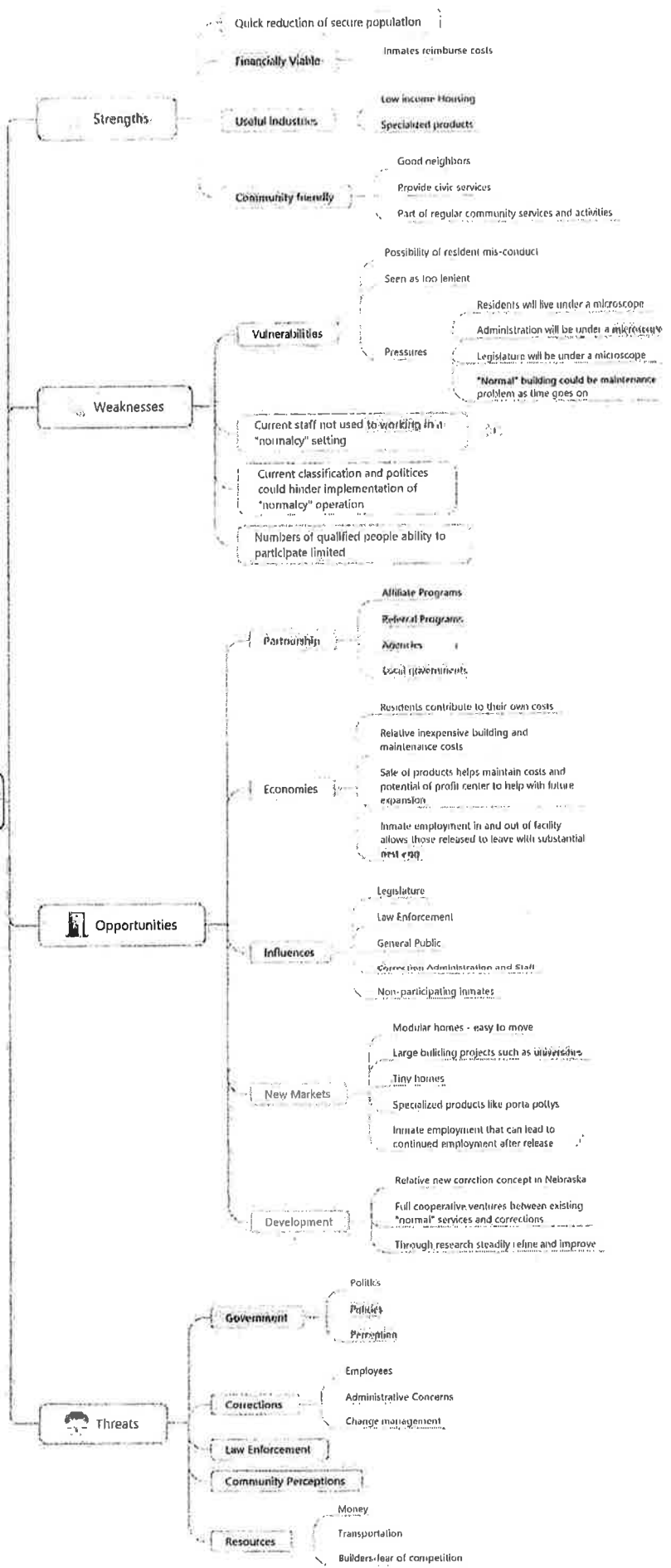


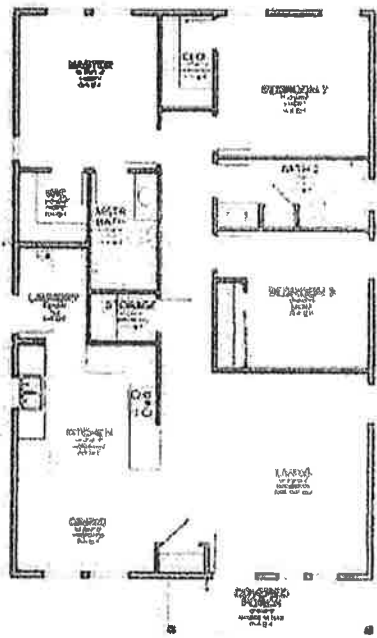
Nebraska Department of Correctional Services Sentenced to Work Facility



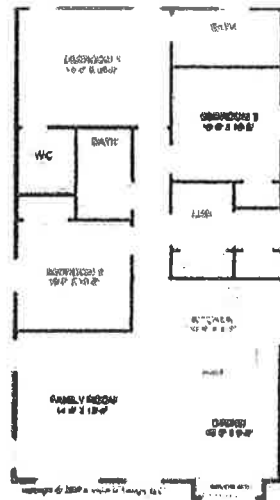
Tips:

SWOT Analysis NDOC Sentenced to Work Facility





Floor Plan for a Small House 1,150 sf with 3 Bedrooms and 2 Baths [More](#)



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© 1974 by [unreadable] Inc.

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STORAGE

PRODUCTION -
OUTDOOR
AREA

PRODUCTION/
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A LOOK AT “NORMALITY” IN PRISON

Gary Hill – Garyhill@cegaservices.com – 1 402 420-0602

What follows is taken from material furnished by the Norwegian Correctional Service and slightly augmented by personal visits and interviews. This is not intended to suggest the model can be replicated in its entirety in other nations, but many parts are worth considering.

The Directorate of Norwegian Correctional Service is responsible for carrying out remands in custody and penal sanctions in a way that takes into consideration the security of all citizens and attempts to prevent recidivism by enabling the offenders, through their own initiatives, to change their criminal behavior.

Five pillars

The activity of the Norwegian Correctional Service rests on five pillars:

- what the Legislator has said is the purpose of the punishment
- a humanist approach to human nature
- the principle of due process and equal treatment
- the principle that convicted persons have paid their debt to society when the sentence has been served
- the principle of normality

Principle of normality in Norwegian corrections

- The punishment is the restriction of liberty; no other rights have been removed by the sentencing court. Therefore, the sentenced offender has all the same rights as all other who live in Norway.
- No-one shall serve their sentence under stricter circumstances than necessary for the security in the community. Therefore, offenders shall be placed in the lowest possible security regime.
- During the serving of a sentence, life inside will resemble life outside as much as possible.

The possibility to implement the principle of normality fully is of course limited by reasons of security, order in the institution and personnel, infrastructural and financial resources. Yet the basic principle is there, and deviation from it will need to be based on argumentation. You need a reason to deny a sentenced offender his rights, not to grant them.

Progression towards reintegration

In accordance with the principle of normality, progression through a sentence should be aimed as much as possible at returning to the community. The more closed a system is, the harder it will be to return to freedom. Therefore, one will proceed towards release gradually from high security prisons to lower security prisons and possible through halfway houses. Release on license is stimulated and the correctional services will use their discretionary powers to arrange for a process where serving the sentence is adjusted to individual risks, needs and resources.

Discretionary powers concerning the contents of the sentence

The Correctional services have the possibility to implement a sentence by the court in various ways, and to provide it with various forms of contents.

- An unconditional imprisonment may be implemented by placement in various types of security levels. In addition, there is a possibility to serve one's sentence wholly or partially in a treatment or special care institution when the prison system is unable to deal with the specific type of problems the offender presents, for example with serious addiction.
- Up to half of an unconditional prison sentence may be served at home under certain conditions.
- A full sentence of up to four months' unconditional imprisonment may be changed by the correctional services to home detention with electronic monitoring by means of an ankle bracelet. The offender must be

active during daytime – through school, work, etc. – and at home at given times. Being at home while one should be out is considered a breach of conditions and may lead to (re-)imprisonment. Home detention with electronic monitoring is also possible as a substitute for the last four months of a longer sentence.

- It is possible to be released on license after having served two-thirds of the sentence and a minimum of 74 days. One will need to report to the probation office at regular times, refrain from the use of alcohol and comply to any other specific conditions that have been imposed.
- The prisoner himself will have to apply for the various forms of serving a sentence. The correctional services can then grant or deny the application based on specified arguments.

Prison staff

- Prison officers in Norway go through a two-year education at the Staff Academy, where they receive full pay and are taught in various subjects like psychology, criminology, law, human rights and ethics. Every prisoner in Norway is assigned a contact-officer who assists in contacts with third parties like service providers or officials within the correctional system. He or she helps find the most appropriate way to serve their sentence and fill out applications. Prison staff in Norway is unarmed and consists of about 40 % of female officers.

Recidivism

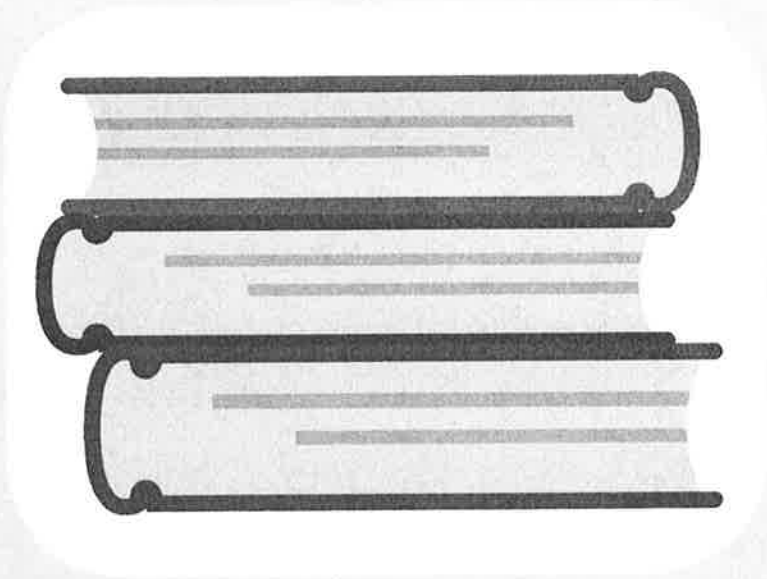
- An independent study published in 2010 showed that the number of people who were released from prison and reoffended within two years was at 20 %.

Also in Norway:

- In Norway, it is possible to be sentenced to preventive detention. This sanction is imposed by the court on dangerous and sane offenders when an ordinary time-limited prison sentence is considered insufficient for protecting the community. Those on preventive detention have committed an offence that is harmful to other's life, health or freedom and are considered to be a substantial risk for re-offending in a similarly serious manner. After the minimum period of preventive detention has been served, an assessment will be made as to the continued dangerousness of the offender. If this is found to be the case, the detention period may be prolonged by the court with a period up to five years. Then the process is repeated, so that preventive detention in principle may result in a life sentence.
- Very few offenders under 18 years of age are admitted to prison. Norway does not have special legislation for young offenders and the age of criminal responsibility is 15. The government policy is that no-one under 18 should be imprisoned, but in case the offence is very serious it will be inevitable to impose a prison sentence. Two specific institutions are established to receive these offenders. These institutions are characterized by a very high staff-prisoner ratio and a cross-professional approach.
- Norway has no special prisons for those in pre-trial detention. The longest prison sentence in Norway is 21 years, although the new Penal Code provides for a 30-year maximum sentence for crimes related to genocide, crimes against humanity or some other war crimes. The average sentence is around 8 months. Over 60 % of unconditional prison sentences are up to 3 months, and almost 90 % is less than a year. There is a one-man-one-cell policy based on the principle of a humane detention that has created some problems in the sense that the capacity not always has been sufficient to receive the number of sentenced persons. A "waiting list" for sentenced prisoners occurred, implying that one was released after the passing of the sentence and received a letter saying when to report at which prison at some point afterwards. This could take up to a year. Since this was considered bad practice and an extra punishment for the offender, extensive measures were taken to reduce this list. Now, it has been reduced to some 25 % of its length. There are almost no escapes from prison in Norway and over 99 % of all prisoners on temporary leaves return on time. Some 3,600 full-time equivalent staff are employed in the prison service, and around 325 in probation. Norway has about 3,900 prisoners (Sept. 2016).

Education for Adults in Nebraska Corrections:

*Decreasing Recidivism and
Investing in Our Workforce*



Introduction

Education is essential not just for the individual who acquires knowledge and skills, but also for the community in general. The benefits of education are recognized to include lower rates of unemployment, reduced spending on public support programs, reduced crime rates, increased civic engagement, and improved health of society in general.ⁱ Where individuals have failed to acquire education earlier in life, the social and economic benefits alone are enough to justify providing access for those individuals to acquire education later in life. However, not all individuals in need of education are granted similar access to education and therefore, the social benefits of educating adults are not fully realized.

Ex-offenders, who already have a disadvantage in acquiring jobs upon release with the stigma of imprisonment may be particularly in need of education because they often do not have the requisite knowledge, training, or skills to reintegrate into the job market.ⁱⁱ For this reason, education is a critical component of rehabilitation in correctional facilities.ⁱⁱⁱ

This report investigated education in the corrections system in Nebraska, and makes recommendations for improving access to education. The first section presents the ties between correctional programming, recidivism (re-offending), and the workforce. Then the unique challenges education programs face in the correctional setting are outlined. Next some of the best practices from around the nation, which have been recognized as leading to decreased recidivism and increased participation in educational programs, are discussed. Finally, the report examines Nebraska's current approaches within correctional education programming, and provides recommendations for ways in which Nebraska may further utilize its federal, state, and community resources in implementing effective correctional adult education programs.

Corrections, Recidivism and the Workforce

In the 1970s, education was considered the most important tool for the successful rehabilitation of incarcerated individuals and led to the prioritization of adult basic education (ABE), adult secondary education (ASE) and General Education Development (GED®)^{iv} certification, vocational training, and postsecondary education programs within prisons.^v However, more recently, there has been less focus on correctional education nationally with efforts to reduce corrections' spending after the 2008 recession.^{vi} Indeed, at the federal level, legislation has limited the amount of adult education and vocational education funds available to correctional education programs and eliminated inmate eligibility for Pell college tuition grants.^{vii} This has narrowed the amount of education programs within prisons and the number of individuals each program can serve.^{viii}

This reduced emphasis on education in the context of corrections seems myopic, because increased access to and completion of education has been shown to reduce recidivism for incarcerated adults. In a meta-analysis comparing the results of 50 studies, the RAND Corporation found that inmates who participated in correctional education programs had at least 36 percent lower odds of recidivating than those who did not participate in any correctional education programs.^{ix}

With this in mind, some states have taken measures to improve access to adult education within corrections, investing in the individuals who will one day join the workforce. Now is an apt moment for Nebraska to consider doing the same. Currently, Nebraska's prisons have an overcrowding problem with every correctional facility at an average of 173.31 percent capacity.^x Part of the reason for this is due to Nebraska's 3-year recidivism rate, which is 22.3 percent. This means of the 4,847 inmates who will one day depart corrections, 1,081 will return to prison within three years of their release. There are no reported data on Nebraska's recidivism rate outside the first 3 years but the rate at which individuals re-offend within three years is enough to be concerning. Increased access to education can help reduce this recidivism and help address our prison overcrowding population.



Moreover, effective adult education programs within corrections can both decrease recidivism rates and make an important investment in the Nebraska's workforce. By 2020, 65 percent of all available jobs will require post-secondary education or training.^{xi} Nebraska is not well prepared for this reality, given that close to 33 percent of Nebraskans aged 18-64 lack any post-secondary education, with almost 10 percent lacking a high school degree or equivalent.^{xii} Those within and exiting corrections are no exception, since they typically enter corrections with an eighth-grade education level or less, and often require traditional education programming.^{xiii} With this increased demand for certifications and degrees across Nebraska, and with a specific need to prepare ex-offenders to reenter their communities, access to education programs are more important than ever across our state.^{xiv}

Education in the Corrections Setting: Unique Challenges

Adult education in corrections typically takes the form of Adult Basic Education (ABE), Adult Secondary Education (ASE), and English as a Secondary Language (ESL) programming. ABE aims to improve general literacy and mathematical skills for individuals, and is necessary for many to move on to high school equivalency classes or GED® preparation. ASE, on the other hand, includes high school level instruction and focuses on GED preparation for those who function at least at a 9th grade level. Ideally, these programs are flexible to help meet the varying needs of students functioning at different education levels. While basic literacy can be challenging to complete for many adults, education in corrections often has unique limitations particular to education in an institution.

First, there is a high turnover of students in correctional classrooms, with students being released, transferred to other facilities, or placed in segregation as a disciplinary action for something outside of the classroom.^{xv} This can mean significant disruption in the classroom, with new students coming from other facilities and old students leaving after becoming a part of the class. Second, prisons may lack the resources of other programs, in areas including technology and physical space. For example, many facilities across the nation do not have computers, and may not have a sufficiently large physical space dedicated to educational activities.^{xvi} This can result in waiting lists that last months or years. Third, it can be difficult to hire and retain quality instructors due to limited budgets, and because some instructors simply do not want to work in a prison setting.^{xvii} This can mean students may only have one instructor in the classroom, working with students who each have different education needs and abilities, which may lead to the student becoming discouraged and frustrated with the pace they progress through the program and eventually result in a voluntary drop-out.^{xviii} In short, educational programming in corrections has unique challenges and limitations. Recognizing this, many states have utilized promising models or concepts to address these issues and to increase access to education and vocational training for those in corrections.

Correctional Education: Best Practices in the United States

Greater Access to Instructors and Technology

Inmate or Peer Tutors

In 1980, Maryland introduced a literacy lab setting in which there is one instructor overseeing student instruction and trained inmate tutors working with individual students one-on-one.^{xix} As a reward, rather than an incentive, the correctional system in Maryland gave the volunteers tutors “good time” towards an earlier release date in return for their work as inmate tutors.^{xx} With the ability to provide one-on-one instruction through peer tutors, the Maryland literacy program has been very successful. About 400 students are able to participate in educational programming each day as a direct result of this initiative.^{xxi} And with the individualized instruction, students progress three times faster through the levels of reading skills instruction: on average they progress through three months’ worth of instruction levels for each month of individualized instruction.^{xxii} Washington State has also seen success with a similar model, which was recognized by the *Journal of Correctional Education* for its exceptional outcomes.^{xxiii} The peer tutoring model is one way states have addressed the limited number of instructors per program, without increasing funding for more instructors.

Use of Technology and Distance Instruction

Computer access within correctional facilities has been a controversial topic in the past, primarily due to the need to control inmate contact with those outside correctional facilities. This restriction limits the means by which incarcerated students may prepare for the GED®, limits the methods of instruction in ABE, ESL, and ASE courses, and effectively prohibits online courses offered by college correspondence programs. While security will always be a concern when increasing in-

mates' access to technology, there are ways to limit and control such access. For example, Justice Action, a community-based advocacy group in Sydney, Australia, has issued a proposal for the use of computers in all prisons and has included in its proposal the use of specifically designed software, called Cypersource PrisonPC, which "allows for easy surveillance and management of any unauthorized computer use while maintaining the educational benefits of computer access."^{xxv}
^{iv} The software also allows prison administration to approve access to sites before inmates can access them and limit what content can be seen on those sites.^{xxv}

Increased access to secure computers in the corrections setting can have many benefits. Indeed, researchers took note of the merits of using computers to assist in instructing incarcerated students.^{xxvi} As one researcher noted, the advantages of using computers in instructing offenders are that computers are non-judgmental, have limitless patience, provide continuous feedback, and allow offenders to set their own pace, among others, which are particularly relevant for the incarcerated population used to academic failure and frustration.^{xxvii}

Additionally, since bringing in more instructors from outside of the prison system may not be feasible - with limited funding, space, time, or limited security - technology can allow another means to ensure access to education. For example, Barton Community College offers college courses for credit through an interactive television system within the Kansas state prisons.^{xxviii} Students at all facilities are able to take the course while the college professor does not have to take up time entering security through each facility and teaching separate classes.^{xxix}

Utilization of Federal Resources for Vocational Skills Training

Though federal funding has decreased for correctional education in the last few decades, States are still able to apply for funding through the Carl D. Perkins Vocational and Technical Act (Perkins Funds). The Perkins Funds are limited in that recipient States are prohibited from spending more than one percent of the funds on programs in correctional institutions.^{xxx} However, it is considered best practice for States to allocate the full one percent allowed.^{xxxi}

The Workforce Investment Act (WIA), reauthorized now as the Workforce Innovation and Opportunity Act (WIOA), is another federal grant designed to help individuals in increasing "access to and opportunities for employment, education, training, and support services they need in the labor market."^{xxxii} This federal fund also has restrictions on the funds but WIOA has doubled the amount available to correctional education: now, states may distribute up to 20 percent of the funds received under the act for administering correctional education programs.^{xxxiii} Under WIA, states were limited to only distributing up to 10 percent of their basic education grant, and most states still spent less than 8 percent.^{xxxiv} States can and should allocate the maximum amount of federal funds allowed.^{xxxv}

Prioritization of Postsecondary Education

While ABE and ASE programs are often the focus of education in the corrections system there is also a need to focus on postsecondary education and vocational training programs. Participation in postsecondary education programs has promising outcomes, including up to 46 percent

lower recidivism rates, changes in inmate behavior and attitudes, and improved conditions within correctional facilities with less inmate infringements.^{xxxvi} Research also concludes that there is a relationship between inmate participation in postsecondary education and reduced criminal justice costs and reduced reliance on public programs.^{xxxvii}

With this potential benefit, some states are investing in postsecondary education. For example, in Ithaca, New York, the Cornell Prison Education Program (CPEP) has been operating since the mid-1990s, first offering classes and then offering college credit in 1998. The program now waives tuition and fees and awards associate degrees to inmates in New York State.^{xxxviii} More recently, the governor of New York launched an initiative to fund college classes for incarcerated individuals within ten of New York's state prisons to allow more individuals to obtain bachelors and associates degrees.^{xxxix} The executive director of CPEP in New York has stated that the potential savings for New York Corrections are such that "for every person who is released from prison without returning, we save enough money to fund 12 more students to go to college while incarcerated."^{xl}

This initiative in New York is one example of how states can support postsecondary education. States could also require public colleges to provide classes to inmates or allow public colleges to include incarcerated students in the calculations used for distributing state formula funding.^{xli}

In addition, outside the corrections setting, states have found success with the use of bridge program models.^{xlii} Bridge Programs are a relatively new model in the field of adult education that combine contextualized learning and instruction to allow students to get basic skills and learn information applicable to their employment needs or interests. These programs typically involve a curriculum designed to fast track a student with the traditional educational background as well as the job skills needed for a specific career. Bridge programs allow students to quickly acquire the skills and college credits necessary for additional education or employment.

The use of bridge programs in the setting of corrections is something that could be further explored and piloted. For example, a bridge program could be designed to begin in the corrections setting, and have components of the program completed once outside the corrections in the community. This design may help establish and maintain an educational pathway for adults exiting corrections.

Incorporation of Education and Referral into Reentry

A common reason incarcerated students fail to complete their education program is because they exit the institution before they finish the program.^{xliii} Part of the reason for this is some educational grants require prioritization by release date.^{xliv} That is, when there is not enough room for all to participate, individuals who are closer to the date at which they can be released from prison are prioritized over other individuals who have more time than them before being released. With this in mind, it is important students are connected to education and support programs in their community, before and upon release. This can be achieved through better networking and referrals.^{xlv}

For this reason, the U.S. Department of Education, in its model of reentry education, highlights the need to offer reentry counseling that includes education and career goals to assist the individual in transferring to a community education program in order to complete credentials.^{xlvi} The Kansas state prison and Barton Community College partnered to provide educational services and career planning to inmates and those exiting the prison. This partnership showed that monthly face-to-face meetings between prison officials in charge of reentry and community education providers improved coordination between the prison and community authorities in charge of the incarcerated student's programming.^{xlvii} Having all involved with incarcerated students' transitioning from the correctional to the community education program ensured that the students got what they needed and the program staff were informed about both sides of the student's education.

Reevaluation and Tracking of Program Effectiveness

To ensure effectiveness, educational programs should constantly reevaluate their structure and methods to ensure optimization of participant outcomes. It is often necessary too when it is dependent on government funding.^{xlviii} Recidivism is a common post-release outcome that correctional programs use in evaluating the effectiveness of programs but, while it is an important outcome to track, it is not enough in itself to evaluate the effectiveness of correctional education programs. As previously mentioned, adult education programs are geared at readying individuals for careers that require higher education and training. Therefore, it is recommended that adult education programs be evaluated by "obtaining data on gainful employment, job retention, and ex-offenders' efforts at continuing education."^{xlix}

The collection of this data requires the cooperation of prison administrators with those outside the prison administration. For example, post-release employment and job retention data is typically collected from parole officers, earnings-related data systems compiled by other state agencies, or through follow-up with ex-offenders.^l Likewise, post-release education data can be collected from other state agencies or follow-up with ex-offenders.^{li} It has been found that the most ideal method of tracking these post-release outcomes is to merge corrections data with the data from other state agencies' employment and education systems data.^{lii} This strong communication and cooperation between state agencies is a best practice among correctional education programs.^{liii}

These post-release data are only useful when compared to pre-release data outcomes like program participation and completion rates. Therefore, correctional adult education programs should know the relationship of incarcerated students' success inside the correctional program to their success upon release in order to determine what is working within the correctional education program and what could be improved upon. Of particular importance to evaluating success in pre-release data outcome is understanding why incarcerated students do not complete the education program in which they enroll. For example, a Florida evaluation found that only 10 percent of their adult basic education students completed their program within a two-year period primarily due to administrative reasons like being transferred to another facility or released.^{liv} The report also suggested that ABE often takes longer than two years to complete.^{lv} However, the report also concluded that more than 64 percent of incarcerated students were released from prison before

completion, usually because the individuals were transferred to another institution and then were unable to re-enroll before their release date.^{lvi} The Florida corrections' department then took initiatives to avoid this transfer of enrolled students near completion of their program in order to avoid disrupting their progress.^{lvii} The lesson from Florida's example is to have thorough evaluations that allow the identification of obstacles to education in order to address them.

Access to Education in Nebraska's Corrections System

Nebraska's state correctional facilities are overseen by the Nebraska Department of Correctional Services (NDCS) and offer ABE, ASE, and ESL programs at each facility.^{lviii} All adult men who are incarcerated enter the correctional system at the Diagnostic & Evaluation Center (DEC) and participate in an intensive medical, psychological, and social assessment process that determines individual classification and specific programming recommendations, like anger management or other rehabilitative programming.^{lix} The diagnostic and evaluation center for adult women in corrections is located in York at the Nebraska Correctional Center for Women (NCCW) and the same process is used there.^{lx} During evaluation, NDCS administration verify high school and high school equivalency diplomas and individuals lacking a diploma or equivalent are put on a "watch list."^{lxi} This "watch list" is passed along to staff at the individuals' permanent facilities so the staff can know who is in need of educational programming.^{lxii}

All individuals 22 years of age and younger are required to participate in educational programming if they do not have a verified high school or high school equivalency diploma.^{lxiii} For those who are older than 22 years of age and do not have a verified high school high school equivalency diploma, education is only a recommendation and they are placed on the above mentioned watch list.^{lxiv} Individuals placed on a watch list must complete either the Test of Adult Basic Education (TABE) or the BEST Plus test (if they require ESL instruction) to determine their placement if they choose to participate in an educational program.^{lxv}

Of the 5,348 individuals currently in Nebraska corrections, 3,251 individuals have a verified diploma, leaving 2,097 without a verified diploma.^{lxvi} Currently, 885 of the 2,097 without a verified diploma in NDCS are enrolled in adult education.^{lxvii} This means that only 33 percent of those who need adult education are currently involved in a program, whether voluntarily declining to do so, because they are on a waiting list, or otherwise prevented from participating.

Funding for Education

Nebraska receives federal assistance through the Workforce Investment Act (WIA), now titled the Workforce Innovation and Opportunity Act (WIOA), to support education programming. A portion of the money from the federal WIOA grant is then distributed to NDCS to fund correctional education. Along with this grant, Nebraska correctional ABE, ASE, and ESL programs are all funded through appropriations from the State General Funds by the Nebraska Legislature.

In the most recent fiscal year, NDCS's total agency spending increased to \$19.3 million from \$17.6 million (2013-14 fiscal year).^{lxviii} But adult education spending for NDCS remained steady last year, with \$1.78 million in total expenditures from \$1.71 million for the 2013-14 fiscal year.^{lxix} The amount of federal aid received in those years also remained steady: of the \$1.78 million spent last year, \$124,424.71 was federal Workforce Investment Act (WIA) dollars, and of the \$1.71 million spent for the 2013-14 fiscal year, \$123,414.30 was federal WIA dollars.^{lxx} Last year, Nebraska received a total of \$2,015,000 from the federal government under WIA and could allocate no more than 10 percent of that to correctional education.^{lxxi} The amount distributed to NDCS, however, was just over 6 percent of the total grant received.

Of the allotted adult education funds for 2014-15, about 90 percent of the budget goes to instructors' salaries. In the 2014-15 fiscal year, NDCS spent \$1.5 million on adult education staff salaries and benefits and \$64,000 on other operating expenses which include software updates and office supplies, among other things.^{lxxii} There are currently 28 instructors working within the department: 23 who work within the adult correctional facilities, and 5 who work at the youth detention facility.^{lxxiii}

Instruction and Technology

In Nebraska, each correctional facility instructs adult education participants within its facility, with students at different levels of educational being taught at the same time and location. Thus, the size of the classroom(s) in each facility can determine the number of participants. For example, at the state penitentiary, there is a designated school building that can accommodate at least 35 students, while at the Lincoln Correctional Center there is one classroom that accommodates less than 20 students at a time. Aside from space, funding sources can also create limitations. Under the federal WIOA, those incarcerated students who are within five years of their release date are given preference.^{lxxiv} Therefore, if there is not enough room for all the individuals, there is a waitlist and individuals who are closer in time to being released from the prison are prioritized for education programs.

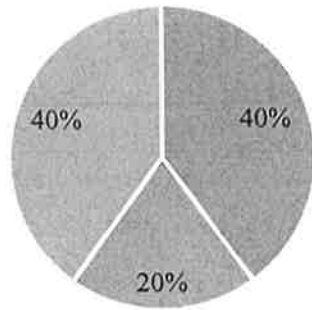
Since there are currently waiting lists at the Nebraska State Penitentiary (about 80 people on the list), the Omaha Correctional Center (about 30) and the Lincoln Correctional Center (less than 30), some students are prioritized over others.^{lxxv}

Each facility also has five computers which are used for GED® testing, which means five students can conduct GED testing at a time, though there is no limitation on how many students may prepare for the GED at any given time.^{lxxvi} However, if there are more than five individuals who are ready for the GED test, the administration works around this limitation by conducting multiple testing sessions on any given day.^{lxxvii}

Success Rates of Adult Basic Education in NDCS

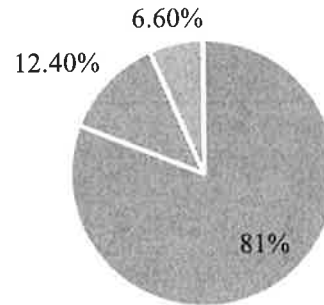
While the Nebraska Department of Education tracks participation and completion rates for ABE, ASE and ESL programs, presently there is no data tracking the length of time it takes in corrections for one individual to move through levels of ABE, ASE and ESL programs. Most participants enter the program between the 4th and 8th grade levels and are placed in the corresponding ABE level.^{lxxviii} Then, once an individual reaches the 8th grade level, it is projected that the student can complete the program and/or obtain a GED within 90-180 days.^{lxxix}

Nebraska Adult Education Program Enrollment Statewide



■ ABE ■ ASE ■ ESL

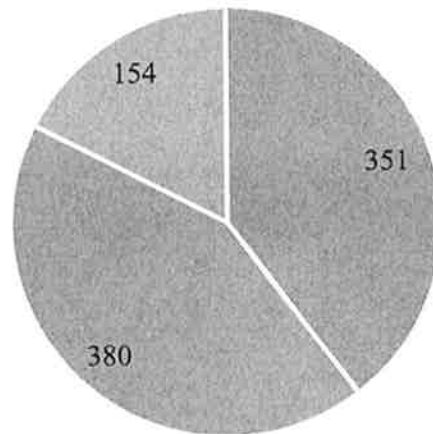
Nebraska Adult Education Program Enrollment in Corrections



■ ABE ■ ASE ■ ESL

The statewide data is an approximation of the averages for the last few years while the corrections data is based on enrollment this year.^{lxxx} From July 1, 2014 to June 30, 2015, 68 incarcerated students in Nebraska received their GED.^{lxxxi} On the other hand, 885 students were enrolled in an educational functioning level for the 2014-2015 fiscal year and 351 were able to complete their level during the fiscal year.^{lxxxii} Another 154 students remained within the level in which they enrolled and were not able to complete their level, and the remaining 380 separated before completion of their educational level.^{lxxxiii}

NDCS Student Outcomes for 2014-2015 Year



- Students Who Completed an Educational Level
- Students Who Separated Before Completing an Educational Level
- Students Who Remained in the Same Educational Level

The number of individuals who separate a program reflects the number of students who left the program before completing it. Individuals separate by being released from custody before completing the program, by voluntarily dropping out, or by being restricted from attending for a behavioral issue within the facility that led to segregated custody.^{lxxxiv} It is unclear whether separation may also occur when an enrolled individual is transferred to another facility and there is a waitlist at the new facility.

Individuals who are released into the community correctional centers may continue their programming there and if they are paroled, they may continue their GED program at the Lincoln Regional Parole Office.^{lxxxv}

Postsecondary Education for NDCS Inmates

Only the Nebraska State Penitentiary and the Omaha Correctional Center have adult postsecondary education courses within the facilities at no cost to the inmate and only within limited pilot programs, one of which is no longer funded. As it is, there are no opportunities for women in Nebraska prisons to seek postsecondary education aside from the paper and mail correspondence courses. In fact, individuals at all the other facilities must either find pen and paper college correspondence courses at their own expense or wait until they are released to community corrections where they may get educational release and pursue traditional college course options.

This is unfortunate because currently 3,251 inmates have verified diplomas, and could enroll in college courses if they had the desire and access to do so. While all incarcerated individuals within NDCS are able to participate in college credit correspondence courses (pen and paper courses where assignments are handed in through the mail) there are two significant barriers to doing so. First, incarcerated students often cannot afford to pay the cost of courses, and they are ineligible for many educational financial assistance programs, including Pell Grants. Currently there are no educational financial assistance programs offered through the State of Nebraska to help incarcerated students pay for postsecondary education, with the exception of the MCC pilot program explored below. Second, there are few colleges that now offer pen and paper correspondence courses as most have gone on to online offerings. This limitation is significant with regards to incarcerated students in Nebraska because they do not have access to the internet, and limited access to computers. A seemingly simple solution would be to invest in more secure computers and allow for access to online college courses.

While Nebraska has not yet attempted this method, one way Nebraska has sought to address this issue is through a pilot program, which began in the summer of 2013, with Southeast Community College (SCC). The pilot program was a collaborative effort of the state penitentiary, Lincoln's Interfaith Ministries, and SCC administration.^{lxxxvi} Under this model, SCC professors visited the Nebraska State Penitentiary facility to teach evening courses and eligible students could take eight credit general education courses.^{lxxxvii} Eligibility criteria included facility recommendations, test scores, and release date.^{lxxxviii} The program originally had 22 students, but some students were unable to stay within the program because they were transferred to other correctional facilities, and two have completed the program.^{lxxxix} There is currently no state funding for this program as

the pilot was privately funded, and so it has not been available to any students beyond the original class.^{xc} Metropolitan Community College (MCC) is providing a similar service now thanks to a grant under the Nebraska Vocational and Life Skills Program Grant, but the classes and workshops are currently only provided within the Nebraska Correctional Youth Facility and Omaha Correctional Center.^{xc1}

Another way Nebraska may address this issue in the future is by introducing more pilot programs and outside organization initiatives. The Prison Fellowship Ministry is currently leading an initiative to expand education program offerings inside NCCW for women in partnership with York College and to possibly build a school building on the correctional facility campus.^{xcii} However, with the current availability as it is, many of Nebraska's inmates will be unable to access postsecondary education unless they are at the right correctional facility at the right time to fulfill all eligibility credentials.

In addition, Nebraska could explore the use of bridge programs specifically designed around corrections. In 2012, the Nebraska Legislature appropriated funding to pilot bridge programs in Nebraska, outside the corrections setting. During the most recent 12-month period, a total of 133 students enrolled in the four programs and 92 students received a credential for completing their program.^{xciii} In the fourth quarter of 2014, 54 percent of students that completed their program were employed and 22 percent were engaged in postsecondary education.^{xciv} While these results are very promising, funding for bridge program expired in September of 2015, and would need to be reauthorized.

Re-Entry and Education

Finally, a new program was initiated last year through a grant program created by the Nebraska Legislature, known as the Vocational and Life Skills Programming Fund. This program was created to aid in the establishment and provision of community-based vocational and life skills training for incarcerated, formerly incarcerated, or otherwise probation or parole-supervised adults in Nebraska.^{xcv} The programs focus on vocational and life skills training with a few providing soft skills training and only one providing postsecondary education for credit (MCC). NDCS received \$1.5 million from the Nebraska General Funds to cover operating costs to implement the fund, and another \$3.5 million was to be awarded in grants to community organizations.^{xcvi} Grants were then awarded to eight community organizations: Goodwill Industries - ReStart; Western Alternative Corrections, Inc.; Center For People in Need; Metropolitan Community College; Released and Restored, Inc.; Mental Health Association of Nebraska; Prairie Gold Homes; and ResCare Workforce Services.^{xcvii} The Vocational and Life Skills Training grant is a 17-month grant and would require reauthorization to continue beyond that time frame. Currently, no federal grants are being utilized by the State for this programming fund.

A key element of the new programs is a focus on initiating contact with potential program participants within the correctional facility, thereby allowing them to become familiar with the program before reentry. A significant incentive for individuals to participate in the programs is that potential to receive a certificate or college credit, which may be applied to a future degree. For

example, four programs offer experience and certifications for participants, depending on which career path they chose.^{xviii} Two of the programs even supply classroom training before the experiential learning, thereby combining the basic soft skills training and some formal education with job skills training.^{xix}

By providing the motivation to enroll in these programs before the individual is released, the transition out of the prison facility is that much easier for the individual with connections to the community and support. Once involved in one program, that program may also provide other referrals and connections for the participant. For example, Goodwill – Restart, Western Alternative Corrections, Inc., and the Center for People in Need recommend those who require or desire formal education to an affiliate community college.^c These models are similar to the wrap-around services that the U.S. Department of Education recommends in its model of correctional education.

As the majority of these programs are new there is little data at this time to show outcomes. However, Prairie Gold Homes has shown an average of a 3 percent recidivism rate with its state penitentiary program.^{ci} Prairie Gold Homes' 3 percent recidivism rate in comparison to Nebraska's statewide reported recidivism of 22.3 percent is encouraging because it is an 86.5 percent reduction. The level of participation and community partnerships are also very promising for all these programs.

Recommendations

Nebraska has started to invest in education and skill acquisition for individuals exiting corrections with the establishment of the Vocational and Life Skills Program Fund, but there is more that can be done to ensure that incarcerated individuals within the state's correctional facilities acquire the much needed vocational training and education to reintegrate into the workforce upon release.

1. Track Effectiveness

Post-release outcome data within corrections typically covers recidivism, but it should also track education, training and employment trends in relation to pre-release outcomes like educational attainment. *The Nebraska Department of Correctional Services should begin tracking its pre-release outcomes in education and vocational training, in relation to recidivism and job retention rates, in order to evaluate which programs are the most effective and therefore which to prioritize with funding.* Nebraska currently does not track why individuals do not complete the programs in which they are enrolled. Where 43 percent of the enrolled individuals "separate" from the program before completion, there should be an understanding of how that number can be decreased. If it is similar to the issue in Florida, where the majority of individuals who did not complete their program had their progress disrupted by a transfer to another facility, Nebraska can take steps to alleviate this stressor by avoiding the transfer of students near completion of their program or create ways to complete despite transfer.

The Nebraska Department of Education, in cooperation with the Nebraska Department of Cor-

rectional Services should also begin to track the length of time needed for individuals to complete and the number of individuals that complete the ABE and ASE programs instead of just how many complete each level. This will help with transition and educational planning to ensure that incarcerated students have realistic and attainable pre-release education goals.

2. Increase Capacity and Resources of Current Education Programming

Nebraska's prisons are overcrowded and have limited space to hold inmates, let alone to set aside enough designated space for educational programs. The limited space means fewer students can participate and has resulted in waiting lists for adult education at three facilities. *NDCS should evaluate the feasibility of building expansions, like the one envisioned at NCCW, in partnership with community partners.* Additional physical space would ensure there is equal access to educational programming within the facilities and that physical space is not a limiting factor for incarcerated students' education.

Nebraska can do more to increase access to its current educational courses and individualized instruction in general as shown by the best practices in Maryland and Washington State. The use of peer mentors would increase the capacity of the programs by allowing more students to take courses with more individualized instruction. *NDCS should explore and develop a peer-tutor model to allow increased educational access for students.* Peer-tutoring is a less expensive way to satisfy the need for more instructors and less staff time would be needed to devote to working with individual students who have peer tutors. The peer tutors could also receive an incentive or credit/certification of some kind to promote volunteer participation.

Additionally, the use of technology would allow more individualized instruction for students and less staff time. *At a minimum, more technology, whether they be computers, interactive televisions, or tablets, should be added at each facility to increase access to correctional education.* Utilizing technology for these purposes will ensure individualized instruction – a best practice for any adult education program – and allow access to postsecondary education in an increasingly digital world where access to pen and paper college correspondence courses is rare. Security concerns need not be an issue either with the proper use of an advanced firewall and monitoring programs, like the Cybersource PrisonPC.

3. Make Postsecondary Education a Greater Priority

Nebraska's current focus on vocational and life skills training is merited, but there is great value in increasing access to postsecondary education as well. Furthermore, the educational opportunities available in corrections should not be dictated by which facility an individual is within, as is currently the case. *At a minimum, we should make a sufficient investment in the postsecondary education of incarcerated students to allow inmates at each facility to participate in some level of programming, including female inmates that currently cannot do so.* Nebraska can follow its neighbor's example and use creative methods of expansion like Kansas's interactive televisions and learning tablets to expand upon these programs and ensure that they are available in all facilities. Nebraska can also continue funding the pilot and life skills programs that have been started, and can invest in the exploration of using bridge programs designed for the corrections context.

Nebraska should provide incentives to community colleges to partner with NDCS to offer courses tuition free within institutions. The current pilot programs offering credit through community colleges are a good start but only provide limited access to a few participants. By providing incentives to community colleges, the goal would be expand upon the current pilot programs and draw more teachers who could, in turn, reach more students.

Nebraska should also explore the use of bridge programs specifically designed around corrections. The previously funded pilot bridge programs may provide an appropriate structure for this endeavor.

4. Utilize All Available Federal Funding

Nebraska currently does not invest all the federal funding that it can for correctional education. While WIA limited Nebraska to using not more than 10 percent of the funds received under that act for correctional education, Nebraska only used 6 percent of the funds last year. *Nebraska should invest the maximum amount available under WIOA now that the act has been reauthorized.*

Nebraska is also eligible for other federal funding, like Perkins Funds, which it is not currently receiving. *Nebraska should investigate and apply for this federal money as well as other federal grants for which Nebraska may be eligible.* Utilizing federal funding will aid Nebraska in decreasing state spending while ensuring these vital education programs are amply financed to meet the goals of correctional education and training programs.

5. Continue and Expand the Vocational and Life Skills Training Program

Nebraska's investment in the Vocational and Life Skills Training Program is yielding promising results already, though most of the programs have only been active since early this year. The new programs have already reported significant numbers of voluntary participants and, with Prairie Gold Homes, lower recidivism rates. The funds awarded are through June 2016 and it is unclear whether there are plans to reauthorize the grants or expand. *The Nebraska Legislature should expand the funding to ensure the programs are sustainable and can continue to serve more participants.* Goodwill - ReStart, for example, is on its way to surpassing its contracted duties despite being staffed by only three people (though it is feeling the stress of trying to match the demand with the limited supply.)^{cii} These programs, should have the opportunity to continue their current efforts and, with the clear demand for the program, have the capacity to expand. Increasing the capacity of these programs and strengthening the cooperation between these organizations and NDCS through the reauthorization of this grant will bring Nebraska more in line with the U.S. Department of Education's model for adult correctional education and ensure that incarcerated students are able to achieve their educational and career goals and eases the transition with reentry.

Most importantly, *the continuation of these programs should also require the cooperation of those working with the community programs and those facilitating the release of the incarcerated individuals.* Regular face-to-face meetings, or bimonthly progress reports that allow both community and corrections facilitators an opportunity to stay updated on each programs' offer-

ings, struggles, and successes, will promote a more cohesive effort in rehabilitating ex-offenders. When program coordinators are familiar with one another, they will know who to recommend an ex-offender to with a particular need and be able to collaborate and track the effectiveness of the correctional adult education programs with the sharing of post-release data too. Once released, individuals are facing an entirely different community and more coordination and assistance from those running the programs will help ensure that the individuals in need of the programs can make contact and participate fully.

Conclusion

Over 90 percent of Nebraska's current prison population will reenter the outside community and will need jobs to ensure they can reintegrate and not recidivate. Increasing access to ABE, ASE, postsecondary education, and vocational and life skills training can help them acquire the necessary prerequisites for the jobs they will need upon release. Nebraska must continue to invest in its current programs and expand its educational offerings to meet this need. Without this investment, the prisons will be a revolving door and the Nebraska workforce and economy will suffer without more individuals with the education and skills needed to fill jobs.

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Law Clerk

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Nebraska Appleseed is a nonprofit organization that fights for justice and opportunity for all Nebraskans. We take a systemic approach to complex issues - such as child welfare, immigration policy, affordable health care, and poverty -

and we take our work wherever we believe we can do the most good, whether that's at the courthouse, in the statehouse, or in the community. We would like to thank the Working Poor Families Project for its support, which allowed this project to happen.

End Notes

- i) See, e.g., Dana Mitra, *Pennsylvania's Best Investment: The Social and Economic Benefits of Public Education*, Education Law Center (2011), available at <http://www.elc-pa.org/resource/pennsylvanias-best-investment-the-social-and-economic-benefits-of-public-education/>.
- ii) Lois M. Davis, Jennifer L. Steele, Robert Bozick, Malcolm V. Williams, Susan Turner, Jeremy N. V. Miles, Jessica Saunders & Paul Steinberg, *How Effective is Correctional Education, and Where Do We Go from Here?: The Results of a Comprehensive Evaluation 1* (RAND Corporation 2014) [hereinafter "RAND Study"].
- iii) Thom Gehring, Marilyn McShane & Carolyn Eggleston, *Then and now: approaches to correctional education in the United States*, in EDUCATION BEHIND BARS: INTERNATIONAL COMPARISONS 147, 154 (William Forster ed., 1998).
- iv) Nebraska Appleaseed and this work are not affiliated with or endorsed by ACE or GED Testing Service LLC. Any reference to "GED" in the title or body of this work is not intended to imply an affiliation with, or sponsorship by, ACE, GED Testing Service LLC, or any other entity authorized to provide GED® branded goods or services.
- v) RAND Study, *supra* note ii, at 5.
- vi) *Id.* "Correctional education (and other rehabilitative) programs experienced deep budget cuts in a number of states, resulting in some dramatic reductions in the number of programs offered, the size of classes, and in the number of inmates who participate in these programs..."
- vii) *Id.* The federal administration, however, is now questioning this prohibition of Pell eligibility and a Second Chance Pell Pilot Program has launched this year as a study of effects of restoring Pell eligibility for all incarcerated individuals. See Press Release, U.S. DEPT. OF ED., *U.S. Department of Education Launches Second Chance Pell Pilot Program for Incarcerated Individuals* (July 31, 2015), available at <https://www.ed.gov/news/press-releases/us-department-education-launches-second-chance-pell-pilot-program-incarcerated-individuals>.
- viii) RAND Study, *supra* note ii, at 5.
- ix) *Id.*, at 14. The RAND Study also found, in just comparing the most rigorous studies that those who participated in correctional education programs had a 43 percent lower odds of recidivating than those who did not.
- x) Nebraska Department of Correctional Services, March 31, 2015 Datasheet, available at <http://www.corrections.nebraska.gov/pdf/datasheets/2015/datasheetMar15.pdf>.
- xi) Anthony B. Carnevale, Nicole Smith & Jeff Strohi, *Recovery: Job Growth and Education Requirements through 2020*, 15, GEORGETOWN PUBLIC POLICY INSTITUTE (June 2013) [hereinafter "Recovery"] ("By 2020, 65 percent of all jobs will require postsecondary education and training, up from 28 percent in 1973.").
- xii) Working Poor Families Project, generated by the Population Reference Bureau, American Community Survey, 2015.
- xiii) Edgar R. Haulard, *Adult Education: A Must for Our Incarcerated Population*, 52 J. CORRECTIONAL ED. 157 (December 2001).
- xiv) *Recovery*, *supra* note xi at 15. ("Over time, it is progressively difficult to increase the supply of workers with postsecondary education. Students from lower socioeconomic backgrounds, minority students, adult learners, and nontraditional students often face practical obstacles to getting an education and are harder to train using conventional teaching techniques. The result is an increasing labor shortage caused by the slowing pace of postsecondary attainment and the quickening pace of educational demand.").
- xv) Haulard, *supra* note xiii, at 158.
- xvi) *Id.*
- xvii) *Id.*
- xviii) Though there is no research to specifically confirm this with correctional adult education, other studies have found that ABE dropouts will provide as a reason for dropping out: "problems with the pace of the program, lack of course relevance, perceived conflict with the instructor and frustration with course content... [as well as] inadequate attention from their instructors." Gus Yetman, *The Attrition Problem in Adult Basic Education: A Literature Review*, Master of Arts - Integrated Studies 25 (April 2010), available at <http://dtptr.lib.athabasca.ca/action/download.php?filename=mais/701%20term%20paper%20-%20final%20draft.pdf>.
- xix) Steve Steurer, *Best Practices: The Correctional Education Program*, Maryland State Department of Education, 51 J. CORRECTIONAL ED. 165, 167 (March 2000).
- xx) *Id.*, at 166.
- xxi) *Id.*, at 167. Up to fifteen student-tutor pairings meet up to three times a day allowing for a larger number of students to participate in educational programming each day.
- xxii) *Id.*
- xxiii) Patricia Franklin, "Read to Succeed": An Inmate to Inmate Literacy Program in Washington State, 51 J. CORRECTIONAL ED. 286 (September 2000).
- xxiv) Justice Action, *Computers in Cells: Maintaining community ties and reducing recidivism*, available at https://www.prisonlegalnews.org/media/publications/justice_action_computers_in_cells_maintaining_community_ties_and_reducing_recidivism_feb_2011.pdf.
- xxv) *Id.*
- xxvi) E.g., Clyde A. Winters, *Promising Practices in Adult Correctional Education*, 51 J. CORRECTIONAL ED. 312 (December 2000).
- xxvii) *Id.*, at 312-13.
- xxviii) Wendy Erisman, *Reentry Education Model Implementation Study: Promoting Reentry Success Through Continuity of Educational Opportunities*, U.S. DEPT. OF ED. 17 (June 2005) [hereinafter "Reentry Model"].
- xxix) *Id.*
- xxx) Anne Roder, *Strengthening Correctional Education for Adults*, The Working Poor Families Project Policy Brief 4 (Summer 2009) [hereinafter "WPPF Policy Brief"].
- xxxi) *Id.*, at 7.
- xxxii) Workforce Innovation and Opportunity Act, Pub. L. 113-128,

End Notes

sec. 2(1) (2014).

xxxiii) *Id.*, at sec. 222(a)(1).

xxxiv) WFPF Policy Brief, *supra* note xxx.

xxxv) *Id.*, at 7.

xxxvi) Stephen J. Meyer, Linda Fredericks, Cindy M. Borden & Penny L. Richardson, *Implementing Postsecondary Academic Programs in State Prisons: Challenges and Opportunities*, 61 J. CORRECTIONAL ED. 148, 150 (June 2010). The comparative recidivism rates for those incarcerated individuals who completed GED and participated in vocational training also shows that they have a lower recidivism rate if they complete both academic and vocational training instead of one or the other. Howard R. D. Gordon & Bracie Weldon, *The Impact of Career and Technical Education Programs on Adult Offenders: Learning Behind Bars*, 54 J. CORRECTIONAL ED. 200, 204 (December 2003).

xxxvii) Gordon & Weldon, *supra* note xxxvi.

xxxviii) David Skorton & Glenn Alschuler, *College Behind Bars: How Educating Prisoners Pays Off*, FORBES (3/25/2013), available at <http://www.forbes.com/sites/collegeprose/2013/03/25/college-behind-bars-how-educating-prisoners-pays-off/>. The program is supported by an \$180,000 annual grant from the Sunshine Lady Foundation and it is estimated that the cost per CPEP student is \$1800. This cost is slight in light of the estimate that each inmate who does not return to the correctional system saves state taxpayers about \$25,000 a year.

xxxix) Press Release, *Governor Cuomo Launches Initiative to Provide College Classes in New York Prison* (February 16, 2014), available at <https://www.governor.ny.gov/news/governor-cuomo-launches-initiative-provide-college-classes-new-york-prison>. (The governor is quoted as considering the investment cheaper for the state and more effective saying, "New York State currently spends \$60,000 per year on every prisoner in our system, and those who leave have a 40 percent chance of ending up back behind bars. Existing programs show that providing a college education in our prisons is much cheaper for the state and delivers far better results.").

xl) Editorial, *In Support of College Education in Prisons*, THE CORNELL DAILY SUN (February 25, 2014), available at <http://cornellsun.com/blog/2014/02/25/editorial-in-support-of-college-education-in-prisons/>.

xli) WFPF Policy Brief, *supra* note xxx, at 7.

xlii) For example, Washington State's I-BEST program participants are three times more likely to earn college credits, and nine times more likely to earn a workforce credential. See I-BEST "Fact Sheet," available at <http://www.sbctc.ctc.edu/college/abe/I-BESTFactSheet.pdf>.

xliii) Reentry Model, *supra* note xxviii, at 7.

xliv) *Id.* The implementation study here refers to the Kansas Department of Corrections and affiliate Barton Community College partnership within the state prison that seeks to start education program participation as early as possible so incarcerated students may obtain a GED and go on to postsecondary education or earn vocational training certificates. The main grant that requires prioritization by

release date is the federal WIOA grant for adult education programs but other correctional facilities may also make it an institutional policy to prioritize participants by release date.

xlvi) *Id.*, at 8.

xlvi) *Id.*

xlvi) *Id.*, at 14-15.

xlvi) Eric Lichtenberger & J. Todd Ogle, *The Collection of Post-Release Outcome Data for the Evaluation of Correctional Education Programs*, 57 J. CORRECTIONAL ED. 230 (September 2006).

xlvi) *Id.*, at 231.

l) *Id.*, at 233.

li) *Id.*, at 234.

lii) *Id.*, at 236.

liii) *Id.* See also WFPF Policy Brief, *supra* note xxx, at 9.

liv) Florida Legislature, Office of Program Policy Analysis & Government Accountability Report No. 07-14, *Corrections Rehabilitative Programs Effective, But Serve Only a Portion of the Eligible Population 1, 4* (February 2007), available at <http://www.oppaga.state.fl.us/reports/pdf/0714rpt.pdf>.

lv) *Id.*

lvi) *Id.*, at 5.

lvii) *Id.*

lviii) Mark Wentz, NDCS Adult Education Director, Personal interview (June 2015). The Diagnostic & Evaluation Center is the one exception to this because it only serves as an intake facility and therefore offers limited programming.

lix) Nebraska Department of Correctional Services, Diagnostic & Evaluation Center, <http://www.corrections.nebraska.gov/dec.html> (last visited July 20, 2015).

lx) The process is the same with the exception that the women are not then transferred to a permanent correctional facility because the only maximum security facility for women in Nebraska is NCCW.

lxi) Wentz, Email correspondence (September 2015).

lxii) *Id.*

lxiii) Wentz, Email correspondence (August 2015). See also Neb. Dept. Correctional Servs. Admin. Reg. 106.01 (rev. Sept. 30, 2015).

lxiv) Wentz, Email correspondence (August 2015).

lxv) Wentz, Email correspondence (September 2015).

lxvi) Wentz, Email correspondence (August 2015).

lxvii) Nebraska Dept. of Education, Educational Gains and Attendance by Educational Functioning Level (9-4-2015) (available upon request).

lxviii) Nebraska Department of Correctional Services, Complete Budget Request Document 29 (9/15/2014) (available upon request).

lxix) Bart Moore, NDCS Grant Coordinator, Email correspondence (August 2015).

End Notes

lxx) *Id.*

lxxi) Sandy Sostad, Fiscal Analyst, Nebraska Legislative Fiscal Office, Email correspondence (October 2015)

lxxii) Moore, Email correspondence (August 2015).

lxxiii) Wentz, Email correspondence (August 2015).

lxxiv) Vicki Bauer, Director of Nebraska Adult Education, Personal interview (June 2015).

lxxv) Wentz, Personal interview (June 2015).

lxxvi) *Id.*

lxxvii) Wentz, Email correspondence (August 2015) Pursuant to an administrative regulation, programs through GED are available at no cost to inmates. Neb. Dept. Correctional Servs. Admin. Reg. 106.01 (rev. September 30, 2015). NDCS also pays for all testing and materials, including diplomas and transcripts. Wentz, Email correspondence (October 2015).

lxxviii) Wentz, Email correspondence (August 2015).

lxxix) *Id.*

lxxx) Bauer, Phone interview (September 2015).

lxxxi) *Id.* (noting that this outcome is slightly lower than previous years due to the need at the beginning of the fiscal year to implement the new GED-testing requirements on computers).

lxxxii) This data is current as of 9-4-2015 and was generated by Vicki Bauer using the AIMS Reports program. A copy is available upon request.

lxxxiii) *Id.* The separation statistic does not include those who transfer from one secure facility to another because they are able to complete the program at the new facility and are not deemed as having left the program. 33 of those students counted as separated before completion were in the highest level of instruction available - ASE High - and therefore had no level in which to advance and no test available for which they could test out of the level as a result.

lxxxiv) Wentz, Personal interview (June 2015).

lxxxv) *Id.* This last year, 3 individuals went on to complete their programming after release. Wentz, Email correspondence (October 2015).

lxxxvi) Wentz, Personal interview (June 2015).

lxxxvii) Dr. K. L. Zupancic, Ph.D., Southeast Community College, Email correspondence (October 2015). Dr. Zupancic was one of the SCC professors to teach classes at the Nebraska State Penitentiary.

lxxxviii) Wentz, Personal interview (June 2015).

lxxxix) Dr. Zupancic, Email correspondence (October 2015).

xc) *Id.* Funding was provided by Interchurch Ministries, Building Strong Families, First Lutheran Church, and Southeast Community College and students paid \$25 per class. The original funding source no longer exists.

xci) Wentz, Personal interview (June 2015).

xcii) *Id.*

xciii) Information provided by the Nebraska Department of Education, available on request.

xciv) *Id.*

xcv) Neb. Rev. Stat. § 83-904 (2014) ("program shall provide funding to aid in the establishment and provision of community-based vocational training and life skills training for adults who are incarcerated, formerly incarcerated,, or serving a period of supervision on either probation or parole.")

xcvi) LB907 Fiscal Note, Revision 03 (April 8, 2014).

xcvii) Nebraska Department of Correctional Services, Vocational & Life Skills Program Quarterly Report (April 1, 2015), available at http://nebraskalegislature.gov/FloorDocs/104/PDF/Agencies/Correctional_Services__Department_of/490_20150401-150229.pdf.

xcviii) Western Alternative Corrections, Center for People in Need, Metropolitan Community College, and Prairie Gold Homes, Inc.

xcix) Center for People in Need, Prairie Gold Homes, Inc., and Western Alternative Corrections, Inc.

c) Jana Dye, ReStart Program Coordinator, Personal interview (June 2015); Deb Daley, Center for People in Need Director of Operations, Personal interview (July 2015); Michelle Hultine, President of Western Alternative Corrections, Inc., Email correspondence (November 2015).

ci) Rene Bauer, Executive Director Prairie Gold Homes, Inc., Phone interview (July 2015).

cii) Dye, *supra* note c.



CITY OF LINCOLN/LANCASTER COUNTY
Invites applications for the position of:

Mental Health Technician - Crisis Center

SALARY: \$17.79 - \$22.78 Hourly

OPENING DATE: 10/22/16

CLOSING DATE: 11/04/16 11:59 PM

JOB POSTING INFORMATION:

Hours: Full-time; Friday - Tuesday; 2:00 p.m. to 10:00 p.m.

Performs specialized human service work in the Community Mental Health Crisis Center utilizing group process and individual skill building to assist clients in resolving a variety of mental health problems.

Qualifications: High school graduate or equivalent with at least 6 months experience/education in the delivery of mental health services that include interacting with patients experiencing psycho-social problems, or equivalent. Ability to lift up to 50 pounds.

Applications are required to complete a separate application and Job specific Supplemental Questionnaire for each posted vacancy.

Applicants must meet minimum requirements as stated or have equivalent combinations of experience or training which demonstrate the knowledge, skills and abilities to perform the job. When licensure is a necessary special requirement, substitutions or equivalency are not accepted. The City of Lincoln and Lancaster County are Equal Opportunity employers and, therefore, do not discriminate because of race, color, religion, sex, disability, national origin, age, marital status, or political opinions or affiliations, except that no person shall be employed who advocates or belongs to a group which advocates the violent overthrow of our government. All individuals hired will be required to provide documentation to establish identity and employment authorization as a condition of employment in accordance with the Immigration Reform Act. In accordance with the Americans with Disabilities Act (ADA), reasonable accommodations for the application and testing process may be made upon written request.

Unless otherwise specified, all positions carry with them paid vacation, sick leave, holidays, 5-day 40-hr. week, health insurance, life insurance, retirement and lead to full membership in the classified service of the City of Lincoln or Lancaster County. Benefits for part-time, classified employees are available depending upon the number of hours worked per week and prorated accordingly. Temporary and unclassified positions are paid for hours worked and offer NO BENEFITS. Certain non-career service grant-funded positions may specify terms and conditions of employment.

APPLICATIONS MAY BE FILED ONLINE AT:
<http://agency.governmentjobs.com/lincolnne/default.cfm>

Position #201600401C-2
MENTAL HEALTH TECHNICIAN - CRISIS CENTER
DT

555 South 10th Street, Room 302
Lincoln, NE 68508
(402) 441-7597

jobs@lincoln.ne.gov

Mental Health Technician - Crisis Center Supplemental Questionnaire

- * 1. CONFIDENTIALITY DISCLOSURE AND APPLICATION COMPLETION ACKNOWLEDGMENT: This application process uses a combination of automated and hand scoring of all application materials against screening criteria that have been established by the employer. 1. I understand that if I have not completely and fully answered all application questions and/or supplemental questions with details, my application may not be accurately evaluated. 2. Further, I understand that merely referring to my resume (e.g. "see resume" in lieu of providing detailed responses) is not sufficient for purposes of ensuring accurate application evaluation. 3. All employers, work and volunteer experience, and education described in the following Supplemental Questions must also be listed on the application.



NEBRASKA STATE GOVERNMENT
invites applications for the position of:

**Mental Health Practitioner -
Nebraska State Penitentiary**

SALARY: \$21.70 /Hour
OPENING DATE: 08/25/17
CLOSING DATE: 09/20/17 11:59 PM
JOB TYPE: PERM FULL TIME
LOCATION: Lincoln State Penitentiary
DEPARTMENT: Correctional Services, Department of

DESCRIPTION:

The Nebraska Department of Correctional Services (NDCS) employs nearly 2,300 team members operating 10 institutions, which house approximately 5,200 inmates, statewide. The department's focus includes inmate programming and education, physical and behavioral health care, re-entry services, and community programs, and is accredited by the American Correctional Association (ACA). Candidates will model the NDCS Values of integrity, respect, compassion, growth, and excellence as we accomplish our mission, "Keep people safe." Information about the Department can be found at: www.corrections.nebraska.gov. License eligible individuals also encouraged to apply, and will be considered at a lesser salary. For more information about this position, call 402-326-3291. For Americans with Disabilities Act (ADA) accommodations, please contact ADA Coordinator Lisa Mathews at 402-479-5812 or lisa.mathews@nebraska.gov.

Hours: 7:30 - 4:00, Monday - Friday.

EXAMPLES OF WORK:

Provide individual/group counseling and crisis intervention to inmates. Complete written documentation for assigned inmates in a timely manner. Consult with appropriate staff regarding inmate mental status and treatment progression. Participate in multi-disciplinary treatment team meetings. Screen and refer inmates to appropriate review teams. Participate in the initial screening and orientation of new inmates. When on-call for Mental Health, provide consultation and services to inmates outside of regular hours.

QUALIFICATIONS / REQUIREMENTS:

REQUIREMENTS: Licensed as a Mental Health Practitioner or possess another license that allows the incumbent to provide the above mental health services as required by NE. Rev. Statute 38-2122. Master's Degree in Social Work, Counseling, Marriage and Family Therapy, Human Development, Psychology, Family Relations, Vocational Rehabilitation, Art Therapy, Divinity, Human Resources, Naturopathy, Mental Health or other field approved by the Nebraska Department of Health and Human Services in order to become a Licensed Mental Health Practitioner AND 3000 hours of post-degree supervised counseling experience.

PREFERRED: Experience working with major mental illness populations. Experience working with

incarcerated populations. Experience providing anger management and/or violence intervention programming. Experience working with sex offenders. Experience providing individual and group therapy. Bilingual in English and Spanish desired and assessed.

OTHER: License eligible candidates must be actively pursuing licensure to become fully licensed as a Mental Health Practitioner within a period not to exceed two years from date of hire, by providing mental health services under the direct clinical supervision of a Licensed Mental Health Practitioner or other qualified professional. Transcripts required upon acceptance of any job offer. Must submit to a background security check. Applicants accepting a job offer must pass the pre-employment medical exam and a drug test. Once employed, all incumbents must successfully complete the fully paid Nebraska Department of Correctional Services pre-service training program.

KNOWLEDGE, SKILLS AND ABILITIES:

Knowledge of counseling theory/practices. Ability to maintain confidentiality. Ability to work in a fast-paced, hectic environment.

APPLICATIONS MAY BE FILED ONLINE AT:
<http://statejobs.nebraska.gov>

Position #60006851
MENTAL HEALTH PRACTITIONER - NEBRASKA STATE PENITENTIARY
HY

1526 K Street, Suite 100
Lincoln, NE 68508

Equal Opportunity Employer

One Hundred Fifth Legislature - First Session - 2017

Introducer's Statement of Intent

LB258

Chairperson: Senator Laura Ebke

Committee: Judiciary

Date of Hearing: February 16, 2017

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The purpose of LB 258 is to have the the Department of Correctional Services provide an opportunity for individuals about to be discharged from a correctional facility to receive a State Identification Card or Driver's License.

Under current practice, individuals released from a correctional facility receive a state issued card identifying them as a "Recently Released Inmate." LB 258 would require they have the opportunity to receive State Identification Card or Driver's License instead.

Principal Introducer: _____

Senator Matt Hansen



Doug Koebnick <[REDACTED]>

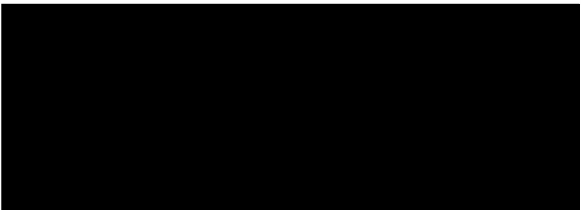
Driver's License

Frakes, Scott
To: "Koebnick" <[REDACTED]>

Mon, Aug 28, 2017 at 12:27 PM

Doug,

It looks like we are close to running a pilot out of CCCL. This should allow us to develop a process that we can use for community custody, and perhaps WEC. Then we can focus on inmates at higher security. I'm glad to see some tangible progress.



Mike,

Following our meeting with the Department of Motor Vehicles (DMV) on July 29, 2017 we met internally on August 14, 2017 with Charlie West, Shaun Settles, Daniel Sloup, Jeff Beaty, Mickie Baum, Tamra Kuhlmann, Grace Sankey-Berman, and Steve Fannon to discuss implementation of a pilot project at the Community Corrections Center - Lincoln. CCCL is excited to pilot this program and recognizes the need for this service.

Proposed process is as follows:

Within first 30 days at CCCL, during the orientation phase of Work Detail, staff will assist inmates in identifying their license/ID status. If needing to obtain new or replacement ID a participant will be transported to the DMV West O location at 500 W O St, Lincoln, NE 68528. We believe we would be able to serve 10-12 participants at a time and would repeat the process bi-monthly or weekly depending on availability and need. The specific time will be coordinated between CCCL and the DMV, but we've discussed either an hour prior to the DMV opening or for an hour after closing. Each individual will be responsible for payment of the new or replaced ID (cost=\$26.50, renewed=\$13.50) unless said person is indigent in which case accounting/CCCL are writing a procedure for. The address will be assigned the physical address of CCCL - 2720 West Van Dorn Lincoln, NE 68542 - participants will need to provide two documents for address verification, one of which can be an official letter from CCCL stating that the individual resides at that location. Participants will also need proof of social security or exemption and proof of identity (list of acceptable documents attached).

This pilot is projected to begin in September 2017.

At this time:

- CCCL staff is drafting a proposed process for this service specific to their facility role.
- CCCL is identifying a facility point of contact to manage the project.
- NDCS accounting is establishing a process for payment.

Minority Employees by Agency

2015 Rank	Agency	12/15 Minority Employee Total	12/14 Minority Employee Total	12/13 Minority Employee Total	12/12 Minority Employee Total	12/11 Minority Employee Total	12/10 Minority Employee Total	12/09 Minority Employee Total	12/08 Minority Employee Total	12/07 Minority Employee Total	12/06 Minority Employee Total	12/05 Minority Employee Total
1	Health & Human Services	577	502	464	430	425	435	471	482	477	418	435
2	Corrections	269	231	213	202	199	216	224	222	205	206	237
3	Supreme Court	123	95	89	69	66	64	69	71	60	66	58
4	Roads	111	114	110	105	94	93	100	99	101	108	100
5	Labor	64	38	42	43	45	45	46	42	56	57	47
6	Revenue	39	30	31	35	34	33	33	32	32	31	31
7	Administrative Services	39	25	22	19	19	20	20	19	23	24	23
8	Education	31	30	52	36	30	27	28	30	30	28	27
9	State Patrol	22	25	19	22	21	17	20	20	19	20	20
10	Legislature	17	16	16	16	17	16	16	17	13	12	11
11	Military	13	14	11	10	9	9	10	10	11	12	12
12	Motor Vehicles	10	8	8	9	12	12	12	13	14	15	15
13	Insurance	10	6	6	6	5	7	6	6	6	6	7
14	Game and Parks	9	10	12	12	5	3	4	5	6	5	6
15	Environmental Quality	9	6	7	5	5	5	4	6	6	5	4
16	Blind & Visually Impaired Commission	7	8	7	9	8	6	5	5	6	5	5
17	Agriculture	7	5	7	6	4	5	5	4	4	4	4
18	State Treasurer	7	5	5	5	5	6	6	7	5	4	4
19	Natural Resources	6	5	4	4	3	3	3	3	3	3	2
20	Foster Care Review Office	5	4	4	5	4	3	3	2	2	3	1
21	Retirement Systems	4	6	6	6	5	4	4	4	4	4	5
22	Educational Telecommunications	4	4	4	4	4	4	4	4	4	4	4
23	Crime Commission	4	3	4	2	2	0	0	0	0	1	0
24	Attorney General	4	2	1	1	1	2	3	3	6	4	4
25	Banking & Finance	4	1	2	3	3	3	3	5	6	4	4
26	Economic Development	3	2	0	0	0	0	0	0	0	1	0
27	Parole Board	2	3	3	3	4	4	4	4	4	4	5
28	Equal Opportunity Commission	2	2	3	5	4	3	6	5	4	7	8

DOUG KOEBERNICK
Inspector General



STATE OF NEBRASKA
OFFICE OF INSPECTOR GENERAL OF CORRECTIONS
State Capitol, P.O. Box 94604
Lincoln, Nebraska 68509-4604
402-471-4215

February 6, 2017

Martha Carter
Legislative Audit Office
State Capitol
Lincoln, NE 68509

Dear Martha:

In my annual report, I discussed the Nebraska State Auditor's November 2015 audit of the Nebraska Department of Correctional Services. My report stated:

"The (Nebraska State Auditor's) report found a number of significant shortcomings, including communication issues, the overuse of manual processes, and a lack of accountability. It was the report's contention that this resulted in overpayments and excessive expenditures. The OIG (Office of Inspector General) has had several issues brought to him regarding the financial and business practices of NDCS (Nebraska Department of Correctional Services), including inaccurate balances of inmate club accounts and delayed payments of bill. As a result, the OIG will ask the Legislative Performance Audit Committee to consider a performance audit of certain business practices of NDCS and to follow-up on the concerns raised in the report by the Nebraska State Auditor."

These concerns still exist and I would request that consideration be given by the Performance Audit Committee to conduct such an audit. I think my emphasis would be to follow-up on the concerns raised in the Auditor's report. I am going to send a copy of this letter to Nebraska State Auditor Charlie Janssen and Russ Karpisek in his office so that they are aware of my request in case any members of the Performance Audit Committee contact them for their input.

Thank you for considering this request.

Sincerely,

Doug Koebernick

cc: Charlie Janssen, Nebraska State Auditor
Russ Karpisek, Nebraska State Auditor's office

7/17/2017		
Facility	Project	Estimate
NCYF	Universal Weight Machine	8,896.00
NCYF	Ice/Hot Water Dispensers	12,000.00
NCYF	Drinking Fountains	4,189.00
NCYF	X Box - 4	1,000.00
NCYF	Kinnect - 2	250.00
NCYF	Just Dance - 2	60.00
NCYF	Televisions	900.00
NCYF	Television for Visiting Room	325.00
NCYF	Canopy/Outdoor Shade Shelter	5,000.00
NCYF	Cable Crossover Exercise Machine	2,195.00
NCYF	Leg Press Machine	2,195.00
NCYF	Yoga/Meditation Instructor	1,000.00
NCYF	Ballfield	21,500.00
NCYF	TV's RHU	2,844.00
NCYF	Rewire TV antennas in RHU	6,950.00
NCYF	Two additional TV programming	2,150.00
NCYF	Improve TV Reception	2,444.00
	NCYF Total	73,898.00
NCCW	Expansion of STAR Exercise Yard	35,000.00
NCCW	Expansion of RHU Exercise Yard	25,000.00
NCCW	Expansion of SAU Exercise Yard	30,000.00
NCCW	Cabling Project	130,000.00
NCCW	Exercise Track	50,000.00
	NCCW Total	270,000.00
DEC	Fish Tank/Visiting Room	950.00
DEC	Flower Garden	950.00
DEC	X Box & Kinnect	5,100.00
DEC	Exercise Equipment for Yard	25,000.00

DEC	Backboards (previous year)	5,030.00
DEC	Mobile Book Return & Truck	1,925.88
	DEC Total	38,955.88
LCC	New Weight Equipment	20,212.00
LCC	Books/Toys for Visiting Room	800.00
LCC	X-Box - 2; controllers; televisions	1,850.00
LCC	Ice Machines - 9	44,000.00
LCC	Drinking Fountain - Gym	1,200.00
LCC	MISC Supplies	3,000.00
LCC	Tables	3,600.00
LCC	Cabling Project	116,500.00
LCC	Popcorn Popper	1,500.00
	LCC Total	192,662.00
TSCI	Kennel	20,000.00
TSCI	TV's for RHU	32,706.00
	TSCI Total	52,706.00
OCC	Gaming Table	2,000.00
OCC	Weight Pile Fence	6,960.00
OCC	Weight Pile Shelter	10,000.00
OCC	Ice Machines/Water Dispensers	40,000.00
OCC	Microwaves	1,500.00
OCC	Handball Court	60,000.00
OCC	Unit Tables	22,000.00
OCC	Update TV System in HU	4,125.00
	OCC Total	146,585.00
NSP	Gym - External Operations	-
NSP	Cabling Project	143,500.00
NSP	Weight Pad & Equipment	134,000.00
NSP	X Box, Televisions	10,000.00
NSP	TV's RHU	32,706.00

	NSP Total	320,206.00
WEC	Water access to Yard	25,000.00
WEC	Widening of Track	20,000.00
WEC	Handball Court (previous year)	41,000.00
WEC	Ice Machine & Bin (previous year)	8,302.64
	WEC Total	94,302.64
CCCL	10 Outdoor yard tables	
CCCL	8 Gaming Tables	
CCCL	3 Plain Tables	
CCCL	5 Metal Benches	16,125.00
CCCL	4 Exercise Bikes	3,196.00
CCCL	3 Ping Pong Tables	1,547.00
CCCL	1 foosball Table	1,795.00
CCCL	3 Basektball Hoop systems	3,217.00
CCCL	Greenhouse (Material Request)	15,000.00
	CCCL Total	40,880.00
		\$ 1,230,195.52

OIG DECEMBER 1, 2016 TSCI UPDATE**STAFFING**

As mentioned in the report, staffing remains a significant issue. In fact, the report stated that "Staffing throughout the facility remains precarious." At times there have been encouraging signs of changes in staffing levels but then the number of vacancies increases to past levels. While some staff recently received a \$500 bonus or will be receiving an increase in their pay, there are other staff who received neither. Anecdotally this has created a sense of some staff being seen as more important by the central office than other staff and a feeling of being underappreciated has emerged in some of the staff who did not receive either of the monetary increases.

An additional staff bonus program, the Professional Development Bonus, was initiated by the Department utilizing funding provided by the Legislature during the 2016 legislative session. In order to receive a bonus ranging from \$150 to \$250 an employee has to take a certain amount of classes. Since the program began in August only two TSCI employees have participated in the program. Overall, the program has only expended \$11,250 of the \$450,000 budgeted for it as only 65 of the over 2200 Department employees have participated in it.

TSCI has recently implemented a change to attempt to recruit more entry level staff by hiring new entry level security staff as corporals rather than correctional officers. This will allow them to pay a higher entry level wage for those employees. Hiring all correctional officers as corporals was discussed in a Department work group focused on employee recruitment on May 23, 2015. The group met several other times and the cost to implement this was mentioned in one other summary of their meetings. The estimate in those meeting minutes was approximately \$680,000 to \$700,000 to implement this across the correctional system.

Concerns about safety and coverage of various posts was shared with me during my recent visits. One example that was shared regarded security coverage in the gymnasium. In the post orders for the gymnasium corporal, it states that the gymnasium will be staffed with one custody staff and a recreation specialist during all hours of operation. According to the post order, the gymnasium corporal's primary duty is the safety and security of the gymnasium. The duties of this corporal include conducting searches of areas in the gymnasium and of those entering the gymnasium. The gymnasium has not been staffed with a corporal for a significant length of time so these security measures are no longer being completed on a consistent basis. As a result, recreation staff are expected to do their duties and the duties of the corporal. This could include monitoring up to 64 individuals at one time. TSCI is now looking at doubling the number of individuals who can be receiving recreation at one time which means that one recreation staff member may supervise up to 128 individuals at one time. Similar concerns have been expressed in the past regarding the library and kitchen areas.

PROGRAMMING

TSCI is making attempts to add more programming options for individuals at the facility. Some of these additional programs are run by groups that receive grant funds through the Vocational and Life Skills Program. A program run by the Department that is anticipated to start in January is the Violence Reduction Program. It is a core program that is sorely needed throughout the system yet only a group of 9-12 individuals can currently take the program at the Nebraska State Penitentiary and the program lasts for about one year. There are currently 47 individuals at TSCI who are officially on the waiting list for the program. It is likely that there are more individuals at TSCI in need of the program who have not yet been screened for the program or have refused the program.

Despite the commitment to additional programming options, the barrier to more programming at TSCI is the availability of staff. Efforts over the next few months will show if TSCI can move forward with these attempts to increase opportunities for individuals at the facility.

RESTRICTIVE HOUSING

As outlined in the report, changes were recently made throughout the correctional system in regards to restrictive housing. TSCI holds the largest number of inmates in a restrictive housing setting as most of Special Management Unit (SMU) East and SMU West contain inmates in restrictive housing (154 of the 343 inmates in a restrictive housing setting throughout the correctional system are at TSCI). According to staff, SMU East is a "harder" side of restrictive housing. After the changes were made to SMU West in April (see the OIG report), there were discussions about how to use that side of the SMU for purposes other than traditional restrictive housing. At this time, it does not operate any differently than SMU East. However, if the number of inmates in restrictive housing would decrease there may be opportunities to use it as a restrictive housing transition unit, a mission based housing unit or another type of specialized housing.

As discussed in the report, the Mental Health Association of Nebraska started a Wellness Recovery Action Program (WRAP) in the restrictive housing unit. The first class recently graduated and a second class has now started. I attended one session of the WRAP group and recently met with three individuals who were part of the first class. I was told by all three about the value of the program and how it has changed their behaviors and thought processes. One of the individuals interviewed is currently one of two inmates in restrictive housing who has a mentor from the general population. According to staff, this particular inmate has made many positive changes since being involved in WRAP and receiving contacts with the mentor. The inmate expressed his hope that he will be placed in general population in the next month and then can start the Violence Reduction Program in January. He is a young man who has been in the correctional system for over three years after previously being in the juvenile justice system and the vast majority of his time in the adult correctional system has been spent in a restrictive housing setting.

UNITS 1, 2 AND 3

To better understand TSCI it is important to know how the facility is operated. In addition to the restrictive housing units there are three housing units on the north side of the facility.

Unit 1 has become the protective custody unit for most of the correctional system (339 of the 397 inmates in the correctional system placed in protective custody reside at TSCI). One of the positives about this unit is that they provide substance abuse treatment for individuals in protective custody.

Unit 2 has maximum security inmates living there along with a senior living unit. Unit 2 provides the most challenges to the facility due to the behavior of inmates that currently reside there.

Unit 3 consists of inmates who are more likely to be medium custody inmates and who also have jobs throughout the facility. This is a much less problematic unit.

MEDICAL STAFFING

The Ombudsman's office and the TSCI leadership team both have shared that the medical staffing at TSCI has faced challenges during the past several months. Medical services at TSCI are provided by a private contractor. Over the past few months the contractor has not only had difficulties hiring nurses but is now contracting with other contractors for other medical positions at TSCI.

PLAN FOLLOWING CRITICAL INCIDENT REVIEW OF AN INMATE SUICIDE

In May, an inmate committed suicide in the restrictive housing unit at TSCI. As a result a critical incident review was completed. The review (in which I participated) made numerous findings and recommendations. As a result, a corrective action plan was developed based on the findings and recommendations. The corrective action plan is comprised of 38 action items that have been reviewed and then acted upon by TSCI staff. As this corrective action plan has evolved TSCI has shared a spreadsheet with the plan and any activity taken on each of the action items to me. The spreadsheet describes the action item, who is responsible for the action item, the target completion date of each action item, and the completed date of each action item. Many of the action items have been completed or were found to already be in place. I would make two recommendations to the Department regarding the corrective action plan:

- 1) Share the corrective action plan with all of the employees at TSCI as well as the wardens at each of the other correctional facilities; and,
- 2) Reconvene the Critical Incident Review Team and present each action item to them so that can discuss whether or not the action taken actually addresses the concerns that they expressed in their report.

CHALLENGES

As has been well documented, TSCI currently faces many challenges to operate in the manner in which the Department would like it to do so.

Chief among these challenges is staffing. As stated in this update and in the annual report of the OIG, staffing includes positions throughout the entire facility. When I visited TSCI earlier this week they had nine staff who had called in sick. When a facility is already significantly understaffed this only adds to their issues of security and the providing of services to their population. During that visit many employees shared how this had impacted the facility during that day. There are attempts being made to address at least some of these staffing challenges but the recently implemented hiring freeze for some positions is now starting to impact the facility as well.

Flexibility and space within the correctional system is also an issue that not only impacts TSCI but most of the other facilities. There are inmates at TSCI who would be good candidates to move to other facilities due to their programming needs or classification. However, since the system is operating at 160% of design capacity this is a barrier that impacts the appropriate movement of inmates throughout the system.

A barrier that is hard to quantify but is nonetheless real is the fact that TSCI (like nearly every other correctional facility in Nebraska) continually asks employees to do more with less. The Warden and his leadership team expressed this concern during a recent meeting. Employees freely share their concerns and experiences regarding their being asked to do more with less. The staff are working a lot of hours and many of them volunteer for additional overtime so that they can assist their fellow employees. While they do their best in many cases to work as a team and provide coverage for each other, the stress of being short staffed and being asked to do more with less continually impacts them. This then impacts the inmates and the operation of the facility.

Finally, a concern that has been expressed to me by several employees and inmates at TSCI is that despite attempts to make change take place at TSCI they do not think things have substantially changed since the riot in 2015. In fact, they talk as if they believe another disturbance could happen in the near future. They shared that if you look at the facility prior to May 2015, staff shortages

existed, inmates did not receive much in the way of programming, and there was an overall sense of unease throughout the facility. Having started as the Inspector General after the riot, I am unable to state whether or not these concerns and observations are valid but I do believe that it is important that they be shared with policy makers and the leadership of the Department.

NEBRASKA

Good Life. Great Mission.

DEPT OF CORRECTIONAL SERVICES

Director Scott R. Frake:

Action Plan

Project Title:		Department:		Next Review Date: October 23, 2017	Project Sponsor: Diane Sabatka-Rine	
CIR: Disturbance/Deaths at TSCI March 2, 2017		NDCS		Date:	August 17, 2017	
Team: TSCI Executive Team				Signature:		
Background: NIC Critical Incident Review and Recommendations						
Core Objectives: Identify recommendations from the CIR, action to be taken and target dates for completion				Timeline	Target Improvement	
Deliverable / Output			Owner	Action / Task	Target Completion Date	Status
Progress/Disposition (Detailed notes below)			Date Completed			
1	Implement the establishment of "step down units" in HU 2A/B wherein inmates from restrictive housing may be assigned to receive additional time out of their cells (no less than 24 hours per week) for organized and structured activities in numbers commensurate with the assigned custody/case management staffing complement's ability to safely and securely manage them.	Warden Hansen	Develop post order and operational handbook that will create and maintain a transition unit on HU 2B. Identify additional staffing that will create a safe environment for staff and inmates.	10/01/17	On Target	Repairs have been completed in 2B and the inmates assigned to the unit are now receiving 4 hours of out of cell time each day. The operational handbook is in the process of being completed. Once the handbook is completed the Post Order will be completed. Date extended to allow for additional development of the program.
1a	Add cuff/meal ports to all cell doors in 2A/B	Major Jansen	Purchase parts - develop time schedule for work	01/01/18	On Target	Parts and materials have been ordered for the doors on HU 2B. As of 8/1/2017 3 door hatches have been completed.
1b	Replace all porcelain lavatory/toilet with stainless steel fixtures.	Engineering	Review feasibility and funding source.	01/01/18	On Target	
1c	Add gas ports to step down areas.	Maint. Smack	Gas ports are in the mezzanine area in 2AB	05/01/17	Complete	This item completed as a result of the CIR from May 10, 2015.
1d	Increase staffing levels in custody and caseworker ranks to accommodate the safe and secure operation of the newly established step down units.	UA Sherman	Added response and movement team to 2B, an administrative lieutenant to HU2, and a sgt. to the current staffing level.	05/01/17	Complete	Close management unit was established following the March 2. Staffing was increased as the unit was developed.
2	Permit the use of disciplinary segregation for "flagrant or serious misconduct."	Scott Frakes	NDCS will not use disciplinary segregation.	05/22/17	Complete	5/22/2017
3	Adopt the NDCS draft definition of "flagrant and serious."	Scott Frakes	Rule is in review process for promulgation.	07/01/17	Complete	
4	Review the allowable use of immediate segregation with consideration under NAC Title 72, Chapter 1, 003.02 (F) for use in cases where inmates are reasonably believed to be sufficiently under the influence of alcoholic beverages, other intoxicants or drugs that the concern in 003.02 (F) is implicated. Should only be used while the substance(s) is no longer physically present in the person's body in an amount sufficient to significantly impact his behavior.	Diane Sabatka-Rine	This has always been allowable, but was unclear to staff. It has since been re-communicated and is being utilized according to the lieutenant's discretion.	04/07/17	Complete	4/1/2017

Note: "Deliverable/Output" column represents recommendations as written by the reviewers and provided to NDCS

Action Plan

Project Title:		Department:		Next Review Date:	Project Sponsor: Diane Sabalka-Rine			
CIR: Disturbance/Deaths at TSCI March 2, 2017		NDCS		October 23, 2017	Date: August 17, 2017			
Team: TSCI Executive Team				Signature:				
Background: NIC Critical Incident Review and Recommendations								
Core Objectives: Identify recommendations from the CIR, action to be taken and target dates for completion				Timeline	Target Improvement			
Deliverable / Output			Owner	Action / Task	Target Completion Date	Status	Progress/Disposition (Detailed notes below)	Date Completed
5	Fully implement Incident Command System for Corrections (ICS) as it is taught in the NIC training course.		Security Admin Rumery	NDCS utilizes ICS. Continue to increase and improve emergency preparedness training.		Complete		Ongoing
6	Weekly simulation training for shift staff as well as scenario training for supervisors and managers. Conduct assessments of various areas of the facility where inmates are housed and/or are frequently present, in terms of vulnerability to assault, hostage situations and/or take over by the population. Assess for security changes to prevent such acts. Develop tactical options/solutions that offer the best likelihood of successful resolution. Catalog the options for review and immediate consideration should a situation arise where application may be appropriate.		EPS Hill	Increase frequency of drills to at least monthly, per shift. Assessments occur during and after drills and actual incidents.	10/15/17	On Target	Drills are occurring currently on a quarterly basis and will be increased to monthly. Due to Emergency Specialist 4 week instructor training monthly drills have not started. Start date is now 8/1/2017. Instructor classroom training has been completed, however, instructor certification requires instructors to be observed teaching prior to certification. Observations will be completed by 09/30/2017. Drills will be scheduled following completion of full certification.	
7	Create armed emergency response teams that are similar, but more advanced in training and capability than the "Response and Movement Teams" previously initiated at TSCI.		Scott Frakes	Review feasibility and funding source, agency-wide.	07/01/18	On Target	In discussion	
8	Increase contraband control efforts. Review kitchen security practices (fruits, sugar, potatoes, bread); more thorough searches of kitchen workers; limit and restrict movement of assigned kitchen workers; directly supervise food carts in HU 1; searches of inmates exiting dining halls; identify nutritionally equivalent substitutes for fresh fruit; review canteen list; review search policy and procedure with consideration for developing a search team for frequent cell and area searches.		AW Bulling-June	Canteen list has been reviewed, fresh fruit has been removed, reviewing security practices and increased the frequency and quality of searches. Continue to review additional changes needed.	07/01/17	Complete	Changes already implemented have resulted in a significant decrease in the quantity of homemade alcohol.	

Action Plan

Project Title:		Department:		Next Review Date:	Project Sponsor: Diane Sabatka-Rine	
CIR: Disturbance/Deaths at TSCI March 2, 2017		NDCS		October 23, 2017	Date: August 17, 2017	
Team: TSCI Executive Team				Signature:		
Background: NIC Critical Incident Review and Recommendations						
Core Objectives: Identify recommendations from the CIR, action to be taken and target dates for completion				Timeline	Target Improvement	
Deliverable / Output		Owner	Action / Task	Target Completion Date	Status	Progress/Disposition (Detailed notes below)
9	Improve communication strategies - including the quality of communication between administrative, management and line staff throughout the institution. Perception noted: "Staff at many levels...are no longer permitted to utilize the tools necessary to manage and adequately control a violent, 'gangland' type environment, predominantly, but not exclusively, in the maximum security areas of the facility."	Warden Hansen	Explore through meetings and focus groups the belief that was expressed by staff that they do not have the tools necessary to manage the gang mentality. Develop communication strategies to convey current department priorities and plans.	09/30/17	Complete	Conversation has been completed through EPIC meetings, one on meetings with concerned staff, and the Director spending 2 days at TSCI talking to staff and listening to staff concerns. For purposes of action plan, this item is completed. However, communication is ongoing and will be constantly monitored and improved.
10	Implement additional staff training around safety and effective communication with inmates. Training specific to 1) pat searches for industries, 2) interpersonal communication and 3) emergency preparedness.	AAIII llic	Review current training and conduct staff survey to determine specific training needs. Observe execution of duties following training.	10/01/17	Complete	Current Training is sufficient. Monitoring facility continues
11	Re-evaluate inmate housing assignment process. Distribution of the various custody populations not only at TSCI, but at the other NDCS facilities to determine if there are any options to redistribute problematic, higher custody inmates and avoid high concentrations in one or two locations. Give consideration to different criteria and housing strategies based on classification, gang affiliation and other indicators such as mental health status, escape history, predatory criteria, vulnerability criteria, age, etc. Consider movement strategies to keep groups/gangs off balance while recognizing that such strategies must consider the possibility of spreading problems to other locations.	Scott Frakes	Housing assignments are determined through classification. These factors are under consideration as the close custody unit is developed. A new classification tool has been implemented and will assist in ensuring proper placements occur.	08/01/17	Complete	
12	Implement increased programs/activities.	Warden Hansen	Ongoing efforts include: Defy Ventures, Destination Dads, MRT, T4C, Canine program, VRP, WRAP, Success Prep, Metro Community College, ALPHA. Additional programming will be considered and implemented as appropriate.	08/01/17	Complete	Review of current programs continues and will be modified or increased as appropriate

Action Plan

Project Title:		Department:		Next Review Date:	Project Sponsor: Diane Sabalka-Rine		
CIR: Disturbance/Deaths at TSCI March 2, 2017		NDCS		October 23, 2017	Date: August 17, 2017		
Team: TSCI Executive Team				Signature:			
Background: NIC Critical Incident Review and Recommendations							
Core Objectives: Identify recommendations from the CIR, action to be taken and target dates for completion				Timeline	Target Improvement		
Deliverable / Output			Owner	Action / Task	Target Completion Date	Status	
						Progress/Disposition (Detailed notes below)	
						Date Completed	
13	Consider the implementation of an automated master inmate grievance tracking system.		Scott Frakes	Establishing an agency-level grievance administrator, effective July 1, 2017. We are reviewing new technology related to the grievance system.	07/01/18	On Target	
14	Conduct a security audit to thoroughly review and identify functioning and deficient operational controls. Focus on industries and the securing of flammable and accelerant substances and manufactured weapons and function of metal detector.		Security Admin Rumery	Internal security audits are conducted at least annually. Staff members will be attending NIC security audit training. Additional audits will be conducted as necessary.	07/01/17	Complete	Staff attended training. Metal detector has been replaced.

Action Plan

Project Title:		Department:		Next Review Date:	Project Sponsor: Diane Sabatka-Rine	
CIR: Disturbance/Deaths at TSCI March 2, 2017		NDCS		July 12, 2017	Date: May 17, 2017	
Team: TSCI Executive Team				Signature:		
Background: NIC Critical Incident Review and Recommendations						
Core Objectives: Identify recommendations from the CIR, action to be taken and target dates for completion				Timeline	Target Improvement	
Deliverable / Output		Action / Task		Target Completion Date	Status	Progress/Disposition (Detailed notes below)
Date Completed						
1	Implement the establishment of "step down units" in HU 2A/B wherein inmates from restrictive housing may be assigned to receive additional time out of their cells (no less than 24 hours per week) for organized and structured activities in numbers commensurate with the assigned custody/case management staffing complement's ability to safely and securely manage them.	Develop post order and operational handbook that will create and maintain a transition unit on HU 2B. Identify additional staffing that will create a safe environment for staff and inmates.		07/01/17	On Target	HU 2B is currently being repaired from the damage of March 2, 2017. 40 inmates have been identified and placed in the unit. The unit is currently on modified operation. Post order and housing unit manual is being created and revised to be prepared for a July 1, 2017 start.
1a	Add cuff/meal ports to all cell doors in 2A/B	Purchase parts - develop time schedule for work		01/01/18	On Target	Parts and materials have been ordered for the doors on HU 2B.
1b	Replace all porcelain lavatory/toilet with stainless steel fixtures.	Review feasibility and funding source.		01/01/18	On Target	
1c	Add gas ports to step down areas.	Gas ports are in the mezzanine area in 2AB		05/01/17	Complete	This item completed as a result of the CIR from May 10, 2015.
1d	Increase staffing levels in custody and caseworker ranks to accommodate the safe and secure operation of the newly established step down units.	Added response and movement team to 2B, an administrative lieutenant to HU2, and a sgt. to the current staffing level.		05/01/17	Complete	Close management unit was established following the March 2. Staffing was increased as the unit was developed.
2	Permit the use of disciplinary segregation for "flagrant or serious misconduct."	NDCS will not use disciplinary segregation.		05/22/17	Complete	
3	Adopt the NDCS draft definition of "flagrant and serious."	Rule is in review process for promulgation.		07/01/17	On Target	Public hearing was held and rules have been submitted for approval.



Doug Koebernick <[REDACTED]>

Updated Media Advisory - TSCI

Smith, Dawn Renee <[REDACTED]>

Thu, Mar 2, 2017 at 10:21 PM



(TECUMSEH, Neb.) March 2, 2017 – Joined by Governor Pete Ricketts and Senator Dan Watermeier, Director Scott R. Frakes and Warden Brad Hansen briefed media representatives on-site at the Tecumseh State Correctional Institution (TSCI) tonight at 8:30 p.m.

Please advise the public there will be no visits at TSCI through Sunday, March 5, 2017. Unless otherwise announced, visits will resume on Monday, March 6, 2017. Thank you for your assistance in keeping the public informed.

Director Frakes:

Today, at approximately 1 p.m., staff members reported a fire on a mini-yard connected to one of the housing units. Staff reported to the area where there were approximately 40 inmates on the mini-yard and inside one half of the housing unit. They were given directives to lock down and refused. When it became clear it was unsafe, staff exited the dayroom and secured the door leading to the rest of the housing unit. As a result, the incident was contained to only the one half of the housing unit and did not spread to any other area of the facility. Several altercations occurred between the inmates.

The decision was made to recall all staff assigned to TSCI to report to work and the NDCS emergency response teams were activated. At approximately 4:30 p.m. the emergency response teams entered the affected area and secured the housing unit. Damage to the affected Housing Unit was not extensive and the unit remains functional. Inmates did set some fires inside the Housing Unit.

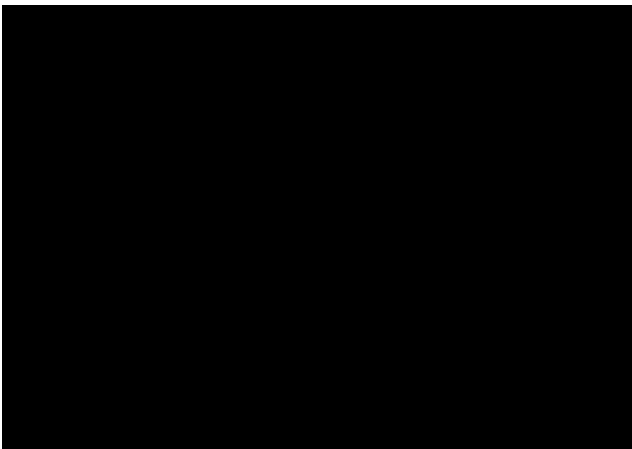
There are numerous non-life-threatening injuries to inmates and two are confirmed dead. The names of the injured and deceased will not be released at this time. Once next-of-kin have been notified, we will provide an update.

The Nebraska State Patrol is on-site, leading the criminal investigation and the Nebraska State Fire Marshal is conducting the investigation into the fires. NDCS staff and investigators will also conduct an internal critical incident review.

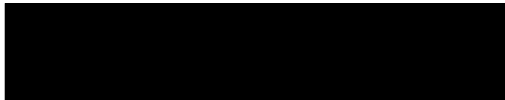
Any loss of life is tragic. The TSCI staff handled the situation extremely well, which limited the incident to a small number of participants and minimal damage. The public's safety was never compromised.

Warden Hansen's remarks:

We've seen so many improvements over the last year and a half and I am proud of my team. This incident is a reminder that this is a dangerous business and we must remain vigilant as we keep people safe.



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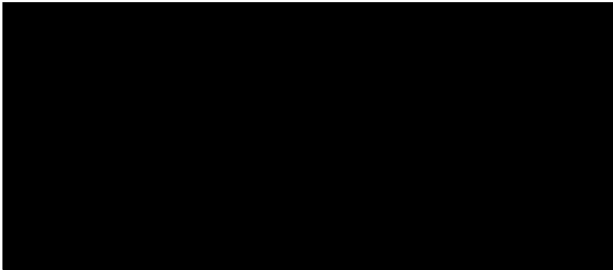
UPDATE:



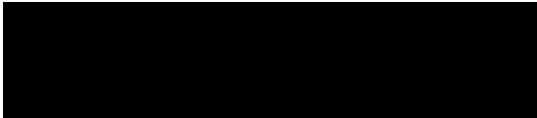
The NDCS emergency response teams entered the affected housing unit and have secured all inmates and extinguished fires. The housing unit is habitable and secure. No details are available at this time. **Director Frakes will brief the media on-site at TSCI at 8:30 p.m.** The exact location of the briefing will be provided no later than 8 p.m.

Dawn-Renee Smith

Communications Director | CENTRAL OFFICE



ces



UPDATE:

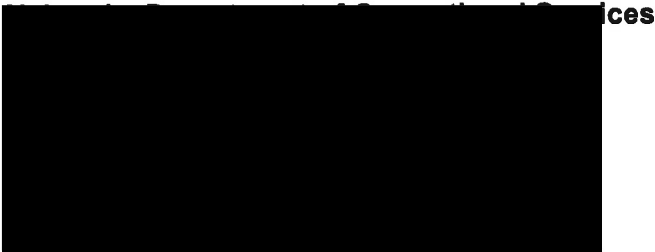


There have been no new developments since the previous advisory. The incident remains contained to one half of the housing unit and the small fenced yard outside the housing unit. A fire is burning on the concrete slab of the small yard. There is no visible fire inside the housing unit. The Johnson County Sheriff's office, the Johnson County Fire and Rescue squad, the Nebraska State Patrol and NDCS emergency response teams are on-site and assisting as needed.

This is not a riot. There are approximately 40 out of 128 inmates in that unit involved in the incident. There is no risk to the public. No media or public will be allowed on TSCI property at this time.

Dawn-Renee Smith

Communications Director | CENTRAL OFFICE



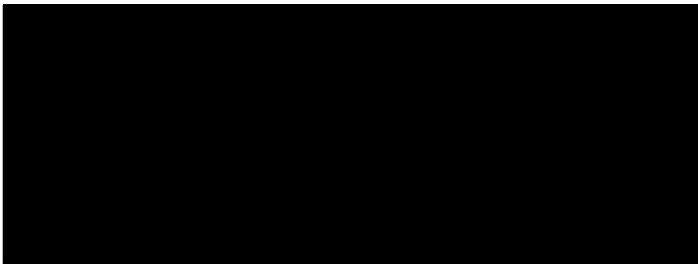
From: Smith, Dawn Renee
Sent: Thursday, March 02, 2017 2:46 PM
Subject: Media Advisory - TSCI



The Tecumseh State Correctional Institution is currently in a lockdown status. Inmates in one housing unit have refused to return to their assigned cells. Approximately 40 inmates are involved. All staff are safe and accounted for. No injuries have been reported. NDCS emergency response teams have been activated. The incident is isolated to one half of a housing unit and there is no risk to the public.

Dawn-Renee Smith

Communications Director | CENTRAL OFFICE



Progammng offered at TSCI					
CLASS OFFERED	PC	GP	SMU	INSTRUCTORS	Enrolled
MRT	X Apr '16	X Dec '15	X Aug '16	Illic, Waring, Tremain, Education Staff	61
Applied Construction Math		X Jun'17		ABC Construction	20
SAU	X Jul '15			SAU Staff	28
GED	X Jul '15	X Aug '15	X May '15	Education Staff	54
7 HABITS	X Oct '17	X July '17		Gigstad, Bulling, Hansen	15
WRAP		X June '17	X Sept '16	M.H Association	9
SUCCESS PREP	X Aug '17	X Apr '17		ReConnect, Inc.	18
Pass it On		X Sept '17		ReConnect, Inc.	18
OSHA 10 Hr. Construction		X Jul' 17		ABC Construction	19
OSHA 10Hr. General Industries		X Jul' 17		ABC Construction	19
DESTINATION DADS	X Mar '16	X Jan '16		Christian Heritage, Education Staff	37
LIFE SKILLS			X Jan '17	SMU Staff	25

LIVING IN BALANCE	X May '17	X May '17	X May '17	Keith Broadfoot Athena Brown Terri Sawyer	12
BEYOND ANGER/INSIDE OUT	X May '17	X May '17	X May '17	SMU Staff	0
HEALTHY SEXUAL RELATIONSHIPS	X May '17	X May '17	X May '17	SMU Staff	0
ALPHA		X Apr '17		Alpha Volunteers	18
Metro Comm. College		X Dec'16		Ruth Beethe	12
CSI Forklift Training		X Nov'16		CSI Staff	2
ESL	X Jul '15	X Aug '15		Education Staff	5
High School	X Jul '15	X Aug '15	X May '15	Education Staff	8
Sex Offender Re-Entry	X Dec '16			SPO Weaver	8
DEFY Ventures		X Jun '17		Maria Moreno	59
YOGA		X Oct '17		Peter Matt	15
T4C		X June '17		Sanne, Waring, Carr	12
Health & Hygiene Class	X May '17	X May '17		Nancy Vossler	20
MCC 180 Re-Entry	X Sept '17	X Sept '17		Ruth Beethe Diane Murphy	15
K9 Program		X Oct '17		Cpl. Wander	8

NEBRASKA

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DEPT OF CORRECTIONAL SERVICES



Pete Ricketts, Governor

DATE: August 15, 2017
 TO: See Distribution
 FROM: Scott Busboom, Deputy Warden *Busboom*
 RE: August 14, 2017 Labor/Management Meeting Minutes

Present: Warden Hansen, Deputy Warden Busboom, HR Manager Sherman, Corporal Schmitt, Secretary Jepsen, Personnel Manager II Norrid (via phone), and Personnel Manager I Mueller (via phone)

- Corporal Schmitt stated one of her concerns was staffing retention. She stated senior staff are leaving. She also stated compensation is an issue. If we offered a better hiring wage, we would get more people from farther out and draw more people in with experience.
- Corporal Schmitt also mentioned the pay discrepancies with new staff v. experienced staff.
- Corporal Schmitt also stated that staff morale is low.
- Corporal Schmitt stated she heard that eliminating the tuition reimbursement was discussed. PM Norrid reported it was initially brought up, but removed from the table because the Director believes in developing staff. PM Norrid reported that when the budget is so tight everything gets looked at initially. He also stated that NDCS is the only agency that pays 100% reimbursement.
- Warden Hansen commented that in the new Contract, the Union negotiated for a longevity increase. While it is not a lot, it does open the door for something and it can be negotiated as years go by.
- Warden Hansen commented staffing is as bad as it has been. Warden Hansen reported the Department Recruiter has been going to job fairs in surrounding states. The Dept. has a better hiring rate than some states.
- Warden Hansen reported within the last two months a lot of staff have left that had started within less than year. He stated money doesn't seem to be the issue. Staff are tired because of the hours. He is hoping the longevity pay will help. Staff he has talked to about leaving, have stated they have found similar paying jobs closer to home.
- HR Manager Sherman reported veteran staff are leaving because of the long hours.
- Warden Hansen commented unemployment is low and this is not the job of choice.
- Warden Hansen reported the new hire class has three staff from out of state, who reported they saw the job on the website.
- Warden Hansen reported OCC staff are coming down to help out and this has helped staff morale because it has helped with overtime. They will currently be here for 30 days and he has asked for another 30 days.
- Corporal Schmitt stated we bring in a lot of staff, but then we lose a lot and OCC can't sustain us.

Scott R. Frakes, Director

Dept of Correctional Services

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- PM Norrid asked if there were plans to assign mentors. Warden Hansen commented there has been talk about it, but it has not been implemented. Warden Hansen commented we currently have the FTO program, OJT and Team within a Team.
- Cpl Schmitt commented the team leader should make contact with their staff once a week and this is not being done. Warden Hansen commented it is hard to find time to do this since we are short staffed. Warden Hansen commented he is trying to speak with new staff during pre-service/OJT on a weekly basis to touch base. Warden Hansen reported the new hires commented that staff have treated them well and explained things to them.
- Warden Hansen commented there is a combination of things needed to help with staff retention: 1) no staff assaults and 2) more staff presence, which makes staff feel safer. Warden Hansen commented there is a different feel when an area is fully staffed.
- Cpl Schmitt commented she had previously suggested a relocation bonus to draw in from other states.
- Cpl Schmitt also suggested mass transportation from Omaha/Lincoln area. Warden Hansen stated this is being looked into from the Omaha area. If this was an option, it would need to be approved through DAS.
- Warden Hansen reported he has asked the Chamber of Tecumseh about rentals for the area and there is nothing available.
- HR Manager Sherman reported there are 57 custody vacancies, which does not include the 17 positions used for medical. There are 12 case worker vacancies.
- Cpl Schmitt asked about 12 hour shifts for case workers. Warden Hansen stated it is being discussed.
- Cpl Schmitt commented on staff bringing in Doctor's notes stating they cannot work overtime for an indefinite period. HR Manager Sherman stated these issues are addressed on an individual basis and are not indefinite.

The next Labor Management meeting is **Monday, September 11, 2017** at **0800** hours in the Warden's Conference Room.

Distribution: Warden Brad Hansen, Deputy Warden Busboom, Associate Warden Bulling-June, Major Jansen, Unit Administrator Sherman, HR Manager Sherman, Human Talent Director Criner, Corporal Buchanan, Administrative Assistant II Minary, Inspector General Koebornik

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DEPT OF CORRECTIONAL SERVICES



Pete Ricketts, Governor

August 31, 2017

Mr. Doug Koebernick
Inspector General for Corrections
State Capitol, Room 800
PO Box 94604
Lincoln, NE 68509-4604

Dear Mr. Koebernick,

I have reviewed your investigation of the fire in the special management unit (SMU) at the Tecumseh State Correctional Institution (TSCI) on May 25, 2017. Per Nebraska Revised Statute 47-915, I am responding within 15 days.

All fires in a correctional facility are serious as they present a threat to the safety of staff, inmates and the facility as a whole. The fire in the SMU at TSCI initiated by an inmate was a serious incident that the department has reviewed by conducting an internal critical incident review and developing and implementing an associated action plan. I share the concern that every minute counts in an emergency situation and agree that the timely response to these incidents is paramount.

I was pleased to see the findings complimenting staff on their positive interactions with inmates during and after the incident.

As seen in the response to the individual recommendations below, I do not disagree with most of the findings in the report. The fire department and fire marshall should have been contacted and staff are reviewing how they could have responded differently both to the inmate's initial actions and once he began starting a fire on the unit. I have addressed some specific findings in the report below.

Finding number three notes "the response to the medical needs of the inmate population could also be considered less than responsive or timely." However, no evidence to support these facts is provided, other than the comment that inmates were escorted individually to medical by an extraction team. Medical care was provided in a timely manner.

Scott R. Frakes, Director
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Finding number four claims that the slow response time to the incident was due to low staffing at TSCI and that pulling additional staff from other units "created even more shortages in key areas of TSCI during a time of low staffing." This statement is subjective, not supported by evidence and contradicted by the evidence in the report indicating miscommunication amongst staff was the cause for the delay.

The portion of the report titled expansion of review, addressing the placement of 17 individuals from the Nebraska State Penitentiary in restrictive housing at TSCI is unrelated to the fire which, as indicated in the report, was clearly caused by the actions of one inmate. The discussion of the reasons why this inmate or others were classified to restrictive housing is not relevant to how the department responded to the incident.

With regards to the specific recommendations made in your report, statute provides I may accept, reject or request, in writing, a modification. Below are the department's responses to the individual recommendations in the report. Please find below my response to each.

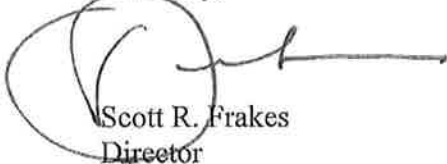
1. Accept – NDCS requires a critical incident review as a follow-up response to serious incidents. An critical incident review has been conducted and the department has implemented an action plan which includes conducting a review of the incident with staff to look at how else the incident could have been handled.
2. Accept – The department requires a critical incident review and action plan as follow-up for serious incidents.
3. Accept – As noted in the report, the fire department and Nebraska State Fire Marshall should be contacted in all situations where there is a fire in a facility. This recommendation has been implemented as part of the critical incident review and action plan. Notification requirements in policy for fires were reviewed with all shift supervisors.
4. Reject – The department is continuing to review and revise its restrictive housing policies as part of the ongoing restrictive housing reform. However, this recommendation is rejected as it is unrelated to the subject of this OIG investigation and because there is insufficient evidence presented in the report to support the recommendation.
5. Reject – It is not practical, safe or a medical best practice to have medical staff leave medical areas to respond to a small fire in a housing unit. There is no evidence presented in the report that the location of medical staff was in any way related to providing adequate treatment.

6. Accept – Current NDCS policy provides for 15 minute checks of inmates in a restraint chair and the department is specifically training staff that the two hour policy is the maximum amount of time and not the default.
7. Modify – The department does retain video of serious incidents for use in internal investigations and at the request of the inspector general or law enforcement. The problem in the recommendation as drafted is the lack of a definition of “related to”. From the text of the report it appears that video from other housing units, corridors, stairways, etc. showing staff responding to the ERT call, suiting up for a cell extraction or medical staff treating inmates are all related to the incident. Technical storage limitations prevent storage of all video from a facility. NDCS would recommend modifying this recommendation to require NDCS to retain all video requested by the OIG (within a reasonable time period after discovery of the incident – e.g., two weeks) that is related to a serious incident or an ongoing investigation by the OIG.
8. Accept – Policy does not allow for bedding or other supplies to be left on the gallery unattended. This is a management issue and will be addressed with restrictive housing staff.
9. Reject – There are numerous reporting mechanisms in place to update the Office of the Inspector General on recommendations made in this report. NDCS will continue to be responsive to requests from the OIG.

As required by Neb. Rev. Stat. 47-915, you have fifteen days to accept or reject the requested modification to recommendation number 7.

Lastly, I caution that Neb. Rev. Stat. 83-178 protects information in your report and provides and it cannot be released without a court order.

Sincerely,



Scott R. Frakes
Director

DOUG KOEBERNICK
Inspector General



STATE OF NEBRASKA
OFFICE OF INSPECTOR GENERAL OF CORRECTIONS
State Capitol, P.O. Box 94604
Lincoln, Nebraska 68509-4604
402-471-4215

September 1, 2017

Scott Frakes
Nebraska Department of Correctional Services
P.O. Box 94661
Lincoln, NE 68509-4661

Dear Director Frakes:

I have reviewed your letter dated August 31, 2017 regarding the fire in the special management unit at TSCI on May 25, 2017. In it you requested that I modify my seventh recommendation. Under state law I have 15 days to accept or reject the requested modification.

To review, my recommendation was the following: "Keep all video that relates to a serious incident for at least 90 days." The reasoning behind this recommendation was that when a serious incident takes place, there are a number of entities that may investigate such an incident, including the Inspector General, the Nebraska State Patrol, the Nebraska Department of Correctional Services, and possibly others. In the case of the fire at TSCI, the incident took place on May 25, 2017 and on June 7, 2017 I requested the video immediately outside E Gallery. This video was important due to the fact it would have shown the reaction to the incident by staff and any other activity that was taking place in that area. This video was directly related to the incident yet it was not kept by the Department even though it was requested within 13 days of the incident taking place.

After the multiple staff assault incident at the Lincoln Correctional Center, I expressed my concern to you about the lack of video kept in relation to that incident. As part of our communication on this issue you shared (and rightfully so) that the issue was technology and that facility only had 10 days of recording capability and after that the system videotaped over the oldest data. You also shared that modern systems have a larger storage capability and have at

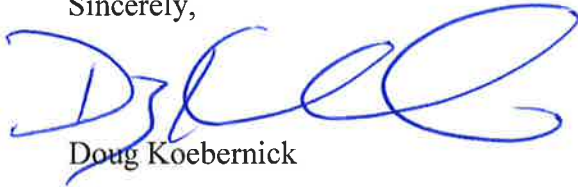
least 30 to 60 days of over-write loops. You then stated that you would get a cost estimate to increase storage capacity at that facility and at the Nebraska State Penitentiary and the Tecumseh State Correctional Institute if needed. You then concluded by stating, "In the short term we will download/store bigger blocks of video on either side of serious incidents."

With that said, I do understand the concerns you expressed regarding my recommendation and find them to be valid. However, I am going to reject your request for the modification that you suggested of my recommendation as I think that it is more important for my office and the Department to discuss this further and come up with a better plan that works for all entities involved in investigations of serious incidents within NDCS. As a result, I propose the following recommendation to take the place of my original language:

"NDCS, the Nebraska State Patrol, the Office of Inspector General for Corrections, and any other relevant parties should meet within 60 days to discuss the policy for maintaining video of serious incidents that take place at facilities operated by NDCS."

I would appreciate your feedback on this suggestion at the earliest opportunity.

Sincerely,



Doug Koebernick

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DEPT OF CORRECTIONAL SERVICES



Pete Ricketts, Governor

August 18, 2017

Mr. Doug Koebernick
Inspector General for Corrections
State Capitol, Room 800
P.O. Box 94604
Lincoln, NE 68509-4604

Dear Mr. Koebernick,

I have reviewed your report on the death of Terry Berry. Per statute, I am responding within the appropriate 15 days.

The death of Mr. Berry is tragic. The responsibility for his death lies with Mr. Schroeder, who has been charged with and admitted to the charge of first degree murder. Mr. Schroeder had multiple avenues with which to address any concerns about his living situation and he chose, instead, to kill Mr. Berry. Staff members conduct gallery checks at least twice per hour and at no time did Mr. Schroeder alert staff that Mr. Berry's life was in danger. He also did not submit an inmate interview request concerning his placement with Mr. Berry.

The placement of individuals in restrictive housing is based on the risk they present. At the time of this incident, neither inmate presented a risk that could not be managed in a protective management (PM) cell. Mr. Schroeder was on longer-term restrictive housing (LTRH) because he refused to leave restrictive housing to return to PM. Had he agreed to move to a PM cell, he would have been double bunked in a PM cell and would not have been on LTRH. Mr. Berry was in restrictive housing because he refused to remain in a PM cell, not because he presented a risk. If they had been in PM, they would have both been in double bunked cells.

I dispute the assumption that more staff would have changed the placement of these two individuals. Developing rapport does not take the place of policy and procedure and, in this case, there is no way to know what the outcome might have been.

You note serious allegations against my staff made by Mr. Schroeder "could not be confirmed," rather than stating the fact that no evidence exists to support the claims. I request you

Scott R. Frakes, Director

Dept of Correctional Services

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acknowledge evidence does not exist to substantiate Mr. Schroeder's claims against NDCS staff members rather than saying it could not be proven.


The section labeled "Expansion of Review" discusses double bunking in a restrictive housing setting. You reference a quote from NDCS wherein we state double bunking in restrictive housing is a more efficient use of space and it can lessen the feeling of isolation when another person is in the cell. I acknowledged no studies regarding double bunking and expressed that, based on my corrections knowledge and my 35 years of experience, double bunking in restrictive housing can be as safe as in general population. You go on to note that my statements were not based on actual studies or from those who reside in such situations and could be misinterpreted by the public as a statement of fact. Again, I will note that my years of experience not only having worked in restrictive housing, but also having led the charge in the state of Washington to reduce the use of restrictive housing provide me the expertise to make such a statement. I have found nothing to disprove my statement and, in fact, as you noted, the recommendations from the VERA Safe Alternatives to Segregation report does not indicate cells in restrictive housing should not be double bunked, but rather advises that double bunking should be done in accordance with written policy. I am not advocating for or against the use of double bunking in restrictive housing. In fact, my preference is to manage individuals in general population to the extent possible.

With regards to the specific recommendations made in your report, statute provides I may accept, reject or request, in writing, a modification. Please find below my response to each.

1. Reject – NDCS has reviewed the use of double bunking and will continue to use it according to current policy.
2. Reject – NDCS added daily checks with individuals who are double-bunked to provide the opportunity to report problems.
3. Accept – The efforts underway to reduce the use of restrictive housing and protective management are ongoing.
4. Accept – NDCS is currently developing a peer mentoring program.
5. Reject – Between this report and the internal review, this issue has been addressed. Whether the forms were completed correctly in the past will be of little assistance moving forward. The policy and forms have been reviewed and found to be appropriate.
6. Reject – There are numerous reporting mechanisms in place to update the Office of the Inspector General on recommendations 3 and 4. NDCS will continue to be responsive to requests from the OIG.

Finally, I caution that Neb. Rev. Stat. 83-178 protects much of the information in your report and my response and provides that it may not be made public without a court order. As such, I request that if the decision is made to make the report public, you redact such protected information and not include confidential information contained in my response.

Sincerely,


Scott R. Frakes
Director

NEBRASKA Good Life. Great Mission. <hr/> DEPT OF CORRECTIONAL SERVICES	ADMINISTRATIVE REGULATION		
	RESTRICTIVE HOUSING		
	REVISION DATE June 30, 2017	NUMBER 210.01	PAGE 4 of 27
STATEMENT OF AVAILABILITY *This Administrative Regulation is to be made available in law libraries or other inmate resource centers			

- B. Mission-Specific Housing shall be used to: (1) reduce the use of restrictive housing by providing a range of alternatives that address needs and reduce the behaviors that previously led to the use of restrictive housing, and (2) provide risk- and needs-responsive options for individuals transitioning from restrictive housing, thus reducing lengths of stay for inmates not ready to return successfully and safely to the general prison population.
1. Mission-Specific Housing focuses on individual needs and demographics to provide effective living conditions and programming for specific populations. Mission-specific housing includes residential treatment and responses to cognitive disabilities, as well as prosocial housing options for inmates with common interests and challenges.
 2. Mission-Specific Housing Units shall operate as general population units and shall, whenever possible, have out-of-cell programming and opportunities for individuals to interact with other inmates and staff during meals, recreation, dayroom, and work activities. Mission-specific housing may include, but shall not be limited to:
 - a. Protective Management Units to house inmates who cannot be safely housed in other general population units. Whenever possible protective management units are operated similarly to general population units in out-of-cell time, access to programming, work, and recreation, etc.
 - b. Residential Mental Health Unit to house inmates determined by the Mental Illness Review Team (MIRT) to be in need of residential mental health treatment due to a mental illness and/or developmental/intellectual disabilities and/or traumatic brain injuries that interfere with their safety and/or ability to function effectively in general population, who otherwise might be in restrictive housing for their protection or for risk-intervention.
 - c. Residential Sex Offender Treatment to house inmates in need of programming or treatment for sex abuse crimes as determined by the Clinical Sex Offender Review Team (CSORT).
 - d. Residential Substance Abuse Treatment to house inmates in need of programming or treatment for substance use disorders as determined by the Clinical Substance Abuse Review Team (CSART).
 - e. Veteran Housing for inmates who served in the U.S. Armed Forces and would benefit from being housed with other veterans in a supportive environment.
 - f. Active Senior Units house inmates primarily 50 and older whose behavior is stable and who may or may not have physical limitations to provide an effective living environment that addresses common interests and challenges.

DATE: June 9, 2017

TO: TSCI Warden Hansen, Associate Warden April Bulling-June and TSCI Administration

FROM: TSCI Inmate Population

RE: Proposal for Independent Inmate Liaison Committee for Reform program.

The Inmate Population submits this formal proposal for establishing an Independent Inmate Liaison Committee for Reform program. This Committee shall be elected by Inmates to represent the Inmate Population by informally and formally addressing concerns, suggestions and solutions. Relative to NDCS Regulations, Operations and Procedures.

In late 2015 and early 2016, TSCI started pilot Institution and Unit Inmate Council programs. To open up communication between Administration and Inmate Population. Inmates interested in being representatives could submit Inmate Interview Request Form (IIRF) to Administration and Unit Managers, explaining why they felt qualified to be a representative. Administration and Unit Management staff would choose from those applicants, the Institution and Unit Inmate representatives. The Institution and Unit Inmate representatives would meet once per month with Administration and Unit Management staff, to discuss any issues the Population may have. In order to improve the NDCS Community.

The Inmate Population feels that this current Inmate Council programs, does not address the greater concerns and suggestions from the Inmate Population.

The problem with these meetings are. There is only days notice of a meeting. The formality is much like a "Town Hall", which is informal. Suggestions and solutions to facility and department concerns are submitted but disregarded. Numerous questions are left unanswered. The Population has to wait for meeting minutes to be posted for responses, which come days prior to the next meeting. Due to the informal structure of these meetings, there are issues discussed, that are not disclosed in the minutes. Leaving the Population unaware of some issues discussed in these meetings. There was a few months where the meetings were canceled, due to incidents in those months. It was these months, where communications were vital in improving Inmate and Administration communication. As the serious issues that caused the instabilities in these incidents should have been addressed immediately. Starting in 2017, these meetings are now held once every 90 days. This does little to improve Inmate and Administration, Unit Management communications. As concerns, suggestions and solutions are presented daily.

The Inmate Population recognize that many of the concerns disclosed in the meetings, have now become Disciplinary Sanctions. Examples are Music, Television, Canteen, Phone, Visitation and Yard access. All of these concerns was discussed in Inmate Council meetings prior to becoming sanctions.

It has become a concern to the Inmate Population. That NDCS is only interested in listening to Inmates informal concerns in order to use this information to further their Disciplinary Sanctions and Security Measures, and not improving the welfare of the inmate community.

Inmates now regard the current Inmate Council program to be ineffective. Where no substantial changes are being made. Not all of the communication is being disclosed to the Inmate

Population and the Inmate Population does not support all of the Inmate representatives selected by Administration and Unit Managers.

The Inmate Population at TSCI recognize that there are many issues that need to be addressed for improvements. By allowing the Inmates to elect their own Committee of Representatives. To assemble at minimum, once per week in video recorded meetings. To discuss concerns and develop solutions for improving the NDCS Community.

By video recording and airing these meetings. We believe it shall enable all Parties to be informed on the issues being discussed and obligate all Parties to be accountable in their responsibilities for improving the NDCS Community. We believe this is vital in the establishment of a legitimized communication process between all Parties involved with reform.

The Inmate Population submits this proposal with a copy of the Constitution and By-Laws. That shall govern the Independent Inmate Liaison Committee for Reform program. The Inmate Population encourages and shall consider, all suggestions in improving the current Constitution and By-Laws. Offered by any NDCS Employee.

Please note that this is not a proposal for an addition to Club Activities. It is for establishing an Independent Inmate Liaison Committee for Reform program. That is independent from all NDCS programs.

The Inmate population sincerely thank TSCI Administration and NDCS Employees for their time and consideration in our proposal. We feel it is past time, for the Inmate Population to be more involved with positive efforts in improving the NDCS Community. Again, Thank You.

A complete digital copy of this proposal is available by email request at www.IILCR.proposals@gmail.com

Attachments:

- List of services and items required for operating (IILCR) program.
- (IILCR) Constitution and By-Laws.
- Signatures of Inmate Population, petitioned in support of this proposal.

TSCI Petitioner:



CC: FFI Lincoln
FFI Omaha

LIST OF SERVICES AND ITEMS

It is understood that the use of these Services and Technologies may be with the supervision and operation by NDCs employee and subjected to searches. Refer to (IILCR) Constitution Article XIII. Use of Services and Technologies, for more information.

SERVICES

(IILCR) Account Services:

Open Account similar to club account. Funds provided by Inmate Welfare Fund and Donations. To purchase the following items and any future purchases to operate the (IILCR) program.

(IILCR) Email Account Services:

Open Email account for communicating with all Parties involved with (IILCR) program. By sending, receiving emails and NDCS circulation emails.

(IILCR) Mail Box Services:

Open a Mail Box in the mailroom for communicating with all Parties involved with (IILCR) program. By sending, receiving US Mail and NDCS circulation mail.

ITEMS

- 1 - Video Camera with power cord.
- 1 - USB Extension cord to connect video camera to laptop or tablet.
- 1 - Tripod compatible with video camera.
- 9 - Audio Table Microphones and Extensions compatible with video camera and multiple audio adapter.
- 1 - Multiple Audio Adapter compatible with video camera. For connecting multiple microphones
- 1 - Storage Case for video equipment.
- 1 - DVD or other Digital Player Device compatible with video camera or USB Thumb drive with continuous play. To play recorded video minutes on institution channel.
- 1 - Laptop or Tablet with basic computer and video recording, playing programs.
- 1 - Set of Audio Speakers for laptop or tablet to playback meeting minutes loud enough for video camera to pick up.
- 1 - USB Thumb Drive to process information between (IILCR) laptop or tablet, video camera, DVD player and NDCS Network System.
- 7 - Copies of Robert's Rules of Order Newly Revised 11th edition.

IILCR
INDEPENDENT INMATE LIAISON COMMITTEE FOR REFORM
CONSTITUTION

Article I. Name:

The name of this program shall be known as Independent Inmate Liaison Committee for Reform. (IILCR)

Article II. Purpose:

- 2.1 To establish an Elected Independent Inmate Liaison Committee for NDCS Reform. Elected by the Inmate Population.
- 2.2 To establish effective communications between Inmates and NDCS Employees for accurate dissemination and exchange of information.
- 2.3 To facilitate consideration and analysis of concerns and suggestions from Inmates and NDCS Employees relative to NDCS Regulations, Operations and Procedures.
- 2.4 To discuss and advise NDCS Employees on matters concerning the general welfare of the Inmate Population, by way of informal and formal communications.

Article III. Objectives:

- 3.1 To improve the safety and security of Inmates and NDCS Employees. By recognizing problems and proposing solutions, that may improve the safety and security of Inmates, Employees and Facilities.
- 3.2 To amend communications between NDCS Employees and Inmates. By recognizing areas of miscommunication and establishing a consistent form of communication for all common interest information and services.
- 3.3 To advance prison reform that is beneficial to both Inmates and NDCS. By proposing changes for improving the negative behavior that causes instability within NDCS.
- 3.4 To promote rehabilitation for all interested in improving. By proposing beneficial programs for rehabilitating those who are interested in beneficial improvements and to improve reduction in recidivism.

- 3.5 To create a wholesome environment for both Inmates and NDCS Employees. By promoting and establishing policies that are conducive to a wholesome environment.

Article IV. Inmate Liaison Committee Representative Positions:

Gallery Representatives, Committee Coordinator, Assistant Coordinator, Legal Consultant, Secretary, Special Management (ISDP), (PC), (PM), (CM) and (RHU) Representatives, Sargent of Arms, Treasurer and any future additional positions as needed.

Article V. Inmate Liaison Subcommittee Representative Positions:

- 5.1 Special Management (ISDP), (PC), (PM), (CM) and (RHU) may form Subcommittees. With the approval of Administration.
- 5.2 Committee Coordinator, Assistant Coordinator, Legal Consultant, Secretary, Special Management (ISDP), (PC), (PM), (CM) and (RHU) Representatives, Subcommittee Gallery Representatives, Subcommittee Assistant Coordinator, Subcommittee Secretary, Subcommittee Sargent of Arms and any future additional Subcommittee positions as needed.

Article VI. Committee Representative Eligibility:

Inmates shall not be excluded from being elected because of Age, Race, Color, Creed, Sex, National or Ethnic Origins, Sexual Orientation, Disability, Criminal Offense and Disciplinary History. As long as the individual is able to represent his/her Gallery, the Committee and to further the goals of the NDCS Community.

Article VII. Inmates Eligible for Elected Positions:

- 7.1 Inmates in General Population shall be eligible to be elected to any Committee Representatives positions.
- 7.2 Inmates in Special Management (ISDP), (PC), (PM), (CM) and (RHU) may be elected to any Committee and (or) Subcommittee Representative positions with the approval of Administration.

Article VIII. Annual Elections of Committee Representatives:

- 8.1 Gallery Representative elections shall be held annually during the last week of December. Gallery Representatives shall be expected to serve a term of one year and one month for transition period. (January 1st - January 31st)

- 8.2 Official Representative elections shall be held during the last week of June. Official Representatives shall be expected to serve a term of one year and one month for transition period. (July 1st - July 31st).
- 8.3 All Committee Representatives may serve multiple terms.
- 8.4 Committee Representatives may be terminated by resignation, relocation, annual election or impeachment.
- 8.5 All emergency interim Committee Representative elections shall be held in the following month of vacancy.

Article IX. Electing Gallery Representatives:

- 9.1 Notice of Gallery Representative vacancy shall be posted at the beginning of week one of the month.
- 9.2 Nominations of Candidates shall be held during the second week of the month. Each Inmate wanting to be on the ballot shall submit (IIRF) to (IILCR) declaring his/her candidacy. The list of candidates shall be posted by the beginning of week three.
- 9.3 Nominated Candidates may campaign why they are the most competent Candidate to elect, during the third week of the month.
- 9.4 Elections of Gallery Representatives shall be held on each gallery eligible for elections or in areas authorized by Administration, during the last week of the month.
- 9.5 Each Inmate shall have one vote for their Candidate of choice by secret ballot.
- 9.6 The Candidate with the majority votes shall become that Galleries Representative.
- 9.7 In the case of a tie, the tied Candidates shall each have a few minutes to explain why they are the most competent to be the Gallery Representative. A new vote shall immediately be held for tied Candidates. Repeat process until a Gallery Representative is elected.
- 9.8 In the case of a deadlock. The Candidates shall meet with the Committee for a competency interview. A vote by the Committee shall be held to elect the deadlock Gallery Representative. The Committee's vote shall be final.

- 9.9 If no Gallery Representative is elected. That Gallery may not have a Gallery Representative until an annual election is held.

Article X. Electing Official Representatives:

- 10.1 Competency interviews for vacant Official positions shall be held up to the third week of the month.
- 10.2 Electing Official Representatives shall be held during the last week of the month.
- 10.3 Committee Representatives shall have one vote for each vacant Official position.
- 10.4 Electing Official Representatives shall be by a majority Committee vote.
- 10.5 Committee Representatives shall have first option to interview for vacant Official positions.
- 10.6 Committee Representatives may recruit inmates for competency interviews in vacant Official positions.

Article XI. Committee Meetings:

- 11.1 Newly Revised Robert's Rules of Order shall be used as reference in conducting Committee meetings.
- 11.2 The Committee shall meet every Tuesday at 12:30 pm up to 2:45 pm in the Education Department, or at a specific time and place as called by the Committee Coordinator, having prior approval of the Administration.
- 11.3 Special Management (ISDP), (PC), (PM), (CM) and (RHU) Subcommittee meetings may be established with approval of the Administration.
- 11.4 All meetings shall be video recorded and after review by NDCS employee, be immediately aired and repeated multiple times on the institution television channel, prior to the next meeting.
- 11.5 In the event the Committee Coordinator is absent, The Assistant Coordinator shall preside over the meeting.
- 11.6 Request to NDCS Employees for attendance shall be no less than 3 business days and no more than 90 calendar days. Request shall state the purpose for the NDCS Employees presence.

- 11.7 NDCS Employees may attend meetings without notice to (IILCR). Though a prior notice of agenda is appreciated.
- 11.8 The meetings shall include facilitating the considerations and analysis of concerns and suggestions from Inmates and NDCS Employees relative to NDCS Regulations, Operations and Procedures. To discuss and advise NDCS Employees the general welfare of the Inmate Population. By way of informal and formal communication.
- 11.9 All Committee Representatives and NDCS Employees are encouraged to bring to the meeting issues of concerns, suggestions, solutions, grievances, proposals, petitions, all relevant discussions and other appropriate actions necessary to improve the NDCS Community.
- 11.10 All Committee Representatives and NDCS Employees in attendance shall have the right to speak on all issues before a vote is made.
- 11.11 After a motion is made, seconded, and stated to the Committee by Committee Representative or NDCS Employee, discussions shall be held. After discussions the assembled Committee may vote. A majority of the Committee shall be in attendance for any vote to be valid.
- 11.12 The Committee Coordinator may limit the allowed time for discussion to stay within the time limits of the meeting.

Article XII. Informal and Formal communication:

- 12.1 All forms of appropriate communications shall be acceptable and shall strive to improve current and future communication process.
- 12.2 Informal communication may include but not limited to verbal, (IIRF), US mail, email and any other communication process.
- 12.3 Formal communication shall include but not limited to (IIRF), US mail, email, proposals, petitions, grievances and any other communication process.
- 12.4 Formal communications shall be submitted in writing and shall not be voted upon until following the presentation and discussion of the proposal.
- 12.5 After a vote of confidence. The proposal shall be circulated among the Inmate Population by Committee Representatives for a petition. The petition shall have a majority Inmate Population signature count prior to being submitted to NDCS Employee for consideration.

- 12.6 All informal communications may be documented and saved. All formal communication shall be documented and saved.
- 12.7 The (IILCR) Constitution does not amend but includes NDCS Title 68 NAC Chapter 2 Grievance Procedures. (003 - Grievance Principles. 003.01 Any Inmate in the custody of the department may file a grievance) and (012 - Petitions. Inmates may circulate Petitions for signatures.) Inmates may not need to consult or follow the (IILCR) Constitution for Grievance and Petitions.

Article XIII. Use of Services and Technology:

- 13.1 The use of services and technologies may be with supervision and the operation of specific services and technologies by NDCS Employee, and shall be subjected to search by competent NDCS Employee.
- 13.2 (IILCR) Account shall be funded by Inmate Welfare Fund and may receive Donations. This account shall be used for monetary transactions in the operations of (IILCR) program. These purchases shall include but not limited to laptop or tablet and accessories, video camera and accessories, USB Thumb Drive, photo copies of Administrative Regulations, Operational Memorandums, Directives, General Procedures, US mail postage, ballots, memos, notices and other transactions, with approval from Administration.
- 13.3 (IILCR) Email account for communicating with all Parties involved with (IILCR) program. By sending and receiving emails, NDCS circulation memos and notices. It is understood that this service shall require NDCS Employee to operate USB Thumb drive to process information between (IILCR) laptop or tablet and NDCS Network system.
- 13.4 (IILCR) Mail Box for communicating with all Parties involved with (IILCR) program. By sending, receiving US mail and NDCS circulation mail.
- 13.5 (IILCR) Email and Mail services shall follow NDCS Rules and Regulation Title 68 NAC Chapter 3 Mail Privileges. Until Rules and Regulations are amended for emails.
- 13.6 Video Camera equipment shall be used for (IILCR) program, to record all meetings as minutes and any other purpose as needed, with approval from Administration. All video recording of meeting minutes shall be saved on laptop or tablet and memory cards. Video memory cards shall be dated and stored with video equipment. All video camera equipment shall be operated and maintained by (IILCR) Representatives, with assistance from

NDCS Employee as needed. All Video recording of meetings may be reviewed by NDCS Employee prior to Inmate Population viewing.

- 13.7 Laptop or Tablet shall be used for (IILCR) program, to record, save and play video recording of meeting minutes, develop and save data, send and receive emails, memos, writing proposals, letters and ballots, accessing all Inmate Reviewable Administrative Regulations, Operational Memorandums, Rules and Regulations Title 68 NAC, General Procedures and any other purpose as needed. Laptop or tablet shall be operated and maintained by (IILCR) representative, with assistance from NDCS Employee as needed. Laptop or tablet shall be subject to searches by competent NDCS Employee. Laptop or tablet shall not have Internet services or NDCS Network access. The only exception shall be with competent NDCS Employee with prior approval from Administration.
- 13.8 Use of USB Thumb Drive shall only be operated by NDCS Employee. USB thumb drive shall be used in processing information with NDCS Network system such as updates to database, emails, print outs and any other purpose as needed. Inmates shall not possess USB thumb drives.
- 13.9 DVD or other digital playing device may be operated by (IILCR) Representative or NDCS Employee depending on location of the device. The DVD or other device shall be used for continuous play of recorded meeting minutes prior to next (IILCR) meeting.

Article XIV. Amendments:

- 14.1 Any questions not covered in the constitution and By-Laws may be brought before the Committee for disposition.
- 14.2 Proposed amendments shall be submitted in writing and shall not be voted upon until following the presentation of the proposed amendment(s).
- 14.3 Amendments to the Constitution and By-Laws shall be made by a majority Committee vote.

Article XV. Management Procedures:

- 15.1 With approval from administration. Committee Representatives shall be allowed to conduct Committee business in all areas of Inmate Population.
- 15.2 Committee Representatives may be escorted by NDCS Employee or may be issued Activity Pass authorizing movement within unassigned General Population living units and other authorized areas.

- 15.3** Committee Representatives shall be issued Activity Pass and escorted by NDCS Employee in all Restricted and Special Management (ISDP), (PC), (PM), (CM) and (RHU) areas.
- 15.4** (IILCR) shall have considerable freedom in choice of topics for discussion. (IILCR) shall not have Administrative responsibility in the execution of any proposed project. The details of a proposed project, following the approval by the Administration, may be carried out by an Inmate group, but Administrative responsibility for any suggested proposed project shall remain with NDCS Employees.

IILCR
INDEPENDENT INMATE LIAISON COMMITTEE FOR REFORM
BY-LAWS

Section I. Behavior Conduct of Committee Representatives:

It is understood that Committee Representatives will be conscientious and conduct themselves in an orderly manner at all times. They will be courteous and respectful to others. They will behave in accordance with the goals and purpose of the Independent Inmate Liaison Committee for Reform.

Section II. Rights and Privileges:

- 2.1 All Committee Representatives shall be entitled to be heard in all matters; to have a voice in all discussions; to have a vote in all elections and on all motions; to be nominated and elected to any of the Offices; and to enjoy all rights and privileges of the Constitution and By-Laws.
- 2.2 No Inmate shall be granted special privileges because of Committee Participation.

Section III. Committee Representative Termination:

- 3.1 Termination occurs by Resignation, Relocation, Annual Election and Impeachment.
- 3.2 Committee Representative may resign by submitting a letter of resignation. the letter shall be made a matter of record. All obligations to the Committee cease with a letter of resignation.
- 3.3 Relocation off the gallery he/she represents shall be cause for termination from Gallery Representative position.
- 3.4 Committee representative may be impeached for any of the following reasons:
 - a. Failure to carry out committee representative responsibility through attendance. Absent 3 consecutive weeks before the next monthly interim nomination schedule.
 - b. Failure to follow the Constitution or By-Laws of the committee.
 - c. Bring discredit to the committee that is detrimental to advancing the objectives of the committee.

- 3.5 Complaints about a Committee Representative shall be heard by the Committee. Committee Representative shall be present to hearing of all complaints against them.
- 3.6 For impeachment of Committee Representative. The violation shall be deemed substantial enough by the Committee to vote for impeachment.
- 3.7 A Committee Representative terminated may be re-elected by constituency in future annual elections.

Section IV. Duties of Committee Representatives:

- 4.1 Gallery Representatives shall reside in all Committee meetings. They shall be responsible for communicating all concerns, complaints, suggestions, and solutions from Inmates, to the Committee and communicate a plan of action back to their Gallery.
- 4.2 Committee Coordinator shall reside over all Committee and Subcommittee meetings. He/She can delegate this responsibility to the Assistant Coordinator or another Officer if he/she is unable to attend the meeting. He/She is responsible for coordinating and overseeing all elections, communications and public relations with NDCS Employees as well as external Parties.
- 4.3 Assistant Coordinator shall reside in all Committee and Subcommittee meetings. He/She shall be responsible for being knowledgeable of the Committee Coordinator's duties and functions in order to be able to step up to the position in the event the Committee Coordinator is unable to perform his/her duties or has been delegated the responsibility to him/her.
- 4.4 Legal Consultant shall reside in all Committee and Subcommittee meetings. He/She shall be knowledgeable in reviewable Administrative Regulations, Operational Memorandums and General Procedures. He/She shall advise the Committee on all legal issues.
- 4.5 Secretary shall reside in all Committee and Subcommittee meetings. He/She shall keep a record of all meeting minutes, matters, resources and communication correspondences relating to the Committee. He/She may be knowledgeable in writing proposals.
- 4.6 Special Management Representatives shall reside in all Committee and Subcommittee meetings they are elected to. They shall be elected to represent galleries of Special Management (ISDP), (PC), (PM), (CM) and (RHU). They may be subject to Administration approval. They shall be responsible in communicating all concerns, complaints, suggestions and

solutions from Inmates, to the Committee and communicate a plan of action back to the Galleries they represent.

- 4.7 Sargent of Arms shall reside over all Committee meetings. He/She shall be knowledgeable with Robert's Rules of Order. He/She shall be responsible for maintaining order in all Committee Meetings.
- 4.8 Treasurer shall reside in all Committee meetings. He/She shall be responsible for processing and documenting all Committee financial transactions.
- 4.9 Special Management Subcommittee Representatives (ISDP), (PC), (PM), (CM) and (RHU) shall adhere to the aforementioned duties.
- 4.10 All Committee and Subcommittee Representatives may be called to perform additional duties as assigned by the Committee.

Section V. Committee Representative Authorized Activity Pass:

- 5.1 Committee Representatives may be escorted by NDCS Employee or may be issues Activity Pass authorizing movement within unassigned General Population Living Units and other authorized areas.
- 5.2 Committee Representatives shall be issued Activity Pass and be escorted by NDCS Employee in all Restricted and Special Management (ISDP), (PC), (PM), (CM) and (RHU) areas.

Board of Parole
Division of Parole Supervision- Year in Review

August 1, 2017

July 1, 2017, marked the one year anniversary of the Division of Parole Supervision being placed under the Nebraska Board of Parole's authority as a result of the passage of LB 598 in 2015. Parole had historically been a program within the Nebraska Department of Correctional Services. This change is attributed to the work of many—the Council of State Governments, the Legislature, and Criminal Justice stakeholders across the state. LB 605 was also passed in 2015 which paved the way for major changes in Parole. Another bill, LB 1094, was passed in 2016 which clarified some of the language in LB 605, in particular the provisions relating to custodial sanctions.

Mission: “It is the mission of the Nebraska Board of Parole and the Division of Parole Supervision to continue its research, understanding and implementation of evidence-based approaches as it pertains to the release of clients who have appropriately been prepared for community supervision. The Board and the Division of Parole Supervision are dedicated to maintaining public safety, reducing recidivism and addressing the need of victims, while integrating clients into society through a balance of best practice supervision and treatment strategies.”

Vision Statement: “The Nebraska Board of Parole and Division of Parole Supervision are committed to serving and protecting the public. The Board will strive to make informed and appropriate parole decisions by giving due consideration to and utilizing the resources of the Division of Parole Supervision, including innovative case management, for the successful re-entry of clients back into the community to become productive and responsible citizens.”

Values Statements for the Board of Parole and Division of Parole Supervision

The values that we believe in as an agency are change, consistency, and dedication. As a group, we have identified that these values are defined and/or enacted by us in the following way:

1. We believe that change provides opportunities for growth for our clients as well as our agency and that we can serve as effective catalysts for that growth through the use of collaborative, intentional, and evidence-based practices which promote not only client success but also staff development and public safety.
2. We believe that consistency is critical for the accountability and success of our clients, staff, and agency. To achieve that consistency we must clearly communicate our expectations and utilize a systematic approach that provides individualized case management in decision-making, supervision practices, and agency operations.
3. We are dedicated to promoting behavior change with our clients to help them reintegrate successfully, to respecting our coworkers and supporting one another through teamwork, to the shared goals and mission of our agency, and foremost to ensuring the safety of the public and our communities.

Legislative Review

Justice Reinvestment and Relevance to Parole:

In May of 2015, with the passage of LB 605, a number of changes were pursued with respect to criminal justice efforts in Nebraska. This legislation, based on analysis by the Council of State Governments (CSG), called for the strengthening of parole supervision by the following means:

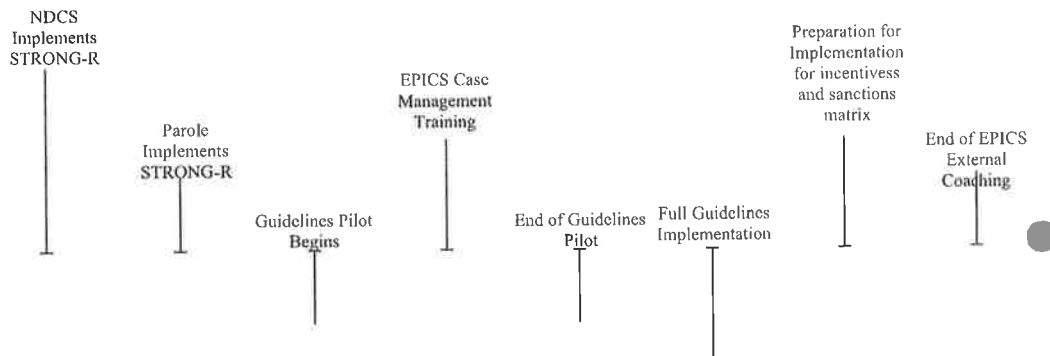
- Adoption of parole-board guidelines to place more people from all other felony classes (not Class III or IV felonies which are now subject to post-release supervision)
- Adoption of a validated risk and needs assessment tool to assess parolee's risk of reoffending and criminogenic needs

- Adoption of evidence-based practices in parole supervision to change criminal thinking and behavior
- Adoption of swift, consistent, and proportionate sanctions up to and including short periods of incarceration for parole violations

By April of 2016, LB 1094 was passed which clarified some of the language in LB 605 particularly as it pertained to the use of custodial sanctions. All of these recommendations for parole were based on CSG's assessment that "parole supervision lacks the resources necessary to handle a growing parole population, has not fully adopted evidence-based practices, and is not positioned to respond effectively to parole violations."¹

Update on JRI Progress for Parole:

With respect to the recommendations that were made, parole has made progress on each of the elements which was to be adopted under LB 605. The timeline of progress on the risk and needs assessment, EBP implementation, and the adoption of sanctions is captured below:



1. Parole Board Guidelines: the use of automated guidelines in the parole decision-making process began at 3 NDCS pilot institutions in October of 2016. The pilot process ended on January 31, 2017. Full implementation of the parole guidelines is planned for all NDCS facilities starting on April 1, 2017. Training of case managers to properly administer the parole board guidelines, with the assistance of the CSG Senior Adviser, will take place in February of 2017.
2. Risk and Needs Assessment: In August of 2016, the Office of Parole Administration implemented the use of the STRONG-R risk and needs assessment tool. Current protocol with this tool is that all new clients who are paroled after August 8, 2016 are assessed within 30 days if they are paroled for a term of longer than 30 days. Quality assurance processes that are currently ongoing with implementation of the STRONG-R assessments indicate that approximately 45% of the current parole population had been assessed by mid-February 2017. Implementation of the assessment tool with the full parole population was completed May 8, 2017.
3. Evidence-Based Practices: The general adoption of evidence-based practices by parole to "change criminal thinking or behavior" was a process that began prior to LB 605's passage and is presently ongoing. The Director of Supervision and Services, Julie Micek, and the parole training

¹ Nebraska Justice Reinvestment Phase II Implementation and Capacity Building Plan, September 2016, page 1.

team in the spring of 2016 contacted and finalized arrangements with the University of Cincinnati's Corrections Institute to deliver training in the Effective Practices in Community Supervision (EPICS) model, a case management approach that focuses on the use of cognitive-behavioral interventions and evidence-based practices with parole clients. Full EPICS training was provided to all parole officers and line staff in late January of 2017. Following this initial in-depth training, UCCI will continue to provide long-term coaching and implementation support until July of 2017. In tandem with EPICS, parole field staff utilize and are assessed on their incorporation of motivational interviewing (MI) with parole clients, another evidence-based practice which has proven effective in reducing recidivism.

4. Sanctions: With respect to the development of swift, certain, and proportionate sanctions, the Office of Parole Administration developed and finalized an incentives and sanctions matrix in the fall of 2016. A specific software package, the Carey Group 4:1 Behavioral Management System (BMS), was purchased to assist with the implementation and use of the incentives and sanctions matrix. In February of 2017, that 4:1 BMS software was configured for use by field staff; at present, the software is operational and staff was trained in June 2017. The Division began use of the new matrix July 1, 2017. Custodial sanctions are presently in use and eight jails, statewide, are in the process of being contracted to facilitate these sanctions. The Director of Supervision and Services continues to work with administrators at jail facilities to develop more contracts necessary to implement custodial sanctions statewide.
5. Another provision of the legislation was the development of a training program which includes preservice and in-service for Parole staff. In addition to training that was conducted earlier this year on the EPICS model for case management, ongoing training is being provided on EPICS case management. There has also been training for Parole staff on Evidence-Based Practices in Community Supervision and Motivational Interviewing.

Agency Successes

During the first year under the Board, significant strides in implementing provisions contained in the legislation, as well as changes required due to the transition to a new agency were implemented.

These include:

- Implementation of the Strong-R, a risk and needs assessment tool, for clients paroled by the Board which assesses risk of reoffending and criminogenic needs as well as a Quality Assurance process to ensure fidelity to the instrument;
- Completion of a full agency optimization study to determine positions/roles and duties for supervisors and administrative personnel;
- Completion of a full study of the agency leadership's team to assess skills, abilities, strengths and limitations;
- Development of a new website for the Board of Parole and the Division of Parole Supervision;
- Implementation of Pay port, a website feature which allows clients to pay programming fees online—the Division also assumed accountability regarding collection of fees;
- Development of new and existing policies into Protocols;
- Implementation of EPICS (Effective Practices in Community Supervision), a case management model that is based on effective intervention and use of core correctional practices;
- New Drug Testing Service/Process;
- Incentive/Sanctions Matrix and purchase of software to track
- Custodial sanction implementation

- Streamlined processes relating to placement investigations and travel permits and eliminated certain reports in which information was documented elsewhere;
- Purchased new safety equipment for all parole officers including tactical/bullet proof vests, duty belts, handcuffs, OC spray;
- Programmer for Parole Information Management System (PIMS) which has allowed the agency to make needed changes within the system and to focus on data driven case management;
- Reorganization of Parole to meet the needs of the new agency;
- Development of new job descriptions for supervisors and specialized officers;
- Monthly open Board Meetings;
- Completed the first financial audit by the State Auditor's Office;
- Participation in the Justice Reinvestment Committee to create a seamless criminal justice system;
- Development of Committees within the Agency to address vital functions (Behavioral Health Committee, Officer Safety Committee, Technology Committee);
- Participation in two federal grants to secure housing opportunities for clients on Parole;
- The Research and Training Division received the American Probation and Parole Association's President's Award in August 2017
- Secured an MOU with the Winnebago Tribe for Supervision services and responsibilities on tribal land;
- Town Hall meetings across the state to include meetings in May 2017 to address raises that were implemented July 2017;
- New Office Location for the Lincoln Regional Parole Office and Parole Administration staff in Heritage Square, 421 South 9th Street Ste. 220, Box 25, Lincoln, NE 68508;
- Expanded Office Space for the Hastings Regional Office;
- Contract developed and executed with DAS Shared Services in relationship to HR needs and services for the agency (payroll, onboarding, hiring, disciplinary action);
- Resource Center located at the Omaha Regional Office providing a one-stop shop for treatment and services;
- In the process of adding additional services and meeting with providers to develop a Resource Center for the Lincoln Area and expand programs statewide;
- The Research/Training Division of Parole received the American Probation and Parole Association (APPA) prestigious President's Award;
- Director Micek has been asked to present at APPA's national conference with CSG to discuss implementation of Justice Reinvestment in Nebraska in August 2017;
- The National Governors Association (NGA) selected the Board of Parole to participate in the Learning Collaborative on Paroling Authorities in Washington DC in September 2017;
- Parole staff successfully completed Certification Lean Six Sigma – White Belt, Governor Rickett's Training Initiative in which all State government employees were required to be White Belt certified by the first of the year. This training introduced State employees to this process improvement methodology. By the work that has been done and continues to be done, we are working toward a more effective, more efficient, more customer-focused way of doing business;

Challenges:

- Although custodial jail sanction are operational. The difficulty in contracting with jails across the state has proved to be a difficult task. There is no specific allocation for jail sanctions so the \$100,000 that has been allocated for these sanctions is coming out of the \$600,000 appropriation for programs and services for clients. The metropolitan area jails are at capacity and are not willing to contract with the Board of Parole. These include: Douglas, Lancaster and Sarpy Counties;

- The Division of Parole Supervision is tasked with the supervision of Lifetime Sex Offenders (LSO). Due to the constraints of the law, parole officers did not have the ability to enforce conditions or mandate an LSO to participate in services or even hold a job. Parole officers monitor the individual and if there is an issue with compliance the only recourse is to notify the County Attorney and ask them to determine if charges are appropriate;
- There have been continued challenges regarding the STRONG-R. The software and quality assurance surrounding the instrument have been a significant issue. A needs report is necessary to assist in the supervision of clients. Currently the assessment provides a score and only reports on the highest risk level. This creates a gap in the ability to address all the needs that a client has. Attempts have been made to obtain a needs report since October 2016;
- During the 2017 Legislative session the Board of Parole was unsuccessful in passing legislation that would have made changes that would have assisted the agency. It is the hope that the agency will put together new legislation for the upcoming session and gain support;
- Officers that were at or above the new minimum permanent hire rate when the new salaries went into effect July 1, 2017 did not receive a raise. The Board of Parole along with a group of Senators have advocated for this raise to occur, but as of now no progress has been made,

In the Next Year:

- The Division of Parole Supervision will begin to offer cognitive behavior groups for clients who demonstrate a need. Officers will be training in Thinking for a Change (T4C). Research is also being conducted on similar cognitive programs that prove to be promising;
- The Board of Parole continues to evaluate positions, job duties and classifications. The reorganization of the agency is an ongoing process and the agency is working collaboratively with DAS to determine what positions are needed and what positions need to be reclassified due to the shifting needs of the agency;
- A business manager position is being examined as a part of the in-depth review of positions;
- Video technology to reach rural communities to ensure clients, regardless of location, have the ability to received services;
- Addition of programs and services in both the Lincoln and Omaha Resource Centers;
- A review of risk and needs assessments that are utilized nationally to ensure the agency is utilizing the best instrument for community supervision;
- Integrating the work between Parole Supervision and Reentry within NDCS;

Nebraska Board of Parole Rules
Chapter 4: Parole Decisions

§ 4-403. Decision Guidelines.

- (A) Commencing April 1, 2017, the Board will use the Decision Guidelines Form (Appendix A) in connection with all Key reviews and parole hearings. The Decision Guidelines Form and process was developed by the Board members in consultation with the Council for State Government. The Decision Guidelines incorporate the following weighted factors: offense severity; risk needs assessment performed by the Department; participation in core risk-reducing programming offered by the Department; institutional behavior; and Board member discretion as allowed under Neb. Rev. Stat. § 83-1,114.
- (B) It is the Board's policy that if an offender refuses to participate in the Decision Guidelines process, he or she will not be considered for parole. The offender's refusal to participate in the Decision Guidelines process will be documented and kept in the offender's file.
- (C) An offender's Decision Guidelines score shall be strictly confidential unless disclosure of it is ordered by the court for good cause shown.

History: Adopted September 22, 2016
Amended March 7, 2017

Nebraska Parole Board Guidelines Decision-Making Form

Inmate Name: [redacted] Form Completed By: [redacted]
Inmate ID: [redacted] Date Completed: [redacted]
Institution: [redacted]
PED: [redacted] Type of Appearance: [redacted]
TRD: [redacted] TRD in 9 months

PART I: SCORED DECISIONAL FACTORS

Offense Severity
(if more than one offense, use the most violent)

1. Current Offense: [redacted] SECTION SCORE: 0

Risk/Needs Assessment

2. NDCS Risk Assessment Raw Score (STRONG-R): [redacted]
3. Sex Offender Risk Assessment (Static-99): [redacted] SECTION SCORE: 0

Program Participation
(if the program is not listed in the inmate's personalized plan, please select Not Applicable)

4. T4C/MRT: [redacted]
5. VRP: [redacted]
6. RTC/SAU: [redacted]
7. SO Treatment: [redacted] SECTION SCORE: 0

Institutional Behavior

8. Any Class I Misconduct Reports in the last 6 months: [redacted]
9. Any Class II B, H, or R Misconduct Reports in the last 6 months: [redacted]
10. Any Class II other than B, H, or R Misconduct Reports in the last 6 months: [redacted]
11. 5 or More Class III Misconduct Reports in the last 6 months: [redacted]
12. None of the above apply: [redacted] SECTION SCORE: 0

Cumulative Score: 0

Notes/Comments: [redacted]

PART II: UNSCORED DECISIONAL FACTORS

Additional Considerations

Special Needs:

Mental Health Diagnosis

Intellectual Impairment

Physical Impairment

Behavioral Management:

Restricted housing assignment history

Supervision History:

Parole revocations on this sentence

DCS Review Team Assessments and Recommendations

Clinical Violent Review Team (CVORT)

Clinical Sex Offender Review Team (CSORT)

Discharge Review Team (DRT)

Mental Illness Review Team (MIRT)

Reentry Planning Status

Reentry Planning:

Has Community Support:

Has Family Support:

Media Release:

Gov. Ricketts Recognizes Parole Team on Receiving National Award

LINCOLN – Today, Governor Pete Ricketts and the Nebraska Board of Parole applauded the Nebraska Board of Parole/Office of Parole Administration’s Research and Training Team for their work which earned them a national award. The American Probation and Parole Association (APPA) recently honored Nebraska’s parole team with the President’s Award, which is awarded annually to recognize excellence in the field of parole work.

“The Board of Parole is a critically important component of Nebraska’s criminal justice system that helps ensure the safety of our families and citizens,” said Governor Ricketts. “Nebraska’s parole team has made great strides over the past couple years, and it is gratifying to see their exceptional work receive national recognition. Thank you for your continued work to protect public safety.”

The award was presented to team members Dr. Jennifer Miller, Program and Fiscal Analyst, Denison Campbell, Training and Staff Development Supervisor, and Joel Denney, Adult Parole Training Specialist, during the APPA’s Plenary Session of the 42nd Annual Training Institute in New York, New York, on August 28, 2017.

Director Julie Micek, LIMHP, was pleased to accompany the team to receive the award. “Recognition such as this not only acknowledges the dedication of our staff, but also helps inspire new commitment in

our team to rededicate ourselves to our work and our mission of protecting public safety. It demonstrates that state government can lead the way in implementing initiatives that assist an agency to be more effective, more efficient, and more customer-focused in its approach.”

APPA singled out the Board of Parole accomplishments in these areas as the basis for the award:

- Improvement with how evidence-based practices can be implemented and sustained
- Assisting with the training of all Office of Parole Administration supervisors and parole officers on the matrix process used for sanctions and incentives utilized for violations
- Helping implement new training tools for all supervisors and parole officers

Rosalyn Cotton, Chair of the Nebraska Board of Parole, nominated the Team for the award in recognition of the Team’s excellent performance in implementing provisions of the justice reinvestment legislation which was signed into law in 2015. The nomination was supported by the Council of State Governments (CSG) Justice Center. The justice reinvestment initiative was realized through the efforts of the CSG Justice Center, Nebraska State Legislature, and Criminal Justice partners across the state.

As Chair Cotton stated in her letter of nomination, “This training team played an important role in providing the agency with impressive leadership skills. They have taken great pride while working with other agencies such as the Nebraska Department of Correctional

Services (NDCS), the Board of Parole, and Nebraska State Probation. The successful collaboration between these agencies ensures that new evidence-based practices will be more sustainable as they continue to grow and develop new goals for the agency's training department."

The justice reinvestment initiative included the provisions of evidence-based practices, a validated risk and needs assessment and ongoing staff training on the use of the assessment, relationship skills, cognitive behavioral interventions, criminal risk factors being targeted to reduce recidivism, and proper use of a matrix which incorporates sanctions and incentives into the violation process. At the same time that the Office of Parole Administration was implementing the provisions of the initiative, it was also actively engaged in transitioning from NDCS to the Nebraska Board of Parole due to the passage of legislation. APPA has recognized that the Team's approach to implementation can serve as a model for other agencies.

Director Julie Micek expressed how proud she is of the Team's accomplishment. "This is the first such award we've received. As we continue to move forward, our team will continue to work towards becoming a recognized leader in the criminal justice arena."

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NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES
PRESENTATION BEFORE THE
COMMITTEE ON PRISON OVERCROWDING (LR 222)
SEPTEMBER 22, 1989

SENATOR HANNIBAL, MEMBERS OF THE COMMITTEE ON PRISON OVERCROWDING, MY NAME IS FRANK GUNTER. I AM DIRECTOR OF THE NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES AND APPEAR BEFORE YOU TODAY TO ADDRESS THE FOUR ISSUES YOU HAVE RAISED, AND TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

I. PLEASE EXPLAIN THE PROBLEM OF PRISON OVERCROWDING AND HOW IT IMPACTS YOUR DEPARTMENT IN PARTICULAR.

A WIDELY ACCEPTED PRINCIPLE OF PRISON MANAGEMENT DICTATES THAT A PRISON CELL SHOULD NOT BE USED FOR MORE THAN ONE PRISONER. THE RATIONALE FOR THIS IS OBVIOUS --

PEOPLE WHO ARE IN PRISON HAVE DEMONSTRATED A DIFFICULTY IN OBEYING SOCIETAL LAWS, RULES AND REGULATIONS, AND IN MANY CASES THEY HAVE DEMONSTRATED A DIFFICULTY IN GETTING ALONG WITH OTHERS. A SIGNIFICANT NUMBER OF THESE PRISONERS EITHER ARE SERVING TIME FOR A CURRENT VIOLENT CRIME OR HAVE A HISTORY OF VIOLENT OFFENSES.

IF A PRISON WITH 100 CELLS MUST ACCOMMODATE 120 PRISONERS, THEN 40 OF ITS PRISONERS, OR ONE-THIRD, WILL BE HOUSED TWO TO A CELL. PRISON ADMINISTRATORS GENERALLY AGREE THAT WHEN THE PRISON POPULATION EXCEEDS CAPACITY, THEIR ABILITY TO MANAGE THE INMATE POPULATION BEGINS TO ERODE. AS THE NUMBERS OF PRISONERS INCREASE, THE FOLLOWING SCENARIOS DEVELOP:

1. THERE IS AN INCREASING LEVEL OF STRESS FOR BOTH INMATES AND STAFF. STAFF WORKLOAD/CASELOAD INCREASES IN ALL AREAS AND AT ALL LEVELS, BOTH ADULT AND JUVENILE. DECREASED LIVING SPACE, INCREASED WORKLOADS AND STRESS ERODE MORALE FOR BOTH PRISONERS AND STAFF. SICK LEAVE USAGE AND STAFF TURNOVER RATES INCREASE, AND INMATE DISCIPLINARY ACTIONS AND LITIGATION INCREASE.
2. STAFFING BECOMES INADEQUATE WHICH ULTIMATELY MEANS LESS CONTROL OF THE INMATE POPULATION. THIS LESSENING OF CONTROL INCREASES THE PROBABILITY OF INMATE PROBLEMS AND POTENTIAL VIOLENCE.
3. SERVICES AND PROGRAMS WITHIN THE PRISON BECOME OVER-EXTENDED AND THE PHYSICAL PLANT DETERIORATES AT A MORE RAPID RATE. EDUCATIONAL AND VOCATIONAL PROGRAMS, STAFFED AND DESIGNED AT A CERTAIN LEVEL, ARE NOW CROWDED OR NOT AVAILABLE. LAUNDRY FACILITIES NO LONGER CAN HANDLE THE INCREASED DEMAND. RECREATION PROGRAM

AVAILABILITY BECOMES INCREASINGLY LIMITED. MEDICAL AND MENTAL HEALTH SERVICES ARE SEVERELY STRAINED. FOOD SERVICE DETERIORATES AS SHORT STAFF, EQUIPMENT AND SPACE STRUGGLE TO MEET THE INCREASED NUMBER OF INMATES.

4. INMATE IDLENESS, ALWAYS A SOURCE OF SIGNIFICANT CONCERN, INCREASES AS THE PRISON SYSTEM LOSES THE ABILITY TO PROVIDE EVEN MAKE-WORK JOB ASSIGNMENTS.

5. PER DIEM COSTS, SET AT PRE-DETERMINED POPULATION LEVELS, DO NOT KEEP PACE WITH THE EXPANDING PRISON POPULATIONS, THEREBY FORCING THE DEPARTMENT INTO A DEFICIT SITUATION. MEDICAL COSTS, WHICH HAVE EXPERIENCED EXTRAORDINARILY HIGH INFLATIONARY INCREASES, AND ARE UNPREDICTABLE, AND ARE A SOURCE OF MAJOR CONCERN.

6. FINALLY, THE ISSUE OF OVERCROWDING IN THE SCENARIO JUST OUTLINED, RAISES QUESTIONS CONCERNING THE LEGAL OPERATION OF THE PRISON OR PRISON SYSTEM GIVEN THE DETERMINATION OF THE TOTALITY OF CONDITIONS OF CONFINEMENT. UNREASONABLE CROWDING IS ONE OF THE MOST FREQUENTLY USED BASES FOR DECLARING A PARTICULAR PRISON'S CONDITIONS IN VIOLATION OF THE EIGHTH AMENDMENT'S PROHIBITION AGAINST "CRUEL AND UNUSUAL PUNISHMENT." NATIONWIDE, 40 STATES HAVE EITHER AN INSTITUTION OR AN ENTIRE SYSTEM UNDER COURT ORDER OR CONSENT DECREE. COURT INTERVENTION, WHICH IN MANY INSTANCES INVOLVES A COURT MONITOR OR MASTER, IS UNIVERSALLY DESCRIBED AS "SOMETHING TO AVOID." COURT INTERVENTION RADICALLY DECREASES FLEXIBILITY IN MAKING DECISIONS ABOUT HOW "OVERCROWDING AND CONDITIONS OF CONFINEMENT" WILL BE HANDLED. SINCE THE 1970'S, ONLY FOUR STATES HAVE COMPLETED THE TERMS OF SUCH ORDERS OR DECREES AND BEEN RELEASED FROM THE JURISDICTION OF THE

COURTS. INMATES AND THEIR ADVOCATES CONTINUE TO SUE,
AND CONDITIONS THAT PROVOKE LAWSUITS APPEAR TO RESIST
REMEDY. LEGAL COSTS TO THE STATE DUE TO COURT
INTERVENTION COULD BE ASTRONOMICAL.

AS CORRECTIONAL POLICY MAKERS, YOU HAVE THE OPPORTUNITY TO
TAKE A PRO-ACTIVE APPROACH IN DEALING WITH THE INCREASING
PRISON POPULATION BEFORE IT GETS OUT OF CONTROL.

II. HOW DO THE VARIOUS SYSTEMS WITHIN THE CORRECTIONS
PROCESS INTER-RELATE? HOW CAN THAT BE IMPROVED?

NEBRASKA'S CRIMINAL JUSTICE SYSTEM IS OVERBURDENED.
CORRECTIONAL POPULATIONS HAVE REACHED RECORD NUMBERS. THE
PRISON OVERCROWDING PROBLEM FACING NEBRASKA REQUIRES THAT
THE DEMAND FOR CORRECTIONAL SERVICES AND SPACE BE LINKED
WITH CAPACITY AND RESOURCES.

THERE IS NO SINGLE SOLUTION TO CONTROL THE SIZE AND NATURE OF THE CORRECTIONAL POPULATION. IT IS NOT POSSIBLE TO SOLVE CROWDING BY TACKLING INDEPENDENTLY EITHER SIDE OF THE POPULATION-CAPACITY EQUATION. CORRECTIONAL POPULATIONS, INCLUDING PRISON AND JAIL INMATES AND PAROLEES AND PROBATIONERS, ARE NOT NATURALLY OCCURRING PHENOMENA. THEY ARE THE PRODUCT OF DUAL FORCES: THE NUMBER OF OFFENDERS COMING INTO THE SYSTEM, AND THE LENGTH OF TIME THEY REMAIN. THESE FORCES ARE THEMSELVES THE RESULTS OF COMPLEX INTERACTIONS AMONG LOCAL, STATE, AND SOMETIMES FEDERAL DECISIONS.

THIS CONNECTION BETWEEN CORRECTIONAL POPULATIONS AND CRIMINAL JUSTICE POLICY MUST NOT BE OVERLOOKED. SUCCESS IN DEALING WITH OVERCROWDING CAN BE DEFINED AS THE ABILITY OF THE STATE TO WED DEMAND TO RESOURCES. BALANCE REQUIRES THAT ACTIONS AFFECTING CORRECTIONAL POPULATIONS ARE ACCOMPANIED BY CORRESPONDING AND CONCURRENT PROVISIONS FOR

CAPACITY, FOR INSTANCE, IN 1985, DRUG RELATED OFFENSES ACCOUNTED FOR 6.5 PERCENT OF NEBRASKA MALE ADMISSIONS. DRUGS RANKED 7TH IN THE DEPARTMENT'S MOST SERIOUS OFFENSE CATEGORY. IN 1986, THE FEDERAL ANTI-DRUG ABUSE ACT WAS ENACTED WITH STATES RECEIVING SIGNIFICANT FEDERAL ASSISTANCE, ESPECIALLY IN LAW ENFORCEMENT. PUBLIC CONCERN OVER DRUGS INCREASED. BY 1988, DRUGS RANKED THIRD, ACCOUNTING FOR 13.9 PERCENT OF ALL MALE ADMISSIONS. IN 1988 AND 1989, FEDERAL MONIES AND PUBLIC OUTRAGE CONTINUED, AND BY THE END OF FISCAL YEAR 1989, DRUGS REPLACED BURGLARY AND THEFT AS THE STATE'S NUMBER ONE OFFENSE, ACCOUNTING FOR 20.4 PERCENT OF ALL MALE ADMISSIONS. FOR THE FIRST TWO MONTHS OF FY 1990, DRUGS ACCOUNT FOR A STAGGERING 34.5 PERCENT OF ALL MALE ADMISSIONS. DURING THIS SAME TIME PERIOD, FROM FY 85 TO FY 89, THE MINIMUM-MAXIMUM SENTENCE FOR DRUGS GREW FROM 12 MONTHS MINIMUM AND 27 MONTHS MAXIMUM IN FY 85, TO 20 MONTHS MINIMUM AND 47 MONTHS MAXIMUM IN FY 89.

OBVIOUSLY, THIS AMAZING INCREASE IN THE NUMBER OF MALES COMING IN TO PRISON, COUPLED WITH LONGER SENTENCES, WILL SIGNIFICANTLY IMPACT THE OVERCROWDING PROBLEM FOR SEVERAL YEARS. WHAT IS EVEN MORE SIGNIFICANT IS THE FACT THAT THE BUSH ADMINISTRATION'S "WAR ON DRUGS," IS JUST BEGINNING. COUPLE THIS WITH NEW LEGISLATION LIKE LB 592, WHICH BECAME LAW ON AUGUST 25, 1989, CREATING TWO NEW FELONY CLASSIFICATIONS WITH THREE TO FIVE YEAR MINIMUM MANDATORY SENTENCES, AND NO PAROLE FOR COCAINE MANUFACTURE/DISTRIBUTION, AND YOU CAN SEE THAT CHANGES TAKING PLACE WILL DRASTICALLY IMPACT THE POPULATION-CAPACITY EQUATION. THE LINK BETWEEN CRIMINAL JUSTICE POLICY, WHICH FUELS THE DEMAND FOR CORRECTIONAL SERVICES AND SPACE, AND THE NEED FOR CAPACITY AND RESOURCES, CANNOT BE OVERLOOKED.

TO IMPROVE THIS SYSTEM, I SUGGEST THE FOLLOWING:

1. THE OVERCROWDING PROBLEM CANNOT BE SOLVED WITH UNCOORDINATED, ISOLATED EFFORTS, REGARDLESS OF THE RESOURCES. A FUNCTIONAL LINK BETWEEN POPULATION AND CAPACITY MUST BE ESTABLISHED. TO IMPROVE THE SYSTEM, ANY ACTION THAT AFFECTS THE INMATE POPULATION MUST TAKE INTO ACCOUNT THE CAPACITY OF THE SYSTEM. I SUGGEST THAT YOU LINK POLICY, SENTENCING PRACTICES AND SANCTIONS WITH CAPACITY, AS ALL OF THESE ELEMENTS ARE PART OF THE EQUATION. IMPACT ANALYSIS WITH COMPANION APPROPRIATIONS MEASURES MUST BE PART OF ALL CRIMINAL JUSTICE LEGISLATION.

2. TO AID IN LINKING THE SYSTEM TOGETHER AND IN PROVIDING FLEXIBILITY AND DISCRETION WITHIN THE SYSTEM, I SUGGEST THAT THE STATE CONSIDER MANDATORY SENTENCING GUIDELINES TO PROVIDE MORE EQUITY IN SENTENCING, AND A SENTENCING COMMISSION WITH WIDE DISCRETIONARY POWERS (E.G., MINNESOTA, OREGON, WASHINGTON, AND TENNESSEE).

JUDICIAL DISCRETION IN SENTENCING LIMITS THE AMOUNT OF CONTROL THAT THE STATE HAS OVER THE NUMBER OF PERSONS THAT WILL BE SENTENCED TO PRISON, THE LENGTH OF TIME THAT THEY WILL SERVE, AND THEREFORE THE AMOUNT OF RESOURCES THAT WILL BE REQUIRED FOR THEIR IMPRISONMENT.

3. CONSIDERATION SHOULD BE GIVEN TO MODIFYING THE PAROLE AND PROBATION PROCESS BY REDUCING OFFENDER PAROLE ELIGIBILITY AND ADDING PROBATION ALTERNATIVES. COUPLED WITH A SENTENCING COMMISSION, THIS COMBINATION WOULD PROVIDE GREATER FLEXIBILITY, IMPROVE THE QUALITY OF CONTROL ACROSS NEBRASKA, AND INSURE GREATER EFFECTIVENESS AND EFFICIENCY.

4. CONSIDERATION SHOULD BE GIVEN TO THE CONTINUED IMPLEMENTATION OF PROGRAMS VIA THE 1987 FAMILY POLICY ACT.

III. WHAT INNOVATIONS WOULD YOUR DEPARTMENT IMPLEMENT
IF CURRENT STATUTORY AND BUDGETARY CONSTRAINTS WERE
LIFTED?

THERE ARE THREE BROAD FORMS OF INTERVENTION THAT NEBRASKA CAN UTILIZE IN ADDRESSING ITS OVERCROWDING PROBLEM. THESE INCLUDE "FRONT-END" INTERVENTIONS, "BACK-END" INTERVENTIONS, AND CAPACITY EXPANSION.

FRONT-END INTERVENTIONS ARE STRATEGIES THAT REDUCE THE NUMBER OF OFFENDERS ADMITTED TO PRISON, AND REDUCE THE LENGTH OF THEIR SENTENCES. PROGRAMS AND POLICIES AIMED AT AVOIDING PRISON TERMS TO REDUCE NUMBERS OF INCOMING PRISONERS INCLUDE:

-- A JUDICIARY WITH SIGNIFICANT FLEXIBILITY IN DEALING WITH OFFENDERS. THE ADDITIONAL SENTENCING LATITUDE WOULD INCLUDE:

- o EXPANDED PRE-TRIAL DIVERSION PROGRAMS
- o UTILIZATION OF STAYS OF IMPOSITION AND STAYS
OF EXECUTION BY THE COURTS
- o SENTENCING GUIDELINES
- o INTENSIVE SUPERVISION PROBATION FOR ADULTS
AND JUVENILES
- o DETENTION AND DIVERSION CENTERS FOR ADULTS
AND JUVENILES
- o REGULAR PROBATION AND/OR COMMUNITY SERVICE
- o HOUSE ARREST, ELECTRONIC MONITORING,
RESTITUTION, AND FINES
- o VICTIM/OFFENDER RECONCILIATION FOR ADULTS
AND JUVENILES
- o USE OF COMMUNITY CORRECTIONS ACTS
- o CLIENT-SPECIFIC PLANNING IN WHICH THE
PENALTIES ARE TAILORED TO THE OFFENDER
BASED ON RESEARCH CONDUCTED BY THE
DEFENSE COUNSEL AND PROBATION STAFF

- o PAROLE REVOCATION ALTERNATIVES IN WHICH
SANCTIONS OTHER THAN RETURN TO PRISON
ARE IMPOSED FOR TECHNICAL VIOLATIONS OF
PAROLE, I.E., ELECTRONIC MONITORING,
DETENTION AND DIVERSION CENTERS,
INTENSIVE PROBATION.

FOR JUVENILES:

-- CONTINUED IMPLEMENTATION OF ACTIONS OF STATE GOVERNMENT
IN DEALING WITH PROBLEMS AND CRISES INVOLVING CHILDREN
AND THE FAMILY, AS ENACTED IN STATE STATUTE 43-532, THE
FAMILY POLICY ACT.

EXCEPT FOR PAROLE REVOCATION ALTERNATIVE RESOURCES,
THESE FRONT-END INTERVENTIONS ARE NOT WITHIN THE
DEPARTMENT'S DOMAIN, BUT NEVERTHELESS CAN PROVIDE
SIGNIFICANT, INNOVATIVE SOLUTIONS TO THE POPULATION-
CAPACITY PROBLEM.

THE SECOND BROAD FORM OF INTERVENTION IS CAPACITY EXPANSION. NEBRASKA'S INCARCERATED ADULT POPULATION IS CURRENTLY 138 PERCENT OF CAPACITY. EXPANDING PRISON CAPACITY BY INCREASING THE NUMBER OF PRISON CELLS IS AN ABSOLUTELY NECESSARY COMPONENT IN SOLVING THE OVERCROWDING PROBLEM. GIVEN THE PROJECTIONS THAT WILL BE DISCUSSED AS PART OF ISSUE 4, THE DEPARTMENT MUST HAVE ADDITIONAL CAPACITY AND ADDITIONAL DISCRETION TO ADEQUATELY AND EFFECTIVELY MANAGE THE INCREASING INMATE POPULATION.

CONSIDERATION OF EXPANDED CAPACITY SHOULD INCLUDE THE NEED FOR A YOUNG OFFENDER FACILITY, A GERIATRIC FACILITY, USE OF SHOCK INCARCERATION, WORK CAMPS, AND THE USE OF CONTRACT/PRIVATE FACILITIES.

THE THIRD AND FINAL FORM OF INTERVENTION IS LABELED BACK-END INTERVENTION. THIS INCLUDES PRISON POPULATION CONTROL STRATEGIES DESIGNED TO REGULATE THE TIME SERVED BY INMATES AND SPEED UP THEIR RELEASE FROM PRISON.

BACK-END INTERVENTION STRATEGIES COULD INCLUDE:

- A REVIEW AND REVISION OF THE STATE'S GOOD TIME LAWS AND POLICY
- A REVIEW OF THE INTERNAL INMATE CLASSIFICATION PROCESS
- MODIFYING THE PAROLING PROCESS AND RELEASE PRACTICES TO IMPROVED PAROLE RELEASE MEASURES
- INCREASING FLEXIBILITY WITH REGARD TO PAROLE REVOCATIONS
- INCREASE THE LEVEL AND QUALITY OF PRE-SERVICE TRAINING FOR STAFF
- IMPLEMENTATION OF A JUVENILE COMMUNITY PLACEMENT PLAN, INCLUDING THE ESTABLISHMENT OF COMMUNITY PLACEMENT SPECIALISTS
- INTENSIVE DRUG TREATMENT/SUBSTANCE ABUSE PROGRAM WHICH WOULD INCLUDE IDENTIFICATION AND CLASSIFICATION OF THE LEVEL OF ABUSE

- EXPANDING INTENSIVE SUPERVISION PAROLE
- EXPANDING PRE-RELEASE AND WORK/EDUCATIONAL
RELEASE COMMUNITY PROGRAMS
- INCREASING THE USE OF WORK DETAILS
- CREATING MORE OPTIONS FOR COMMUNITY SUPERVISION
AT LOWER LEVELS OF SECURITY
- INTENSIFYING PRE-PAROLE AND PRE-RELEASE
TRAINING
- FUNDING TO PROVIDE FOR THE HOUSING OF INMATES IN
OUTSIDE FACILITIES (E.G. JAILS)
- FUNDING TO PAY FOR THE PRE-RELEASE OF INMATES TO
HALFWAY HOUSES
- THE CONTINUING USE OF FORCED EARLY RELEASE OR
EMERGENCY RELEASE MECHANISM

IV. WHAT PROJECTIONS CAN YOU MAKE IF THE LEGISLATURE
DOES NOTHING FOR A PERIOD OF FIVE YEARS? FOR TEN
YEARS?

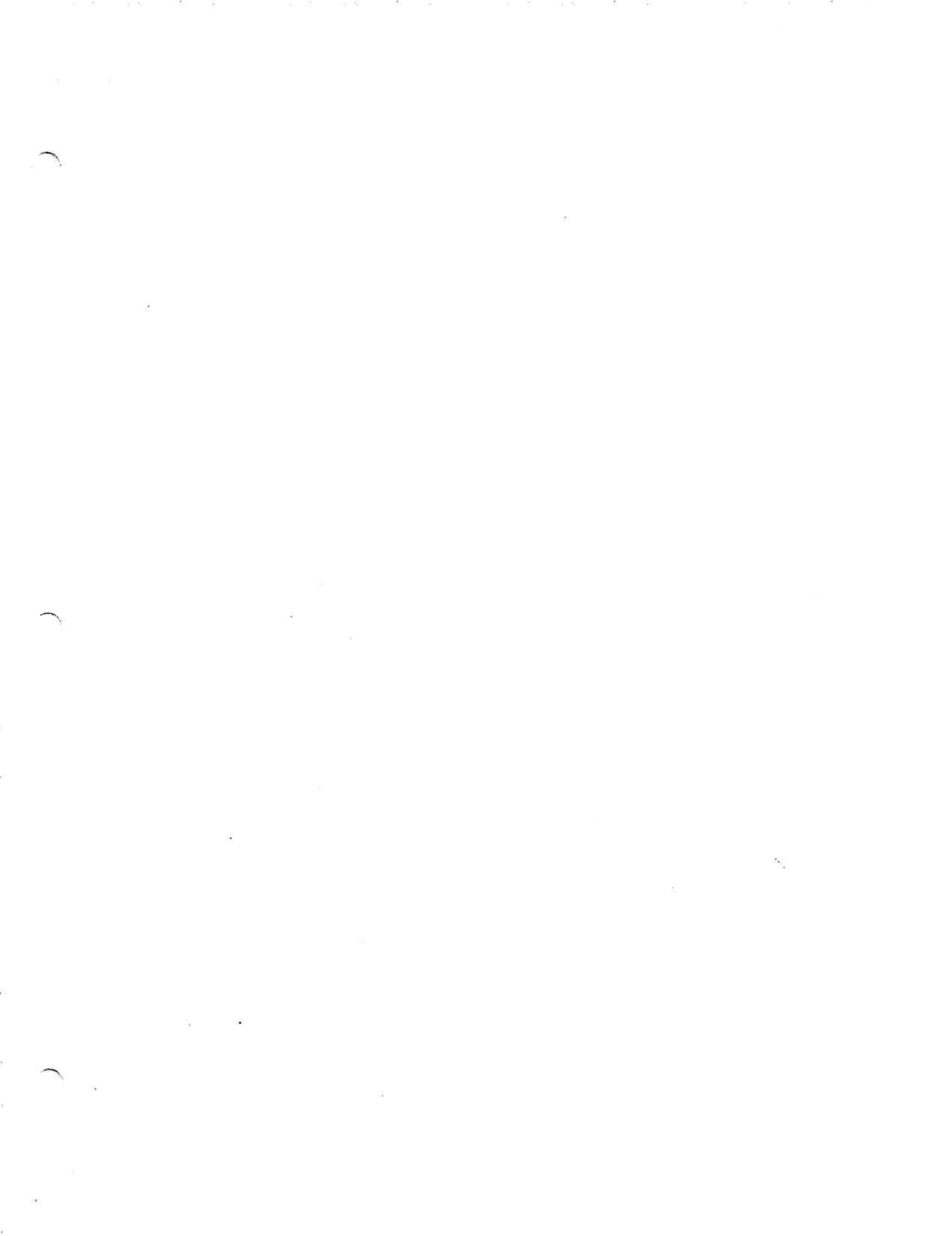
LAST SPRING A LEGISLATIVE RESEARCH DIVISION PUBLICATION, PREPARED BY RON BOWMASTER, DEPUTY DIRECTOR AND TITLED, "NEBRASKA'S PRISON CAPACITY CRISES" NOTED THAT "UNLESS THE LEGISLATURE REACTS TO THE PROBLEM OF PRISON OVERCROWDING, THERE CAN BE NO DOUBT THAT THE CAPACITY OF THE STATE PRISON SYSTEM WILL REACH THE POINT WHERE IT WILL OPERATE IN AN UNSAFE MANNER. THE STATE'S PRESENT DESIGN CAPACITY FOR ADULT INMATES TOTALS 1,666. CURRENTLY, THE STATE HAS A TOTAL OF 2,292 ADULT INMATES INCARCERATED, 138 PERCENT OF CAPACITY. POPULATION PROJECTIONS FOR THE NEXT FIVE YEARS INDICATE THAT BY THE END OF FISCAL YEAR 1994, THE TOTAL NUMBER OF ADULTS INCARCERATED IS EXPECTED TO REACH 3,762 OR 219 PERCENT OF CAPACITY (ATTACHMENT "A").

AS INDICATED BY ATTACHMENT "B," PRISON POPULATIONS ARE PROJECTED TO INCREASE 216 PERCENT OVER 1979 FIGURES, WHILE DESIGN CAPACITY WILL HAVE INCREASED ONLY 34 PERCENT. JUVENILE POPULATION IS PROJECTED TO EXCEED DESIGN CAPACITY IN 1994 BY 156 PERCENT (SEE ATTACHMENT "C").

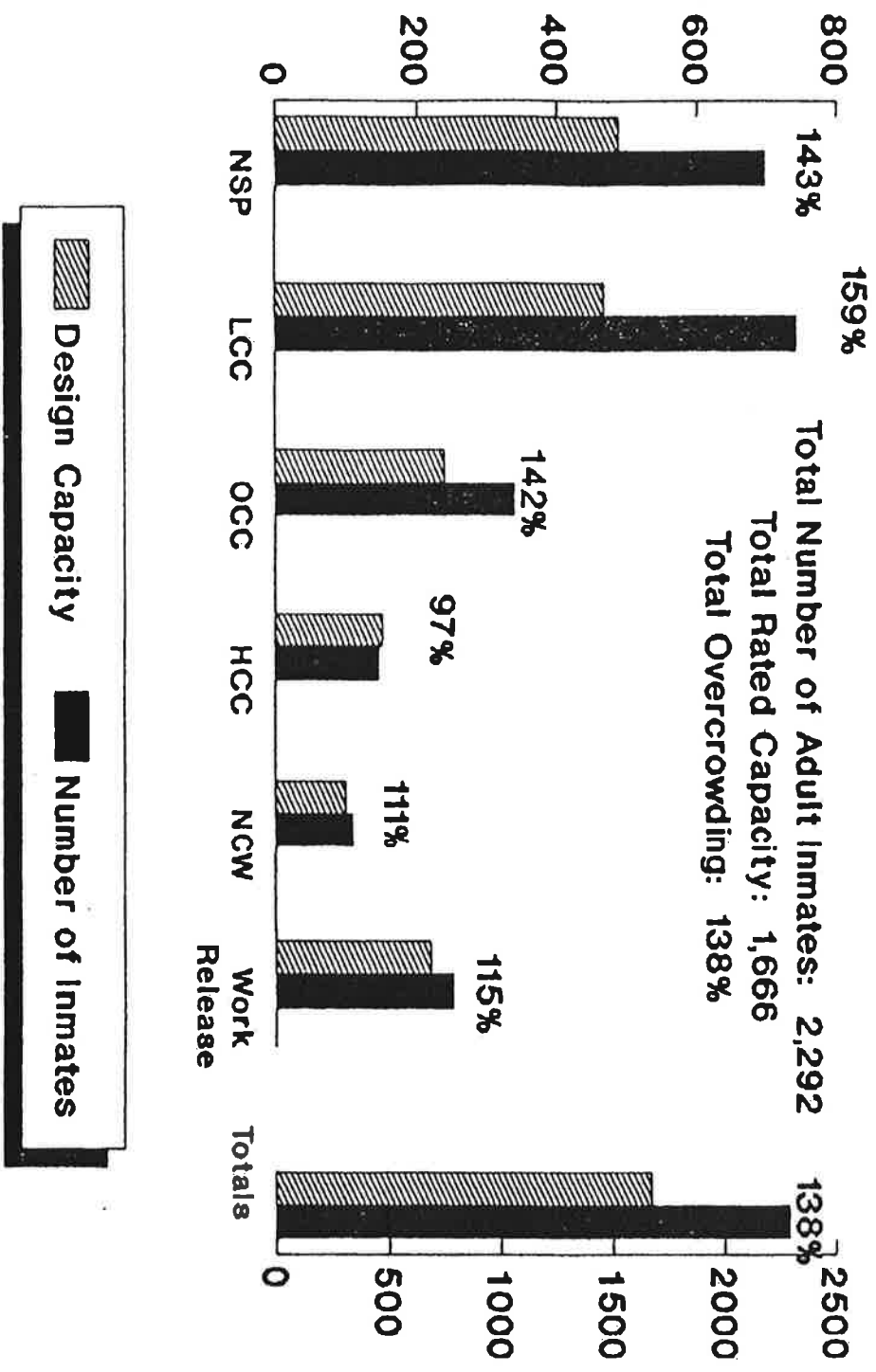
THESE ESTIMATES ARE BASED ON DATA FROM A SOFTWARE PACKAGE CALLED "IMPACT," DISTRIBUTED BY THE CENTER FOR DECISION SUPPORT, LOCATED IN WASHINGTON, D.C. PROJECTIONS WERE MADE FOR EACH FISCAL YEAR THROUGH 1994. IMPACT PRODUCES A LOW, MEDIUM, AND HIGH PREDICTIVE SERIES. FOR PURPOSES OF THIS PRESENTATION, I HAVE CHOSEN THE MEDIUM SERIES PROJECTIONS FOR BOTH ADULT AND JUVENILES (SEE ATTACHMENT "D").

SHOULD THE LEGISLATURE DO NOTHING FOR FIVE YEARS, THE PROBLEMS CAUSED BY AN INMATE POPULATION AT 219 PERCENT OF CAPACITY WILL NOT ONLY FORCE THE OPERATION OF THE STATE'S PRISONS IN AN UNSAFE MANNER, BUT IT WILL INSURE INTERVENTION BY THE COURTS. PROJECTIONS FOR TEN YEARS COULD ONLY ECHO THIS FORECAST.

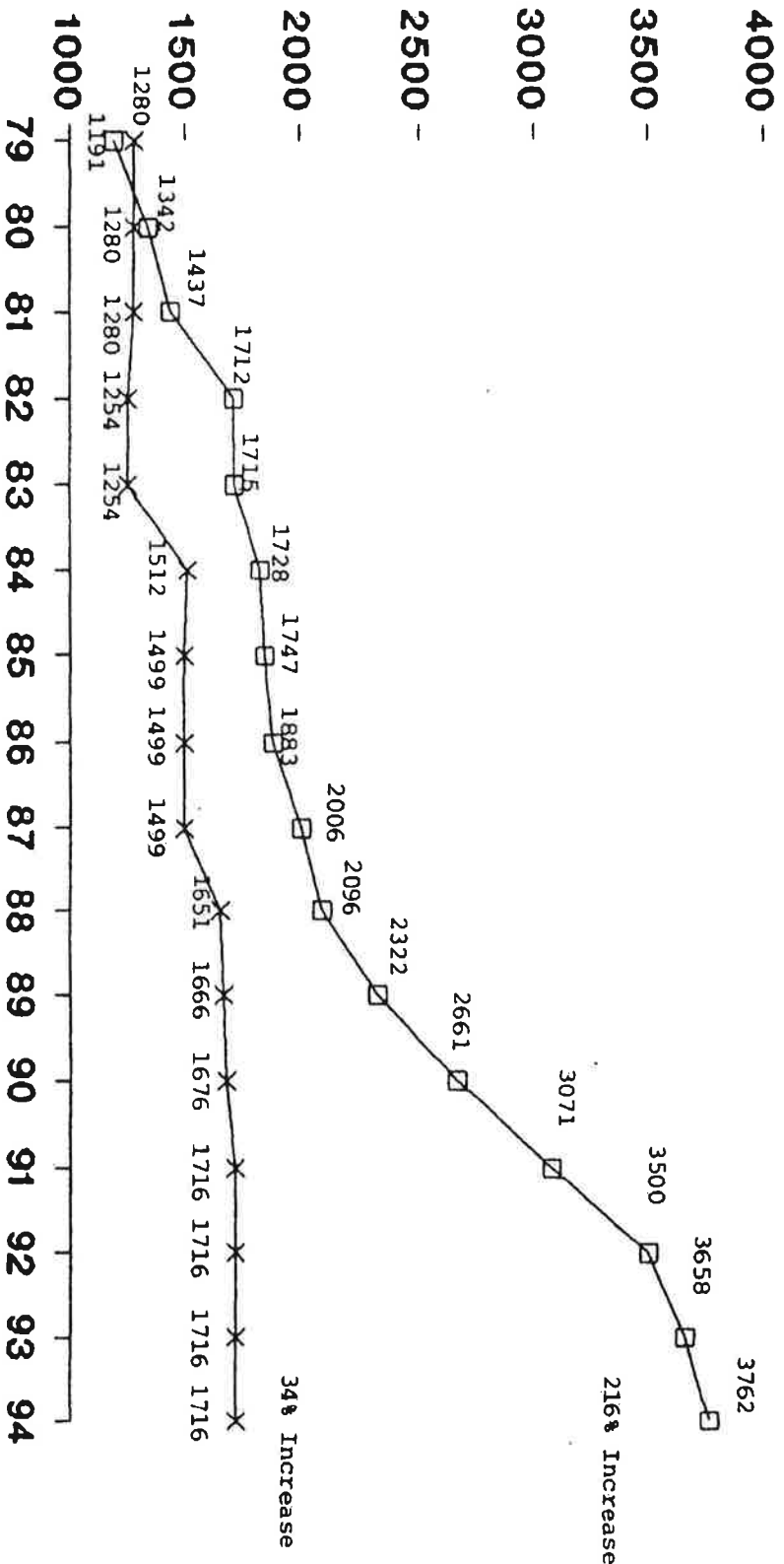
ATTACHED ARE DESCRIPTIONS OF ALTERNATIVE PROGRAMS AND THEIR DEFINITIONS (ATTACHMENT "E") AND A LIST OF RESOURCE MATERIALS (ATTACHMENT "F") THAT CAN BE MADE AVAILABLE TO MEMBERS OF THE COMMITTEE UPON REQUEST.



Nebr Correctional Services Inmate Population Vs Design Capacity as of September 18, 1989



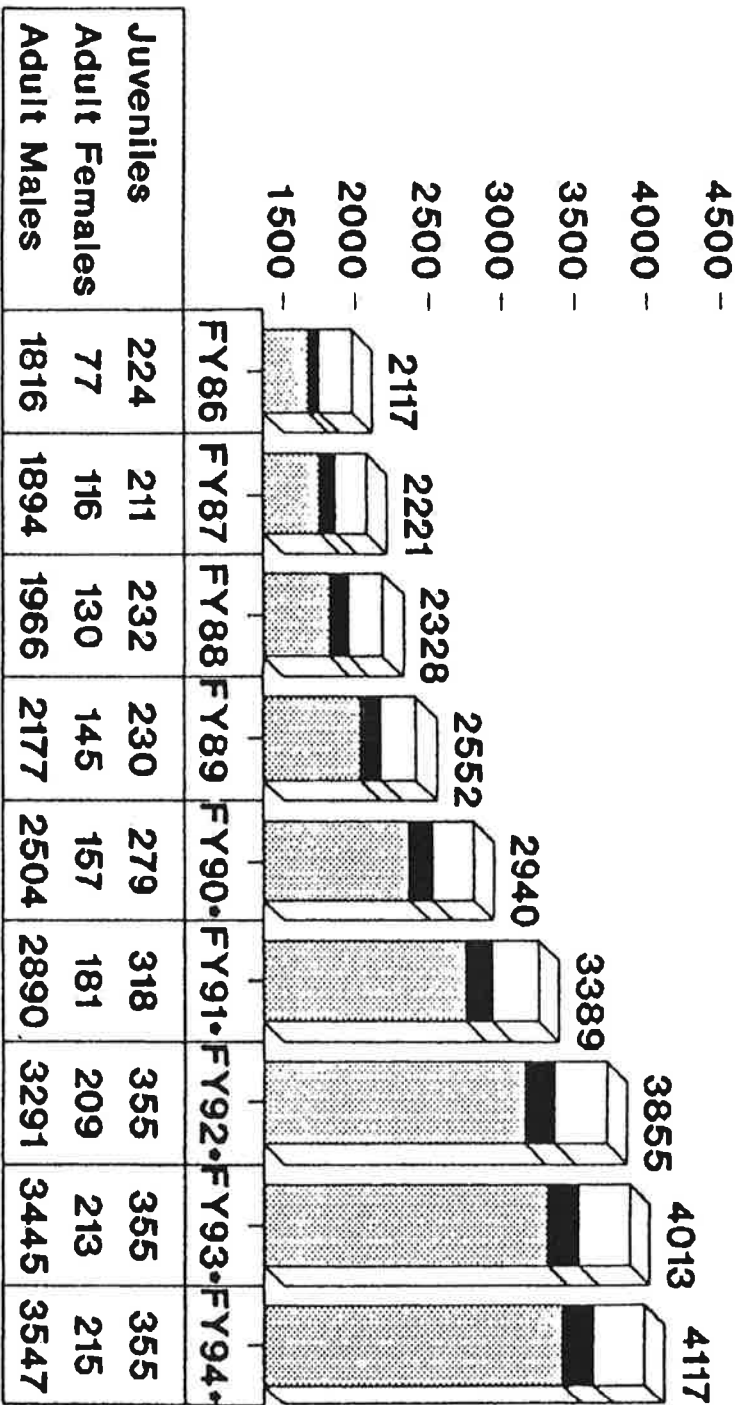
Nebr Correctional Services Adult Incarcerations Vs Design Capacity at Fiscal Year End



•Medium Series Projections

□ Population × Design Capacity

Nebr Correctional Services Adult/Juvenile Incarcerated Population End of Fiscal Year Actual & Estimated



Adult Males
 Adult Females
 Juveniles

•Medium Series Projection

POPULATION PROJECTIONS FROM 1989 THROUGH 1994

The population projection described herein is based on IMPACT software quick project methods. This particular algorithm requires the entry of the current population, the current length of stay, current yearly admissions, estimated future length of stay, and estimated future admissions in order to produce the estimated future population and future releases. The algorithm used assumes that length of stay in prison is exponential rather than linear. Thus, future populations follow a curvilinear pattern rather than a straight line. Because of the curvilinearity built into the model, the projection will level off at five points into the future. For this reason, estimates for the last two years of the projection period may be low. As with any projection, if actual values vary from estimated values, the result is invalid.

IMPORTANT CHARACTERISTICS OF THE PROJECTION MODEL

- Information on adults is taken from Corrections Tracking System data. The adult parole population includes parolees in Nebraska, parolees from Nebraska who are serving parole in other states, and parolees who were incarcerated in other states but are serving parole in Nebraska.
- Information for juvenile offenders and juvenile parolees was received from each appropriate facility as no computerized data exists.
- Current length of stay and future estimated length of stay are based on FY89 length of stay. The accuracy of the projection depends on length of stay remaining constant over the projection period.
- Because of the uncertainty involving future admissions, three different admission scenarios are provided; low, medium, and high. Future admissions are assumed to remain at their FY89 level throughout the projection period for the low series estimates. For the medium series, FY90 through FY92 admissions are estimated to increase at the same rate as they did from FY87 to FY89. Estimated admissions for FY93 and FY94 are assumed to remain at the FY92 level. High series estimates are given for adult males only due to their astronomical increase from FY88 to FY89. Admissions for the high series are estimated to continue the 17% yearly increase seen from FY88 to FY89 for the first three projection years and then remain constant.

Future populations, projected length of stay, and projected admissions based on the above assumptions are shown on the next pages.

LOW SERIES

ACTUAL AND PROJECTED POPULATIONS
 FY86 THROUGH FY94
 AS OF JUNE 30, 1989

	POPULATION AT END OF FISCAL YEAR								
	FY86*	FY87*	FY88*	FY89+	FY90	FY91	FY92	FY93	FY94
Adult Male Instit.	1816	1894	1966	2177	2403	2552	2651	2716	2760
Adult Female Inst.	77	116	130	145	144	143	143	143	143
Adult Parole	357	456	588	596	560	550	547	547	546
Juven. at Kearney	155	144	155	165	172	172	172	172	172
Juven. at Geneva	69	67	77	65	74	74	74	74	74
Juvenile Parole	170	242	239	269	198	184	180	180	180
Totals	2644	2919	3155	3417	3551	3675	3767	3832	3875

* Actual end of fiscal year population.

+ FY89 Adult population figures are as of August 30, 1989

LENGTH OF STAY AND ADMISSION
 VALUES USED FOR LOW SERIES PROJECTIONS

	LOS IN MONTHS	ADMISSIONS EACH YEAR
Adult Male Institutions	29.1*	1173
Adult Female Institutions	16.6*	103
Adult Parole	9.3**	705
Juveniles at Kearney	5.0	414
Juveniles at Geneva	1.7	523
Juvenile Parole	7.7	280

* Length of Stay may be slightly inflated due to the fact that inmates revoked from parole are included. Only the last institutional release date is available in the computers.

** Actual Parole Length of Stay may be slightly higher than 9.3 months due to the fact that revocations who were released from parole are included. Only the most current parole date is available in the computer.

MEDIUM SERIES

ACTUAL AND PROJECTED POPULATIONS
 FY86 THROUGH FY94
 AS OF JUNE 30, 1989

	POPULATION AT END OF FISCAL YEAR								
	FY86*	FY87*	FY88*	FY89+	FY90	FY91	FY92	FY93	FY94
Adult Male Institu..	1816	1894	1966	2177	2504	2890	3291	3445	3547
Adult Female Institut.	77	116	130	145	157	181	209	213	215
Adult Parole	357	456	588	596	602	658	718	720	721
Juveniles at Kearney	155	144	155	165	200	234	266	266	266
Juveniles at Geneva	69	67	77	65	79	84	89	89	89
Juvenile Parole	170	242	239	269	216	225	245	245	245
Totals	2644	2919	3155	3417	3758	4272	4818	4978	5083

* Actual end of fiscal year population

+ FY89 Adult population figures are as of August 30, 1989.

LENGTH OF STAY AND ADMISSION
 VALUES USED FOR MEDIUM SERIES PROJECTIONS

	LOS	ADMISSIONS +								
		FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93	FY94
Adult Male Insti.	29.1	891	1034	1001	1173	1297	1421	1545	1545	1545
Adult Fem. Instit.	16.6*	76	103	116	103	121	139	157	157	157
Adult Parole	9.3**	449	591	850	705	780	855	930	930	930
Juven. at Kearney	5.0	268	327	379	414	489	564	639	639	639
Juven. at Geneva	1.7	528	569	632	523	558	593	628	628	628
Juvenile Parole	7.7	238	321	325	280	314	348	382	382	382

* Length of Stay may be slightly inflated due to the fact that inmates revoked from parole are included. Only the last institutional release date is available in the computer.

** Actual Parole Length of Stay may be slightly higher than 9.3 months due to the fact that revocations who were released from parole are included. Only the most current parole date is available in the computer.

HIGH SERIES

ACTUAL AND PROJECTED POPULATIONS
 FY86 THROUGH FY94
 AS OF JUNE 30, 1989

POPULATION AT END OF FISCAL YEAR

	FY86*	FY87*	FY88*	FY89+	FY90	FY91	FY92	FY93	FY94
Adult Male Instit.	1816	1894	1966	2177	2566	3094	3678	3886	4023

* Actual end of year population

+ Population as of August 30, 1989

LENGTH OF STAY AND ADMISSION
 VALUES USED FOR HIGH SERIES PROJECTIONS

	LOS IN MONTHS	ADMISSIONS						
		FY88	FY89	FY90	FY91	FY92	FY93	FY94
Adult Male Instit.	29.1*	1001	1173	1372	1571	1770	1770	1770

* Length of Stay may be lightly inflated due to the fact that inmates revoked from parole are included. Only the last institutional release date is available in the computer.

LOW SERIES

As previously stated, the low series estimates are based on the FY89 length of stay and admissions that remain constant with the FY89 admissions. Population estimates for adult females, adult parole, and juvenile parole decrease using this model. This decrease is due to the fact that admissions in FY89 were down from FY88 for these groups while the end of FY89 population continued to reflect the higher FY88 admissions. Therefore, if admissions for these three groups were to increase back to FY88 levels, the estimates would be low. One cause for the decrease in parole admissions is the fact that 1,019 individuals had parole hearings during FY88 while only 802 individuals had parole hearings during FY89.

MEDIUM SERIES

The medium series projection is derived from estimating a three year increase in admissions that is equivalent to the overall three year increase from FY87 to FY89. For adult males, that is 32%; for adult females, 54%; adult parole, 32%; juveniles at Kearney, 54%; juveniles at Geneva, 20%; and juvenile parole, 37%.

HIGH SERIES

This series was calculated for adult males only for two reasons: Adult males make up the largest segment of the Department's total population, and admissions have risen more sharply for adult males than for any other group, up 17% from FY88 to FY89. The high series provides an insight into the astronomical problems that could occur if the admission rate continues to rise by 17% for each of the next three years. Admissions for the last two projection years are assumed to remain at the FY92 level.

PROGRAM DESCRIPTIONS

1. SHOCK INCARCERATION (SI)

These programs have been developed in several states over the past five years. They have received considerable media attention.

The programs are typically three to six months in length, during which young offenders convicted of less serious, non-violent crimes, who have not been imprisoned before, are exposed to a demanding regimen of strict discipline, military-style drill and ceremony, physical exercise and physical labor. Some, but not all SI programs also offer vocational training, education, and rehabilitative services.

Most SI programs operate within a conventional state prison, but with SI inmates separated throughout their confinement from regular inmates. Other SI programs operate in a separate facility that does not house regular inmates.

It should be noted that the military aspect gets the media attention, however, one of the programs (New York) incorporates living in a therapeutic community with an intensive substance abuse education and treatment program.

The criteria for participating in the current programs vary significantly. Some states have age limits, others do not. Most of the programs have limits on the type of current offense, two states have no limits. Current programs in all but one state require participants to be first offenders. Louisiana is the exception and they require that the sentence must be first felony conviction. Some states have limits on the length of sentence, others have no limits. All programs but one require participants to be free of physical or mental impairment. All programs require participants to volunteer for the program.

2. COMMUNITY CORRECTIONS ACTS

Community Corrections Acts are statutes that encourage local and state government to join in partnerships for the sharing of resources regarding the management of offenders in the correctional system. The formation of partnerships between local and state governments is intended to reduce duplication through the most efficient use of resources at both the local and state level. The partnerships are usually formed involving the State Departments of Correction with one or more contiguous counties. The counties form a corrections advisory board and along with the State Departments of Correction develop a plan for community based corrections programs including preventive or diversionary correctional programs, conditional release programs, community corrections centers and facilities for the detention or confinement, care and treatment of persons convicted of crime or adjudicated development. The state then reimburses the community for a

percentage of the cost of their corrections program. This cost in the Minnesota model is determined by applying a rather complex formula to the local jurisdiction on a yearly basis. The Minnesota model does provide incentive for the local jurisdiction to handle many prisoners locally and not rely on the state prisons to the degree that most other states do at this time.

3. SENTENCING GUIDELINES/EMERGENCY RELEASE MECHANISMS

How long should people stay in prison? If finding alternatives to prison is one way to solve the problem, another way is to shorten the time people stay in prison. In the last decade some states have sharply increased sentence lengths with little regard for the costs to the states. Even where the number of prisoners has declined, the prisoners often stay longer. There are ways to stop this trend. Some states are considering using prison capacity in setting prison terms; other states are relying on parole boards and emergency release mechanisms to cut sentences of non-violent sentences.

SENTENCING GUIDELINES

The Minnesota Sentencing Guidelines have made a difference. In 1980, the state legislature established a commission composed of judges, attorneys, correctional officials and several other citizens. It recommends uniform sentence ranges for various crimes. One of the factors it considers in setting these terms is the state's prison capacity.

The commission sets out presumptive sentences along a two-way grid, with the offender's crime on one axis and his criminal history along the other. Recommended sentences become stiffer with the severity of the crime and the number of prior convictions. (See Attachment A.) These recommended sentences are based on actuarial predictions of annual convictions, related to available beds. The commission also makes recommendations for which types of offenders should receive non-prison sentences for various crimes, thus addressing one source of alleged unfairness that is untouched by most sentencing systems. Judges are allowed to deviate from the guidelines, but they must put their reasons in writing.

The guidelines seem to be keeping the prison population under control. During 1981 the prison population averaged 93 percent of prison capacity, very close to the 95 percent goal that the commission had set.

The North Carolina legislature chose to address the issue of prison population directly. In 1980, state lawmakers passed a penal code that included long sentences for many offenses, but studies showed that the new code would drastically increase prison population in an already overcrowded system. Taking this into account, the legislators reduced sentences for many crimes by 25 percent in 1982.

Apparently, unless proposals for increased sentence lengths are accompanied by projections of their impact on the prison population and on the state budget, trouble will continue. The answer may well lie in a systematic review procedure, insulated somewhat from temporary political pressures, to address the issue of appropriate sentence lengths.

EMERGENCY RELEASE MECHANISMS

The fastest, but one of the most controversial, ways to reduce a critically high prison population is to release enough inmates to get the system back down to capacity. The governor, the parole Board or corrections officials usually determine which non-violent inmates can safely be released. Most often the inmates who are nearing the end of their sentences are released one to nine months early.

Such a mechanism is only a safety valve, not a long-range solution to crowding; but some states have seen it as a necessary, if painful, first step. Michigan, Oklahoma, Connecticut, Iowa, Ohio and Georgia have passed emergency release acts in the past few years.

Michigan probably has made the most use of its law, passed in 1981. More than 900 inmates have been released early under its Prison Overcrowding Emergency Act. When the state's prisons exceed 95 percent of their rated capacity for 30 consecutive days, the governor is required by law to declare an emergency. This triggers a temporary rollback of most prisoners' sentences. The parole board then releases enough non-violent offenders to bring the population down to a manageable level. So far, the parole board reports no trouble in finding eligible inmates.

Any mass release of prisoners is bound to be politically unpopular. However, by limiting releases to non-violent offenders with short criminal records and by releasing only those whose sentences are drawing to a close anyway possible criticism is lessened. The few studies that have been done on early releases suggest that there is little added risk to public safety by letting such inmates out of prison a few weeks or months early.

4. SENTENCING OPTIONS IN THE COMMUNITY

Public fear of crime for appropriate punishment is both understandable and legitimate. However, while prisons are necessary to punish the most serious and repetitive offenders, there exists a wider range of alternatives which both hold the offender accountable and, often, offer restitution to the victim. Community-based sanctions offer a far less costly way of both punishing less serious offenders and reducing pressure on overcrowded prison systems. By responsibly working with less serious offenders in such community-based programs as regular probation supervision, intensive probation supervision, diversion centers and detention centers, prison space can be reserved for only the most serious and repetitive criminals.

BASIC PROBATION SUPERVISION

Basic field probation supervision is the cornerstone for all probation services activity. The primary purpose of basic probation services is to provide supervision which is consistent with the public interest and safety; to provide quality and timely presentence investigation for the courts; to enforce the conditions of probation to include collection of court-ordered monies and fees; and to recognize, plan for and implement specialized programming for identified probation populations.

COMMUNITY SERVICE

Community service has been defined as "uncompensated work by an offender with an agency for the benefit of the community pursuant to an order by a court as a condition of probation". Community service programs promote a work ethic approach to punishment and establish accountability for criminal acts. Work performed by offenders benefit the community in needed areas of service in a cost effective manner. It is a highly visible program which fosters citizen and agency involvement in the criminal justice process and decreases the use of incarceration in a relatively inexpensive manner.

Normally community service is limited to offenders who receive probated sentences from those courts that are served by the State's probation system. Community service is imposed by the courts as an added condition of probation in lieu of fines and/or restitution, in lieu of jail/prison, and is also a disciplinary step in revocation hearings. Community service can also be a program requirement for some other sentencing options, such as diversion centers and intensive probation supervision.

INTENSIVE PROBATION SUPERVISION

This program addresses prison overcrowding by offering a sentencing option that entails highly structured, rigidly-monitored supervision. The program normally utilizes a team of 2.4 probation employees supervising a case load of no more than 25 to 55 probationers, thus ensuring the capability of near-daily contact with the probationer and surveillance of his/her activities.

Primary consideration for participation in this program is normally given to non-violent felony offenders who would normally, or have already, received a sentence of incarceration and who, after screening, represent no unacceptable risk to the safety of the community.

DIVERSION CENTERS

The diversion center is a small non-secure facility that provides intensified supervision structure, and rehabilitative services to offenders in a short-term residential setting (up to 120 days). Centers offer an alternative that combines the concept of restitution to victims, punishment for criminal activity, protection of the community and self improvement for the offender.

All residents are under the supervision of the center staff, including 24 hour-a-day supervision by the correctional staff. Residents are required to maintain full-time employment, and to turn in all their earnings to the center for disbursement, the earnings are disbursed for room and board, fines, restitution and/or fees, family/dependent support, medical expenses, and other financial obligations. Residents must participate in appropriate counseling programs as well as complete a community service project. Residents are restricted to the center's grounds except for approved circumstances. Upon successful completion of the program, residents are returned to regular probation supervision.

DETENTION CENTERS (ADULTS)

The function of a detention center is to provide short term (up to 120 days) minimum security for non-violent felons who fall within the target population. It is used for the express purpose of diverting from prison those persons who are in need of a more structured environment as punishment, but who are not in need of total prison confinement.

The target population consists of the probation "technical" violator who currently would be revoked and confined in a prison; the habitual traffic violator who would be sentenced to a period of prison confinement; and offenders who have committed a non-violent, felony offense and who have not been convicted for violent or heinous offenses.

Detention centers provide short term minimum security confinement of felons sentenced to the facility. Daily activities of the offender will be directed at the provision of non-paid labor to the local area of the center. Rehabilitative programming is limited to evening participation in those areas identified as needs specifically attendant to the offender's criminal behavior. The focus of all activities will be work oriented. General counseling and casework will be provided by the assigned probation staff.

EARNED TIME

A number of states have special awards of time that are awarded to offenders for educational/vocational achievement. In some cases, the award of earned time shortens the length of sentence and shortens the parole eligibility date. In such cases, once the earned time is awarded it cannot be forfeited for misbehavior.

INTENSIVE SUPERVISION PAROLE

Intensive supervision parole is very similar to intensive probation except the supervision is accomplished by parole staff instead of probation staff. Curfews, house arrest, electronic monitoring, numerous staff-offender contacts are all elements of the program.

5. FISCAL IMPACT

SUPERVISION FEE PAYMENT PROGRAM

Two states, Texas and Florida, require probationers/parolees to pay the state monthly supervision fees depending on the offender's ability to pay. A copy of the enabling legislation from Florida is included for your information. (See Attachment B.)

IV. SENTENCING GUIDELINES GRID

Presumptive Sentence Lengths in Months

Italicized numbers within the grid denote the range within which a judge may sentence without the sentence being deemed a departure.

Offenders with nonimprisonment felony sentences are subject to jail time according to law.

CRIMINAL HISTORY SCORE

SEVERITY LEVELS OF CONVICTION OFFENSE		0	1	2	3	4	5	6 or more
<i>Unauthorized Use of Motor Vehicle</i> <i>Possession of Marijuana</i>	I	12*	12*	12	13	15	17	19 18-20
<i>Theft Related Crimes (\$2500 or less)</i> <i>Check Forgery (\$200-\$2500)</i>	II	12*	12*	13	15	17	19	21 20-22
<i>Theft Crimes (\$2500 or less)</i>	III	12*	13	15	17	19 18-20	22 21-23	25 24-26
<i>Nonresidential Burglary</i> <i>Theft Crimes (over \$2500)</i>	IV	12*	15	18	21	25 24-26	32 30-34	41 37-45
<i>Residential Burglary</i> <i>Simple Robbery</i>	V	18	23	27	30 29-31	38 36-40	46 43-49	54 50-58
<i>Criminal Sexual Conduct, 2nd Degree (a) & (b)</i>	VI	21	26	30	34 33-35	44 42-46	54 50-58	65 60-70
<i>Aggravated Robbery</i>	VII	24 23-25	32 30-34	41 38-44	49 45-53	65 60-70	81 75-87	97 90-104
<i>Criminal Sexual Conduct 1st Degree</i> <i>Assault, 1st Degree</i>	VIII	43 41-45	54 50-58	65 60-70	76 71-81	95 89-101	113 106-120	132 124-140
<i>Murder, 3rd Degree</i> <i>Murder, 2nd Degree (felony murder)</i>	IX	105 102-108	119 116-122	127 124-130	149 143-155	176 168-184	205 195-215	230 218-242
<i>Murder, 2nd Degree (with intent)</i>	X	216 212-220	236 231-241	256 250-262	276 269-283	296 288-304	316 307-325	336 326-346

1st Degree Murder is excluded from the guidelines by law and continues to have a mandatory life sentence.



At the discretion of the judge, up to a year in jail and/or other non-jail sanctions can be imposed as conditions of probation.



Presumptive commitment to state imprisonment.

*one year and one day

945.30 Payment for cost of supervision and rehabilitation.—

(1) Any person under community control, probation, or parole supervision or under supervision in the pretrial supervision program pursuant to chapter 944 shall be required to contribute no less than \$30 or more than \$50 per month as decided by the sentencing court or, with respect to pretrial intervention, by the state attorney to a court-approved public or private entity providing him with supervision and rehabilitation. Any failure to pay

such contribution may constitute a ground for the revocation of probation by the court, the revocation of parole by the Parole Commission, or removal from the pretrial intervention program by the state attorney. The Department of Corrections may exempt a person from the payment of all or any part of the foregoing contribution if it finds any of the following factors to exist:

(a) The offender has diligently attempted, but has been unable, to obtain employment which provides him sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or course of vocational or technical training designed to fit the student for gainful employment. Certification of such student status shall be supplied to the Secretary of Corrections by the educational institution in which the offender is enrolled.

(c) The offender has an employment handicap, as determined by a physical, psychological, or psychiatric examination acceptable to, or ordered by, the secretary.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents, and the payment of such contribution constitutes an undue hardship on the offender.

(f) The offender has been transferred outside the state under an interstate compact adopted pursuant to chapter 949.

(g) There are other extenuating circumstances, as determined by the secretary.

(2) In addition to the contribution required under subsection (1), the department shall provide a maximum payment of \$10 per month for each probationer who is contributing \$10 per month to the court-approved public or private entity which is providing him with supervision or rehabilitation. The department shall make such payment to the court-approved public or private entity which is providing supervision to the offender under this section. Such payment shall be implemented through a contract to be entered into by the Secretary of Corrections and the entity. Terms of the contract shall state, but are not limited to, the extent of the services to be rendered by the entity providing supervision or rehabilitation. In addition, the entity shall supply the department with a monthly report documenting the acceptance of each offender placed under its supervision by the court, documenting the payment of the required contribution by each offender under supervision or rehabilitation, and notifying the department of all offenders for whom supervision or rehabilitation will be terminated. Supervisory records of the entity shall be open to inspection upon the request of the department or its agents.

(3) As a condition of an interstate compact adopted pursuant to chapter 949, the department shall require each out-of-state probationer or parolee transferred to this state to contribute no less than \$20 or more than \$50 per month to defray the cost incurred by this state as a result of providing supervision and rehabilitation during the period of supervision.

(4) In addition to the contributions under subsection (1), the department, at its discretion, may require offenders under supervision to submit to and pay for urinalysis testing to identify drug usage as part of the rehabilitation program. Any failure to make such payment, or par-

Present Policy is \$30.00 per month

ticipate, may be considered a ground for revocation by the court or the Parole Commission or for removal from the pretrial intervention program by the state attorney. The department may exempt a person from such payment if it determines that any of the factors specified in subsection (1) exist.

History.—s. 18, ch. 74-112; s. 2, ch. 76-238; s. 1, ch. 77-321; s. 1, ch. 77-428; s. 1, ch. 78-368; s. 100, ch. 79-3; s. 1, ch. 84-337; s. 10, ch. 85-340; ss. 58, 73, ch. 86-122.

RESOURCE MATERIALS

1. SHOCK INCARCERATION

- 1A: "Doing a Tour of Duty in a 'Boot Camp' Prison",
Corrections Compendium, November 1986.
- 1B: "Shock Incarceration: An Overview of Existing Programs",
U.S. Department of Justice/National Institute of Justice,
June 1989.
- 1C: "Shock Incarceration Programs in State Correctional
Jurisdictions - An Update", NIJ Reports,
May/June 1989.
- 1D: "Georgia's Shock Incarceration Program (Special Alternative
Incarceration - SAI)", Georgia Department of Corrections,
November 1987.
- 1E: "Shock Incarceration - An Alternative for First Offenders?",
U.S. Department of Justice/Bureau of Prisons/Office of
Research and Evaluation,
June 1989
- 1F: "Shock Incarceration Legislative Report",
State of New York,
January 1989.

2. COMMUNITY CORRECTIONS ACTS

- 2A: State of Washington,
Enabling Legislation/Community Corrections Act.
- 2B: State of Minnesota,
Enabling Legislation/Community Corrections Act.

3. SENTENCING GUIDELINES

- 3A: State of Minnesota,
Enabling Legislation Creating a Sentencing Guidelines
Commission.
- 3B: State of Minnesota,
"Minnesota Sentencing Guidelines and Commentary",
August 1988.
- 3C: State of Washington,
Sentencing Guidelines Commission and Sentencing Guidelines.
- 3D. State of Washington,
Sentencing Reform Act of 1981.

4. SENTENCING OPTIONS

- 4A: State of Oklahoma,
Post-Conviction Mediation Program. Enabling Legislation and
Program Description, May 1989.
- 4B: Georgia's Sentencing Options.
- 4C: State of Georgia,
Enabling Legislation/Special Alternative Incarceration
(probation of not less than one year and 90 days
incarceration in a special unit).
- 4D: State of Florida,
Enabling Legislation for a flexible program of probation or
community control.
- 4E. State of Missouri,
Enabling Legislation for house arrest and electronic
monitoring.
- 4F: An overview of Georgia's probation program that includes the
following:
- a. Regular Supervision
 - b. Community Service
 - c. Intensive Probation Supervision
 - d. Diversion Centers
 - e. Special Alternative Incarceration Unit
 - f. Detention Centers
- 4G: "Sentencing Guidelines: Delaware's Sentencing Accountability
Model, Innovations/The Council of State Governments,
February 1989.
- 4H: "Special Programs: Intensive Supervision Parole",
Texas Board of Pardons and Paroles,
March 1987.

5. FISCAL IMPACT OPTIONS

- 5A: State of Florida,
Enabling Legislation Requiring "Payment for Cost of
Supervision and Rehabilitation".
- 5B: State of Texas,
Enabling Legislation and Overview of Supervision Fee Payment
Program.