

Governor Binder 4

3381

-Corrections to handle

GOVERNORS OFFICE

F. J. J. 127300

APR 28 2009

RECEIVED

1 Dear

GOV. Dave Heineman

Im writing in regards to the story written in the omaha world-Herald about the 140% over population problem in state prisons here in Nebraska I am currently being held in the Tecumseh state correctional instatution and I'd like to bring to your attention the real way the prison deals with their population the SMU unit is the biggest unit here at Tecumseh they place inmates in the hole with no misconduct reports for a rule infraction and leave these inmates here in SMU for 9 months to 1 year and all they say their reason is for AC for the safety and good order of the prison when most of the inmates show no violent behavior or the write up MR gets dismissed in the instatutions court and yet the inmate is not released back onto the prison yard the only purpose for this unfair treatment is souly population controle I ask

3382

2. you to please investigate this problem
 Sir because 23 hour a day lock down
 causes mental illnesses that have
 to be placed back into society and
 the inmates aren't given any kind
 of programing in SMU no types of
 rehabilitation treatment I truely
 believe this way of cageing inmates
 with no reason or pupose only to
 make bed space on the yard is
 fueling the crime rate in North
 Omaha were I come from and th.
 mental health in the howl prison
 is under staffed greatly and I
 myself have grown illnesses mentally
 from this same treatment witch I
 am working on geting to a mental
 health mod to better myself and
 my problems this was written on
 behalf of all the inmates who are
 not educated enough to express them
 selfs respectfully just pull records
 of why inmates are in the ~~SMU~~ ^{SMU} do
 they have MR write ups for it a
 how mental health staff are under
 staffed and most of all see how

3 long inmates are held with no type of programing offered at all this place in Tecumseh is a breeding grown for violent crime criminals who develop a hatred for society based on mistreatment in the living and eating conditions and do not misunderstand my acknowledgement of fact as an excuse for my actions or the actions of other inmates everyone broke the law to get here so we dont deserve to be comfortable and yet we do not deserve to be caged as animals for no good reason because once you cage someone so long he or she will become that one day thank you for your time I truly hope something is done about this because this problem effects society and generations to come.

~~Handwritten~~ (Truthfully Written)

NIKKO A Jenkins 59478

3294 STATE OF NEBRASKA

DEPARTMENT OF CORRECTIONAL SERVICES

Robert P. Houston

Director



Dave Heineman
Governor

May 8, 2009

Nikko Jenkins #59478
Tecumseh State Correctional Institution
P.O. Box 900
Tecumseh, NE 68450

Dear Mr. Jenkins:

Governor Dave Heineman received your correspondence on April 28, 2009, regarding your placement in segregation at the Tecumseh State Correctional Institution. The Governor has forwarded your letter to my office and requested that I respond on his behalf. Please note he will receive a copy of this reply.

Inmates in segregation at the Tecumseh State Correctional Institution are housed there for the safety and security of both inmates and staff. You were placed on Administrative Confinement on February 13, 2009, for a weapon that was recovered from you during a search. On January 26, 2009, staff conducted a search and found a manufactured weapon concealed in the waste band of your state issued khaki pants. The weapon retrieved was approximately five to six inches long and was a piece of toilet brush sharpened to a point. This is a threat to the safety and security of the Institution. Therefore, your continued placement in segregation is appropriate. Your Administrative Confinement status will be reviewed on or before November 8, 2009.

One of the goals of the Special Management Unit (SMU) is to safely manage disruptive and violent inmates. In order to achieve this goal, several outlets are available for inmates to utilize in order to improve their behavior and focus on transition into general population. Mental health staff review each inmate's segregation status monthly and are available to address issues raised by inmates. The childhood issues you raise would be a topic you should speak to mental health staff about. The Levels Program was implemented in SMU to promote positive behavior among segregation inmates. The program encourages motivation for change and enhances quality of life by reducing self-defeating behaviors.

Inmates in SMU may phone, write and receive visits from their friends and family if approved. You also have access to religious materials. Although these opportunities may not be seen as traditional programs, they provide the opportunity for you to improve yourself.

Sincerely,

Robert Houston
Director

cc: Governor Dave Heineman
Fred Britten, Warden, Tecumseh State Correctional Institution

From: Houston, Bob
Sent: Sunday, March 03, 2013 8:26 AM
To: Kohl, Randy
Subject: Re: Fw: Mr. Nikko Jenkins, #59478

No worry, Randy, the meeting is still scheduled.

Sent from my Samsung Galaxy Tab 10.1

"Kohl, Randy" <Randy.Kohl@nebraska.gov> wrote:

I provided James an answer to number one. What would like to do with number two?

Connected by DROID on Verizon Wireless

-----Original message-----

From: James Davis <jdavis@leg.ne.gov>

To: "Kohl, Randy" <Randy.Kohl@nebraska.gov>

Cc: Cynthia Grandberry <cgrandberry@leg.ne.gov>, "Houston, Bob" <Bob.Houston@nebraska.gov>, "Moreland, Jerall" <jmoreland@leg.ne.gov>, "Hopkins, Frank" <Frank.Hopkins@nebraska.gov>, "White, Cameron" <Cameron.White@nebraska.gov>

Sent: Fri, Mar 1, 2013 23:08:04 GMT+00:00

Subject: Re: Mr. Nikko Jenkins, #59478

Thanks for the response. Several clarification questions:

1. Will Dr. Weilage be meeting with Mr. Jenkins next week as well?
2. For your information, the scheduled yard meeting for Monday has been postponed so the status summary would not be possible at this time. If you would like to still plan to provide the summary on Monday please let me know.

James

Respectfully,

James Davis III

JAMES DAVIS III,
Deputy Ombudsman for Corrections
STATE OF NEBRASKA
OFFICE OF THE PUBLIC COUNSEL/
State Capitol Building, P.O. Box 94604
Lincoln, Nebraska 68509-4604
Office 402-471-4195
Fax: 402-471-4277

Toll Free 800-742-7690
jdavis@leg.ne.gov

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On Fri, Mar 1, 2013 at 3:51 PM, Kohl, Randy <Randy.Kohl@nebraska.gov> wrote:

James, arrangements have been made for a social worker to see Mr. Jenkins next week. He will also meet again with Dr. Weilage.

We intend to provide you a status summary for Mr. Jenkins at the beginning of the Scheduled Yards Meeting at 10:00 a.m. on Monday, March 4.

Randy T. Kohl, MD

Deputy Director, Health Services

Nebraska Dept of Correctional Services

From: James Davis [mailto:jdavis@leg.ne.gov]

Sent: Monday, February 25, 2013 3:15 PM

To: Kohl, Randy

Cc: Cynthia Grandberry; Houston, Bob; Moreland, Jerall; Hopkins, Frank

Subject: Mr. Nikko Jenkins, #59478

<

From: Houston, Bob
Sent: Saturday, March 02, 2013 8:26 AM
To: Hopkins, Frank
Subject: Re: Fw: Mr. Nikko Jenkins, #59478

Frank,

The Ombudsman's Office in all likelihood will not be here but we should go ahead and meet to continue our progress. We can have them out in a few weeks for a final meeting.

Thanks

Sent from my Samsung Galaxy Tab 10.1

"Hopkins, Frank" <Frank.Hopkins@nebraska.gov> wrote:
Bob, has the Monday meeting with Ombudsman staff been postponed?

Sent via DroidX2 on Verizon Wireless™

-----Original message-----

From: James Davis <jdavis@leg.ne.gov>
To: "Kohl, Randy" <Randy.Kohl@nebraska.gov>
Cc: Cynthia Grandberry <cgrandberry@leg.ne.gov>, "Houston, Bob" <Bob.Houston@nebraska.gov>, "Moreland, Jerall" <jmoreland@leg.ne.gov>, "Hopkins, Frank" <Frank.Hopkins@nebraska.gov>, "White, Cameron" <Cameron.White@nebraska.gov>
Sent: Fri, Mar 1, 2013 23:08:03 GMT+00:00
Subject: Re: Mr. Nikko Jenkins, #59478

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Subject: Mr. Nikko Jenkins, #59478

<

FW: TSCI Inmate Nikko Jenkins

15028

Subject: FW: TSCI Inmate Nikko Jenkins #59478

This is what I know.

From: Sabatka-Rine, Diane
Sent: Thursday, March 14, 2013 10:39 AM
To: Rouf, Mel; Cruickshank, Rich
Subject: FW: TSCI Inmate Nikko Jenkins #59478

FYI. This is the first time I have heard about this individual transferring here. If necessary, perhaps we can work out a trade with LCC for bed space reasons. Thanks!

From: Wayne, Larry
Sent: Thursday, March 14, 2013 10:25 AM
To: Sabatka-Rine, Diane; Britten, Fred
Cc: Houston, Bob; Hopkins, Frank; Moreland, Jerall; Weilage, Mark; Foster, Kathy; Young, Konda
Subject: TSCI Inmate Nikko Jenkins #59478

We are attempting to situate Inmate Jenkins in the best possible position for his upcoming discharge on June 30, 2013. He has been a challenging individual to deal with. To this end we've agreed with The Ombudsman's Office for two things:

- 1.) We will move Mr. Jenkins from AC at TSCI's Special Management Unit to AC at NSP's Control Unit. This will provide the fresh start in segregation locations which Mr. Jenkins has requested.
- 2.) Dr. Weilage and Kathy Foster will meet with Jerall Moreland and I to discuss whatever other discharge planning may be appropriate for Mr. Jenkins. Much effort has already been expended in this area, particularly by Dr. Weilage and Ms. Foster. Our current thoughts are Mr. Jenkins will likely discharge from NSP's Control Unit. If there are plans we can make for returning him more safely to the community in June, we will explore these. Ms. Young will coordinate this meeting.

Please let me know if you have questions or need clarification. Thanks.

Larry Wayne
Deputy Director
Programs and Community Services
Nebraska Department of Correctional Services
P.O. Box 94661
Lincoln, NE 68532-4661
Office: 402 479-5721
Cell:

From: Hopkins, Frank
Sent: Tuesday, February 26, 2013 2:15 PM
To: Kohl, Randy; White, Cameron
Cc: Houston, Bob
Subject: FW: Nikko Jenkins
Attachments: 3158_001.pdf

FYI,

Frank X. Hopkins
Deputy Director-Institutions
Nebraska Department of Correctional Services
frank.hopkins@nebraska.gov

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From: Capps, Michele
Sent: Tuesday, February 26, 2013 2:10 PM
To: Hopkins, Frank
Cc: Britten, Fred
Subject: Nikko Jenkins

Hi Mr. Hopkins, I have the information attached. He will be reviewed on or before 04-20-13 for his AC and has DS until 04-22-13. His TRD is 07-30-13. If you need more information, please let me know. Thanks

Michele Capps, Deputy Warden
Tecumseh State Correctional Institution
P.O. Box 900
Tecumseh NE 68450
Office: 402-335-5128
Fax: 402-335-5115
Michele.Capps@nebraska.gov

From: dcs.copiers@nebraska.gov [<mailto:dcs.copiers@nebraska.gov>]
Sent: Tuesday, February 26, 2013 2:06 PM
To: Capps, Michele
Subject: Attached Image

Nebraska Department of Correctional Services

RECLASSIFICATION NARRATIVE FORM
ADDENDUM A

Name: Jenkins, Nikko Number: 59478 Date Completed: 12/11/2012
Next Review: 1/13/2013 PED: 8/15/2010 TRD: 6/30/2013
Parole Status: Deferred

Prepared by: Unit Case Manager Weiner, SMU/Tecumseh State Correctional Institution

This inmate is being referred to the proper department authorities for a classification action:

(Underline) Initial - Removal - Continue
(Underline) Intensive Management - Administrative Confinement - Protective Custody

Criminal History: Jenkins is serving an 18 to 21 year sentence for two counts of Robbery, Use of Deadly Weapon to Commit a Felony, Assault in the second degree, and Assault on a Peace Officer/DCS employee. .

Reason for placement: On December 17, 2009 Inmate Jenkins was taken on a travel order to Omaha, NE for his grandmother's funeral. During that travel order inmate Jenkins assaulted staff in a botched escape attempt. This resulted in a staff injury.

Inmate Jenkins was found guilty in misconduct report #1BSZ of Assault, Escape, and disobeying an order. Inmate Jenkins received a sanction of 60 days disciplinary segregation and 3 months loss of good time.

Inmate Jenkins was charged and convicted of Assault on a DCS employee in connection with this incident as well.

Relevant Information: On 12/17/2009, prior to leaving the institution for the church Inmate Jenkins stated that he would have to use the restroom immediately after arrival. On the way to the church, Inmate Jenkins began to speak to himself and talked about his childhood. After arriving at the church Inmate Jenkins stated that he needed to use the restroom. Inmate Jenkins stated that he needed to have his hand free from the restraints in order to use the restroom. One hand was unsecured from the restraint. The other hand was then unsecured to readjust the restraints. Once the second hand was unsecured, Inmate Jenkins stated that he had been around (the escorting staff) and didn't want them to get hurt. Inmate Jenkins stated that his "boys" were outside and if he (Inmate Jenkins) started fighting, it would get bloody. Inmate Jenkins also stated that his "boys" would shoot up the place and it would be a blood bath. Inmate Jenkins told staff to take off the leg restraints so he could walk out of there. Inmate Jenkins then attempted to walk out of the bathroom. Staff blocked the door way preventing him from leaving.

After attempts to intimidate staff were unsuccessful Inmate Jenkins began to unbutton his clothing, which indicated to staff that Inmate Jenkins was preparing to fight. Staff was able to restrain Inmate Jenkins left hand while Inmate Jenkins was talking. Inmate Jenkins then hit a staff member in the face with his fist. Staff then muscled Inmate Jenkins to the floor in an attempt to control him and place him in restraints. While attempting to place Inmate Jenkins in restraints, Inmate Jenkins attempted to bite staff. Inmate Jenkins began to yell to family members who were also attending the funeral. Inmate Jenkins was attempting to get assistance from family. Inmate Jenkins sister joined in and assaulted a staff member. Inmate Jenkins was restrained and escorted out of the church and placed in the vehicle he was brought to the church in. Inmate Jenkins stated that no one had better sit in the back with him. Law Enforcement was requested to assist in the escort of Inmate Jenkins back to the institution.

On 05/09/2012, TSCI staff monitored a video visit that occurred on 05/05/2012 at approximately 0930 hours between female visitor Sherry Floyd and Inmate Jenkins, Nikko #59478. Floyd also had a minor with her at the time of the visit. There was also 4 other people visiting another inmate at this time in the video visit room. At the beginning of the visit, Jenkins was sitting with his back toward the monitor, as if he did not want to visit. Then, he picks up the receiver. Sherry Floyd asks him if he is prepared for a visit today. Inmate Jenkins replies: "Look at me bitch what the fuck do you think you are looking at?" Floyd states: "Are you going to start the conversation off like that?" After Inmate Jenkins is silent for approximately one minute, he states to Floyd, "You are a fuckin failure, you know that? A big fuckin failure. And you know what just by reading your body language and seeing how calm you are right now, they told you about this and they prepared you for this." (Inmate Jenkins is referring to the stitches on his face) "You stupid bitch you think I'm stupid, you're working with these mother fuckers. It's fuckin funny to me. That you would co-hoot with such stupidity you stupid pathetic mother fuckin slut. That's what's so funny, you were already prepared for this, I know your little sympathetic and weak ass heart bitch, it you didn't already know about this you would have been crying and broke down." Floyd states: "you know what I am trying to be calm to keep our daughter calm." Floyd refers to a letter that Inmate Jenkins sent her and how she has been stressed out. Inmate Jenkins states "you are a sneaky conniving bitch for not listening to my family. You are trying to tell me you didn't know about this before you sat down, you lied to me just that fast, but it's ok, it's ok." Floyd states "Nikko, I can leave." Jenkins replies "Ok see ya, I will let you walk out on me so at least you can't say I walked out on you." He continued to speak to her in an abusive threatening manner. A few minutes later, Jenkins states "Did you get the manila envelope that I sent you that told you go Google the administration? You stupid fucking bitch, wait and see what I do your ass, I got something for you though. You want to play these games and be a half way ass bitch I'm going to show you some half way shit?. I promise you, I promise you. Don't bring up this shit about my hoe-bitch mama. I know she's a fucking hoe bitch slut. But I love that hoe bitch because she gave birth to this alpha elite." Floyd states: "I see you face and quit talking to me that way. Ok come on Keoni we are leaving." Floyd is visibly upset, crying, and trying to remain calm. Approximately 6 minutes later, Floyd hangs up the receiver. Jenkins states: "you had better pick that fucking phone up, I know that." Jenkins waits on the line for approximately 3 minutes and then hangs up the receiver.

On 5/01/2012 Inmate Jenkins was observed by staff to have two large cuts on his face and forehead. A large amount of blood was found on the shelf that is located above the sink in the cell, leading staff to believe that Inmate Jenkins fell on the shelf or used the shelf to inflict the wounds upon his face and forehead. Inmate Jenkins was taken to medical where he received stitches to close both wounds.

On 4/29/2012 Inmate Jenkins broke a fire suppression head his cell, which flooded both the cell and a large portion of upper F gallery in the Special Management Unit.

On 4/28/2012 Inmate Jenkins was placed in therapeutic restraints after he made threats toward himself and staff. Inmate Jenkins also attempted self-harm by wrapping the drop chain from the side arm restraint around his neck.

On 1/19/2012 Inmate Jenkins was attending a video visit. During that visit Inmate Jenkins instructed his visitors to watch for a specific TSCI staff member and to watch for what the staff member drove and what the license plate number on the vehicle was. The visitor watched for the staff member and replied "it's a [REDACTED], grey". The visitor then talks about how she got the addresses of staff here and it is public information. Inmate Jenkins then instructed the visitor to find out information on a TSCI staff member who was on the 11-17-2009 travel order when Inmate Jenkins assaulted staff in a botched escape attempt. Inmate Jenkins gave the visitor the staff member's name and instructed her to write it down. Inmate Jenkins then stated: "Look how they did me, took this handcuff off; they wanted me to give him a scar and split his face open, ha ha but not today." Jenkins then talks about what he is going to tell the law when he gets out, how there ain't enough room in this town for both of them. Inmate Jenkins refers to the

police as Johnny Law. Inmate Jenkins was found guilty of Use of Threatening Language or Gestures/Fighting and was given 1 1/2 months loss of good time and 45 days Disciplinary Segregation.

Upon returning to TSCI from Douglas County inmate Jenkins made comments to staff that he is a dangerous individual and is not very stable at this point. On September 30, 2011 inmate Jenkins was placed on limited property for use of a homemade retrieval device. He was attempting to pass and receive with another intensive management inmate while on the yard. Follow his placement on limited property inmate Jenkins became upset due him only being allowed one blanket. Inmate Jenkins incited two other inmates to refuse to comply with staff directives to leave their yards. This incident led to two uses of force by way of chemicals being deployed. Inmate Jenkins is consistently telling staff that he is not a stable individual and is seriously mentally ill.

On Jan. 26, 2009 inmate Jenkins #59478 approached staff in the TSCI yard. Inmate Jenkins #59478 passed a letter to staff. Inmate Jenkins #59478 was taken to holding for this act. A strip search was conducted by staff in TSCI holding. During this search, staff retrieved a manufactured weapon concealed in the waistband of inmate Jenkins #59478 state issue khaki pants. The weapon retrieved was approximately 5"- 6" piece of a toilet brush sharpened to a point.

On February 17th, 2007, inmate _____ was assaulted by inmates Nikko Jenkins #59478, _____ and _____ in the E1 wing shower E-Unit LCC. During this assault, inmate Jenkins struck inmate _____ numerous times in the head with his fist. A weapon (lock) was used in this assault against inmate _____ and was attributed to inmate _____ Inmate _____ appears to have been assaulted because he instructed another unknown inmate to assault inmate Jenkins. Inmate _____ did this while presenting himself as the LCC leader of the criminal threat group La Vida, after inmate _____ was removed from general population. Inmate _____ is also a member of Surrenos 13 (Criminal Threat Group) with 5 of his 7 documented tattoos representing membership in that group. Inmate Jenkins is a member of the "Crips" criminal threat group.

- On July 4th, 2005, inmate Jenkins was involved in an incident that caused a riot situation on the yard at NCYF. Inmate Jenkins ignored and evaded staff for 10 minutes in order to re-engage in attacks on other inmates.
- Inmate Jenkins received a misconduct report for gang activities on 10/30/06.
- An investigation at OCC revealed that on 1/4/07 inmate Jenkins assaulted inmate _____ resulting in inmate _____ receiving nine stitches to the inside of his upper lip.
- February 16th and 17th, 2007 there were multiple fights at LCC. The common theme through all these altercations is centered on inmate _____ and his quest to organize the Native American inmates at LCC for "control" of the yard and increasing the membership in La Vida security threat group. The other inmate faction involved in these altercations was the Crips security threat group. The volatile nature of this conflict and the willingness of both side to engage in assaults of multiple inmates on one has led to the placement of the parties involved on Administrative Confinement.
- Mr. Jenkins was recommended for placement in the Transitional Confinement program at NSP. However, due to recommendations by Unit Staff as well as Mental Health he was removed from that last. The reason was that inmate Jenkins has consistently expressed having ongoing homicidal ideations and has indicated that his past gang life will haunt him when he gets out.

Misconduct Report History: Inmate Jenkins incurred 12 misconduct reports in the past 12 months including the following charges: two class I, five class II, and 13 class III.

Interactions with Staff and Inmates: Inmate Jenkins interactions with staff and inmates have been limited since his return to TSCI. It is noted that inmate Jenkins has assaulted staff and attempted to escape while on a travel order. Inmate Jenkins made comments to staff that he is a dangerous individual

and is not very stable at this point. Inmate Jenkins has been on my caseload for nearly three years and his behaviors are consistent. Inmate Jenkins attempts to manipulate other inmates into misbehaviors to help his "causes" so he can claim that by looking at his institutional record he is an upstanding inmate. Inmate Jenkins has no regard for authority and seems to believe that his escape attempt and staff assault should have no regard on his current placement or continue to make him a risk for the safety and security of the institution.

Current Programming: Jenkins is currently on level 2A of the SMU levels program.

Goals that could enhance the inmate's ability to be classified to a less restrictive status in the future:

- Sustain successful participation in the SMU Incentive Program
- Practice positive interaction and cooperation with staff
- Maintain appropriate noise levels at all times. i.e. kicking doors, inciting others, disrupting daily operations.
- No Misconduct Reports
- Maintain sanitation and hygiene in accordance with administrative regulations
- Show appropriate interactions with other inmates.

Recommendation: The Unit team recommends inmate Jenkins, Nikko #59478 is continued on AC with a review in 4 months.

Preparer's Signature

From: Houston, Bob
Sent: Monday, October 17, 2011 10:26 PM
To: Britten, Fred
Subject: Re: Nikko Jenkins #59478

Thanks, Fred

Thanks for considering his Douglas County time along with other considerations.

Bob

"Britten, Fred" <Fred.Britten@nebraska.gov> wrote:

Mr. Houston, Nikko Jenkins' Intensive Management status was reviewed in Institutional Classification last Thursday. Today I signed the classification to change his status from IM to AC.

Fred Britten, Warden
Tecumseh State Correctional Institution
e-mail : fred.britten@nebraska.gov
Phone : 402-335-5104

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From: Britten, Fred
Sent: Wednesday, October 05, 2011 1:44 PM
To: Britten, Fred; Houston, Bob
Subject: RE: Nikko Jenkins #59478

Bob, just a little more info, Jenkins is not currently prescribed any medication, so his comment about not taking his medication is kind of a moot point. Just thought you should know. Thanks

Fred Britten, Warden
Tecumseh State Correctional Institution
e-mail : fred.britten@nebraska.gov
Phone : 402-335-5104

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From: Britten, Fred
Sent: Wednesday, October 05, 2011 12:10 PM
To: Houston, Bob
Cc: Britten, Fred
Subject: Nikko Jenkins #59478
Importance: High

Bob, some additional information:

- On 9/30/11, a Use of force was initiated on Jenkins as he refused to cuff up so staff could remove property from his cell. Staff gave him multiple directives per procedure and warned of the potential reaction from the pepper spray. Jenkins responded, " I have to do what I have to do. "
- After several applications of pepper spray, Jenkins allowed staff to place restraints on him. A split sock was placed on him because of his combative frame of mind and his runny nose and watery eyes due to the pepper spray. The sock was an additional barrier preventing staff from exposure.
- Jenkins is currently scheduled to have his IM status reviewed prior to January 1, 2012. He was continued for four months on 9/1/11 due to the incident that led to his initial classification to IM and comments he made during his classification hearing indicating he getting more and more unstable and that he has a history of violence and he is not taking his meds because he doesn't trust the doctors at TSCI.
- Based on our conversation, I will have Jenkins reviewed next week and considered for AC.

Hope this information is helpful. Let me know what else you need. Thanks

Fred Britten, Warden
Tecumseh State Correctional Institution
e-mail : fred.britten@nebraska.gov
Phone : 402-335-5104

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From: Houston, Bob
Sent: Wednesday, October 05, 2011 9:26 PM
To: Britten, Fred
Subject: RE: Nikko Jenkins #59478

Good

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Fred Britten, Warden
Tecumseh State Correctional Institution
e-mail : fred.britten@nebraska.gov
Phone : 402-335-5104

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From: Houston, Bob
Sent: Wednesday, October 05, 2011 12:32 PM
To: Kroeger, Concha
Subject: Fwd: Nikko Jenkins #59478

Concha,

Please print and place on my desk. Thanks!

Bob

Bob, some additional information:

- On 9/30/11, a Use of force was initiated on Jenkins as he refused to cuff up so staff could remove property from his cell. Staff gave him multiple directives per procedure and warned of the potential reaction from the pepper spray. Jenkins responded, " I have to do what I have to do. "
- After several applications of pepper spray, Jenkins allowed staff to place restraints on him. A split sock was placed on him because of his combative frame of mind and his runny nose and watery eyes due to the pepper spray. The sock was an additional barrier preventing staff from exposure.
- Jenkins is currently scheduled to have his IM status reviewed prior to January 1, 2012. He was continued for four months on 9/1/11 due to the incident that led to his initial classification to IM and comments he made during his classification hearing indicating he getting more and more unstable and that he has a history of violence and he is not taking his meds because he doesn't trust the doctors at TSCI.
- Based on our conversation, I will have Jenkins reviewed next week and considered for AC.

Hope this information is helpful. Let me know what else you need. Thanks

Fred Britten, Warden
Nebraska State Correctional Institution
E-mail : fred.britten@nebraska.gov
Phone : 402-335-5104

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From: Hopkins, Frank
Sent: Thursday, April 11, 2013 12:04 PM
To: Sabatka-Rine, Diane
Subject: RE: Nikko Jenkins #59478

Thanks Diane.

Frank X. Hopkins
Deputy Director-Institutions
Nebraska Department of Correctional Services
frank.hopkins@nebraska.gov

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From: Sabatka-Rine, Diane
Sent: Thursday, April 11, 2013 10:42 AM
To: Wayne, Larry
Cc: Houston, Bob; Hopkins, Frank; Weilage, Mark; Foster, Kathy
Subject: Nikko Jenkins #59478

As an update, JENKINS was transferred from TSCI to NSP on March 15, 2013. Since his arrival, his behavior in the Control Unit has been appropriate. We reviewed and approved him for the Transition Confinement program at this morning's Institutional Classification Committee. The next Transition Confinement class will not begin for a few more weeks, so JENKINS will remain in the Control Unit until the program begins. Given his July 30, 2013 Tentative Release Date, he will have the opportunity to work through most of the Transition Confinement Program before he is discharged from NDCS.

If you have questions or concerns relative to this matter, please let me know. Thank you.

From: Wayne, Larry
Sent: Thursday, March 14, 2013 10:25 AM
To: Sabatka-Rine, Diane; Britten, Fred
Cc: Houston, Bob; Hopkins, Frank; Moreland, Jerall; Weilage, Mark; Foster, Kathy; Young, Konda
Subject: TSCI Inmate Nikko Jenkins #59478

We are attempting to situate Inmate Jenkins in the best possible position for his upcoming discharge on June 30, 2013. He has been a challenging individual to deal with. To this end we've agreed with The Ombudsman's Office for two things:

- 1.) We will move Mr. Jenkins from AC at TSCI's Special Management Unit to AC at NSP's Control Unit. This will provide the fresh start in segregation locations which Mr. Jenkins has requested.
- 2.) Dr. Weilage and Kathy Foster will meet with Jerall Moreland and I to discuss whatever other discharge planning may be appropriate for Mr. Jenkins. Much effort has already been expended in this area, particularly by Dr. Weilage and Ms. Foster. Our current thoughts are Mr. Jenkins will likely discharge from NSP's Control Unit. If there are plans we can make for returning him more safely to the community in June, we will explore these. Ms. Young will coordinate this meeting.

Please let me know if you have questions or need clarification. Thanks.

**Harry Wayne
Deputy Director
Programs and Community Services
Nebraska Department of Correctional Services
P.O. Box 94661
Lincoln, NE 68532-4661
Office: 402 479-6721
Cell:**

From: Wayne, Larry
Sent: Wednesday, April 24, 2013 11:08 AM
To: Weilage, Mark
Subject: RE: TSCI Inmate Nikko Jenkins #59478

Thanks Mark.

Larry Wayne
Deputy Director
Programs and Community Services
Nebraska Department of Correctional Services
P.O. Box 94661
Lincoln, NE 68532-4661
Office: 402 479-5721
Cell:

From: Weilage, Mark
Sent: Tuesday, April 23, 2013 2:46 PM
To: Wayne, Larry
Subject: Fwd: TSCI Inmate Nikko Jenkins #59478

my discussion with segregation staff yesterday seem to indicate that he would go to the next available bed in the transition program....

Sent from my Verizon Wireless 4G LTE DROID

----- Original Message -----

Subject: Re: TSCI Inmate Nikko Jenkins #59478
From: Jerall Moreland <jmoreland@leg.ne.gov>
To: "Wayne, Larry" <Larry.Wayne@nebraska.gov>
CC: "Lux, Marshall" <mlux@leg.ne.gov>, "Houston, Bob" <Bob.Houston@nebraska.gov>, "Hopkins, Frank" <Frank.Hopkins@nebraska.gov>, "Sabatka-Rine, Diane" <Diane.Sabatka-Rine@nebraska.gov>, "White, Cameron" <Cameron.White@nebraska.gov>, "Weilage, Mark" <Mark.Weilage@nebraska.gov>, "Foster, Kathy" <kathy.foster@nebraska.gov>, "Davis III, James" <jdavis@leg.ne.gov>, "Schmeits, Sean" <sschmeits@leg.ne.gov>, Cynthia Grandberry <cgrandberry@leg.ne.gov>

Larry, I have added a couple of communications that the Ombudsman's Office has had concerning Mr. Jenkins. The response from you in this matter, in our opinion (James Davis, Sean Schmeits and I) does not capture the meeting we had on March 20, 2013. This is unfortunate. As you know, we discussed time lines and action items to assure Mr. Jenkins moved through the system. One of the reasons for the meeting, in any stretch of the imagination, was to make sure issues such as institutional resources, time and any other reasons outside of Mr. Jenkins being uncooperative wouldn't negatively effect the transitional plan. Therefore, It appears the only thing left to discuss with this matter is that the Department recognize the need to follow the transition plan discussed at the meeting.

Jerall Moreland, Assistant Ombudsman
Ombudsman's Office
402-471-2035
jmoreland@leg.gov.ne



On Tue, Apr 23, 2013 at 2:11 PM, Wayne, Larry <Larry.Wayne@ncbraska.gov> wrote:

Jerall: I believe we did discuss timeframes in general given his July 30 release, but we did not state he'd be in any one place at any particular time. I believe Dr. Wellage has, or will be seeing Mr. Jenkins soon. I also know Ms. Foster has seen him. Finally, I did visit with Warden Sabatka-Rine and who indicated Mr. Jenkins has been doing well and was being considered for further classification review with movement as appropriate. I specified to her this should occur in line with institutional resources for time and space along with trying to situate Mr. Jenkins to have the best chance of success now and after his upcoming release. Let me know if you wish to discuss further.

Larry Wayne

Deputy Director

Programs and Community Services

Nebraska Department of Correctional Services

P.O. Box 94661

Lincoln, NE 68532-4661

Office: [402 479-5721](tel:402-479-5721)

Cell:

From: Jerall Moreland [mailto:jmoreland@leg.ne.gov]
Sent: Tuesday, April 23, 2013 12:43 PM
To: Wayne, Larry
Cc: Lux, Marshall; Houston, Bob
Subject: Re: TSCI Inmate Nikko Jenkins #59478

Larry, I just found out that you attempted to contact me on several occasions yesterday April 22, 2013 concerning Mr. Nikko Jenkins. Thank you, as I was not aware of your attempt prior to the e-mail. I look forward to discussing the points concerning Mr. Jenkins matter with you further. Jerall

On Tue, Apr 23, 2013 at 10:16 AM, Jerall Moreland <jmoreland@leg.ne.gov> wrote:

Larry,

I received a update from Warden Sabatka-Rine on Mr. Nikko Jenkins approximately 10 days ago. Essentially, the report I received from Warden Sabatka-Rine is that Mr. Jenkins has been appropriate while housed under AC. As you know, the Ombudsman's Office and DCS representatives met on March 20, 2013, to discuss an appropriate transition plan for Mr. Jenkins, who is scheduled to be discharged in June of 2013.

During the meeting we were told that after 30 more days on AC, Mr. Jenkins would transition to the NSP transition unit barring any compelling reasons. It has been 30 days since the meeting and still Mr. Jenkins has not been transferred as agreed upon. We would like to see the Department carry out the actions that the Department committed to put in place.

Additionally, during the meeting, we were told that Mr. Jenkins would be seen by Mental Health every 15 days. Again, it is my understanding that these actions were not carried out as well. However, I can share that Kathy Foster the DCS Social Worker has carried out all of her actionable items and I commend her for that.

I have attempted to contact you concerning this issue through messages left at your office and no response. Additionally, Warden Sabatka-Rine was to speak to you concerning the issue and get back to me. At this time, I would ask that you respond to the actions not carried out to date, and let me know if the Department intends to meet the objectives discussed for Mr. Jenkins transition plan?

Thanks, Jerall

On Fri, Mar 15, 2013 at 10:48 AM, Jerall Moreland <jmoreland@leg.ne.gov> wrote:

Larry,

Thank you for moving forward with the transfer consideration for Mr. Nikko Jenkins. I hope the action proves to be positive, but, realize

we are still dealing with a challenging situation. Thanks for the comments and review on the placement of Mr. Jenkins and the Ombudsman's Office looks forward to further discussion on strategies pertaining to his discharge plan.

As you know, recently, Director Houston and I communicated on several issues surrounding Jenkins. It is the Ombudsman's position that Director Houston has correctly identified one of the concerns we have with Jenkins cased, which in our opinion, is Mr. Jenkins being released directly into the community after spending such a long duration in a segregated status at a high security unit, without a comprehensive discharge plan.

Essentially, we believe a system to facilitate the return to lower levels of custody, to those housed in long-term segregation is important. Basically, it seems a person serving a sentence who would otherwise be released directly to the community from long-term segregated housing, should be placed in a less restrictive setting for the final months of confinement. Except in compelling circumstances. Our expectations reviewed for progress.

In this case, it seems a question needing to be addressed is if there is a compelling reason to not house Mr. Jenkins in a least restrictive setting, as he is closer to his release date. Maybe there is, but where is that setting at (transition unit, minimum facility, medium facility, Community Corrections, etc)?

In closing, I bring these elements to your attention for your thoughts. As you recently cancelled the meeting with Kathy Foster, Mark Weilage, you and I, that was scheduled for next Wednesday, I wanted to bring this to your attention. I will await to hear from you concerning rescheduling?

Jerall

Jerall Moreland, Assistant Ombudsman
Ombudsman's Office
402-471-2035
jmoreland@leg.gov.ne

From: Houston, Bob
Sent: Sunday, April 28, 2013 10:00 PM
To: Foster, Kathy; Kroeger, Concha
Subject: RE: Nikko Jenkins

Concha.....please remind me to send the attachment to Kathy.....thanks!! Bob

Sent from my Samsung Galaxy Tab 10.1
"Foster, Kathy" <kathy.foster@nebraska.gov> wrote:
Director, I did not get the attachment.

Kathy Foster, LICSW
NDCS Director or Social Work
4201 S. 14th Street
Lincoln, NE 68502
Phone: (402) 479-3094
Cell:
Fax: (402) 479-3028
email: kathy.foster@nebraska.gov

From: Houston, Bob
Sent: Saturday, April 27, 2013 8:00 AM
To: amity.richards@douglascounty-ne.gov; Wayne, Larry; White, Cameron; Foster, Kathy
Cc: brenda.beadle@douglascounty-ne.gov; nissa.jones@douglascounty-ne.gov
Subject: Re: Nikko Jenkins

Got it, Amity, thanks.

Larry, Kathy and Cameron.....for your consideration as we prepare Jenkins for release.

Thanks,

Bob

ent from my Samsung Galaxy Tab 10.1

"Richards, Amity B. (DC Atty Crim)" <Amity.Richards@douglascounty-ne.gov> wrote:

.Mr. Houston:

Please see the attached documents Nissa Jones received from Nikko Jenkins, Inmate #59478.

Amity Richards
Trial Assistant
Douglas County Attorney
100 Hall of Justice
Omaha, NE 68183
(402)444-3565

From: Houston, Bob
Sent: Monday, April 29, 2013 2:43 PM
To: Richards, Amity B. (DC Atty Crim)
Subject: RE: Nikko Jenkins

Thanks, Amity!

From: Richards, Amity B. (DC Atty Crim) [<mailto:Amity.Richards@douglascounty-ne.gov>]
Sent: Monday, April 29, 2013 8:19 AM
To: Wayne, Larry
Cc: Houston, Bob
Subject: RE: Nikko Jenkins

Larry,

Here is the attachments that Bob meant to forward. Thanks!

Amity

From: Wayne, Larry [<mailto:Larry.Wayne@nebraska.gov>]
Sent: Monday, April 29, 2013 8:03 AM
To: Houston, Bob
Cc: Richards, Amity B. (DC Atty Crim); White, Cameron; Foster, Kathy; Beadle, Brenda D. (DC Atty Criminal); Jones, Nissa M. (DC Atty Criminal)
Subject: Re: Nikko Jenkins

Bob, my note from you does not include the attachment. Thanks

Sent from my Verizon Wireless 4G LTE DROID

"Houston, Bob" <Bob.Houston@nebraska.gov> wrote:

Got it, Amity, thanks.

Larry, Kathy and Cameron.....for your consideration as we prepare Jenkins for release.

Thanks,

Bob

Sent from my Samsung Galaxy Tab 10.1

"Richards, Amity B. (DC Atty Crim)" <Amity.Richards@douglascounty-ne.gov> wrote:
Mr. Houston:

Please see the attached documents Nissa Jones received from Nikko Jenkins, Inmate #59478.

Amity Richards
Trial Assistant
Douglas County Attorney
100 Hall of Justice
Omaha, NE 68183
(402)444-3565

From: Houston, Bob
Sent: Tuesday, February 26, 2013 5:23 PM
To: Foster, Kathy; Wellage, Mark
Cc: White, Cameron; Bullock, Evelyn; Kohl, Randy; Hopkins, Frank
Subject: RE: FW: Mr. Nikko Jenkins, #59478

Thanks, Folks

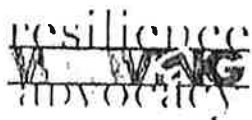
Kathy and Cameron.....would you two mind taking the lead in gathering information on how we care for Mr. Jenkins. Thanks. This will help us do two things: first, we can help others understand what assistance we can and will provide for Inmate Jenkins; but secondly, we can draft policy and best practices for future cases. This multi-disciplinary team you are assembling is not only awesome, but will be a model we can be proud of as we continually strive to protect the public one inmate at a time.

Bob

From: Foster, Kathy
Sent: Tuesday, February 26, 2013 3:57 PM
To: Wellage, Mark
Cc: White, Cameron; Bullock, Evelyn; Houston, Bob; Kohl, Randy; Hopkins, Frank
Subject: RE: FW: Mr. Nikko Jenkins, #59478

Ok. Thank you!

Kathy Foster, LICSW
NDCS Director of Social Work
Nebraska State Penitentiary
4201 S. 14th Street
Lincoln, NE 68502
Phone: (402) 479-3094
Fax: (402) 479-3028
Cell: .
email: kathy.foster@nebraska.gov



From: Wellage, Mark
Sent: Tuesday, February 26, 2013 3:40 PM
To: Foster, Kathy
Cc: White, Cameron; Bullock, Evelyn; Houston, Bob; Kohl, Randy; Hopkins, Frank
Subject: RE: FW: Mr. Nikko Jenkins, #59478

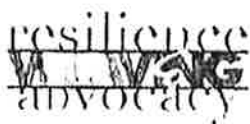
let me or mental health in Tecumseh know when you are coming and we can setup a time to let you watch it in the monitoring room

Sent from my Verizon Wireless 4G LTE DROID

"Foster, Kathy" <kathy.foster@nebraska.gov> wrote:

How can I access the video visit to watch?

Kathy Foster, LICSW
NDCS Director of Social Work
Nebraska State Penitentiary
4201 S. 14th Street
Lincoln, NE 68502
Phone: (402) 479-3094
Fax: (402) 479-3028
Cell:
email: kathy.foster@nebraska.gov



From: Wellage, Mark
Sent: Tuesday, February 26, 2013 3:10 PM
To: White, Cameron
Cc: Foster, Kathy; Bullock, Evelyn; Houston, Bob; Kohl, Randy; Hopkins, Frank
Subject: Re: FW: Mr. Nikko Jenkins, #59478

I will work on gathering information.

It may be helpful for Kathy and Evelyn to watch the video visit Mr Jenkins had with his family on Feb 13. It may provide an additional framework on what to expect as they begin to discuss discharge plans with Mr. Jenkins. I am scheduled to see him next Tuesday.

Mark

Sent from my Verizon Wireless 4G LTE DROID

"White, Cameron" <Cameron.White@nebraska.gov> wrote:

Good afternoon. Please see the below email from James Davls to Dr. Kohl regarding Inmate Jenkins #59478. Dr. Kohl, Mr. Hopkins and I met with the Director today to discuss follow up. The recommendation is that we document what we are currently doing in this case and also have Kathy and Evelyn provide some assistance. Mr. Hopkins is gathering information about his current placement and historical information. We plan to relay the information to James on 3-4 prior to another meeting he will be attending at Central Office that day. The specific follow up plan is the following:

1. Mark—gather and send me a summary of prior Behavioral Health activity on this case including contacts and treatment plans. I know you have done assessment and met with him over time. Please specifically comment on any release planning activities. Please confirm that there is a signed release in place allowing us to discuss the case in detail. Need info late this week since our meeting is on 3-4.
2. Kathy and Evelyn—please schedule a time to have an initial meeting with Mr. Jenkins to discuss release planning and let us know the specific date. You may want to visit with him together for efficiency.

Thank you.

Cameron S. White, Ph.D.
Behavioral Health Administrator, NDCS
Licensed Psychologist
Licensed Nursing Home Administrator

Phone: 402-479-5971
Facsimile: 402-479-5679
Email: cameron.white@nebraska.gov

NDCS Central Office
P.O. Box 94661
Lincoln, Nebraska 685509-4661

From: James Davis [<mailto:jdavis@leg.ne.gov>]
Sent: Monday, February 25, 2013 3:15 PM
To: Kohl, Randy
Cc: Cynthia Grandberry; Houston, Bob; Moreland, Jerall; Hopkins, Frank
Subject: Mr. Nikko Jenkins, #59478

Dr. Kohl:

I am requesting a meeting with you, Deputy Director Frank Hopkins, and Dr. White in regards to Mr. Nikko Jenkins transition plan and mental health status. Mr. Jenkins has a tentative release date of July 2013. However, it appears that his time being served is because of a loss of good-time. It is our understanding that Mr. Jenkins could of mandatory jammed February of 2012. The concerns with Mr. Jenkins case is that he may pose a safety risk to the community of District # 11, without providing him with the necessary tools to succeed in the community. I have discussed this matter with Senator Chambers and he would like to know what treatment plans have been made for Mr. Jenkins to return to the community, instead of being released directly from Administrative Confinement to the community. I am requesting a meeting to take place at the State Capitol no later than March 7, 2013. Please bring all materials and documents to discuss Mr. Jenkins case in detail.

For clarification, please contact me or Jerall Moreland.

Respectfully,

James Davis III

JAMES DAVIS III,
Deputy Ombudsman for Corrections
STATE OF NEBRASKA
OFFICE OF THE PUBLIC COUNSEL/
State Capitol Building, P.O. Box 94604
Lincoln, Nebraska 68509-4604
Office 402-471-4195
Fax: 402-471-4277
Toll Free 800-742-7690
jdavis@leg.ne.gov

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From: Houston, Bob
Sent: Friday, March 15, 2013 6:16 AM
To: Wayne, Larry; White, Cameron; Foster, Kathy
Subject: Re: Nikko Jenkins -

Larry,

Thanks.....you, Frank and myself can review this plan with Cameron and Kathy Foster. I agree with Cameron especially considering that the Jenkins case arose out of a written public document from Jerall. The informal discussion opportunity was on the front end of this case.....not the back end. If we have a carefully crafted discharge plan and follow it, we are meeting and exceeding our obligation to public safety.

Thanks,

Bob

Sent from my Samsung Galaxy Tab 10.1

"Wayne, Larry" <Larry.Wayne@nebraska.gov> wrote:
Bob, you and I discussed this meeting yesterday. It is to set up a discharge plan for Mr. Jenkins. No one will be asked to defend anything. Do you want me to ask them again to attend?

Sent from my Verizon Wireless 4G LTE DROID

----- Original Message -----

Subject: Re: Nikko Jenkins -
From: "Green, George" <George.Green@nebraska.gov>
To: "Wayne, Larry" <Larry.Wayne@nebraska.gov>
CC: "Kohl, Randy" <Randy.Kohl@nebraska.gov>

I agree. Treatment Staff should not be called upon to spend their resources defending themselves.

Connected by DROID on Verizon Wireless

-----Original message-----

From: "Wayne, Larry" <Larry.Wayne@nebraska.gov>
To: "Wayne, Larry" <Larry.Wayne@nebraska.gov>
Cc: "Kohl, Randy" <Randy.Kohl@nebraska.gov>, "Green, George" <George.Green@nebraska.gov>
Sent: Thu, Mar 14, 2013 21:32:39 GMT+00:00
Subject: FW: Nikko Jenkins -

Larry,

I'm not sure we want to meet with Jerall about Jenkins. I recommend that this is kept to email correspondence based on recent meetings. Any questions should be able to be covered in writing. Thanks.

Cameron

Cameron S. White, Ph.D.
Behavioral Health Administrator, NDCS
Licensed Psychologist
Licensed Nursing Home Administrator

Phone: 402-479-5971
Facsimile: 402-479-5679
e-mail: cameron.white@nebraska.gov

NDCS Central Office
P.O. Box 94661
Lincoln, NE 68509-4661

From: Young, Konda on behalf of Wayne, Larry
Sent: Thursday, March 14, 2013 4:23 PM
To: Foster, Kathy; Moreland, Jerall; White, Cameron; Wayne, Larry
Subject: Nikko Jenkins -
When: Wednesday, March 20, 2013 2:00 PM-3:30 PM.
Where: TBA

1-865

Ex 100

MEMORANDUM

TO: Robert P. Houston, Director

DATE: June 12, 2013

RE: Policy Development for Inmates on Administrative Confinement Approaching Release

FROM: Larry Wayne, Deputy Director *Wayne*

In reviewing overall Administrative Confinement policy and procedure the issue of inmates approaching release from prison while on Administrative Confinement was discussed at a meeting on June 10, 2013, between Kathy Foster, Social Work Director, Dr. Mark Wellage, Assistant Administrator for Behavioral Health, Mental Health, Teresa Bittenger, Parole Supervisor for Reentry, and Larry Wayne. By way of background, we discussed three current inmates and the challenges they pose as they are somewhat instructive for the review and addressing of overall concerns in this area:

Nikko Jenkins, #59478: Mr. Jenkins has served much of the last few years on Administrative Confinement. More recently, external stakeholders have identified Jenkins upcoming July 30th mandatory discharge date as a concern. To address this, Jenkins (per his own request) was transferred from TSCI SMU to the Penitentiary Control Unit earlier this year. He appeared to be demonstrating progress in his new environment and was subsequently placed on the Transition Confinement program. After this, Jenkins again reverted to his more manipulative behavior. This included writing the Douglas County Attorney to plead his case for Regional Center Commitment and declining medication from Psychiatrist Dr. Jack. Ultimately, Mr. Jenkins cannot seem to discontinue his thinking that he will have an easier life if referred and/or committed to the Regional Center. His mother has indicated she will let him live with her, but Mr. Jenkins insists he has a number of women who want him to live with them. Ms. Foster says the best we can do as he approaches his July 30th release is to provide him with a list of people he can seek out should he decide he wants assistance. Referral for programming assistance upon release is not prudent given Mr. Jenkins current attitude of resistance.

Mr. [REDACTED] is another inmate approaching mandatory discharge in November of 2013. Mr. [REDACTED] is presently confined at the TSCI SMU. He has engaged in a number of inappropriate behaviors resulting in a longer term placement at Administrative Confinement while generally being disagreeable and uncooperative with staff attempting to work with him. Dr. Wellage indicated most recently Mr. [REDACTED] was recommended for placement in general population with a time of transition at Work Release prior to his mandatory discharge. Dr. Wellage further indicated Hurlbut was noncompliant with all mental health interventions, but eventually agreed to assessment from clinical staff. This revealed a personality disorder with substance abuse, but no significant mental health issues. In short, Mr. [REDACTED] is an angry, noncompliant individual who continues to decline or refuse psychologists visits as offered. He claims he has family in Iowa who will take him upon his November discharge. We will attempt to expedite Mr. [REDACTED] transfer to community corrections to assist him with transition in this area.

[Handwritten signature]

Mr. [REDACTED] has been housed in the Nebraska State Penitentiary Control Unit since his admission and lost all good time due to repeated acting out behavior. His 2023 tentative release date removes immediacy from discharge planning, but still makes him worthy of consideration in reviewing overall Administrative Confinement procedures. Mr. [REDACTED] is resistant to recommended treatment for anger management and highly aversive to working with staff. Dr. Weilage has recommended with Warden Peart's concurrence that Mr. [REDACTED] be transferred to Lincoln Correctional Centers Transition Confinement Program. It is hoped that we will be better able to assess and evaluate Mr. [REDACTED] mental status for determination of further programming be it mental health unit, general population or just simply working on his level of trust and cooperation with staff.

Discussion of these three inmates is believed instructive in guiding agency policy and practice for inmates on Administrative Confinement. The consensus opinion from Dr. Weilage and Social Work Director Kathy Foster are that *priority must be given in focusing resources on general population or Administrative Confinement inmates who are 1) mentally ill, 2) sex offenders or 3) violent offenders.* The limited resources available through clinical mental health staff and social workers underscore the legal mandate to treat these inmates with highest priority.

If no mental illness is present or diagnosed, then preparing an inmate anyway possible for parole is the next best alternative. This involves continuation of our efforts to fully implement the Transformation Project, Crisis Intervention and Conflict Management and Cognitive Restructuring (i.e. the 7 Habits of Highly Effective People) along with the levels program and building in additional privileges while reviewing the length of time an inmate spends on AC and the placement options for transitioning off of AC. Placement of such inmates on parole as appropriate will continue to provide opportunity for referring them to resources and direct services. This is not as effective after inmates have discharged as attitudinal and behavior problems leading to their placement remain counterproductive after release.

Recommended Policy and Practice Changes

As we have stated throughout evidenced-based case management and discharge planning should be employed. Readiness factors to consider for AC inmates might include:

- What behaviors caused them to come to segregation?
- History of behavior in prior segregation placements?
- How long have they been in segregation?
- How much time before release via parole or mandatory discharge?
- How are they behaving – misconduct reports?
- Overall citizenship on AC; how do they get along with staff and other inmates? Are they compliant?
- Threat posed upon return to GP; are they STG members who will have difficulty in GP?

1-867

- Program compliance; are they making a good faith effort in Transformation Project/Cognitive Restructuring?
- How are they doing with the levels program associated with stable behavior and graduated release? This might include showering without restraints, feeding assignments, eating in groups, opportunity for more movement, exercising in groups and participation in small groups for staff facilitated Transformation Project modules.

Inmates who are successfully engaged in these areas will likely present greater potential for moving to less restrictive environments. Current initiatives such as Conflict Resolution and Crisis Intervention along with the Transformation Project and 7 Habits of Highly Effective People being provided by non-clinical staff will go a long way toward prevention as a front end alternative to segregation and intervention after inmates are released from AC. Reentry to general population should be approached along the same lines as transition to Community Corrections (using the readiness Index) or onto parole utilizing the parole risk factors. As an agency, if we are able to equip line staff with these tools for bringing about effective behavior we will go a long way toward approaching inmates on administrative confinement in a proactive versus reactive fashion.

From: Houston, Bob
Sent: Friday, August 30, 2013 11:43 AM
To: wayne.hudson@douglascounty-ne.gov; mark.foxall@douglascounty-ne.gov
Subject: Fwd: FW: Nikko Jenkins & Curtis Bradford
Attachments: 59478 JENKINS Intell Report.pdf; image001.png; Jenkins.eml; FW PDF.eml
Importance: High

Sent from my Samsung Galaxy Tab 10.1

----- Original message -----

Subject: FW: Nikko Jenkins & Curtis Bradford
From: "Peterson, Jeff A" <Jeff.A.Peterson@nebraska.gov>
To: "Houston, Bob" <Bob.Houston@nebraska.gov>
CC:

Mr. Houston,
I have had a number of email conversations with OPD Sgt. Anna colon pertaining to Nikko Jenkins since his release on July 30, 2013, include sending an intell report to them and LPD on July 30, 2013 and again earlier this week. I also sent an intell report to Douglas County Sheriff pertaining to Jenkins.

Yesterday, Sgt. Colon asked for additional info pertaining to Jenkins. Since I was out of town for presentation and not able to dedicated time to it, I sent this to Capt. Connelly. Sgt. Colon had also asked for info on parolee report on Connelly supplied additional info on JENKINS and provided an intell (both items are attached). Both were placed into custody last night. Please let me know if you have any questions or need any thing else. I will at the airport later this after noon may not be available at parts of the day/evening. Jeff

Jeff A. Peterson

Criminal/Intell Analyst

Nebraska Department of Correctional Services

Office: 4024795912

From: Douglass, Jeannene
Sent: Friday, February 08, 2013 2:09 PM
To: Green, George
Cc: Willard, Linda; Poppert, Kyle
Subject: [REDACTED]



I have been in conversation with Linda Willard regarding the attached Supreme Court decision regarding the calculations of mandatory minimum sentences. While I agree with, and we are currently calculating the mandatory minimum terms in the manner expressed in this decision, we do not calculate the discharge date in the manner described in this decision.

Linda asked me if we would continue to calculate the sentence in the right way or go with what the Supreme Court says. I said, and she supported me, that we would do what is in the inmate's best interest, that being, continue calculating the sentences the way we have always done it. He will serve one-half of the maximum sentence for discharge, as long as the mandatory minimum term required by law is served. If we would calculate this sentence in the manner according to the Supreme Court's decision, Mr. Castillas would serve an additional 12 ½ years (40 years for discharge the way we calculate the sentence; 52 ½ years following the Supreme Court's model). She agreed with me, and suggested that I share this with you, Mr. Green, for your input and expertise in this matter. She also said the inmate, obviously, would not complain since he will serve less time by our calculations. (It would also serve the Director's desires, as well, to not increase our population any more than we must.)

I am available if you have any questions concerning this issue.

Thank you.

Jeannene Douglass
Records Manager II
Central Records Office
Nebraska Department of Corrections
PH: 402-479-5773
E-mail: jeannene.douglass@nebraska.gov

From: Douglass, Jeannene
Sent: Friday, February 08, 2013 11:48 AM
To: Willard, Linda
Cc: Poppert, Kyle
Subject: RE: sentence calculation

The statements in this regarding the calculation of parole eligibility are correct. The manner presented regarding the discharge date calculation is not correct.

Parole eligibility has always been calculated by adding the mandatory minimum required by law to the date the sentence begins. IF the minimum sentence is greater than the mandatory minimum term, one-half of the remainder is added to the mandatory minimum term to provide the total minimum sentence to be served. Any jail credit is credited to the minimum term.

However, Mr. Castillas will not serve 52 ½ years for discharge; the inmate must serve either one-half of the maximum term less jail credit OR the Mandatory Minimum term, whichever is longer, before being discharged from the sentence. The discharge date is not calculated in the same manner as the parole eligibility date.

In Mr. Castillas' case, he is serving a 30-year minimum sentence, 25 years of which are mandatory and not eligible for good time application. He will become eligible in 27 ½ years (25 years plus ½ of the remaining 5 years) less 379 days jail credit.

Mr. Castillas will discharge, at the very earliest, after serving one-half of the maximum 80-year sentence (40 years less 379 days jail credit). The 25-year mandatory minimum is less than the 40 years he will serve to be discharged.

Jeannene Douglass
Records Manager II
Central Records Office
Nebraska Department of Corrections
PH: 402-479-5773
E-mail: jeannene.douglass@nebraska.gov

From: Willard, Linda
Sent: Friday, February 08, 2013 9:41 AM
To: Poppert, Kyle; Douglass, Jeannene
Subject: sentence calculation

The attached case came down from the Nebr. Supreme Court today. Starting at the bottom of p. 188 they discuss sentence calculation. It is my understanding that this is how you currently do the calculation. Others in the office thought you might be doing it differently. So I am sending this to you so you can make sure you are doing the calculation in accordance with the Supreme Court's direction.

From: Willard, Linda
Sent: Friday, February 08, 2013 1:19 PM
To: Douglass, Jeannene
Subject: RE: sentence calculation

Note that the Supreme Court said the Dist. Court was wrong in how they calculated. If you are doing it differently than what the Supreme Court said is the "correct" way to calculate, do you decide to stay with the "right" way or go with what the Supreme Court said is the correct way?

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Sent: Friday, February 08, 2013 1:41 PM
To: Willard, Linda
Subject: RE: sentence calculation

Wouldn't the right thing to do be to continue the way we have always done it because it, too, was tried and tested. I don't know. it would be a real mess to have to go back in and recalculate everyone who has mandatory minimum sentences. What do you think??

*Jeannene Douglass
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Central Records Office
Nebraska Department of Corrections
PH: 402-479-5773
E-mail: jeannene.douglass@nebraska.gov*

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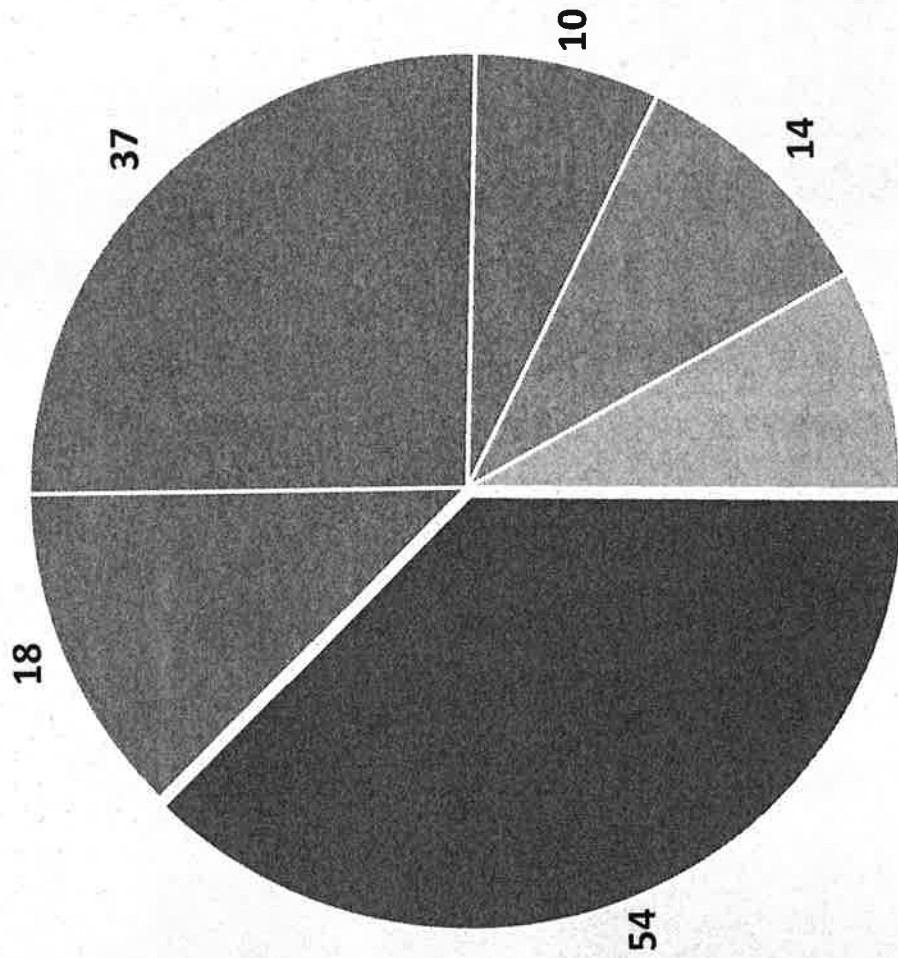
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RFP: From July 1, 2010 – June 30, 2012, approximately 145 criminals were on the streets.



■ 37 Robbery

■ 10 Murder

■ 14 Manslaughter

■ 12 Abuse of Child/ V adult

■ 54 Assault

■ 18 Other

Memorandum

Date: June 10, 2010

To: Departmental Accreditation Managers
From: Steve King, Planning & Research Administrator

Re: **Response to Crowding throughout Nebraska's Prison System**

Nebraska Department of Correctional Services Response to Crowding throughout the Nebraska's Prison System

Background

Since the early 1990's, the Nebraska Department of Correctional Services (NDCS) has been engaged in a Strategic Planning process, which has been used to evaluate growth management options as the Department continues to respond to an increasing inmate population.

In 1997 the Department had an inmate population of 3181 in space designed to hold 2103 (a design capacity of 151%), the State of Nebraska passed historic prison legislation that represented the work of many individuals over the previous decade. That work involved a four-pronged approach aimed to reduce prison crowding and to position the state on a course for the next millennia. The four prongs included:

- 1) 960-bed Maximum-Medium Security Prison, which included a 192-bed segregation unit. The \$76 million dollars represented the most the state had ever expended for a single building project.
- 2) 100-bed Work Ethic Camp designed as a front-end diversionary alternative for probationers in lieu of prison.
- 3) Funding of Community Corrections - \$1,000,000 per biennium.
- 4) The elimination of two critical statutes, which had significantly impacted inmate length of stay without jeopardizing public safety.

The new millennia and 2001 found states facing huge budget shortfalls, which forced drastic downsizing of government across the U.S., Nebraska was no exception. In late 2001 and into 2002, just as the 960-bed facility was opened and receiving inmates, Nebraska was forced to close two small facilities, losing a total of 292 beds. The State also withdrew the funding of the Community Corrections Program in June of 2002.

However, during these tumultuous times another effort was underway which, in part, stems from the work accomplished in 1997. This effort was simply titled the Community Corrections Working Group. Harold W. Clarke, then Director of the Department of Correctional Services recognized the need for ongoing systemic change. Working with the Vera Institute of Justice (Vera), Senator Kermit Brashear, and then Governor of Nebraska, Mike Johanns, Vera visited Nebraska in the fall of 2000 to investigate and analyze the existence and status of community corrections in the state in response to the Working Group's Initiative. In September 2001, Vera obtained a grant from the Department of Justice to provide Nebraska with technical assistance in developing a statewide community corrections plan.

Over the course of thoughtful and concentrated meetings held during 2002, the Working Group identified recommendations for adoption during the 2003 Legislative Session. The process by which the Working Group arrived at the recommendations included associates of Vera presenting to the Working Group various models for community corrections, structured sentencing, and sentencing commissions utilized by other states to facilitate criminal justice. The Working Group studied the models, gleaned therefrom many "best practices" of other jurisdictions, and adjusted and/or modified the models to fit the systems currently operating in Nebraska, and the requirements of the Nebraska Constitution.

During Nebraska's 2003 Legislative Session, the following transpired:

- Legislative Bill 46 – was passed and signed into law. This bill contained the following provisions:
 - Establishes a Community Corrections Act
 - Create a Community Corrections Council
 - Development of Sentencing Guidelines

- Development and maintenance of a uniform data analysis system
- Probation fees, establishment of
- Parole fees, establishment of
- Correctional System Overcrowding Emergency Act – the Governor may declare a correctional system overcrowding emergency at any time at which the director certifies that the population of the correctional system is over 140% of design capacity. Upon declaration of a correctional system-overcrowding emergency, the board shall forthwith consider or reconsider committed offenders eligible for parole who have not been released on parole.

In 2004, Nebraska established its first statewide Community Corrections Council as required under the new Act. The Council immediately began the work of developing sentencing guidelines, establishing parole and probation supervision fees, and working on the development of the necessary infrastructure to divert selected populations from prison.

Plan of Action

The Department's revised strategic plan growth management (2006), under which the Agency operates, has several main critical components. These are:

1. Capacity Expansion – A 612-bed minimum security stand-alone facility and a 256-bed housing unit to be built within the fence at the Tecumseh State Correctional Institution (TSCI).
2. Sentencing Guidelines – the Community Corrections Council established a sentencing guidelines grid for felony drug offenders and for the development of an instrument prior to implementation. The sentencing grid would divert 'low level' drug offenders from prison. Although the sentencing guidelines was not never finalized, the potential for diversion from prison was high (Initial estimates for the Department of Correctional Services admissions was a reduction of 93% in the targeted felony drug offenders (if no other factors are considered)). In other words, of the 437 felony drug offenders pushed through the sentencing grid for the trial run, 93% or 405 would have been diverted from prison had the sentencing guidelines been in place. Sentencing guidelines do not appear to be likely at this time.
3. Community Corrections Council Initiatives (Probation and Parole) – Three innovative adult community corrections initiatives were launched by the Office of Probation Administration and the Department of Correctional Services' Parole Administration in early 2006. Each initiative signals a major step in the statewide transformation of probation. Offenders charged or convicted of a felony drug offense, if eligible, could now be headed for treatment

programs rather than to prison. Specifically, Probation and Parole met this new programming challenge of diverting offenders from prison by developing:

- A statewide model for the delivery of substance abuse services.
- A fee-for-Service Voucher Program to pay for substance abuse services.
- A Specialized Substance Abuse Supervision (SSAS) Program to provide quality case management to this particular population of offenders.

In 2006, the Nebraska Supreme Court adopted a new Court rule regarding the Standardized Model for Delivery of Substance Abuse Services. This Standardized Model recognizes the connection between substance abuse and crime and promotes effective treatment as a means for reducing criminal activity. While the Standardized Model is intended for use with all offenders within the justice system, it is required by the Court's rule for those convicted of a felony drug offense under a specialty court as defined by the Community Corrections Act. The Standardized Model specifically sets up standards for screening, risk assessment, evaluations, and levels of care. Trained providers who are interested in serving justice offenders and agree to the elements of the Model may register their services with the Office of Probation Administration.

In addition, through the utilization of probation and parole offender fees and general fund appropriations, Probation and Parole have developed the Fee-for-Service Voucher Program. This program is intended to help overcome one of the major barriers (ability to pay) offenders face when attempting to address their substance abuse problems.

Finally, The Specialized Substance Abuse Supervision (SSAS) Program is foundationally based on four core components: 1) Substance Abuse Treatment; 2) Cognitive Behavioral Programming; 3) Day and Evening Reporting; and, 4) Quality Case Management and Field Supervision.

The SSAS Program is founded on evidence-based practices involving alternatives to prison for drug offenders and it signals a paradigm shift in both probation and parole philosophies. Targeting the treatment needs of offenders ultimately reduces recidivism and enhances public safety.

Probation since 2006, has been establishing Day and Evening Reporting Centers across Nebraska, which is intended to be an on-

site community-based practice that blends high levels of offender control with intensive delivery of services. Selected offenders under community supervision must report and receive increased services that are targeted at specific criminogenic needs. These Centers are designed to handle this new 'diverted' caseload, as well as, parole offenders on the back end. There are currently five Day and Evening Reporting Centers Statewide in operation. These Centers have a combined capacity for 312 offenders and, as of March 2010, were operating with 330 offenders, or 106 percent of capacity.

4. Nebraska Prisoner Reentry Court – As part of the Community Corrections Council legislative package for the Ninety-Ninth Legislature, Second Session, 2006, Legislative Bill 1257 was introduced by Senator Kermit Brashear. Inmates with a maximum sentence of five years or less would be eligible for parole to the specialized supervision program, regardless of the amount of time served or good time earned. This bill ultimately failed to pass.
5. Review/Revision and Validation of Department's Inmate Classification Process – As the numbers of inmates with the Department continue to increase the need to control and service the inmate population within available resources has become more critical with each new admission. As a result, there was a need to develop a more responsive prisoner intake system that facilitate and expedite appropriate custody, housing, and programming decisions. It was vital to ensure that such decisions are based on the most reliable and viable assessment tools available to the correctional field. For each admission, a systematic and highly structured intake process is required to determine (among other things) the prisoner's custody level, his/her medical and mental health needs, and appropriate assignment to in-prison programs and/or services. Accurate internal and external classification decisions are critical for a well-managed, safe prison system, and play a critical role in successful reintegration. The rigorous change to the Department's classification and assessment process has resulted in:
 - Enhanced and timely data sharing among facilities
 - Linked management information systems
 - Validated risk and needs assessment tools
 - Maximization of resources by insuring that bed space needs are accurate
 - Ensure the safety and security of correctional systems
 - Better prepared inmates for reintegration, therefore lower recidivism rates

6. Doubling of Bed-Space at the Department's Community Corrections Centers in Lincoln and Omaha – in order to maximize the number of offenders at the community custody level decisions were made to double the inmate population at both Community Corrections Centers. This decision maximized the number of inmates eligible for participation in the Department's Work Release/Education/Detail programs while making populations at higher custody levels more manageable.
7. Completion of the Department's Strategic Capital Facilities Master Plan Update (2006) – the report was released on October 10, 2006. Due to the potential major implications of the new sentencing legislation, the Plan examines growth management scenarios within a range of low and high estimated growth. This includes a 'Natural Growth' model, which is the estimated population in the system for the years 2015 and 2025 without the potential impact of any new legislation.

The Plan analyzes future forecasts to distinguish the various sub-groups that exist within the inmate populations. The analysis revealed several sub-populations that may require, or benefit from, special housing in the future. They are discussed in the report to be published in the near future, and include:

- Medically limited
- Female (youthful, intake, community)
- Medium and Maximum Custody Male Inpatient Substance Abuse Treatment
- Pre-Release – all custody levels but community
- Meth Offenders
- General Population – minimum, community

The Plan provided a summary of bedspace shortfall under both Natural Growth and the Accelerated Growth models, for 2015 and 2025. The Plan provided an analysis of existing facility resources and finally, based on projections of future growth, the Plan will provide a strategy for meeting the shortfall through expanded uses of existing facilities and the development of new bedspaces. The strategies developed in the Plan Update are presented in two planning horizons: Phase 1 – present year through 2015; and Phase 2 – years 2015 to 2025.

The Strategic Capital Facilities Master Plan Update for 2006 contains recommended capital expansion plans to meet the estimated future growth, including estimated cost options.

8. Problem-Solving Courts – Although Nebraska's judges choose not to implement sentencing guidelines, at this time, one of the statewide responses to dealing with 'diverting drug offenders' has been the rapid proliferation of drug courts or 'problem-solving courts'. These courts are now in operation in every judicial district in the state. As of March, 2010, problem-solving courts were operating at approximately 85 percent of capacity, handling 448 offenders in capacity designed to handle 530. An evaluation of the State's 'Problem-Solving Courts' is currently in the Request for Proposal stage. It is generally conceded that a portion of the states felony drug offenders are being diverted by the problem-solving courts.

9.

Task

Following the Department's strategic plan for growth management, the Department defined and is in various stages of implementing the following tasks: (If task is completed it will be noted in **bold** and underlined as completed. If not completed or in progress, a more detailed progress list with Anticipated Completion Dates will follow.)

1) Capacity Expansion and Construction Projects-

A. 612-bed Minimum Security Stand-Alone Correctional Facility and 256-Bed Housing Unit Addition at TSCI program statement will be developed and submitted by September 15, 2012 as part of the Capital Construction Biennial Budget Request. This stand alone, minimum security facility would accommodate 612 male offenders and a 256-bed housing unit addition at TSCI. These expansion and construction projects are planned to be sited on existing departmental property (612-bed), while the housing unit would be sited on a designated footprint within the secure perimeter at TSCI.

- Submit Capital Construction Request – (September 15, 2012);
- Capital Construction Budgets up for Funding Consideration with Legislature – (January, 2013); program statements require approval of the Governor's Office and Department of Administrative Services prior to funding approval for construction
- Capital Construction Funding Approved for both projects – (July, 2013); cost of construction depends on Program Statement Findings;
- Consultant Selection for Both Projects – (Fall, 2013); Consultant Selection must be in accordance with the Nebraska Consultant's Competitive Negotiation Act

*-done
not approved*

- Begin Design of Both Projects – (Fall/Winter, 2013); Expediting design will depend on suitable site location on state-owned land.
- Design Complete for New TSCI Housing Unit – (Fall, 2014); Bidding period for TSCI Housing Unit
- Begin Construction of New TSCI Housing Unit – (Spring/Summer, 2014); Estimated Construction Time is 24 Months.
- Design Complete on New Stand-Alone Facility – (Spring/Summer, 2014); Bidding period for New Stand-Alone Facility
- Begin Construction of New Stand-Alone Facility – (Fall/Winter, 2014); Estimated Construction Time is 36 Months.
- Construction Complete for New TSCI Housing Unit – (Fall/Winter, 2016); Will require installation of furnishings, shakedown, and occupancy following construction
- Construction Complete for New Stand-Alone Facility – (Fall/Winter, 2017/2018); Will require installation of furnishings, shakedown, and occupancy following construction.

B. Flood Plain Improvements (Beal's Slough) – NSP – This project provides flood plain improvements along Beal Slough located directly south of the Nebraska State Penitentiary. This project is a cooperative project with the City of Lincoln, Lower Platte South Natural Resources District, and the State of Nebraska. The improvements would effectively remove the Penitentiary from the 100-year flood plain and greatly reduce damages to the Penitentiary in the event of a major storm episode. Moreover, given the overcrowded conditions of the Department, in the event of a major flood relocating inmates from the Penitentiary to other facilities would be very difficult. The total cost for this project is estimated at \$8,220,000. The proportion of funding provided by the City of Lincoln and Lower Platte South Natural Resources District has not been finalized and a preliminary cost share estimate is provided in the program statement.

- Preliminary cost share estimate \$3,340,000

Note: Project was federally funded and plans are underway for project to start.

- 2) Sentencing Guidelines – Nebraska's Community Corrections Council has established (with the assistance of the state's judiciary) sentencing guidelines grid for felony drug offenders – **Completed**; Sentencing Guidelines grid has been tested using both Correction's and Probation's felony drug offender populations – **Completed**; to be submitted to the new chief justice.

Note: Sentencing Guidelines initiative is no longer under consideration

3) Community Corrections Council Initiatives – Nebraska’s Community Corrections Council establishment of Day and Evening Reporting Centers across the State for Selected Offenders. Nebraska’s Probation Administration has established Day & Evening Reporting Centers across the State intended to be an on-site community-based facility that blends high levels of offender control with intensive delivery of services – **Completed** (they started the process with Centers in Omaha, Lincoln, Sarpy, Cass, and Otoe counties, Dakota City, and the Lexington/Kearney area all **Completed**); this project will continue to grow in the months to come.

- Supreme Court Rule – Standardized Model for the Delivery of Substance Abuse Services – **Completed**
- Statewide training begins on Model, fee for Service, and SSAS – **Completed**
- 6 Week intensive training on Evidence-based practice completed – **Completed**
- SSAS Officer advanced Substance Abuse Training – **Completed**
- Grant for Domestic Violence Program Specialist Awarded – **Completed**
- WEC programming reviewed by Office of Probation Administration and Department of Correctional Services – **Completed**
- Voucher Training for Parole – **Completed**
- Reporting Center sites located – **Completed**
- Probation and Parole Administrators approve fee for service population – **Completed**
- SSAS presentation to Parole Board – **Completed**
- Community Corrections Council Data Work Group – Identify Additional Offender Populations to Divert (In Progress)

In addition to the above activities, the Probation and Parole Administrations have the following offender fees on hand Fiscal Year 2010:

| <u>Administration</u> | <u>Fee Amount</u> |
|-----------------------|-------------------|
| Probation | \$4,467,747.00 |
| Parole | \$ 95,500.00 |

Note: As of March, 2010, the SSAS Program reported a total current population of 330 clients. This compares to year-end population in 2007 of 181 (an approximate 82% increase).

Expansion plans for the Fee for Services Program are in the planning stages to offer treatment and evaluation dollars to:

- Substance abuse problem offenders with requirement of evaluation or treatment for individuals who are high recidivists; work with parole to identify these people for treatment and evaluation services
- Already on Probation or on Problem-Solving Court – nature of addiction is that they will likely relapse and go to prison, therefore, divert these offenders
- Class I Misdemeanor Drug Offender Population – counties are forced to reduce charges for variety of reasons, in rural areas particularly
- DUI III Offense and Above – there are a number in prison; these offenders clearly have a problem and may eventually kill someone
- Plans to expand services to other offenders

VERA Institute of Justice completed a Process and Impact study of Intensive Supervision Probation, to include:

- 47 officers that cover entire state
- Work closely with Parole

- 4) Nebraska Prisoner Reentry Court – The Nebraska Community Correction's Council introduced legislation in 2006 (LB1257) – **Completed**; Note: Legislation did not make it and the Council is not considering reintroducing again in the near future.
- 5) Problem-Solving Courts – since July of 2005 the number of Problem Solving Courts has gone from 9 to 16. Currently they are courts in all of the 12 judicial districts.
 - These courts are designed to send felony drug offenders into the SSAS Program thereby diverting offenders from prison.
 - SSAS Program and Problem-Solving Courts are having an impact. Note: Felony Drug Admissions sentenced to three years or less have decreased by 17% from 2008 through 2009.
- 6) Review/Revision and Validation of Department's Inmate Classification Process – Classification Process reviewed, revised and validated – **Completed**;
 - Revalidate Classification Process – every 3 to 5 years
- 7) Doubling of Bed-Space at the Department's Community Corrections Centers in Lincoln and Omaha – As a response to crowding and the continued problems nationally with the economy, the NDCS has purposefully chosen to double bed space at Centers. While necessary, the department will crowd at lower custody levels where offenders have the greatest freedoms, do the shortest amount of time, and, in general,

can spend part of their time in the community on furlough, passes, and so forth. The Department will try to keep its' core 'high security or maximum security facilities' at lower levels of crowding. – **In Progress**

- Community Correction Center – Lincoln - 188% of design capacity
- Community Correction Center – Omaha – 171 % of design capacity

8) Work Ethic Camp – The Department of Correctional Services (DCS) Work Ethic Camp (WEC) has historically been underutilized, therefore, DCS is proposed legislative changes to send parolees to WEC in lieu of returning them to prison. WEC would be used as a transitional facility with a strong emphasis on treatment. The length of stay would be modified, if needed, to suit the individual offender.

- Legislation submitted to Policy Research Office – **Completed**
- Legislative Bill (LB274) – signed into law 2009 - **Completed**
- Currently the Department has placed 88 parolees at the WEC. Total count at that 100-bed facility is 156. The remaining 68 offenders are probationers who are sentenced there in lieu of prison as an alternative. Plans call for the facility to hold a total of 200 offenders, approximately three-fourths of which will be NDCS parolees. It is anticipated that WEC will be double capacity (200) by late 2010/early 2011.

9) Completion of the Department's Strategic Capital Facilities Master Plan Update

- Report released October, 2006
- Tentative planning for a revised Strategic Capital Facilities Master Plan by 2015/2016.

10) NDCS Reentry Furlough Program – in August of 2008, DCS started the reentry furlough program which is designed to place those offenders who meet requirements (low risk, no major issues while incarcerated) back into the community under a set of guidelines. Currently, this program started in Douglas County, Nebraska (Omaha) and has now expanded to Lancaster County. NDCS is currently making plans for the program to go statewide to all 93 counties. Offenders in the reentry furlough program are identified and moved into the program as soon as possible. They are assigned a parole supervisor and must comply with specific program requirements.

- Currently, there are 12 offenders in the Reentry Furlough Program.

11) Internal Changes with the Nebraska Department of Correctional Services
– following the recent economic problems plaguing states nationally, the

Department met with Governor's staff (April 16, 2010) to brief them on the continued crowding issues and discuss responses to forecasted inmate population growth. Given the seriousness of the economic crisis facing Nebraska, it was clear that everything must be done to limit the necessity to expand prison capacity. NDCS took immediate steps to implement the following:

- Increase Efficiencies within NDCS/End Unnecessary Delays – the Department established teams with the sole purpose of increasing efficiencies throughout the agency. These 'efficiencies' were primarily focused on inmate movement, inmate disciplinary processes, inmate parole processes, and so forth. This also meant the establishment of an 'Efficiency Review Plan' which could address the consolidation of existing programs and services, including reforms to reduce the number of employees and layers of management, and mandates and requirements imposed by the agency. The result was a large number of small, but significant changes which increased efficiency, ended delays or both.

This also included greater use of the NDCS Reentry Furlough Program. To do so meant expanding the population reviewed, including consideration for low risk sex offenders.

- Increase the Number of Suitable Parole Candidates – again, team(s) were formed to address this issue. These meetings included members of the Parole Board. The result was an expanded number of candidates for parole.
- Calling Upon Professional Resources – NDCS needs to make the most of professional connections that are in existence (e.g. Carter Goble Associates, Dr. Thomas White, working with the Community Corrections Council, House for New Life, Reentry Alliance of Nebraska, etc.)
- Making Greater Use of Volunteer Resources – NDCS should make greater use of volunteers and volunteer resources such as Northern Light House and the Parenting Program, for example.
- Preparing the Omaha Correctional Center for additional population – Housing Unit J3 becomes Programs, including sex offender treatment program and outpatient mental health. The increase in program capacity will be critical. The focus will be on the integration of services at the facility.
- Work with Nebraska Parole Board to Maximize the Number of Offenders on Parole – the Parole Board is included in all NDCS

Crowding meetings and has actively participated in the dialogue. The Board is working with the NDCS on a number of different initiatives aimed at lessening crowding, e.g. parole revocations, Work Ethic Camp parolees, parole for offenders with short sentences, and expanding the number of individuals on parole.

- Evidence-Based Practices to be Integrated throughout NDCS – given what is known about evidence-based principles and practices (EBP), the Department is implementing EBP in all major programs.

- 12) Contracting with County Jails to House State Prison Inmates Sentenced to One Year – Currently the NDCS is exploring the feasibility of contracting with county jails for the placement of inmates sentenced for short sentences. The Director of the Department of Correctional Services has the statutory authority to place inmates sentenced to the Department wherever he chooses. This coming July, 2010 a new state law goes into effect which will significantly impact county jails by giving county offenders a day of good time for every day served. This law will be retroactive. Therefore, the county jail system will have surplus bed space and for many of the new, larger county facilities this will pose a problem as they struggle to pay for their new jails. The Department has already had favorable talks with the Governor's Office on this idea to address the crowding problem in the state's prison.



Dave Heineman, Governor
Robert Houston, Director

MEMORANDUM

TO: Wardens

FROM: Director Houston and Deputy Directors Frank Hopkins and Larry Wayne

SUBJECT: Recommendations for Re-entry Furlough Program (RFP) candidates

DATE: April 5, 2011

As of today, we must reduce our population by 152 inmates before July 1, 2011. On May 9th, 2011 the Omaha Correctional Center will close housing unit J-1. We need to reduce our population to meet our budget challenges while preserving public safety. Your contribution is critical and deeply appreciated.

Please have your unit staff review their caseloads and the attached list, for appropriate candidates for the Re-entry Furlough Program.

Candidates must be eligible for community "B" custody level. Initial focus is on inmates who have been already been approved for community custody but who have been unable to transfer due to limited bed space and short term low risk inmates directly out of the reception centers.

Please give consideration should to candidates who are 18 months from release and would benefit by participation in work release. These exceptions can be made via a classification override by the Warden.

Kyle Poppert, Layne Gissler and Parole Administration staff will visit each facility to train unit staff on the following key elements of the RFP:

Inmates must have a plan for work, housing and/or family support while looking for work. Staff should be able to assist inmates in developing such a plan. When approved for RFP inmates will be transferred to a community center for orientation and placement on the program. Inmates will be classified 4B and placed on count at CCC-L or CCC-O for supervision. Inmates enjoy no liberty interest in the program and may be returned to a DCS facility for any reason, at any time at NDCS discretion.

All RFP participants must comply with their financial obligations including making restitution payments if appropriate. All paychecks must be submitted to inmate accounting for processing. Inmates will then write themselves an institutional check so their funds can be placed on their debit card. Deduct 10% of the net paycheck as NDCS Accounting will deduct for the victims and savings funds.

Inmates with life threatening medical emergencies should call 911 when on RFP. For all other medical, dental and prescription needs, they will call 402-471-1500 if on RFP from CCC-L or 402-522-7136 if on RFP from CCC-O.

Some inmates may be required to be placed on electronic monitoring as a condition of the RFP.

RFP inmates will be assigned a parole officer and will also be supervised by community corrections center staff.

To recommend an inmate for the RFP, submit a classification packet including a work release application to the Director's Review Committee. Send a written recommendation to the email group: **DCS Reentry Furlough Applications**. Melanie Prinsloo will assign a Parole Officer to assist Unit Staff and the inmate during the approval process and for supervision if placed on the RFP. Inmates approved for RFP will be notified and an orientation session will be scheduled. Inmates will be transferred to a community center on the day of orientation. CTS entries will be updated. The assigned Parole Officer will complete RFP process. And place the inmate on the program.

Please review this information with staff as soon as possible. Please contact me with any questions. Thank you for your assistance.

From: Mahr, Ryan
Sent: Monday, April 11, 2011 4:00 PM
To: Brockman, Trish; Wees, Curt; Goracke, Teresa
Subject: FW: RFP candidates
Attachments: RFPWarden'smemo.doc; 3yrs.pdf; AR 201 12 Revisions for 2011.doc

Trish, Curt & Teresa,

Please take a look at AR 201.12 regarding the Reentry Furlough Program. These were the changes submitted by the wardens for 2011 so it will eventually become the most current version of the AR. Let's get familiar with this policy and start thinking about how it would look for NCYF. Once we think through the details of this program and are sure we can manage it, I'll submit a proposal to Frank. Our program would be for inmates 18 and under. Once Trish gets back from Texas, we'll start talking about this some more. We're just brainstorming right now.

Thanks!

Ryan Mahr, Warden
Nebraska Correctional Youth Facility
2610 N. 20th St. East
Omaha, NE. 68110
Office: (402) 636-8600
Email: ryan.mahr@nebraska.gov

From: Poppert, Kyle
Sent: Wednesday, April 06, 2011 7:48 AM
To: DCS CEO; Houston, Bob; Hopkins, Frank; Wayne, Larry; Spindler, Robin
Subject: RFP candidates

Please share with your staff as appropriate.
Attached is a list of non-violent offenders who have a TRD within 3 years that do not have a parole hearing set.
Attached is a revised work release application that should be used in the future for all RFP, Work Release and Education Release applications.

Kyle J. Poppert
Classification and Inmate Records Administrator
Programs & Community Services
Phone: (402) 479-5750

Fax: (402) 742-2349
Kyle.Poppert@nebraska.gov

WARDENS MEETING MINUTES

Community Corrections Center – Omaha
April 20, 2011

PRESENT: Frank X. Hopkins, Diane Sabatka-Rine, Fred Britten, Rex Richard, Charlie West, Ryan Mahr, Mike Kenney, Pam Morello, John Dahm, Mario Peart, Dennis Bakewell, Helen M. Torres

GUESTS: Bob Houston, Kyle Poppert, John McGovern, Jim Brebner, Matt Zier, Steve Urosevich

Mr. Hopkins welcomed all and reviewed the agenda.

JOHN MCGOVERN

- **NDCS EMERGENCY PREPAREDNESS PLAN FOR LAUNDRY:**
John McGovern, Jim Brebner and Matt Zier were present to discuss the Department's emergency plan of action should there be an emergency situation involving CSI Laundries. Mr. McGovern distributed a copy of the "NDCS Emergency Preparedness Plan for Laundry" which would be implemented if there were a laundry crisis at TSCI. CSI currently does laundry for several health care customers (JCAHO) including state institutions and community hospitals, as well as the DCS facilities. Both TSCI and NSP meet the laundry standards set by JCAHO and Mr. McGovern explained that should a crisis occur at NSP, TSCI can process all the laundry. However, if a crisis were to occur at TSCI, NSP would process the laundry for all JCAHO customers, TSCI's and their own. Other DCS facilities would need to process their own laundry or have it done at a nearby DCS facility. Mr. McGovern asked the Wardens to keep him informed of any laundry equipment that is broken or if there are equipment changes. **ACTION: The Wardens will discuss the plan with their staff and report back at the next Wardens' meeting.*
- **SIGN SHOP OPERATION:**
CSI will be taking over the sign shop operation from the Department of Roads in the near future. Equipment from Roads will be moved to NSP in May and June 2011. Mr. McGovern noted this business is a critical operation and there will be times when signs will have to be made immediately.

STEVE UROSEVICH

- **RECOVERY HEALTH NETWORK (RHN)**
Mr. Urosevich distributed a prescription savings card and an informational sheet provided by RHN. This free of charge prescription savings card will be

distributed by DCS staff to parolees and probationers. Users of this card will be able to receive instant savings on their medications and Mr. Urosevich noted there is no cost to the Department. The state of Wyoming has had success in utilizing this service as part of their Reentry Program. Mr. Urosevich advised that the RHN prescription cards are available at the parole offices and he will also be sending cards to the Wardens. The RHN prescription cards can also be obtained by printing them off of the RHN website (www.recoveryhealthnetwork.com). It was noted that anyone can use this prescription card at participating pharmacies and Mr. Urosevich asked about the possibility of sharing this information with staff and their families. He suggested this be discussed at an Executive Staff meeting. Mr. Hopkins asked the Wardens to make this card available as part of the inmate discharge process. He also stated that the Wardens could discuss this at their general staff meetings. Any questions may be directed to Mr. Urosevich.

• **MEDICAL PORTER PROGRAM**

The Department will be training some inmates to work as Medical Porters. These Medical Porters will be trained to assist inmates with special needs. Currently there are three inmates in need of assistance. The Medical Porters will be paid \$3.78 per day; the facilities only have so many \$3.78 slots and Mr. Urosevich stated the Medical Porters will not be part of these slots. The Medical Porter positions will be advertised the week of April 25th and persons selected will begin by May 23, 2011. The title of these positions is Medical Porter so as not to confuse them with Certified Nursing Assistants or regular Porters. Mr. Urosevich advised the Certified Nursing Assistant Program (CNA) component will be completed further on down the road. There was a brief discussion about the amount of time it takes to complete the CNA Program and the training required to complete same. Mr. Urosevich noted completion of the CNA Program will help inmates gain employment when they are discharged.

KYLE POPPERT AND DIRECTOR HOUSTON – INMATE POPULATION CONTROL

Mr. Poppert thanked the Wardens for getting staff to the Reentry Furlough Program (RFP) training. There was discussion about what the Department is doing to reduce our inmate population and to increase the numbers in the RFP as well as those on parole. Regarding recommendations for the RFP, candidates must be eligible for community B custody status. Mr. Poppert stated that public safety is always the number one priority. Consideration should be given to inmates already approved for community custody but who have not been able to transfer due to limited bed space. Consideration may also be given to candidates who are 18 months from release and who would benefit by participating in work release. Melanie Prinsloo, CCC-O and CCC-L staff have been assisting with responding to other DCS staff when there have been questions regarding the RFP approval process and Mr. Poppert thanked them for their help. Mr. Poppert also noted that all the details have not been worked out but we continue to improve this process. There was discussion about the need to keep the numbers down at DEC and to keep the inmate movement going. Mr. Hopkins stated that anytime a facility can take

inmates from DEC they should do so. This may require staff to make several trips in one week.

DIRECTOR HOUSTON

Director Houston will be meeting with the Parole Board on April 28th. Mr. Houston noted that our focus is to decrease the overall prison count and he will be talking with the Parole Board about what we can do together to further reduce the inmate population. Mr. Houston noted we are experiencing record high admissions and we need to continue to work on reducing the count at DEC. We need to change how we do business; we need to re-invent how we do things. We are doing what other states are doing successfully. Mr. Houston also talked about the recommendation of sex offenders for parole and the number of sex offenders currently on parole. He stated that safety for all is our first priority and meeting the budget is our second priority.

Housing unit J-1 at OCC will be closing on May 9, 2011, and NSP will have a housing unit close in March 2012. There was discussion about the impact this will have on inmate movement. Affected staff are being advised of the closing of the unit at NSP. There are enough 309 funds for the work on J-1 but not for the other two housing units at OCC. Mr. Houston noted consideration is being given to having the work completed on the two units when there is enough funding to work on them back to back rather than one at a time. Different scenarios were discussed regarding the closure of housing units at OCC and NSP in the future.

The Memorandum of Understanding has been received from the State Department regarding the training that will be provided by DCS to representatives from Costa Rica. The Costa Rican officials will be here the week of May 23 – 27, 2011, to gain familiarity with corrections facility operations and training. A meeting with appropriate DCS staff is scheduled for April 28th, 8:00 a.m. to discuss details of their visit/training.

Director Houston talked about the murder of a Correctional Officer by an inmate in a South Dakota prison. It was mentioned that we have the potential for such an incident to occur in our facilities and Mr. Houston asked that our Security Administrators review our turnkey procedures. ***ACTION: Mr. Hopkins will ask Brad Hansen to get feedback from the Security Administrators. This information will be shared with the Wardens and Director Houston. NOTE: Mr. Hansen is in the process of trying to gather information from South Dakota authorities.**

Mr. Houston distributed an outline of the things that need to be included in the notification to Central Office when incidents occur at the facilities. Mr. Houston noted that the media is alerted any time a 911 call is made and it is important that the shift supervisor contact Central Office as soon as possible with the following information:

- Facility
- Name
- Number
- DOB

- Current Age
- Crime
- Sentence
- TRD
- County of Commitment
- County of Death
- Cause of Death
- ER Contact Notified

- The narrative should include, at a minimum, the following:
 - Who was involved
 - What happened
 - When it happened
 - Where it happened
 - Why it happened
 - Follow up Action (was not on list; however, Director Houston asked that this be included).

- Incidents may include:
 - Walk Aways
 - Escape
 - Death
 - Fight/Altercations
 - Staff Assault
 - Medical Emergency

There was a brief discussion regarding itineraries for persons on the RFP and whether it would be possible to place them on furloughs rather than to have an itinerary. A suggestion was made to generalize the language in the itinerary; for example if a person is shopping, the itinerary could state the person is shopping rather than to name the specific store. Mr. Hopkins suggested if the candidate is excellent, this could be done as part of the recommendation by staff and it would be done on a case-by-case basis. Feedback on the success would be reported to Mr. Poppert. Mr. Poppert could work with Wardens Richard and West to work out the details. Director Houston noted that cell phones are a good way to track a person.

DEPUTY DIRECTOR HOPKINS

- Regarding incidents at the facilities, Mr. Hopkins reiterated what Director Houston said. He also stated that he is pleased overall with how notifications are made to Central Office. He said it is critical that incidents be reviewed, acted upon quickly so they can be resolved and reported to Central Office as soon as possible. Notification should be sent to the following: Director Houston, Mr. Hopkins, Robin Spindler, Larry Wayne, Dawn-Renee Smith and the Central Office O.D. In cases where there is a death or major illness, Dr. Kohl should be

WARDENS MEETING MINUTES
LINCOLN CORRECTIONAL CENTER
May 18, 2011

PRESENT: Frank X. Hopkins, Diane Sabatka-Rine, Fred Britten, Dennis Bakewell, John Dahm, Mario Peart, Pam Morello, Mike Kenney, Charlie West, Rex Richard, Ryan Mahr, Helen M. Torres

GUESTS: Bob Houston, Levi Bennett, Joe Baldassano, Kathy Blum, Brad Hansen, Ken Sturdy, Dawn-Renee Smith

Mr. Hopkins began the meeting by reviewing the agenda and welcoming Mr. Bennett.

LEVI BENNETT, PERSONNEL INVESTIGATOR

Mr. Bennett distributed and reviewed a handout outlining his duties as Personnel Investigator. He noted he will be coordinating the Department's work place harassment and personnel investigations. Mr. Bennett also distributed a flow chart with the process for handling employee work place harassment allegations (the flowchart is attachment "F." of A.R. 112.07). The Wardens made some recommended revisions to this flow chart. Mr. Houston stated he has received several positive comments throughout the Department relative to Mr. Bennett and he appreciates his efforts.

Mr. Bennett noted that he recently accessed the corrections.com website and a comment was posted by a DCS employee. While this comment was not inappropriate, Mr. Bennett stated the public has access to this and various other websites and staff should be careful about the comments they post.

DIRECTOR HOUSTON

Director Houston talked about the Department's goals and efforts regarding inmate population control, increasing RFP numbers and parole reviews and hearings. Kyle Poppert and Layne Gissler attend the Tuesday Executive Staff meetings to discuss same and ideas the Wardens or staff have to improve our efforts may be forwarded to Mr. Poppert or Mr. Layne. Mr. Houston also shared some of the salient points he will be discussing with the Parole Board at their May 23rd meeting regarding our mutual efforts to increase parole reviews and hearings. Mr. Houston stated that while we are looking at community options for a successful reentry for eligible inmates, our first priority continues to be public safety.

Jeffrey Schwartz, LETRA Consultant, was here the week of April 25th to review the Department's use-of-force policy and diversity/ethics training. The Department is considering implementing recommendations made by Mr. Schwartz. Consultant Anne Marie Kinney has been assisting NDCS with our diversity efforts. Harold Clarke will be

MEMORANDUM

DATE: June 11, 2012

TO: Frank X. Hopkins, Deputy Director/Institutions

FROM: Mario F. Peart, Warden – LCC

SUBJECT: Department Head Meeting – 6/11/12

PRESENT: Marlo Peart, Robert Madsen, Major Diltz, Tony Cruz, Tammy Kluver, Janet Boyer, Chuck Glenn, Capt. Burkey, Brienne Meaghers, Jeff Salomons, Andrew Mook, Anne Thompson, Kevin Oliver, Tim Mayfield, Todd Hausssler, Ricky Wray, Amber Wlens, Don Divis, Nate Schwab, Ted Hill and Laura Bonow

ABSENT: Denise Skrobecki, Jason Hurt, Rick Johnston, Wayne Chandler, Rick Hargreaves, Robin Hinrlchs

Mr. Peart opened the meeting at 9:00 a.m. He introduced Anne Thompson as the new Human Resources Assistant.

Janet Boyer reported that it has been a very busy month for food service staff. They continue with Pro-Start classes and are working on different exercises. Currently, they are waiting for some menu revisions. Jeff Williams is absent from the facility for three weeks. There are new inmates working in the store room and they are working in central dining. There is one staff member who is finishing up with training for the year.

Chuck Glenn stated there are several different religious activities scheduled for June 21 and June 22. The Native American inmates and Asatru inmates might want the same date so they will schedule one for the morning and one for the afternoon. The Wiccans can have Monday and Saturday of that week. Mr. Glenn received some extra material for the Angel Tree project.

Brienne Meaghers stated that the MSW intern will work through August. IHELP currently has three open beds. There are a couple of central monitoring issues. Once or twice a year, there are a lot of P.C. Interview Requests. If they have a treatment option, they can apply for the program.

Jeff Salomons reminded everyone that this Friday and next Friday are the last of Day 5 training. On June 28, pest control will be here.

DEPARTMENT HEAD MEETING

JUNE 11, 2012

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Andrew Mook stated that the roof project is progressing. They will begin working extended hours, from sun up to sundown. The CSI shops sprinkler project is winding down. They are waiting on the final inspection from the Fire Marshal. They are planning to post the Facility Maintenance Specialist position.

Anne Thompson stated that she made it through her first payroll and open enrollment. Mr. Peart thanked her for the assistance she provided to staff with their insurance.

Kevin Oliver reported there are 230 inmates in the Hobby Program. The inmates have finished the buddy league softball season. They are now into Summer Challenge events. Clubs are running fine. They opened the evening yard session after the recommendation last Wednesday. The first outside softball team came in last Saturday.

Tim Mayfield reported there are 117 inmates in A Unit with two held beds. Beginning next week, they will be fully staffed.

Todd Haussler reported there are 70 inmates in D Unit and six are scheduled to transfer to that unit. They began painting inmates cells and this is going well.

Ricky Wray stated that there has been an increase in ASL interpretation. He will be on vacation June 18 through 29.

Don Divis advised that he is filling in for Mr. Hargreaves who is on vacation. There are currently 120 inmates on B Unit. There are eight beds being held in segregation. They have two people to finish Day 5 training and one to finish chemical training.

Nate Schwab reported that next Tuesday from 11:00 a.m. to 3:00 p.m., someone is coming in to do a virtual hallucination exercise for those staff who would like to participate.

Ted Hill reported that graduation of the residential substance abuse group will take place on July 11 from 10:00 to 11:30 a.m.

Amber Wiens talked about the Travel AR and reminded staff they need to review this before they make travel arrangements for training, conferences, etc. She also reminded staff to complete their inmate pay entries on CIPS. When hiring an inmate, make sure he does not have another job. We are currently over budget due to three payroll periods last month. Canteen Supervisor interviews will be set up for next week. There is one canteen staff member who is finishing their training for the year. Ms. Wiens is scheduled to be gone on maternity leave in two weeks. Steve Weis, Jerry Breazile and Denise Skrobecki are scheduled to assist while she is gone.

Tony Cruz reported that there are 63 inmates on E2 with one bed being held. There are 49 inmates on E1. There are 63 inmates in C Unit with two staff on military leave. C.W. Jones is scheduled to be back this week.

**DEPARTMENT HEAD MEETING
JUNE 11, 2012
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Tammy Kløver had nothing to report.

Major Diltz reported that all military staff are back. On May 28, we started the two-year non-rotating posts. A security Intern begins training today. They have one or two vacancies.

Capt. Burkey stated that she appreciates the cooperation of staff with ongoing construction projects. Remember that we will need to re-route the traffic in these areas.

Laura Bonow reported that the EAC is selling Pogo Cards. They are \$25.00 and you get four sets of cards. She also announced that a Sloppy Joe lunch is planned for Thursday, June 21, from 11:00 a.m. to 1:30 a.m. The cost is \$4.00 for a sandwich, chips, pop and cookies.

Mr. Madsen had nothing to report.

Mr. Peart discussed the following issues:

- We have some serious budget issues in the Department. A meeting will be held tomorrow at the Department of Roads to discuss population reduction and Re-Entry. It is possible that some positions will not be filled when they become vacant.
- Sanitation is still looking pretty good but there are a couple of areas that need some attention. We need to stay at a high level of sanitation throughout the facility.
- A meeting was held with Director Houston, the Governor and Esther Casmer and they signed an agreement with regard to population reduction.
- The Department is considering hiring a group of people to look at population reductions.
- There will be a meeting with the Parole Board August 13 – 15 to discuss population reductions.
- There was discussion regarding parole programming. We can recommend parole for those in residential substance abuse.
- We are in the beginning stage of on-line training for staff.
- Dawn-Renee Smith is the new PREA Coordinator.
- Robin Spindler talked about the budget. Our population is higher than what we are budgeted for. They will go in front of the Appropriations Committee.
- We are changing the process of ordering replacement printers. It has been suggested that staff use a centralized printer when possible. Any requests for new printers should be submitted through Mr. Peart and Mr. Hopkins.
- We started the Transformation Project.
- We need to maximize food service opportunity buys.
- NCYF will utilize Prison Fellowship as mentors and this will be part of the Levels Program.
- We need to have all facilities involved in the Community Involvement Committee. People from community agencies come in to share/exchange suggestions and ideas and be informed of what is going on in the Department.
- TSCI currently has 36 custody vacancies.

DCS Executive Staff Meeting

Meeting Minutes

Tuesday, 19, 2011

9am

TSCI – Warden's Conference Room

Present: Bob Houston, Robin Spindler, George Green, Steve King, John McGovern, Steve Urosevich, Dr. Randy Kohl, Levi Bennett, Larry Wayne, Frank X. Hopkins, & Concha Kroeger

- OD Report, Joe Baldassano, July 12 - 18, 2011 (via Frank X. Hopkins)**
 - NSP on modified lockdown; possibly off later today.

- Next OD, James Foster, July 19 – 25, 2011.**

- Budget Announcements/Discussion – Robin Spindler**
 - Ms. Spindler shared we are around 3.9M\$ to the good.
 - At this time, the Director thanked the Wardens/Department Heads for their leadership and to all staff for their support during budget challenges.
 - With this amount of monies, it gives us a bit of flexibility for the future.

- Population Updates – Kyle Poppert/Layne Gissler**
 - On behalf of Mr. Kyle Poppert and Mr. Layne Gissler today, Mr. Houston and Mr. Wayne shared that due to yesterday's meeting at DOR's, all information was discussed there and we are moving forward. They thanked staff and shared that they believe the meeting at DOR Re: Re-Entry efforts; decreasing population, went very good and a lot of questions were answered.

- Calendars – reviewed by all**

- DCS Monthly Updates – Robin Spindler**
 - Ms. Spindler shared we will review current updates at next week's meeting.

- Warden Fred Britten-TSCI 'What is Occurring at TSCI'**
 - They have had some positions to be filled and continue to work steadily even though they are working with a bit over 14 vacancies.
 - The Wood shop is coming along, will be utilizing very soon.
 - Some canteen mismanagement occurring and investigation being done.
 - Population is good.
 - Security Threat Groups; being watched.
 - Bed spacing in PC & Segregation; down a little.
 - GP beds are filled.
 - 954 population count today.
 - He is very glad to have Mr. Brian Gage back in the office as Mr. Gage was assisting with the hosting of the State Department-Tunisia. At this time, Mr. Houston extended a big thank you to be shared with Brian, as this took a lot of time and communicating challenges.
 - He wanted to extend to all that TSCI is working on their 10 Year Anniversary Celebration for Tuesday, December 13, 2011, more details to follow as preparation is still in the works.
 - Staff at the end enjoyed a brief tour on the 2nd floor to view new video equipment: for training & security. This equipment has been working very good and TSCI mentioned, a big thank you to IT staff for their support and help as this is quite cumbersome to put in place to utilize.
 - Ex. Staff shared a big thank you to Warden Britten for his hospitality and thank you to staff for all they do!

- Announcements – Bob Houston**
 - Reminder, our 2011 DCS Annual Recognition will held on Thursday, September 29, 2011, at the Capitol, Rotunda; please plan attending and congratulate all our individuals being recognized and to say thank you for all they do~

- He and Mr. McGovern will be going to Eppley Airfield and present a recognition plaque to say thank you for all they have done to assist our Department, especially, within our Omaha facilities due to flooding issues this past month. Thank you to CSI for making such a fine plaque~
- He would like to discuss Legislative Proposals at next week's meeting; Ms. Dawn-Renee Smith will gather information for discussion on 'Discretionary Positions'. Ms. Kroeger will add to the agenda.
- As he mentioned earlier in the meeting the Re-Entry Mtg. at DOR yesterday went good and he is looking for the following to occur/next steps:
 - We need to be recommending at least 191 – 200 to BOP each month.
 - Look at utilizing alternate programming path for those to get on parole.
 - Due by parole eligibility date.
 - Give them a plan in moving out.
 - He would like to have Ms. Becki Hickman-PRA to check on earlier hearing dates.
 - He will continue to work with and talk with Ms. Esther Casmer-BOP Chair on issues at hand.
 - Look at before PED, make a hearing; reviews up to the BOP.
 - With treatment- can be moved to Plan B – because of PED we can do residential & get out in the community; resources.
 - Also, we have a high number is SAU which we could get out on parole; let see what we can do.
 - Therefore, we need to work on practical implementation so the Director has decided to call a meeting regarding issues above.
 - **Program Recommendation Merging – Treatment/Classification**
 - **Monday, July 25, 1:30 pm, in the ETC.**
 - **To include: Fred Britten (In for Frank X. Hopkins), Dr. Randy Kohl, Dr. Cameron White, Dr. Richard Thomas, Dr. Mark Weilage, Ms. Spindler, Mr. Wayne, Mr. Kyle Poppert & Mr. Layne Gissler.**
 - **Once we work out this implementation stage, we will move forward.**

There being no further business the meeting was adjourned.

The next meeting will be held on Tuesday, July 26, 2011, 7:30am, in the ETC; please plan accordingly.

Submitted by: Concha Kroeger

WARDENS MEETING MINUTES

Nebraska State Penitentiary
August 17, 2011

PRESENT: Frank Hopkins, Mario Peart, Fred Britten, Charlie West, Robert Madsen (for Warden Sabatka-Rine), Mike Kenney, Matt Heckman (for Rex Richard) John Dahm, Dennis Bakewell, Helen M. Torres

GUESTS: Bob Houston, Brad Hansen, Larry Wayne

CELEBRATION: Everyone was given the opportunity to celebrate something. Director Houston celebrated our technology and compliments received from the Governor regarding our Telehealth efforts.

Mr. Hopkins began the meeting by welcoming our guests.

DIRECTOR HOUSTON

- Ann Marie Kenny has been working with our Department and believes we have a good diversity and workplace harassment curriculum and training module. Mr. Houston indicated there has also been good dialogue at ESC relative to diversity.
- Mr. Houston talked about the recent fight that occurred at NCYF. Staff did an outstanding job responding to the situation given the resources available. There were not enough handcuffs available and Mr. Houston indicated that staff will be given the resources they need to handle such situations. The Department will be ordering belts which will contain a cuff case and OC case; the process for issuing these will be similar to the clothing issue process. Mr. Houston stated he is impressed by Warden Mahr's leadership during this incident and he continues to be impressed by the leadership of the Wardens.

BRAD HANSEN – DISCUSSION ON OC

There was discussion about how best to issue OC to staff. Mr. Hansen has researched how other states are doing this and he reviewed the information he has obtained. There was more discussion regarding the recent fights at NCYF and DEC and the need for all line staff to carry handcuffs and OC. Mr. Houston stated that we will be reviewing our policies and practices on how staff intervene during fights/altercations. He noted quick identification of inmates involved in such incidents may prevent further injuries and he discussed ways staff could differentiate between those inmates involved and those just watching. Mr. Hopkins and Brad Hansen will be working with the Security Administrators and other appropriate staff relative to our policies/practices.

Regarding the duty belts mentioned above for line staff, the Wardens need to identify those individuals who should have these. There was discussion about the cost involved and Mr. Houston stated this is a safety issue and it is important for staff to have these

resources available to them. There was also a brief discussion about the importance of cameras in the facilities.

MINIMUM STAFFING FOR HOLIDAYS

The Department is looking at how we implement minimum staffing on holidays. This is due to a recent Personnel Board decision. There was discussion that in accordance with the Union Contract, Management can only make permanent changes to an employee's permanent schedule with 10 work days notice, unless requested or agreed to by the employee or in case of an emergency. Also, temporary changes cannot be made to a permanent schedule without the consent of the employee or in the case of an emergency. A lengthy discussion ensued and all agreed that more discussion is necessary before a final decision is made on how we get to minimum staffing on holidays. ***ACTION: The Wardens were asked to review holiday work schedules for unit and custody staff for the period starting Labor Day 2010 thru July 4, 2011 and get the following information:**

- The number of staff that worked each holiday—break down by shifts.
- The number of staff you needed per shift to have minimum staffing.
- You should have a plus, minus or zero for each shift and develop a total for the timeframe noted.
- Include any days off that were changed.
- A narrative regarding scheduling issues (TO's, sick leave, hospital coverage) may be included--don't include medical travel orders.

The above information will be discussed at the September 21st Wardens' meeting.

DEPUTY DIRECTOR LARRY WAYNE

Mr. Wayne reviewed the issues that will be discussed at the "Project 125%" meeting on September 2nd at the Department of Roads. A handout of "Revised Guidelines for Parole Hearing/RFP Recommendations" was distributed and reviewed by Mr. Wayne. He noted that at the meeting there will be discussion regarding programming available in the community for inmates being recommended for parole and RFP. Inmates in need of treatment programs but who are not out in the community because they can't enter or complete programming prior to their parole eligibility date may be recommended for parole; staff will work with treatment staff relative to these recommendations (these inmates must be within 3 years of their TRD or PED). Mr. Wayne stated that classification, rather than treatment, drives custody and parole recommendations.

BRAD HANSEN – DISCUSSION ON OC CONTINUED

There have been several questions about when to use and when not to use OC. Mr. Hansen has attended the OC training and he stated it is going well; instructors are doing a great job; staff are given several scenarios and they are understanding when it is appropriate to use OC spray as well as our use-of-force philosophy. Mr. Hopkins stated that staff will use good judgment; safety for all is our first concern.

From: Richard, Rex
Sent: Monday, September 26, 2011 3:49 PM
To: Heckman, Matt; Prater, Pam
Subject: FW: AR 201.12 Revisions for 2010

This is what we have been working on at the "Larry" meetings at central office.

Rex C. Richard
Warden
Community Corrections Center-Lincoln
Office 402- 471-6250

From: West, Charles
Sent: Monday, September 26, 2011 2:59 PM
To: Wayne, Larry; Richard, Rex; Gibson-Beltz, Cathy; Hansen, Anne; Poppert, Kyle; Glssler, Layne; Morello, Pamela
Subject: AR 201.12 Revisions for 2010

Recommended changes to be discuss at next meeting. Medical section on page 6 additonal follow will be needed.

This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

EFFECTIVE: August 11, 2008
REVISED: August 17, 2009
August 18, 2010
June 29, 2011

SUMMARY of REVISION/REVIEW

Major changes throughout

APPROVED:

Esther Casmer, Chairperson
Nebraska Parole Board

ROBERT P. HOUSTON, Director
Department of Correctional Services

PURPOSE:

To establish policy and guidelines for the development and implementation of the Re-Entry Furlough Program (RFP) throughout NDCS.

GENERAL

The Re-Entry Furlough Program provides opportunity and incentive for inmates to prepare for release prior to the completion of their sentence. The intent of the Re-Entry Furlough Program is to enhance public safety by preparing inmates for successful reintegration back into the community. Participants in the Re-Entry Furlough Program will be under the supervision of the community corrections center staff and Adult Parole Administration. All Re-Entry Furlough Program placements will be approved by the Director (or designee) and the Board of Parole and are restricted to the State of Nebraska.

PROCEDURE

I. ELIGIBILITY

NDCS case managers will review their caseloads to identify potential participants for Re-Entry. Inmates will be considered for participation in the Re-Entry Furlough Program if they are within eighteen (18) months of their Parole Eligibility Date (PED) or Mandatory Discharge Date (MD). Each inmate's criminal history and facility adjustment performance will be closely reviewed. Consideration will also be given to the inmate's medical needs, financial obligations, pending legal actions, and whether NDCS approved programming is available in the community.

II. PROCESS

- A. NDCS case managers will begin by reviewing the eligibility guidelines, program performance and pre-release planning of potential participants. The NDCS case managers will complete a referral packet that contains the RFP checklist (Attachment A); Re-Entry Furlough Agreement (Attachment B); Inmate Interview Form (Attachment C); RFP Driving Privilege Agreement (Attachment D), if applicable; for example, misconduct reports, programming involvement/needs and work reports; and personalized plan will be submitted to the Institutional Classification Committee who, upon approval will forward the packet to the NDCS RFP applications on Outlook. The NDCS case manager will ensure that the inmate being considered for RFP has the essential identification and documentation for transition into the community (Please refer to Pre-Release AR 209.01).
- B. Adult Parole Administration will investigate and make a recommendation regarding the Re-Entry Furlough Program including transportation, residence, employment, financial and program availability.
- C. If the inmate agrees to the conditions established in the furlough agreement and the parole officer approves the transition plan, the request will be forwarded to the appropriate community corrections center warden and the Director's Review Committee (DRC) for consideration. If approved, the request will be forwarded to the Parole Board for consideration. The completed request and transition plan will be returned to the releasing community center and if approved, a placement date will be established by the

parole officer in collaboration with unit staff. The programs coordinator will notify the county attorney's office as appropriate.

- D. The inmate will remain on the facility's out count, however, the appropriate records center will enter the inmate's location in the Computer Tracking System (CTS) as RFP.
- E. The parole officer supervising the RFP inmate will be responsible for entering the inmate into the Nebraska Criminal Justice Information System (NCJIS).
- F. The parole officer will be responsible for completing the institutional parole progress reports, personalized plan updates and other classification action using the community reassessment tool for RFP participants.

III. FURLOUGH CONDITIONS

The furlough agreement may be terminated at any time. The authority to terminate an inmate from the Re-Entry Furlough Program is delegated to the warden or designee of the community center.

A. Residence

All furloughs are restricted to the State of Nebraska. Travel outside the State of Nebraska is not authorized. Furlough residences will be limited to areas that can be adequately supervised by the adult parole administration or appropriate community center staff. All furlough residences must have a working landline or cellular telephone. Inmates will be required to remain at their approved residence except for attending approved itinerary activities. Inmates may not furlough or reside in a federally subsidized residence or public housing. No weapons, firearms, alcoholic beverages or narcotics may be stored in the furlough residence. The furlough residence is subject to routine search at any time by the parole officer with district supervisor approval. Inmates in the RFP may receive permission to purchase a cellular telephone. Inmates who have approval to purchase a cellular telephone will be expected to answer it at all times. RFP participants will be returned to the community center if their residence becomes unstable until a new residence is approved and secured.

B. Employment

Inmates will generally be required to maintain full time employment. Inmates may not resign employment without permission from their parole officer. Inmates who are terminated from employment will inform their parole officer and the community center immediately. Any changes to the inmate's work schedule or requests for overtime will be coordinated through the parole officer or the community center. Inmates who are underemployed or laid off after placement in the RFP will be required to search for additional employment.

C. Programming

Inmates are expected to comply with their personalized plan and participate in recommended programming. Verification of attendance will be maintained by the inmate and submitted to the parole officer. The parole officer will determine program needs and approve itinerary activities based on the inmate's personalized plan and progress in the Re-Entry Furlough program. Volunteer activities may also be included and considered for program purposes.

D. Drug & Alcohol Screening and Testing

Inmates will be required to submit to drug and alcohol testing upon request. Refusal to submit to drug or alcohol testing will result in termination of the reentry furlough. Inmates may not possess or consume alcoholic beverages, narcotics or medications that are not prescribed to them. Inmates will notify their parole officer any vitamins, body building supplements, herbs or over the counter medications that they are taking prior to submitting to a urine analysis. Inmates will not be permitted to enter any establishment such as a liquor store or bar where the primary business of the establishment is the sale or consumption of alcoholic beverages.

E. Vehicles / Transportation

Inmates in the Re-Entry Furlough Program must have an adequate means of transportation to fulfill the program requirements. Inmates may be granted approval to drive a personally owned vehicle provided they have a valid driver's license, current vehicle registration and proof of insurance. If an inmate is approved to drive a vehicle owned by an authorized sponsor, the authorized sponsor, who is the legal registered owner of the vehicle, must provide written permission for the inmate to use the vehicle and must also provide documentation of current insurance. The unit case manager will complete the Driver Screening Checklist / Agreement (Attachment D) prior to approving the inmate to drive. Inmates may purchase a vehicle outright while assigned to the Re-Entry Furlough Program; however, inmates will not be permitted to lease a vehicle or enter into a contract to make payments on a vehicle without the warden approval. Inmates and their vehicles are subject to routine searches at any time with parole supervisor approval. Inmates that are approved to drive a personal vehicle on the RFP will be required to maintain a travel log to account for vehicle mileage. The travel log will be reviewed each week with the parole officer.

F. Financial Obligations

Inmates in the Re-Entry Furlough Program are expected to submit a monthly budget of anticipated expenditures to their parole officer. Payroll and spending requests will continue to be processed through Inmate Accounting. Inmates that receive payroll through direct deposit will be required to provide their parole officer with a copy of their payroll information. Inmates that receive payroll directly from their employers will be required to mail their paycheck directly to NDCS Inmate Accounting. RFP participants may obtain institutional checks from their parole officer and submit requests to Inmate Accounting to load funds on to their debit cards. RFP inmates can make one ATM withdrawal per day not to exceed \$40, five point of sale and five point of signature transactions not exceeding \$300 per day. No cash withdrawals can be made from bank tellers. Inmate debit cards can not be used at gas pumps. Inmates are responsible for the costs of housing, meals and general subsistence when assigned to the Re-Entry Furlough Program.

G. Associates / Law Enforcement

Inmates are required to immediately report any contact with a law enforcement agency. Inmates may not associate with persons known to be engaged in criminal activities or with persons known to have been convicted of a crime without the written approval of the parole officer.

H. Reporting

Inmates in the Re-Entry Furlough Program will be required to meet with their parole officer once per week at a location to be determined by the parole officer. The parole officer will review the inmate's employment, program performance, itinerary for the following week and discuss any difficulties the inmate may be having with their transition into the community. Inmates may be required to report in person to a NDCS facility a minimum of once per month. Inmates are required to inform their parole officer or the community center if any monitoring device malfunctions or breaks. The parole officer may step down or step up the reporting requirements of the RFP depending on the inmate's performance and behavior in the program with notification of the district supervisor and approval of the warden. RFP participant's may not leave the county of residence without the permission of the parole officer.

IV. FURLOUGH DURATION

The furlough duration will be determined by the inmate's sentence length, parole hearing status or performance in the Re-Entry Furlough Program. Staff will define the date the furlough begins and the date it ends on the Furlough Program Agreement form. Inmates who successfully complete their Re-Entry Furlough may be required to return to the community center for discharge or for their scheduled parole hearings. The inmate assigned resords center will be responsible for releasing the inmate.

V. WEEKLY ITINERARY

Re-Entry Furlough Program participants will be initially be required to submit a Re-Entry Furlough Program Weekly Itinerary (Attachment E) to their parole officer each week. Any deviation from the weekly itinerary will require the approval of the parole officer or the community center and the information will be entered into PIMS by authorized staff person. The parole officer will be responsible for establishing the deadlines for submission, establishing curfew hours, approving the activities and forwarding a copy of the itinerary to the appropriate community center or parole office. Inmates may attend two support group activities per week, two personal needs

activities per week, two shopping activities per week and one religious or volunteer activity per week. Employment must be listed on the weekly itinerary. Travel time to and from the inmate's employer and residence will be approved and established by the parole officer. Requests for overtime will be initiated by the inmate's employer and must be approved through the inmate's parole officer or community center as established in the furlough agreement. Substance abuse, mental health, vocational or educational programming will be considered on a case-by-case basis depending on the identified needs of the inmate with the duration of each program activity established by the, substance abuse or mental health professional, academic advisor and approved by the parole officer. Each activity listed on the approved itinerary will include appropriate travel time to and from the activity. The parole officer may limit shopping, personal needs or program activities if the inmate's performance in the program is below standard.

Examples of approved furlough itineraries: Religious activities, volunteer activities, counseling or support group services, educational or vocational training, shopping, vehicle or home maintenance, haircuts or hairstyling, movies, theaters, restaurants, libraries, school activities, funerals or hospital visits.

VI. ACCOUNTABILITY

The warden or institutional duty officer will be notified any time an inmate's behavior may warrant return to the community center. The parole officer will communicate with the warden any infractions. The nature of the report will be considered and a determination will be made to restrict the inmate to the furlough residence, return to the community center or place the inmate on immediate segregation status.

VII. MEDICAL

RFP participants will be required to report routine medical complaints to their parole officer. The parole officer will coordinate all sick call or medical appointments with the community center, the health services section or contracted medical facility located in the county of the furlough residence. The NDCS is responsible for the health care of inmates on furlough. Inmates who are injured at work will be required to go to the medical clinic or medical facility established by their employer's worker compensation procedures. If no treatment facility is established, inmates will contact their parole officer or community center, as established in the furlough agreement, for instructions. Inmates that sustain a severe or life threatening injury should proceed to the nearest medical facility for treatment and contact the community center or parole officer as soon as possible after treatment is received. All medical contacts will be reported to the parole officer. Inmates requesting to see a physician at their own expense will be required to obtain approval from the Deputy Director, Health Services. RFP participants will need to contact the community center's medical department for all prescriptions and refills.

VIII. WALK-AWAY STATUS

Inmates that can not be located at their approved itinerary location or fail to respond to a furlough check may be placed on walk-away status. The inmate's parole officer will be contacted and the inmate's itinerary will be verified prior to placing the inmate on walk-away status. The community center staff will follow established institutional walk-away procedures.

REFERENCE

I. ATTACHMENTS

- A. Re-Entry Furlough Program Checklist
- B. Re-Entry Furlough Program Agreement
- C. Re-Entry Furlough Program Inmate Interview Form
- D. Re-Entry Driver Privilege Agreement
- E. Re-Entry Furlough Program Weekly Itinerary
- F. Medical Request Form

II. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS

- A. Adult Correctional Institutions (fourth edition): 4-4443, 4-4444, 4-4445, 4-4501 and

4-4502.

- B. Adult Community Residential Services (fourth edition): 4-ACRS-5A-14 and 4-ACRS-5A-16.
- C. Adult Probation and Parole Field Services (fourth edition): 2C-04, 2C-05

Executive Staff
October 11, 2011
ECTC

PRESENT: Robert Houston, Kyle Poppert, Jeff Peterson, George Green, Larry Wayne, Mikki Kirkpatrick, Levi Bennett, Robin Spindler, Dawn Renee, Dr. Randy Kohl, John McGovern, Doug Hansen, Steve Vodiska and Konda Young

Keith Ernst and Linda Bos

Bob mentioned the Afghan delegation and how they discussed their experiences with the Taliban and how much they appreciated the Department for allowing them the time with the Department.

Director Houston presented Steve Vodicka with an NDCS Challenge Coin for the consistently detailed and high quality work he does completing safety, sanitation and quality inspections for the agency.

Medical Designation Update

Dr. Kohl – Noted that the two long care facilities are already licensed and an inspection was completed last week at TSCI. Licensed Skilled Nursing Facilities have different requirements in regards to generators and codes. It is important to note that the Department does not have hospitals but Licensed Skilled Care Facilities. This allows us to maintain licensure without added costs of more generators.

It was noted that some work is still necessary for DEC. NSP's and DEC's inspections will be occurring in November.

Office of the Day Report – John McGovern
Joe Baldasanno will have it next week.

It was noted that with the increase in number of individuals on parole the Department is likely to see an increase in activity found in the news.

Bob presented Linda Bos an NDCS Challenge Coin, thanking her for all the wonderful work that she has done for coordinating awards ceremonies.

BUDGET – Most of the projects involving the cameras are proceeding on schedule. The Microsoft Office and the Cloud are following schedule. The parking lot repairs will need to wait until spring. There were no other significant changes dollar-wise.

The Pharmacy plan is still progressing to change pharmacy techs to a pharmacist. We achieved the cuts for the pharmacy with approximately \$200,000 savings. Want the pharmacist going out and talking to the doctors indicating what may be a more efficient use of medication choices by using a lesser expensive medication. This will not change the quality of the care but save the Department money by using less expensive medication.

Calendars – Went over the Calendars

Population Updates – Kyle Poppert

4440 – total
1121 on parole
150 hearings scheduled for October (29 are RFP hearings)
62 discharging in October and only 79 for November

Robin noted of the 275 about 120 would be good possibly for recommending. The discrepancy is due, in part, to those who were paroled and revoked who had not had a new IPR completed.

Bob noted we want to make sure we are printing each IPR, so that when the Department takes these down to the Parole Board there is clarity between the Department and the Parole Board. Currently it is a batch file that runs.

At least at first we will need to take the list to them. Closing the housing unit in July.

Esther, Bob and Larry Bare will be meeting in December regarding the numbers.

Monthly Update – Robin handed out a draft. A few changes were added.

CQI

CQI rescheduled to October 18th

OCIO Implementation of the Good Time Law

The system has been tested and will accept, track, and manage changes. There still needs to be work done on the batch process. This will be handled automatically. As of today it would have to be added manually. Once completed this will be done automatically. Kyle Poppert is the contact person identified for the Office of the CIO.

Performance Evaluations – Make sure all of them are completed.

***** Empty Bed Space at each facility** – Steve King – so we know where the empty beds are located at. This will assist other institutions to know where bed spaces are available. – Steve Report on this Next Week

ESC Topics – Liz, Concha – Anne Marie

Blue Ribbon Panel is December 15th

Bob's Announcements:

- **Shift Roster (Report out Next Week)**
 - Still waiting for the cost from the company. Needing to find out how soon it can be started? The cost will be at least \$100,000. The advantage is that this will merge well with KRONOS.
- **History Committee** – Coin and Certificates – Liz Jeanette – Terry Ewing – Want to have a watermark certificate. (NSP) 9:00
- **Biometrics for the Entrances** – Brad Hansen
- **Investigations** – Frank Hopkins – report out next week
- **Administrative Regulation** – Frank and George
 - After January 1st every personnel case will be done by a trained investigator. Shortly thereafter we will need to set a date for all inmate investigations to be handled by a trained investigator. This will assist so that we can document and show that the right information is being accessed for placing and removing individuals from Administrative Confinement.
 - Administrative Regulation that would then include the needed elements for the investigation so it is reflected in policy. There are 3 classes coming up.
 - If you went to the training in March the individuals will not need to go again. The class is basically the same materials. The things to focus on will be a written assignment, use a plan to who ever assigned it to you and the report will use a specific format.
 - Bob noted that George and Brad will work on the AR so there are yearly reviews and the format will be an attachment.

- Administrative Confinement Work Group NIC will arrive on the October 23rd. October 25th – have an open meeting at 9:00 am. Conference Room C Closing meeting on Friday. Also Senator Ashford, Senator Council and Ombudsman's Office. Diane and Fred will be the coordinators. October 28th at 9:00 or 10:00 is the closeout.
- Bob discussed the article in the Criminal Justice Newsletter regarding the Funeral Prohibition policy. Bob spoke with Mr. Krejchl regarding the funeral leave policy and will be writing up a follow-up article.
- Senator Chambers called Bob regarding Nikko Jenkins. Bob noted that Jenkins contributed to the change our policy. He will be reviewed again.
- Ben Gray of the Omaha City Council called regarding Nikko Jenkins' mental health needs. It was noted that Jenkins refused to sign the release of information so we were unable to share any more with Mr. Gray.
- Bob noted that he will be providing testimony this afternoon regarding Sex Offenders.
- Dawn-Renee is going to finish a memo regarding Dr. Hank Robinson's acceptance of the offer to head the research department at NDCS.
- Was noted that we have some of the best and clearest accounting systems. Spoke to Tony Fulton who noted that the Department has the clearest accounting systems for the State.
- Holly Smith sent out an email to different computer contacts and it has to do who can approve Seibel – for the Website programs – The help desk doesn't have that knowledge who should approve access to these programs. Have someone who understands the programs as well as the positions – who would know what is going on. It was decided Layne Gissler will be that person for Central Office.
- There will be requests that were going to BJ that will need to go to the help desk. Working with the CIO for cross training – BJ will be gone for an extended period of time.
- List of 275 names that are being reduced down – for those individuals who the only problem is their program recommendation – see if the program is something that can be done on a reentry model. Looking at restructuring treatment recommendations.

- Larry noted we are looking at alternative for community housing.
 - Looking at what an RFI would look like. The interest is that we have people that go to Community B have another step beyond Community B where they only pay 360 a month. If we can get them to another step and off of our count, almost like another type of 1/2 way house. This would be a step between RFP and community. Looking to see if we can find someone who would be willing to house someone for the Department. Possibly have 4 in a room. The question was posed on how would we conduct accountability checks and following up on schedules. Being prepared for parole. This is preparation for 2013. So by March we need to know if there is a vendor that we can work into the budget. What the cost savings would be?
 - Put it together in preparation – not an RFI – but a laundry list of what we would need. Just using the model – if we get the okay then it may go out to the public.
 - Will talk to Robert Bell – to see if there is a way to be cheaper to hold Community B inmates. Involve parole officers to make sure they have confidence in being able to keep track of these individuals.

From: Richard, Rex
Sent: Friday, October 21, 2011 11:39 AM
To: Crosby, Michael; Drammeh, Mousa; Ellinger, Lorna; Fox, Jeremy; Fredenburg, Scott; Gibreal, Ryan; Gonzales, Max; Heckman, Matt; Heminger, Doug; Hooper, Scott; Jones, Chris; Kahm, Rich; Norval, Michael; Peterson, Ross; Salomons, Mike; Scott, Maryann; Vinci, Marie; Walker, Ron; Wells, Clayton; Wokoma, Cindy
Cc: Prater, Pam
Subject: FW: FINAL DRAFT
Attachments: AR 201.12 Revisions for 2011.doc; Attachment A-Program Agreement.pdf; Attachment B-Inmate Interview Form.pdf; Attachment C-Driving Privilege Agreement.doc; Attachment D- Weekly Furlough Itinerary.doc; Attachment E-Re-Entry Furlough Medical Process.doc

Importance: High

Just a "heads up" as this has NOT been signed and posted, but when that happens, you will note that eligibility goes to 18 months from TRD or Parole Eligibility Date.

Rex C. Richard
Warden
Community Corrections Center-Lincoln
Office 402- 471-6250

From: Hopkins, Frank
Sent: Friday, October 21, 2011 8:56 AM
To: DCS CEO; Torres, Helen
Subject: FW: FINAL DRAFT
Importance: High

FYI

Frank X. Hopkins
Deputy Director-Institutions
Nebraska Department of Correctional Services
frank.hopkins@nebraska.gov

From: Wayne, Larry
Sent: Thursday, October 20, 2011 11:57 AM
To: Hopkins, Frank
Subject: FW: FINAL DRAFT
Importance: High

Frank: per discussion earlier, I expect this should be published by Mr. Foster shortly.

Larry Wayne
Deputy Director
Programs and Community Services
Nebraska Department of Correctional Services
P.O. Box 94661

Lincoln, NE 68532-4661
Office: 402 479-5721

"Life's not the breaths you take, but the moments that take your breath away"

George Strait

From: West, Charles
Sent: Thursday, October 20, 2011 11:49 AM
To: Foster, James
Cc: Wayne, Larry
Subject: FINAL DRAFT
Importance: High

Attached is the final draft of AR 201.12 and subsequent attachments. (Attachment B needs to be labeled.) If you need something more from me, please give me a call.

Charles West, Warden
Community Corrections Center-Omaha

WARDENS MEETING MINUTES

NEBRASKA CORRECTIONAL CENTER FOR WOMEN OCTOBER 26, 2011

PRESENT: Frank X. Hopkins, Matt Heckman (for Rex Richard), Diane Sabatkarine, Fred Britten, John Dahm, Mario Peart, Dennis Bakewell, Mike Kenney, Charlie West, Ryan Mahr, Helen M. Torres

GUESTS: Larry Wayne, Brad Hansen

Mr. Hopkins began the meeting by welcoming Matt Heckman and reviewing the agenda. He complimented NCCW and the Parole Administration for their recent successful ACA External Audits. Mr. Hopkins also acknowledged Mr. Dahm and NCCW staff for their work with the representatives from Afghanistan; the Department received positive media coverage regarding this visit.

DEPUTY DIRECTOR WAYNE

- Mr. Wayne distributed a list of inmates (with IPR needs) that are within 6 months of their TRD. He noted there are 443 inmates on this list; 208 (47%) of these are not recommended for parole. Of the 208, 47% are related to behavioral health recommendations. Mr. Wayne noted that we need to continue to focus on those inmates that are not a risk to the community; case management staff are doing a great job of recommending them for hearings. Mr. Wayne, the Director and other appropriate staff continue to work with the Parole Board relative to recommendations. The Wardens asked how notification would be handled on Institutional Progress Reports completed by institutional staff that the Parole Board decline to consider. It was questioned if those same inmates should be resubmitted for additional consideration. *Mr. Wayne will discuss this with the Director and other appropriate staff and notify Helen Torres of the decision so that it may be included in the minutes. NOTE: This matter was discussed at the November 1, 2011, Executive Staff meeting and it was determined "that the individuals already submitted on institutional progress reports and recommended for parole hearings would be held in a separate electronic "folder" and considered separately from other individuals who have been recommended for parole. They should not be resubmitted on a separate institutional progress report for additional parole hearing consideration. Case Managers should continue to look at other individuals who have or have not been set for parole hearings and as appropriate, submit them as well on an institutional progress report if a parole hearing is recommended.* Mr. Wayne asked that inmates not paroled be looked at for placement in the community or RFP. He also asked the Wardens to review the list he provided and he asked for input on how best to keep this list updated. He would like to know what can be done to recommend these individuals; if they aren't recommended, he would like to know the reason why. He asked that staff continue to work with mental health

staff relative to recommendations. NRTS can be recommended now as it is available in the community; inmates on the list not recommended for treatment should be recommended for parole. A question was asked about whether inmates who waive parole and want to "jam" their time should still be recommended for parole; Mr. Wayne responded there is no need to recommend these inmates for parole. Mr. Hopkins stated that when the facilities get back the Central Office IPR reviews and decide to make changes to recommendations, Kyle Poppert should be notified of same. In making IPR recommendations, ensure to include comments re programming/treatment status/needs, etc. Mr. Wayne stated he will be responsible for updating the list he provided. He noted Rich Randazzo is working with the OCIO and other appropriate staff to develop a program that will contain all pertinent information making it easier for case management staff. Mr. Hopkins asked that Mr. Randazzo e-mail B.J. Spring, Kyle Poppert, Robin Spindler and Dawn-Renee Smith to advise them of the work being done.

Mr. Hopkins referenced an e-mail from Cathy Gibson-Beltz advising that clinical sex offender staff will be in the Lincoln and Omaha Parole Offices by the end of November. It is necessary for these offenders to have a psych evaluation or CSORT review before going to community; therefore, the process for same should be started now.

- The first Evidence-Based Practice Training session took place on October 21st. Mr. Wayne appreciated the participation and involvement of the Case Managers and Unit Management Staff. There were some challenges with the video conferencing to some of the facilities and Mr. Wayne noted he will make arrangements for training to occur at those facilities. *Mr. Wayne will send information to the Wardens regarding future training dates.*

DEPUTY DIRECTOR HOPKINS

- Discussions are underway regarding the possibility of the Kearney and Geneva Youth Facilities merging with DCS. A DCS workgroup will be touring those facilities to review facility operations, programming, staffing, needs/costs, and so forth, and submit a post analysis report that may be used to assist decision-makers about the merger. Scott Busboom, Chris Connelly, Layne Gissler and Dr. White or Dr. Weilage will be on this workgroup. Mr. Hopkins asked Warden Britten to have Mr. Busboom and Mr. Connelly coordinate the tour with Terri Nutzman, Jana Peterson and Dan Scarborough of HHS.
- Mr. Hopkins expressed his appreciation to the Wardens for their support of the Investigator Training. He asked that staff be reminded of the importance of completing all homework assignments. Starting January 1, 2012 all personnel and inmate investigations will be done by trained personnel.
- George Green issued an e-mail on 10/17/11 outlining the Department's policy regarding paralegal visits. When a paralegal wants to conduct a professional visit, the attorney they are employed by must submit to the Warden a request in writing and include the reason for the visit. Each request will be reviewed on a case-by-

From: Hopkins, Frank
Sent: Monday, December 12, 2011 2:57 PM
To: Poppert, Kyle; Richard, Rex
Subject: FW: Sorted by numbers
Attachments: Sorted by #s 36 months.xls

FYI.

Frank X. Hopkins
Deputy Director-Institutions
Nebraska Department of Correctional Services
frank.hopkins@nebraska.gov

From: White, Cameron
Sent: Monday, December 12, 2011 2:46 PM
To: Hopkins, Frank
Subject: FW: Sorted by numbers

Frank,

Please see the list that Substance Abuse sent me last Thursday. The changed recommendations are listed so this may clarify next steps. Thanks.

Cameron

Cameron S. White, Ph.D.
Behavioral Health Administrator, NDCS
Licensed Psychologist

Phone: 402-479-5971
Facsimile: 402-479-5679
e-mail: cameron.white@nebraska.gov

NDCS Central Office
P.O. Box 94661
Lincoln, NE 68509-4661

From: Tyrrell, Sheryl
Sent: Thursday, December 08, 2011 12:02 PM

To: Thomas, Richard; White, Cameron
Subject: FW: Sorted by numbers

This spread sheet shows the status of substance abuse recommendations for inmates with 36 months or less to TRD. There were approximately 2462 names on the list (292 female inmates). Of the total, 676 have no substance abuse programming recommendations and 1310 have Non-residential Treatment Services recommendations with the notation placed in Seibel stating that this programming could be done on parole. The 1310 can be identified on the list by the yellow highlight in the column titled "Rec Pri?".

Of the remaining 476 names, approximately 300 are currently participating in a substance abuse treatment program at one of the facilities, including WEC and the new Community Outpatient centers in Lincoln and Omaha. Among the remaining number of inmates are several who are considered high risk who still need residential programming, others have never been screened for a recommendation (due to refusing, being in segregation, out to court/hospital), and some who are already discharged, on RFP, or on parole. Many on list have hearing dates set in the next few months.

Please let me know if you have any questions.

Sheryl

Sheryl Tyrrell
Administrative Assistant III
Substance Abuse Administration
NSP/RTC
402-479-3026
402-479-3028 (Fax)

From: Dutkiewicz, Lucia
Sent: Thursday, December 08, 2011 11:23 AM
To: Tyrrell, Sheryl
Subject: Sorted by numbers

Here you go.

*Lucia Dutkiewicz
Staff Assistant I
Department of Corrections
Nebraska State Penitentiary
Substance Abuse Administration*

**DCS Executive Staff Meeting
with
All CO Department Heads
Meeting Minutes
Tuesday, January 3, 2012
8:00 am
Conference Room C**

Present: Concha Kroeger, Terry Ewing, Steve King, Anne Hansen, Marian Layman, Doug Hanson, Bob Shanahan, Inga Hookstra, John McGovern, Rex Richard, Bob Houston, George Green, Frank X. Hopkins, Levi Bennett, Brad Hansen, Kyle Poppert, Layne Gissler, Cameron S. White, Dr. Randy Kohl, Steve Urosevich, Chris Peters, Mary Carmichael, Robin Spindler, & Hank Robinson

- OD Report**, Larry Wayne, December 27, 2011 – Jan. 2, 2012 (via Frank X. Hopkins)
- Next OD**, John McGovern, January 3 – 9, 2012

Budget Announcements/Discussion – Robin Spindler/Chris Peters

- Ms. Spindler and Ms. Peters shared the following:
 - We are on track.
 - Review budget status again for the end of December 2011 report.
 - A review being done in accounts via Mr. Joe Wilcox-DAS Budget; possible general funds out there; available.
 - Notices for upcoming Biennium Budget presentations out; any change in time/date, please apprise Ms. Peters as soon as you can.
 - At this time, Mr. Houston & Mr. Urosevich shared we will be checking out '343' pricing in regards to one of our inmates which has medical costs at an extreme level; this could possibly be a one item budget; they will keep us apprised.

Calendars – reviewed by all

Population Updates – Kyle Poppert

- Mr. Poppert shared the following :
 - 4,478 – Population count.
 - 137 – RFP count.
 - 174 – WEC count.
 - 115 – Paroled in December 2011; 79%.
 - 128 – Hearings set for January 2012.
 - Discharges set for:
 - January 2012 – 84.
 - February 2012 – 85.
 - Ms. Spindler shared at this time, that Ms. Beth Boal has reviewed the specific data; and then, Mr. Houston shared we should make one list with all detailed data; this would be more simplified; easier to understand.
 - The Director would like to identify the master list criteria & have update; Ms. Spindler will handle this task with Ms. Beth Boal.
 - Updated listing will be shared with BOP, via the upcoming meeting downtown, January 13, 2012, mentioned Director Houston.
 - A couple hundred IPRs turned in at the end of December 2011.
 - Changes are occurring every day with regards to PEDs with data.
 - At this time, Mr. Houston shared we have received some media coverage regarding an individual on the RFP program and VINE contact. So that we make sure victim (s) are notified of those pertinent offenders going into the community are apprised; we will be making specific notification via e-mail contact and/or phone contact. We will also be contacting the NE Crime Commission regarding the VINE system and its contact capability (collaborative efforts). Mr. Poppert will be working on this task at hand.

- Ms. Kroeger asked if this will assist with the concerns that Ms. Elizabeth Stanosheck-Jeanette had at our previous meeting, due to her receiving calls from victims about those being released/RFP.
 - Mr. Houston and Mr. Poppert mentioned, yes, this work above-mentioned being done will be helpful in contacting victim (s) of one who is being released/RFP etc.
 - At this time, Mr. Houston did mention that the RFP program is a good program, there are not very many incidences that occur; and, there will be no one with a history of violence approved for RFP (current status).
 - Also, as we communicate needed information to county sheriffs we want to do it systematically/electronic; parole officer information, mentioned, Mr. Houston/Mr. Poppert/Mr. Ewing; doing via fax is most effective as fax machines are monitored 24-hrs and sometimes e-mail notification is not viewed as closely. Entry of data being done; following NIS criteria.
 - It was mentioned what about putting our RFP data on our own DCS website; this would also need to be updated on a real-time basis; this will be worked on through Mr. Poppert/Mr. Shanahan; we will be updated at the January 24, 2012, Executive Staff Meeting.
- **DCS Monthly Updates – Robln Spindler**
- Ms. Spindler shared a review of the most current information for the DCS Monthly Updates; any additional information, please send to Ms. Kroeger as she has the current via e-mail.
 - Add: Holiday Gift Plan (Inga Hookstra)
- **CQI – Dr. Randy Kohl**
- Dr. Kohl shared the following and a hand out: Compatibility Between Geeks and Geezers (see attached).
 - We live in a very diverse, cultural work environment; our communication has generation gaps; we are headed towards 5-generations in the workforce.
 - We have now: Veterans, Generation X, Baby Boomers, & Millennial.
 - We have the Technology age where, our young ones know and are willing to work with more technology than some individuals who are over 45 or so; they just get it and this is what they do.
 - We see differences with those who 'dedicate' themselves to an organization, now it is more dedication to a mentor/boss etc.
 - Some have a delayed gratification.
 - If we are aware of the gaps, we can use to our advantage.
 - Be aware of what/who in your organization;
 - Some don't even today use text books, it is all electronic, wow~
 - Reviewing the handout we see so many differences in which even in our own corrections environment make our Agency so unique. We have a variety of staff who have been here for many years and those who have just come on board; we can learn a lot from each other and benefit from our differences.
 - Staff really enjoyed this presentation; kudos, Randy~
- **Welcome All CO Department Heads – Roundtable - All**
- Mr. Houston started the roundtable by sharing he was glad to spend some holiday time with our former Director, Harold W. Clarke (golfing) and with family members.
 - Mr. Richard shared he had a very nice quiet holiday and watched football. He also reviewed parole candidate listing as well; looking good.
 - Mr. McGovern shared the sign shop is doing very well, CSI ran a special on items (went well), now that there is no longer data entry (due to SS#s); CSI looking at other avenues for jobs.
 - Ms. Hookstra shared Accounting has been very busy; paying bills. Working with the workgroup on special projects, and Ms. Joyce Woofter is working with NSP on the OH process (on Electronic order process); should be ready by end of this fiscal year. SMART card workgroup presentation January 11, 2012; all moving along in her area. And, she enjoyed her time with family out-of-state.

WARDENS MEETING MINUTES

Community Corrections Center - Omaha
January 18, 2012

PRESENT: Frank X. Hopkins, Pam Morello, John Dahm, Diane Sabatka-Rine, Mike Kenney, Mario Peart, Charlie West, Dennis Bakewell, Fred Britten, Ryan Mahr, Matt Heckman, Helen M. Torres

GUESTS: Bob Houston, Rex Richard, Cathy Gibson-Beltz, Brad Hansen

Mr. Hopkins welcomed the guests and the group offered their condolences to Warden Morello and Ms. Gibson-Beltz for the passing of their mothers.

CELEBRATION: Everyone was given the opportunity to celebrate something. DCS continues to work with the State Department and as part of this initiative, Warden Peart will be traveling to Costa Rica to do assessments of the prisons there. Mr. Peart briefed the group on what this will entail.

Warden John Dahm is retiring effective February 3, 2012. Mr. Hopkins expressed his appreciation to Warden Dahm for the exemplary manner in which he has conducted business during his employment with the Department.

DIRECTOR HOUSTON

- Mr. Houston thanked Warden Kenney and OCC staff for the way they handled a recent issue involving an inmate's medical circumstances. Staff did a great job in gathering information and following policy.
- Local television reporter, Mike McKnight, will be doing a story at OCC relative to conducting searches.
- Long-term employee, Pam Prater of CCC-L, will be retiring on January 20th. Mr. Houston noted that she will be missed.
- Director Houston reported on his recent meeting with Larry Bare of the Governor's Office and Parole Board Chair Esther Casmer regarding our inmate population reduction efforts. Mr. Houston will continue to meet with these individuals as necessary. Rex Richard also gave an update on how DCS and the Parole Board are working together to meet our goals. Mr. Richard is working with Ms. Casmer regarding the process for reviewing Institutional Progress Reports (IPRs). Mr. Richard complimented the Behavioral Health staff for their work in completing program recommendation reviews on all inmates within three years of their release. If there is a recommendation change, the IPR needs to be updated. Mr. Richard explained that a "no" list has been developed of inmates that facility staff have not recommended for parole hearings based on various reasons. The inmates on this list are within three years of their TRD. ***ACTION:** *Mr. Richard will send a copy of this list to the Wardens for their review. (Completed—please refer to Mr. Richard's e-mail dated January 18, 2012).*

The Wardens will look at inmates having a TRD after April 2012. Any changes will be reported to Mr. Richard; not all inmates will need an IPR. A hard copy of IPRs that have been modified will be sent to Mr. Richard.

Mr. Hopkins stated our initiative to decrease our inmate numbers is ongoing and he stressed the importance of talking to staff about our philosophy. Our process for paroling inmates and placing them in RFP is much safer; this is based on evidence based practices. Mr. Hopkins stated we know inmates have a better success rate when they have a supervised release. There was a brief discussion about some additional things staff can be doing and Director Houston stated the facilities could have seasoned staff at every parole review and hearing to answer any questions that may come up. There was a question about whether the Wardens could get feedback on Parole Board decisions so that they do not keep resubmitting the same inmates; Mr. Richard and Mr. Houston noted feedback would be provided. Mr. Hopkins stated it might be helpful if staff put on the IPR, "We believe a period of supervised release will enhance success." There was a brief discussion regarding the impact on our Department if we do not decrease our inmate numbers.

Cathy Gibson-Beltz stated that any help case managers can give in checking residences for inmates going to RFP would be helpful.

- Director Houston will be visiting Douglas County Corrections to look at their electronic roster system. Such a system is being considered for DCS and Mr. Houston mentioned some of the positive aspects of having this system in place.
- In addition to Emergency Management duties for the Department, Brad Hansen has assumed the Organizational Development duties which include supervision of the Staff Training Academy. Mr. Hansen reported that he is working to identify courses specific to supervisors. He noted training has been developed which includes two extra days strictly for supervisor training; advanced training for supervisors is also being developed. Additionally, Mr. Hansen is considering a Supervisor Mentoring Program and he explained what this program would entail.
- Director Houston discussed briefly current legislation that would transfer the Geneva and Kearney Youth Facilities from DHHS to DCS. He noted this is a compliment to our Department and how we conduct business.
- Mr. Houston talked about the recent FLSA audits and what is expected of the Department in order to be in compliance with FLSA rules and regulations. He also asked the Wardens to submit a plan of action on what will be implemented at their respective facilities to ensure compliance with FLSA regulations. (There was further discussion later on in the meeting regarding a due date for submission of these plans). Mr. Houston expressed his appreciation to the Wardens for the changes they have made to roll call. Mr. Hopkins stated that at the November 2011 Wardens' there was discussion about several things that should be done to help reduce overtime (he reviewed these later on in the meeting). Mr. Hopkins noted that not all custody staff have received their radio swivels/duty belts and this may have some impact on the ability of staff to be relieved on time; however,

we will continue to manage this situation until all appropriate staff receive their equipment. Mr. Hopkins stressed the need to continue working on reducing overtime or FTEs may be impacted. He also expressed his appreciation to all for their efforts to reduce overtime. (There was further discussion regarding this matter later on in the meeting).

A.R. 203.08, SECURITY THREAT GROUP MANAGEMENT (Confidential Limited Distribution)

A.R. 203.08 was reviewed by Brad Hansen. Identification of a potential STG member is initiated at DEC, NCCW, WEC and NCYF. ****ACTION: Warden Bakewell will review the format used by the above-noted facilities to ensure there is consistency. Mr. Hansen will submit revisions to Planning & Research with a copy going to Helen Torres.***

DEPUTY DIRECTOR HOPKINS

- RFP lists were discussed at the December Wardens' meeting and Mr. Hopkins stated IPR's should be redone for those inmates that have had treatment changes. Staff should be reminded to continue to get IPR's completed on time. Mr. Hopkins also stated that staff are working hard to complete classification studies in a timely manner.
- Inmates currently serving a sentence for a violent offense should not be recommended for placement in the RFP. (Mr. Richard issued an e-mail to the Wardens on 1-6-12 relative to this matter).
- The Re-Entry efforts have had an impact on work detail assignments. We don't have the numbers or the same flexibility as we did; therefore, it is possible an inmate may be assigned to work at a facility where he has been housed before. Staff making work detail assignments are doing the best they can.
- Regarding inmate transfers, DEC lost some ground in December due to several factors. Warden Bakewell and staff are looking at making some changes and, also, it is anticipated that the completion of class studies will pick up.
- Staff should be reminded to be appropriate when sending e-mails or other forms of communication. Phone calls may be more appropriate and effective than sending a series of e-mails.
- NIC will be conducting Security Audit Training sometime in March or April 2012. Thirty individuals will be invited; this number includes staff from DCS and Douglas and Lancaster counties. One DCS facility may be audited. More information is forthcoming.
- Warden Sabatka-Rine has worked with Health Services staff to establish a process for tracking Medication Aide Certification. In her 1/5/12 e-mail to the Wardens, Ms. Sabatka-Rine outlined the process that will need to be initiated at each facility. This tracking is important so that employees do not let their certification lapse. Medication Aide training is being held twice per month. There was discussion that if a staff member's certification elapses and he/she continues to distribute medications, a hearing will be held and the staff member will not be

- Mr. Hopkins talked about leadership and reemphasized what was discussed earlier regarding RFP and succession. He stated staff need to be educated and on the same page regarding our Re-Entry initiative. The success rate is greater for individuals that are on supervised release; this is evidence-based practices. Mr. Hopkins quoted Dr. Hank Robinson who said, "We want to use parole and RFP as a fundamental tool for enhancing public safety." DCS and Parole Board staff will continue to work together to meet our goals.
- Mr. Hopkins ended the meeting by telling the group he appreciates what they do and they are "top-notch".

PROPOSED AGENDA FOR THE FEBRUARY 22, 2012, WARDENS' MEETING AT LCC

- Director Houston, Larry Wayne, Rex Richard, Cathy Gibson-Beltz
- Mattress Material (review of a different type)...John McGovern
- A.R. 201.03, Inmate custody Levels and Programs...M. Peart
- A.R. 205.02, visiting...M. Kenney

Frank X. Hopkins
Deputy Director – Institutions

Date

Helen Miranda Torres
Administrative Assistant II - Institutions

Date

9301

February 15, 2012

Collaborative Population Reduction Process

- Follow Up Issues:
 - 1) Parole Board Staff will notify Rex and Kyle via email of parole progress reports received before the 1st and 15th of the month.
 - 2) DEC changed classification activities to prioritize those who could potentially parole soon after processing.

- Goal is 4,016 inmates by July 1, 2012. The current NDCS population count is 4,551 as of February 13, 2012.

- Productive meetings are occurring between the Chairperson and the DCS Reentry Coordinator
 - First meeting was on January 24, 2012 and additional meetings have taken place and continue toward meeting the 4,016 inmate goal. NDCS has enough recommendations to meet the below goal of 1,231 parolees.

- Inmates Paroled in January: 113
 - Dec 2011: 110
 - Nov 2011: 110
 - Oct 2011: 112
 - Sept 2011: 144

• Monthly Hearings Set

| | <u>As of Feb 13th</u> | <u># Approx. Hrgs Needed *</u> | <u>To-date Difference *</u> |
|-------|--------------------------------------|------------------------------------|---------------------------------|
| March | 194 | 307 | 113 |
| April | 205 | 308 | 103 |
| May | 146 | 308 | 162 |
| June | <u>186</u> | <u>308</u> | <u>122</u> |
| Total | 731 | 1,231 | -500 |

Total Progress to Date:

221

** based on last 4 month avg. parole rate of 78% and last 4 month avg. of admissions, revocations and mandatory discharges*

- Some additional hearings will be set as cases are reviewed each month.

- Talking Points:
 - Rethink policies and practices on program compliance and completion.
 - Need capacity to conduct increased hearings each month.

WARDENS MEETING MINUTES

Lincoln Correctional Center
February 22, 2012

PRESENT: Frank X. Hopkins, Matt Heckman, Brian Gage, Mike Kenney, Ryan Mahr, Dennis Bakewell, Mario Peart, Diane Sabatka-Rine, Fred Britten, Charlie West, Helen Torres

GUESTS: Rex Richard, John McGovern, Steve Neff

Mr. Hopkins began the meeting by welcoming Brian Gage who was attending his first meeting as a Warden. He noted Mike Kenney will be attending the North American Association of Wardens and Superintendents Conference, April 15 – 18, in Springfield, Missouri. Barb Lewien was selected to attend the Wardens Peer Interaction Conference, May 14-18, at Sam Houston State University in Huntsville, Texas.

CELEBRATION: Everyone was given the opportunity to celebrate something. Warden Peart reported on his trip to Costa Rica; he was involved in assessing some of the prisons there and will be returning on April 22nd to review goals set and whether they were accomplished.

JOHN MCGOVERN & STEVE NEFF – CSI

The current vendor is increasing the cost of mattresses and pillows and Mr. McGovern and Mr. Neff were present to discuss options. It was mentioned that the beds at TSCI may be a different size than what other facilities have. Safety and security concerns were also discussed. A question was asked about whether mattresses can be “recovered” and whether this would be a sanitation issue. *Mr. Neff will contact Steve Vodicka regarding this matter.* The group agreed on a mattress that would have a clear cover, is lighter and would decrease our landfill costs. The pillow selected will also have a clear cover. Mr. Neff will proceed as discussed in the meeting.

RE-ENTRY

Rex Richard gave an update on where we are with our Re-Entry efforts and parole reviews/hearings. He talked about the numbers needed to meet our goals. Additional hearings are being set for April, May and June for inmates that are currently parole eligible with positive recommendations from facility staff. Mr. Richard is reviewing the list of inmates who have met programming goals but not recommended for parole—the majority of these are in for violent/sex offenses. Mr. Houston, Mr. Richard and Dr. White will be meeting on 2/23/12 regarding programming and movement of inmates. Some concerns were discussed and Mr. Hopkins will be discussing these with Director Houston. Mr. Richard stated the facilities are doing a great job with recommendations.

One thing that would be helpful is to have staff make on the PPRs a specific comment about programming.

Mr. Hopkins asked the Wardens to continue to stress to staff the Department's philosophy about our Re-Entry initiatives. Re-Entry is known to work; it is evidence-based; individuals are more likely to succeed with some type of supervision. Public safety is our main priority and we would not jeopardize same to save dollars. Staff should ensure IPR's are done on time. Warden Bakewell and DEC staff are taking measures to fast-track paperwork for appropriate inmates. RFP is always a priority. Regarding inmate transfers, Mr. Hopkins stated staff are doing a great job; staff should continue to work with each other. Transfers are critical and if necessary, the Wardens should call personally to ensure these take place. Staff should continue to be strategic and aggressive about transfers. It was mentioned that inmates currently serving a sentence for a violent offense should not be recommended for placement in the RFP.

DEPUTY DIRECTOR HOPKINS

- The Department is supportive of the inmate visiting program and Mr. Hopkins asked that a statement be added to A.R. 205.02, Visiting, stating this. One of the DCS Mission Goals is "Family Involvement" and similar language will be added to the "General" section of A.R. 205.02. **ACTION: Mike Kenney will draft language for inclusion in the A.R. (This was completed 2/22/12).*
- The issue of whether employees can have access to their supervisor's counseling log file has been clarified in A.R. 112.20, Performance Counseling. The Supervisor's Log File is a working file of information and is not available for the employee's viewing. Employees may receive copies of signed supervisor counseling logs.
- Reminder: overtime eligible employees are not to perform work functions prior to the start of their assigned shift/workday. Mr. Hopkins distributed a copy of the action plans implemented by TSCI and NCYF to ensure compliance with FLSA regulations and he asked the Wardens to incorporate these into their plans. There was discussion about how staff receive instructions and whether we need to have staff sign a document when they receive these. The Wardens have been and will continue to share information with facility staff; however, Mr. Hopkins asked about new hires and whether the Staff Training Academy is providing them with FLSA and Department guidelines as part of their orientation. **ACTION: Mike Kenney will contact Ken Sturdy (completed 2/24/12). NOTE: Mr. Sturdy advised they started instructing new hires about FLSA rules/requirements. Mr. Hopkins also followed up with Brad Hansen and asked that there be documentation that FLSA information to new hires is mentioned at the STA during pre-service training and this will be accomplished.*
Mr. Hopkins asked that staff be reminded equipment should not be issued until after roll call.
- Mr. Hopkins referenced Kyle Poppert's e-mail of January 23, 2012, regarding LB 191. This legislation, which becomes effective March 16, 2012, provides inmates

MEMORANDUM

DATE: March 21, 2012
TO: Frank X. Hopkins, Deputy Director/Institutions
FROM: Marlo F. Peart, Warden – LCC
SUBJECT: Executive Staff Meeting – 3/19/12
PRESENT: Mario Peart, Robert Madsen, Denise Skrobecki, Major Diltz, Jason Hurt, Tammy Kliver and Laura Bonow

Mr. Peart opened the meeting at 9:20 a.m.

Major Diltz reported that there are two custody vacancies. He attended a Security Administrators' meeting last Friday where they discussed the automated roster system. The tele-key system was also discussed. Capts. Burkey and Sparks will be participating in some upcoming security audits.

Laura Bonow went over schedules for the week with everyone.

Jason Hurt had nothing to report.

Denise Skrobecki stated that DAS rejected complaints on the inmate video system. She stated that e-messaging will be coming very soon.

Robert Madsen advised that the STOP Club has requested to have outside food for a symposium. Since this group is not an ethnic club, it will not be approved.

Mr. Peart discussed the following issues:

- Labor Management meeting – staffing issues is listed on the agenda
- Housing Unit control stations need to be organized.
- Denise would like to recognize Jeff Salomons, Brandon Noordhoek and Amber Wiens for their assistance with the long-term storage area and the canteen
- An inmate at TSCI requested a different beard trimmer (specifically for African-Americans).
- Discussion regarding leadership meeting

Notes from the Wardens' meeting:

- Larry Wayne talked about RFP. He stated that paroles are up and higher risk inmates are being looked at. Remember to use appropriate wording.
- Larry Wayne and Hank Robinson are looking at the long-term A.C. Issue of going from long-term segregation to P.C.

Agenda

Nebraska Department of Correctional Services and Nebraska Board of Parole Meeting, April 3, 2012

Introductory Remarks by Board

Introductory Remarks by NDCS

Review current statistics on NDCS facilities and parole population to include upcoming hearings.

- o Graphs and Statistics

Assumptions – do we agree:

- o Prison population crowding is a State problem, not just a DCS problem.
- o Building another prison is not an option for Nebraska.
- o We can significantly reduce the prison population by working together.
- o Only on Parole can all 5 stabilizing factors be addressed; housing, employment, supportive relationships, substance abuse recovery, and mental health.

Recommendations for Actions by Board Members:

- o Parole people who *need* parole (parole based on need not solely from a reward model)
- o Set all hearing dates during initial review (which allows for case management and program planning) with all inmates
- o Increase capacity to conduct more hearings
- o Hold Hearings twice at each facility each month (save inmate bed days).
 - Split day between hearings and reviews to allow for multiple hearing days per month without changing days scheduled. (Will open up 35 beds/year).
 - Hold reviews at multiple locations on the same day (Increase capacity for hearings)
- o Set inmate hearings one month prior to PED using 'Parole Pending'. (Will open up 70 beds/year).
 - Place any RFP-eligible 'Parole Pending' inmates on RFP. (Opens up another 35 beds/year). They are placed on RFP for the time between hearing and day of parole discharge.
- o Increase number of Sex Offenders paroled by using:
 - Provide these programs across the State, not just Lincoln/Omaha.
 - GPS
 - polygraphs as a condition of parole for some
 - Put all bHELP in the community
 - Move oHELP Phase 2 to community

**Central Office General Staff Meeting
September 13, 2012
8:00 am**

Announcements – Director Houston

- Director Houston shared that Executive Staff have attended training by Emergenetics. This training looks at your strengths and characteristics.
- Telestaff/Rostering System
 - Director Houston asked Bob Shanahan to provide an overview of the project and where it's at.
 - Working with a group of Lieutenants and Unit Staff from the facilities, this involves a rostering system. Approximately 1,350 staff in the institutions will use it. Also, shift supervisors to see who's there, move people around, etc. It automates the entire roster/scheduling process. It also allows us to see how we are using the staff at an institutional and agency level. Training is occurring, and implementation will likely occur in about 3 weeks.
- U.S. State Department – World Map
 - Director Houston asked Nick Amen to provide an update.
 - The map is located outside of Conference Room C and shows which countries have visited NDCS as part of the program with the U.S. State Department. Jerry Pohlmann and Rick Fuller also were instrumental in bringing this about!
 - Afghanistan is coming in April of 2013.
 - Be sure to look at it when you have the opportunity – it is impressive!
- Wellness
 - Director Houston asked Jerod Beach to speak about our Wellness efforts.
 - NDCS recently received an award in recognition of our outstanding wellness efforts. Be sure to look at it in the front lobby area.
 - Efforts have included the most recent wellness parking spot. Located by the Director's and Deputy Directors' parking spots (at the far end of the parking lot away from the door – to encourage walking!), names will be drawn to be able to park there.
 - Nebraska and Corrections is leading the way in Wellness!
 - Savings in health insurance expense also as a result of the wellness efforts by the State.

- Budget
 - Director Houston asked Robin Spindler and Chris Peters for a budget update.
 - Chris indicated that this year's budget will be tight until NDCS gets our deficit (approximately in May 2013). The deficit is due to that our inmate population didn't reduce to the original projections. Therefore, we need to keep the housing units open for safety in our institutions.
 - Director Houston explained how NDCS' budget presentations were paperless. Not only did this reduce paper (and costs!), it also increased the ability of the Budget Committee to focus on the facility/program presentation. Also, our budget request includes bringing back those housing unit staff (i.e., OCC) that were previously cut. It also provides NDCS the opportunity to bring back some of the other cut positions. However, the 'wild card' is medical expense. Costs have fluctuated greatly and many of the costs are outside of our control.

However, there have been many efforts implemented to reduce medical costs. Steve Urosevich described some of these efforts. Health Services has implemented in-house dialysis which not only reduced costs (including security staff time from travel orders), but also enhanced the quality of care. In-house chemo programs have been initiated, and a plan for in-house sleep studies to occur is being worked on.
 - Dually certified staff in behavior services allows NDCs to achieve efficiencies and economies. Some staff are certified in substance abuse and mental health.
 - Dr. Kohl mentioned that Health Services is seeing a lot more inmates who are sicker patients than we have seen in the past, as well as with more behavioral health issues.
 - Doug Hanson spoke about the Program Statement which is part of this year's biennium budget request. NDCS is requesting funding to update our 2006 Master Plan, which will include inmate population projections, etc. Out of this, capital construction requests could emerge to address crowding in our facilities.
- Reentry and Capacity
 - Cathy Gibson-Beltz spoke about NDCs' Re-entry effort. By working with the Parole Board, paroles have increased over the last three years. More team type of supervision and partnering with providers in the community and within NDCS has occurred. There is less reliance on incarceration and more reliance on community corrections. We need more inmates to leave from reentry which better situates the inmate for success.
 - Director Houston explained that NDCS needs to talk about capacity

issues well before the 'will' to do so exists. Inmate numbers are there; we must move forward with the Capital Program Statement.

As Concha Kroeger was gone, Director Houston provided an update based on what she had mentioned to him previously. We have hit a new level and topping \$60,000. It is an amazing increase! Thank you to all of you! Government can't do everything, and non-profit organizations help those in need in our communities.

The years of service pins were distributed to staff, as well as the Employees and Supervisors/Managers of the Quarter awards presented.

Congratulations to those staff being recognized this quarter. Your efforts have not gone unnoticed!

Employees of the Quarter

Ann Mock, Purchasing

Tom Verplank, Adult Parole Administration

Janet Arauco, Health Services

Supervisors/Managers of the Quarter

Tanita Taylor, Health Services

Ken Sturdy, STA

Other Announcements

- Everyone is encouraged to attend the upcoming NDCS Awards Ceremony at the Capitol on September 27th at 2:00 pm. We are honored to have our Governor speak again at this event recognizing staff throughout our Department!
- At the Upcoming MAD Tailgate on September 28th, Adult Parole Administration is partnering with area Saratoga School to collect donations of winter wear for the children. So be sure to bring mittens, scarves, winter coats, etc. to the tailgate to donate. The school has many children who are in need and come to school during our often brutally cold Nebraska winter days without adequate winter wear!
- A big thank you to Purchasing who hosted this month's event and to MAD for making the breakfast and event and possible for everyone!

TO: Governor Dave Heineman
THROUGH: Larry Bare, Chief of Staff
FROM: Robert P. Houston, Director
DATE: October 18, 2012
RE: **September 2012 DCS Monthly Updates to the Governor**

Positive Things

- On September 11, 2012 twenty-five (25) inmates received their General Equivalency Degree (GED) at the Tecumseh State Correctional Institution. Education is a factor related to the successful return of inmates to our communities. By receiving their GEDs, these inmates are less likely to re-offend and return to prison.
- Mentoring Program: Staff at the Nebraska Correctional Youth Facility (NCYF) received feedback from a mentor of an inmate who recently discharged from the facility. Ron Cardenas with the Gavilon Group reported that the inmate received his first paycheck and helped his mother pay bills and bought his little sister some clothes and shoes. When asked how it felt, the inmate responded "good and proud." He said when he gets his next paycheck, he is planning on coming to Omaha to buy himself some clothes and introduce his mentor to his family.

County Assistance

- One Cass County staff attended DCS' Staff Training Academy in September.
- During September four (4) Kearney and two (2) Geneva participated in Inmate Control Instructor training at our Staff Training Academy. Staff from other State agencies continue to participate in our CPR training as well.

Issues

- On September 6, 2012 Inmate _____ at the Tecumseh State Correctional Institution (TSCI) died. Mr _____ had been sentenced to life for 1st Degree Murder in September, 1994. Mr _____ was 39 years old. M. _____ had been found unresponsive, hanging in his cell at TSCI.
- Not only staff at the Lincoln Correctional Center (LCC) were saddened to hear of the death of Correctional Officer Roger McFarland, but all of NDCS. It is a difficult time for his fellow co-workers, friends and family. Our thoughts and prayers are with them.
- On September 13, 2012 a fight broke out between three (3) inmates at the Tecumseh State Correctional Institution (TSCI). When the inmates did not disperse after being given a directive from the Tower Officer, a warning shot was fired. Staff arrived on the scene shortly thereafter and chemical agents were deployed. The inmates were subdued and

placed in segregation. The inmates involved sustained minor cuts and abrasions. Staff were not injured.

- On September 16, 2012 Inmate _____ the Community Corrections Center Lincoln (CCCL) was killed by an Omaha Police Department (OPD) Officer _____ was armed and confronted by the OPD officer. _____ was known to DCS as a member of an Omaha security threat group. _____ was on furlough from CCCL at the time of the incident. As a result of this incident, changes in the contact process for the furlough program were initiated.
- On September 24, 2012 Inmate _____ died at Bryan LGH West. The immediate cause of death is not known at this time; however, _____ had been being treated for a terminal illness. _____ was serving a life sentence which began on May 6, 1986. He was 55 years old.
- On September 27, 2012, DCS was contacted by Omaha Police Department regarding inmate _____ of the Community Corrections Center Omaha (CCCO). Inmate _____ was on furlough and was returned to the facility due to a pending investigation.
- On September 29, 2012 Inmate _____ of the Nebraska State Penitentiary died. _____ was found in his cell. It appears to be from natural causes as _____ had a number of health issues. He began serving a sentence of 18 years, 8 months to 30 years on July 31, 2003. _____ was 69 years old.
- On September 24, 2012 RFP Inmate _____ parole officer spoke to him on the telephone at 1120 and directed him to report the office. He did not report, and _____ was placed on escape status. Notifications were made. _____ was sentenced on May 22, 2012 for a sentence of three to six years for possession of controlled substance/tampering. His TRD was January 10, 2015.

Budget Report

- DCS staff submitted the 2013 – 2015 Biennium Budget Request. The assistance of Joe Wilcox, Budget Analyst and Gerry Oligmueller, Budget Administrator during this process assured that DCS' budget submission was complete and addressed our critical issues.

cc: File

From: Wayne, Larry
Sent: Monday, June 03, 2013 4:09 PM
To: Robinson, Hank
Subject: RE: Population Segments

Hank: I believe other populations which might be diverted with back door strategies include most technical parole violators and many of the community custody program failures-We've studied half way back options wherein a parolee who's performing poorly might be brought back for a weekend or other short period of time. The evidence of that study suggests that while feasible for us, the outcomes are more often negative. Other states which devote all or part of a facility for 60 to 120 day returns off parole or work release have realized better outcomes. I suggest this may be worth consideration in our population study and subsequent master plan.

Larry Wayne
Deputy Director
Programs and Community Services
Nebraska Department of Correctional Services
P.O. Box 94661
Lincoln, NE 68532-4661
Office: 402 479-5721

From: Robinson, Hank
Sent: Monday, June 03, 2013 9:12 AM
To: Houston, Bob; Spindler, Robin; Hopkins, Frank; Wayne, Larry; Poppert, Kyle; Glissler, Layne; Smith, Dawn Renee; Green, George
Cc: Hanson, Doug; Vandenberg, Abby
Subject: Population Segments

To fully assist Bob's efforts to prepare for the upcoming meeting with the governor, Abby and I are trying to estimate the degree to which different groups of inmates contribute to our current population.

For example, we're calculating how much the average daily population would be reduced if everyone serving less than 6 months with NDCS were backed up into a county jail bed.

To help us out, please take 30-60 seconds and identify segments of the offender population you think significantly increase daily population OR groups of inmates which might be diverted from NDCS with new front door/back door strategies.

Here's what we have so far:

Inmates serving less than a year in NDCS custody

Sex offenders

Parole-eligible inmates currently incarcerated, but denied parole

RFP inmates

Thanks in advance for your suggestions. We'll prepare a report summarizing the population impact of each group for Exec. Staff. Hank

T. Hank Robinson, Ph.D.
Director: PRA
402-479-5760

From: Richard, Rex
Sent: Monday, December 12, 2011 2:47 PM
To: Hopkins, Frank; Gissler, Layne; Poppert, Kyle
Subject: FW: Sorted by numbers
Attachments: Sorted by #s 36 months.xls

Gentlemen: This is the list I received this morning.

Rex C. Richard

Reentry Coordinator

Nebraska Correctional Services

From: White, Cameron
Sent: Monday, December 12, 2011 9:19 AM
To: Richard, Rex
Subject: FW: Sorted by numbers

As discussed.

Cameron S. White, Ph.D.
Behavioral Health Administrator, NDCS
Licensed Psychologist

Phone: 402-479-5971
Facsimile: 402-479-5679
e-mail: cameron.white@nebraska.gov

NDCS Central Office
P.O. Box 94661
Lincoln, NE 68509-4661

From: Tyrrell, Sheryl
Sent: Thursday, December 08, 2011 12:02 PM
To: Thomas, Richard; White, Cameron
Subject: FW: Sorted by numbers

This spread sheet shows the status of substance abuse recommendations for inmates with 36 months or less to TRD. There were approximately 2462 names on the list (292 female inmates). Of the total, 676 have no substance abuse programming recommendations and 1310 have Non-residential Treatment Services recommendations with the notation placed in Seibel stating that this programming could be done on parole. The 1310 can be identified on the list by the yellow highlight in the column titled "Rec Pri?".

Of the remaining 476 names, approximately 300 are currently participating in a substance abuse treatment program at one of the facilities, including WEC and the new Community Outpatient centers in Lincoln and Omaha. Among the remaining number of inmates are several who are considered high risk who still need residential programming, others have never been screened for a recommendation (due to refusing, being in segregation, out to court/hospital), and some who are already discharged, on RFP, or on parole. Many on list have hearing dates set in the next few months.

Please let me know if you have any questions.

Sheryl

Sheryl Tyrrell
Administrative Assistant III
Substance Abuse Administration
NSP/RTC
402-479-3026
402-479-3028 (Fax)

From: Dutkiewicz, Lucia
Sent: Thursday, December 08, 2011 11:23 AM
To: Tyrrell, Sheryl
Subject: Sorted by numbers

Here you go.

*Lucia Dutkiewicz
Staff Assistant I
Department of Corrections
Nebraska State Penitentiary
Substance Abuse Administration
Residential Treatment Community
Phone 402-479-3027*

From: Hopkins, Frank
Sent: Monday, December 12, 2011 2:57 PM
To: Poppert, Kyle; Richard, Rex
Subject: FW: Sorted by numbers
Attachments: Sorted by #s 36 months.xls

FYI.

Frank X. Hopkins
Deputy Director-Institutions
Nebraska Department of Correctional Services
frank.hopkins@nebraska.gov

From: White, Cameron
Sent: Monday, December 12, 2011 2:46 PM
To: Hopkins, Frank
Subject: FW: Sorted by numbers

Frank,

Please see the list that Substance Abuse sent me last Thursday. The changed recommendations are listed so this may clarify next steps. Thanks.

Cameron

Cameron S. White, Ph.D.
Behavioral Health Administrator, NDCS
Licensed Psychologist

Phone: 402-479-5971
Facsimile: 402-479-5679
e-mail: cameron.white@nebraska.gov

NDCS Central Office
P.O. Box 94661
Lincoln, NE 68509-4661

From: Tyrrell, Sheryl
Sent: Thursday, December 08, 2011 12:02 PM

To: Thomas, Richard; White, Cameron
Subject: FW: Sorted by numbers



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Please let me know if you have any questions.

Sheryl

Sheryl Tyrrell
Administrative Assistant III
Substance Abuse Administration
NSP/RTC
402-479-3026
402-479-3028 (Fax)

From: Dutkiewicz, Lucia
Sent: Thursday, December 08, 2011 11:23 AM
To: Tyrrell, Sheryl
Subject: Sorted by numbers

Here you go.

*Lucia Dutkiewicz
Staff Assistant I
Department of Corrections
Nebraska State Penitentiary
Substance Abuse Administration*

From: Rouf, Mel
Sent: Wednesday, December 14, 2011 7:55 AM
To: Bevard, Ron; Crosby, Randy; Danner, Mark; Edison, Michael; Exstrom, Bradly; Isherwood, Scott; Marshall, Scott; Miller, Timothy; Newtonson, Miranda
Subject: FW: Here it is!
Attachments: Candidates with TRD between 04012012 and 03312015 by Institution - FINAL.xlsx

Share this with your case managers and get the new parole recommendations done. I want a hard copy of each as they are completed.

-----Original Message-----

From: Sabatka-Rine, Diane
Sent: Wednesday, December 14, 2011 6:21 AM
To: Rouf, Mel; Cruickshank, Rich
Subject: FW: Here it is!

Attached is the "list." Please note the instructions below for locating the NSP inmates. There are MANY, MANY inmates at NSP that will need to have updated IPR's. Please have staff start working on this IMMEDIATELY and submitted revised IPR's as directed in previous e-mails. Given the short time frame for completion, please plan to provide updates daily until we get this task completed. It's a huge job, but I am confident we can get it done. THANKS!

-----Original Message-----

From: Richard, Rex
Sent: Tuesday, December 13, 2011 7:11 PM
To: DCS CEO; Hopkins, Frank; Poppert, Kyle
Subject: FW: Here it is!

Rex C. Richard
Warden
Community Corrections Center-Lincoln
Office 471-6250

From: Boal, Beth
Sent: Tuesday, December 13, 2011 4:31 PM
To: Richard, Rex
Subject: Here it is!

Here is the full report. There is a tab for each institution. Within institution, it's sorted by HU. But each institution can resort however they want. I selected only candidates with TRD between 4/1/2012 and 3/31/2015.

Thank you,

Beth Boal
Office of the CIO
State of Nebraska

From: Johnston, Richard
Sent: Tuesday, December 27, 2011 11:54 AM
To: Bass, Shane; Dunn, James; Skow, Dave
Subject: FW: Possible IPR changes
Attachments: Candidates with TRD between 04012012 and 03312015 by Institution - FINAL.xlsx; IPR changes doc.pdf

Importance: High

FYI below

Rick Johnston
Unit Manager, Segregation/Control Unit
Lincoln Correctional Center
Phone: 402.471.2861 x 6112 or 6191

richard.johnston@nebraska.gov

From: Hurt, Jason
Sent: Tuesday, December 27, 2011 11:22 AM
To: Mayfield, Tim; Hargreaves, Rick; Johnston, Richard; Haussler, Todd; Cruz, Tony
Subject: Possible IPR changes

OK - We have a lot of work to do in a short period of time. This list that I sent to you a couple weeks ago needs our attention. I attached a copy of the same list in a format that's all on a legal piece of paper. The attachment is hard to read so if you want a hard copy let me know.

The Printout has in with upcoming TRD's. If a treatment team change was made on the recommendation, we need to submit a new IPR ASAP. They all need to be completed by Dec 31. Once a new IPR is completed I need 2 hard copies given to me. One for filing here and the other I will send to central office.

The inmates that need reviewed first are ones with a treatment recommendation date of November 28 thru December 12, these dates are on the form. Those are the priorities and then the rest can follow. If no recommended changes are made to the IPR's, keep track so we can show that all the inmates on the list were reviewed and the reason for no changes to the IPR. On the 31st, which is this Saturday (so let's say by Jan 2nd) have a final copy of the inmates on your unit reviewed with an explanation for what was done.

Be sure to submit the hard copy of IPR's to me as they are completed and do not wait until Jan 2nd to turn them all in!

Clear as mud I'm sure, so if you have questions let me know and we can figure it out.
Thanks

Jason Hurt
Unit Administrator
Lincoln Correctional Center
3216 West Van Dorn
Lincoln, NE 68542
(402) 479-6163 office

From: Richard, Rex
Sent: Wednesday, January 18, 2012 2:31 PM
To: DCS CEO
Cc: Hopkins, Frank; Torres, Helen; Houston, Bob; Gissler, Layne; Poppert, Kyle; Boal, Beth; Wayne, Larry; Spindler, Robin
Subject: FW: Spreadsheet for Friday
Attachments: 01112012-1 Spreadsheets for Friday.xlsx

Good afternoon all. Attached is the "no" list we discussed this morning. As you can see there are three tabs at the bottom with three different groups of data: The first one is "PED before 6/30/2012, all", the second is "IPR=no, any TRD" and the third is "IPR=no, TRD in three years". I would suggest concentrating efforts on the third list, that being the IPR=no, TRD in three years as I think we will find the "fishing" best in this pool, rather than in the list with inmates who have TRD's many years in the future. This list can be modified via the "data" tab so that the list will group by facility and by ascending TRD. That is how I had the list when I closed the spreadsheets, and hopefully how it will appear when you open them. If not, give me a call and I can walk you through how that is done. Again, my thanks to all of you for your efforts on this matter.

Rex C. Richard
 Reentry Coordinator
 Nebraska Correctional Services

From: Boal, Beth
Sent: Wednesday, January 11, 2012 2:50 PM
To: Spindler, Robin
Cc: Richard, Rex; Robinson, Hank
Subject: Spreadsheet for Friday

Attached are the updated spreadsheets. They do not change a lot since we are using a fixed end date of 6/30/2012. But if you want me to rerun late tomorrow, I can.

Summary Counts:

- 1. Total with PED < or = 6/30/2012, IPR = Y, no TRD filter: 1023
- 2. PED < or = 6/30/2012, IPR = N, no TRD filter: 560

Also Included:

- 3. PED < or = 6/30/2012, IPR = N, TRD within 3 years: 429

Thank you,

Beth Boal
 Office of the CIO
 State of Nebraska
 501 South 14th Street
 P.O. Box 95045
 Lincoln, Nebraska 68509-5045
 email: beth.boal@nebraska.gov

From: Dahm, John
Sent: Wednesday, January 18, 2012 8:35 PM
To: Hunzeker, Steve
Cc: Siemek, TIm
Subject: FW: Spreadsheet for Friday
Attachments: 01112012-1 Spreadsheets for Friday.xlsx

Basically what they want us to do is go through the 26 NCCW names on that third list (IPR no, TRD in three years). These were inmates we recommended that the Board **not** parole (No). **They want all institutions to take another look at these inmates.**

Steve: Call Rex Richard to see whether we should look at the other lists (which will have all the inmates from the third list plus....) and get some advice from him.

If we change any recommendations, we need to send Rex a "hard" copy of the new IPR w/ithin 2 weeks. Don't bother with any who have a TRD In January, February or March of this year, since there is no time to do a parole hearing.

This was a HUGE topic at today's Wardens' Meeting and I have additional information and will try to answer your questions, but we need to start on this ASAP.

From: Richard, Rex
Sent: Wednesday, January 18, 2012 2:30 PM
To: DCS CEO
Cc: Hopkins, Frank; Torres, Helen; Houston, Bob; Gissler, Layne; Poppert, Kyle; Boal, Beth; Wayne, Larry; Spindler, Robln
Subject: FW: Spreadsheet for Friday

Good afternoon all. Attached is the "no" list we discussed this morning. As you can see there are three tabs at the bottom with three different groups of data: The first one is "PED before 6/30/2012, all", the second is "IPR=no, any TRD" and the third is "IPR=no, TRD in three years". I would suggest concentrating efforts on the third list, that being the IPR=no, TRD in three years as I think we will find the "fishing" best in this pool, rather than in the list with inmates who have TRD's many years in the future. This list can be modified via the "data" tab so that the list will group by facility and by ascending TRD. That is how I had the list when I closed the spreadsheets, and hopefully how it will appear when you open them. If not, give me a call and I can walk you through how that is done. Again, my thanks to all of you for your efforts on this matter.

Rex C. Richard
 Reentry Coordinator
 Nebraska Correctional Services

From: Boal, Beth
Sent: Wednesday, January 11, 2012 2:50 PM
To: Spindler, Robin
Cc: Richard, Rex; Robinson, Hank
Subject: Spreadsheet for Friday

Attached are the updated spreadsheets. They do not change a lot since we are using a fixed end date of 6/30/2012. But if you want me to rerun late tomorrow, I can.

Summary Counts:

From: Sabatka-Rine, Diane
Sent: Thursday, January 19, 2012 2:42 PM
To: Cruickshank, Rich; Miller, Timothy; Rouf, Mel
Subject: FW: Spreadsheet for Friday
Attachments: 01112012-1 Spreadsheets for Friday.xlsx

At the Wardens' Meeting yesterday, Rex Richard indicated that we would be getting the attached "no list." This includes inmates who were NOT recommended for parole – for various reasons to include, detainers, behavior, programming needs, etc. We need to review these recommendations to determine if the reason parole is still "valid." An easy example would be that the inmate needs programming that was not offered in the community at the time the IPR was completed but has since become available...we would want to consider revising the recommendation. It is not expected that all recommendations will be revised – it is expected that all will be reviewed and some will be revised as appropriate. See also Rex's comments below.

Some considerations...

**Evidence based practices supported that parole/RFP is a safer release process than a direct discharge to the community.

**A period of parole is better than no supervised release.

We need not consider those inmates with TRDs in January, February or March as it is likely that a hearing cannot be completed in time for them to parole prior to their TRD. Our focus should be on those with TRDs in April and beyond.

We need to maintain a list of revised recommendations and a tracking process to ensure that all IPR's on the list were reviewed. A hard copy of all revised recommendations will be provided to me no than January 31st. I will then provide these revised IPR's to Mr. Richard.

Let me know if you have questions- thanks for your attention to this assignment.

From: Richard, Rex
Sent: Wednesday, January 18, 2012 2:31 PM
To: DCS CEO
Cc: Hopkins, Frank; Torres, Helen; Houston, Bob; Glssler, Layne; Poppert, Kyle; Boal, Beth; Wayne, Larry; Spindler, Robin
Subject: FW: Spreadsheet for Friday

Good afternoon all. Attached is the "no" list we discussed this morning. As you can see there are three tabs at the bottom with three different groups of data: The first one is "PED before 6/30/2012, all", the second is "IPR=no, any TRD" and the third is "IPR=no, TRD in three years". I would suggest concentrating efforts on the third list, that being the IPR=no, TRD in three years as I think we will find the "fishing" best in this pool, rather than in the list with inmates who have TRD's many years in the future. This list can be modified via the "data" tab so that the list will group by facility and by ascending TRD. That is how I had the list when I closed the spreadsheets, and hopefully how it will appear when you open them. If not, give me a call and I can walk you through how that is done. Again, my thanks to all of you for your efforts on this matter.

Rex C. Richard
Reentry Coordinator
Nebraska Correctional Services

From: Boal, Beth
Sent: Wednesday, January 11, 2012 2:50 PM
To: Spindler, Robin
Cc: Richard, Rex; Robinson, Hank
Subject: Spreadsheet for Friday

Attached are the updated spreadsheets. They do not change a lot since we are using a fixed end date of 6/30/2012. But if you want me to rerun late tomorrow, I can.

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2. PED < or = 6/30/2012, IPR = N, no TRD filter: 560

Also included:

3. PED < or = 6/30/2012, IPR = N, TRD within 3 years: 429

Thank you,

Beth Boal
Office of the CIO
State of Nebraska
501 South 14th Street
P.O. Box 95045
Lincoln, Nebraska 68509-5045
email: beth.boal@nebraska.gov
phone: 402.471.0703 (OCIO)
402.479.5770 (DCS)

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| TRD | ID # | Inmate Name | FAC | Begin Date | PEP | Rec Type | Rac P1? | Needs or Recommendations | Date |
|------------|------|-------------|-------------|------------|-----|----------|---------|--|------------|
| 3/1/2013 | | TSC | 4/1/1975 | 9/26/1999 | | PR | No | None No SA recommendation | 7/8/2011 |
| 3/23/2013 | | NSP | 8/15/1979 | 11/23/1995 | | PR | No | NRTS, I Help | 9/25/2011 |
| 9/5/2014 | | NSP | 4/6/1984 | 1/5/2006 | | PR | Yes | NRTS | 11/20/2011 |
| 12/18/2012 | | CCL | 2/4/1986 | 8/21/1997 | | PR | Yes | Would benefit from RTC. Changed to NRTS | 8/17/2011 |
| 3/15/2013 | | OCC | 10/16/1985 | 3/15/2012 | | PR | No | Inmate needs to incur No misconduct reports. | 2/11/2009 |
| 12/30/2011 | | CCO | 2/9/1987 | 4/30/1996 | | PR | No | NRTS Continued Care, Weekly Support Groups. No SA recommendation | 5/9/2011 |
| 2/28/2012 | | LCC | 5/1/1987 | 2/26/2001 | | PR | No | Inmate needs to participate in Help sex offender treatment and NRTS. | 11/27/2011 |
| 1/2/1994 | | DEC | 11/25/1988 | 8/22/1991 | | None | | No SA recommendation | |
| 1/6/2013 | | OCC | 5/1/1990 | 7/6/2004 | | PR | No | Sex offender programming. No SA recommendation | 5/9/2011 |
| 10/19/2014 | | LCC | 9/6/1990 | 1/22/2002 | | PR | Yes | None | 8/19/2011 |
| 10/9/2013 | | NSP | 4/18/1991 | 1/11/2002 | | PR | No | UNKNOWN | 8/15/2011 |
| 12/10/2013 | | LCC | 4/30/1992 | 1/21/2008 | | PR | No | Inmate needs to participate in Help sex offender treatment programming | 11/27/2011 |
| 5/3/2013 | | LCC | 8/10/1992 | 4/3/1997 | | PR | No | Successful completion of Help | 8/11/2011 |
| 8/15/2012 | | OCC | 9/8/1992 | 2/15/2002 | | PR | No | No SA recommendation | 1/9/2010 |
| 1/30/2013 | | LCC | 5/14/1993 | 1/30/2003 | | PR | No | Inmate needs to participate in Help sex offender treatment and residential substance abuse treatment. | 9/8/2011 |
| 10/1/2012 | | TSC | | 4/1/2012 | | PIF | | Mr. all be reviewed by the Clinical Violent Offender Review Team and should follow program recommendations subsequent to CVORT screening. No further Mental Health recommendations at this time. No SA recommendation. | 10/21/2011 |
| 7/29/2012 | | OCC | 12/18/1995 | 1/30/2001 | | PR | Yes | No current need identified. No SA recommendation | 1/17/2011 |
| 1/18/2014 | | OCC | 5/24/1994 | 1/1/8/2000 | | PR | Yes | Outpatient sex offender programming (oHELP) and appropriate mental health programming. No SA recommendation | 8/17/2011 |
| 10/13/2014 | | CCO | 8/6/1996 | 10/9/2003 | | PR | Yes | Weekly AA/NA No SA recommendation | 9/1/2011 |
| 6/18/2014 | | CCL | 5/1/1994 | 10/13/2007 | | PR | Yes | Continue attending AA/NA, Aftercare | 11/15/2011 |
| 8/18/2014 | | NSP | 12/16/1994 | 8/18/2004 | | PR | Yes | M. need to find employment. | 11/12/2010 |
| 8/17/2014 | | CCL | 8/29/1995 | 8/17/2009 | | PR | No | Inmate needs O-Help. No SA recommendation | 8/17/2011 |
| 6/14/2012 | | TSC | 7/12/1995 | 10/14/2005 | | PR | No | A Psychological Evaluation was completed on 12/6/2010 which recommended Mr. have a gradual transition to the community to include Work Detail and Work Release. No SA recommendation | 9/31/2011 |
| 8/13/2013 | | OCC | 8/17/1995 | 8/13/1998 | | PR | No | IOHelp, Anger Management with CVORT Review. No SA recommendation | 6/8/2011 |
| 6/15/2012 | | TSC | 9/22/1997 | 3/30/2008 | | PR | No | Contributing substance abuse and mental health programming. | 1/25/2011 |
| 9/25/2012 | | NSP | 1/17/1997 | 9/25/2007 | | PR | No | Complete Help program. No SA recommendation | 10/13/2011 |
| 12/18/2011 | | NSP | 10/21/1999 | 12/18/2007 | | PR | No | SUBSTANCE ABUSE TREATMENT AND ANGER MANAGEMENT. No SA recommendation | 5/2/2011 |
| 7/6/2012 | | DEC | 12/2/1997 | 7/6/2002 | | PR | Yes | Maintain a positive institutional record. No SA recommendation | 6/15/2011 |
| 2/22/2014 | | OCC | | 6/22/2007 | | PIF | | Changed to NRTS | 9/20/2011 |
| 6/3/2014 | | LCC | 7/30/1998 | 10/3/2008 | | PR | No | Successful completion of Help. No SA recommendation | 9/8/2011 |
| 9/23/2012 | | LCC | 7/7/1998 | 2/23/2002 | | PR | No | Successful completion of Help program at LCC. No SA recommendation | 1/5/2011 |
| 12/7/2012 | | OCC | 1/21/5/1998 | 6/7/2009 | | PR | No | Successful completion of the Help program. No SA recommendation | 5/30/2011 |
| 7/17/2014 | | OCC | 1/26/1999 | 1/17/2007 | | PR | No | Completion of CSORT recommended programming and followup care upon release. | 9/6/2011 |
| 8/17/2013 | | CCL | 3/8/1999 | 5/16/2011 | | PR | Yes | Continue attending NRTS, AA | 11/17/2011 |

PED before 06/30/2012; IPR = N; TRD within 3 Years - Date Run: 1/11/2012 - TOTAL COUNT: 429

| ID # | Inmate Name | FAC | HU | TRD | PED | Next Review Dt | Final Hearing Dt | Recd Parole | IPR Team Recommendations |
|------|-------------|-----|------|------------|------------|----------------|------------------|-------------|--|
| | | CCL | CI | 1/11/2012 | 7/13/2008 | 6/1/2012 | | No | Mandatory discharge (TRD 1-11-12). Update inmate. |
| | | CCL | BI | 1/14/2012 | 4/14/2011 | 3/1/2012 | | No | Mandatory Discharge *refused VRP |
| | | CCL | RFP | 1/16/2012 | 1/16/2008 | 12/1/2011 | | No | The unit team recommends inmate to be deferred do to his unwillingness to parole he wants to transition back into community with work release and does not want to Parole because he has no place to go and no money. |
| | | CCL | DO | 1/21/2012 | 8/26/2011 | 1/11/2012 | | No | INMATE *HAS A TRD OF 1/21/2012-DEFER TO TRD |
| | | CCL | RFP | 1/24/2012 | 1/24/2011 | 1/1/2013 | | No | Inmate *aved parole board presence for UCM Wells on 12-14-11. |
| | | CCL | BI | 2/11/2012 | 5/11/2011 | 10/1/2012 | | No | Parole pending no for tracking |
| | | CCL | EI | 2/14/2012 | 9/28/2011 | 1/1/2013 | | No | Inmate * waived presence for UCM Wells on 12-05-11. Inmate's TRD is 02-14-2012. Not enough time to benefit. |
| | | CCL | BW | 2/15/2012 | 7/15/2011 | 7/1/2012 | | No | Unit recommends defer to mandatory discharge based on Residential Treatment was not completed. |
| | | CCL | EI | 3/5/2012 | 9/5/2011 | 6/1/2012 | | No | Unit Team recommends deferral to allow time address Substance Abuse needs. |
| | | CCL | BO | 3/24/2012 | 9/24/2011 | 9/1/2012 | | No | NO PAROLE RECOMMENDED DUE TO VIOLENT HISTORY. |
| | | CCL | BO | 4/2/2012 | 10/2/2009 | 4/1/2012 | | No | recomend approval of parole |
| | | CCL | CO | 4/16/2012 | 10/18/2011 | 2/1/2012 | | No | DEFER TO PAROLE BOARD-HAS TRD OF 4/16/2011-OFFENSE IS VIOLENT AND NOT THE FIRST ONE |
| | | CCL | CI | 4/20/2012 | 9/13/2009 | 7/1/2012 | | No | Mandatory discharge due to recent (7-13-2010) parole revocation parole revoked. loss of six months NON-RESTORABLE good time - laws violation (strangulation; 3rd degree domestic assault; violation protection order; terroristic threats) |
| | | CCL | RFP | 4/29/2012 | 7/29/2011 | 2/1/2012 | | No | DEFER TO ELIGIBILITY DATE IN JULY OF 2011. DUE TO LENGTHY PRIOR RECORD AND RECENT VIOLENCE. NO PAROLE IS RECOMMENDED AT THIS TIME. |
| | | CCL | CO | 5/5/2012 | 4/26/2011 | 9/1/2012 | | No | mandatory discharge, terminated from SAU |
| | | CCL | DI | 5/20/2012 | 5/20/2011 | 6/1/2012 | | No | Central Office does not support for parole at this time as inmate waived parole hearing. |
| | | CCL | BO | 5/21/2012 | 5/6/2012 | 11/1/2012 | | No | Treatment team recommends a one year deferral due to PED of 5-6-2012. with completion of RTC. |
| | | CCL | BW | 6/6/2012 | 12/6/2011 | 12/1/2012 | | No | UNIT TEAM WOULD NOT SUPPORT PAROLE UNTIL COMPLETION OF THE WEC PROGRAM |
| | | CCL | BI | 6/21/2012 | 5/25/2011 | 9/1/2012 | | No | IPR left blank for tracking purposes only. |
| | | CCL | EI | 6/29/2012 | 3/29/2011 | 6/1/2012 | | No | Defer to Parole Board's decision due to inmate refusal of parole board recommended SAU programming. |
| | | CCL | DW | 7/12/2012 | 8/11/2011 | 8/1/2012 | | No | THIS CASE MANAGER AGREES WITH MRS. VOSSLERS RECOMMENDATION FROM MAY 2011. THE CHARGES FROM SALINE COUNTY ARE STILL PENDING. DEFER TO 12/11 TRD |
| | | CCL | CORT | 7/30/2012 | 10/30/2011 | 1/1/2012 | | No | On 10-13-11 received information that inmate was arrested on a felony charge while on RFP. Defer recommendation to the board. Team does not support parole |
| | | CCL | RFP | 10/1/2012 | 2/1/2012 | 2/1/2012 | | No | Recommend deferral for 4 months to allow for time to be screened by CVORT |
| | | CCL | RFP | 10/4/2012 | 4/4/2012 | 4/1/2012 | | No | Inmate *current offense is D.W.I. This prior record includes 3 D.U.I.'s, 3 M.I.P.'s, 3 Possess or Use Drug Paraphernalia charges and 1 charge of Possess Marijuana 1oz or Less. Inmate Russell should attend recommended substance abuse counseling during his incarceration. The team recommends parole be deferred to his PED of 4/2/2012 |
| | | CCL | EI | 10/14/2012 | 10/14/2009 | 1/1/2013 | | No | Unit defers to Parole Board decision due to board support support for SAU |
| | | CCL | DI | 11/22/2012 | 5/22/2012 | 5/1/2012 | | No | The team would prefer *complete the recommended residential substance abuse treatment before being considered for parole. |
| | | CCL | RFP | 11/26/2012 | 5/26/2012 | 5/1/2012 | | No | NOT PAROLE ELIGIBLE UNTIL AUGUST. FURTHER, PAROLE WOULD NOT BE RECOMMENDED WITHOUT COMPLETION OF WEC SUBSTANCE ABUSE TREATMENT. |
| | | CCL | BI | 1/20/2013 | 5/20/2012 | 3/1/2012 | | No | Defer to elig. date May 2012 |
| | | CCL | EO | 1/22/2013 | 11/22/2010 | 3/1/2012 | | No | Unit team does not support inmate for parole as inmate did not complete SAU which was a Parole Board stipulation as of 04-27-11. |

| | | | | | | |
|-----|-------|------------|------------|-----------|----|---|
| DEC | COURT | 4/12/2012 | 9/10/2010 | 8/1/2012 | No | I AGREE WITH THE BOARD'S DETERMINATION FOR PAROLE REVOCATION IN AUGUST OF 2011 DUE TO HIS NEW PENDING CHARGE OF MURDER 1ST DEGREE. I RECOMMEND HIS CASE BE DEFERRED TO HIS MANDATORY DISCHARGE DATE OF APRIL 12, 2012. HE IS EXPECTED TO REMAIN IN JAIL IN DOUGLAS COUNTY PENDING THE OUTCOME OF HIS PRESENT CHARGE. |
| DEC | HU1 | 4/14/2012 | 10/14/2011 | 1/1/2013 | No | MR. [REDACTED] IS CHARGES PENDING AND DETAINEES LISTED ON RECORD FROM OTTOE COUNTY FOR ASSAULT 3RD DEGREE, FALSE IMPRISONMENT 2ND DEGREE, AND FAILURE TO APPEAR. THESE CHARGES SHOULD BE RESOLVED BEFORE PROCEEDING WITH PAROLE (PAROLE TO HIS DETAINEES IS CERTAINLY AN OPTION BUT HE APPEARS TO HAVE NO BACKUP PLAN OR ANY MEANS OF COMMUNITY SUPPORT.) I RECOMMEND THIS CASE BE DEFERRED TO MANDATORY DISCHARGE IN APRIL OF 2012. ANY NEW SENTENCE MAY ALTER HIS SENTENCE STRUCTURE. |
| DEC | HU3 | 5/16/2012 | 10/16/2011 | 5/1/2012 | No | M [REDACTED] was found guilty on 3 MR's at WEC, one of which was for fighting (14 days IDC RR & 1 month LGT). He did not complete the programming. The team recommends parole be deferred. |
| DEC | HU4 | 5/22/2012 | 2/22/2012 | 2/1/2012 | No | M [REDACTED] s 3 Assault convictions since 2007. He is an active member of the Criminal Threat Group Vice Lords in Chicago and Omaha. Mr. [REDACTED] as arrested 12 times in Illinois for charges including Theft, Battery, Criminal Property Damage, Possession of Cannabis, Burglary, Attempted Armed Robbery and Aggravated Battery with handgun. The final disposition of those arrests is unknown. The team recommends parole be deferred. |
| DEC | COURT | 5/30/2012 | 12/14/2010 | 8/1/2012 | No | PR left blank for tracking purposes only. |
| DEC | HU4 | 6/12/2012 | 3/1/2012 | 12/1/2012 | No | 3/1/2012 TRD |
| DEC | HU2 | 6/22/2012 | 3/22/2012 | 2/1/2012 | No | NOT YET CLASSIFIED |
| DEC | HU8 | 6/25/2012 | 1/25/2011 | | No | Because of the seriousness of his misconduct report that resulted in him being removed from WEC. Parole not recommended and discharge on 5/25/12 |
| DEC | HU1 | 6/30/2012 | 5/30/2012 | 2/1/2012 | No | Defer to discharge. ICE has not determined if a hold will be filed or not. |
| DEC | HU8 | 7/22/2012 | 2/14/2010 | 2/1/2012 | No | M [REDACTED] is set for February Parole Hearing. He presently still has charges pending in Lancaster County. No detainer is seen on record effective January 9, 2012. At this time I cannot recommend parole for M [REDACTED]. |
| DEC | HU9 | 8/4/2012 | 8/19/2010 | 10/1/2012 | No | THE STATUS OF RECENT LAWS VIOLATIONS INCLUDING INTIMIDATION BY PHONE AND ASSAULT AND A 2009 ESCAPE FROM CUSTODY SUGGEST THIS MAN PRESENTS A HAZZARD TO THE COMMUNITY. AN INFORMAL REVIEW OF PROSPECTIVE CUSTODY SCORE INDICATES HE WOULD SCORE AT THE MAXIMUM LEVEL. I AGREE WITH THE BOARD'S MOST RECENT DECISION TO DEFER THIS INMATE TO HIS MANDATORY DISCHARGE DATE (8/4/2012). |
| DEC | HOSP | 9/4/2012 | 8/4/2012 | 6/1/2012 | No | Defer to TRD |
| DEC | HU4 | 9/5/2012 | 2/5/2012 | 5/1/2012 | No | DEFER TO PAROLE BOARD DUE TO WEC TERMINATION AND SERIOUS MR IN 11/2011 FOR SEXUAL ACTIVITIES |
| DEC | HU5 | 9/8/2012 | 10/23/2011 | 1/1/2012 | No | M [REDACTED] was issued Misconduct reports on 10/19/2011 and 9/8/2011 for fighting while at WEC. He received 6 days DS and 1.5 months LGT. The team recommends parole be deferred. |
| DEC | HU9 | 10/5/2012 | 1/5/2011 | 2/1/2012 | No | M [REDACTED] as received 35 MR's since 10/9/2010, including 2 MR's while at WEC (35 days RR & 1 month LGT). The team recommends parole be deferred. |
| DEC | HU9 | 10/16/2012 | 1/11/2006 | 5/1/2012 | No | PR left blank for tracking purposes only. |
| | | | | | No | DEFER TO BOARD. IT APPEARS THEN ABUSES THEM (THE CHILDREN THESE WOMEN COME INTO THE MARRIAGE WITH, HE HAS CHILDREN OF HIS OWN BUT DOES NOT HARM THEM. THIS HAS HAPPENED WITH HIS CURRENT WIFE AND HIS EX-WIFE. M [REDACTED] (M [REDACTED] WAS FRACTURED FEMUR VICTIM IN CURRENT CASE IS [REDACTED] S REMOVED FROM HOME AND GIVEN TO GRANDPARENTS. |
| | | | | | No | OUT TO COURT/NOT YET CLASSIFIED |
| DEC | COURT | 11/4/2012 | 11/4/2011 | 1/1/2013 | No | PAROLED 8/26/2011 VIOLATED AND RETURNED 11/14/2011. HIS PAROLE WAS REVOKED 11/15/2011 AND HE IS CURRENTLY IN THE HALL COUNTY JAIL AWAITING COURT FOR TWO PENDING CASES HE INCURRED WHILE ON PAROLE - 1- STRANGULATION AND 2-DOMESTIC ASSAULT |

STATE OF NEBRASKA

DEPARTMENT OF CORRECTIONAL SERVICES

Harold W. Clarke
Director



Mike Johanns
Governor

June 30, 1999

Omaha Correctional Center
P.O. Box 11099
Omaha, NE 68111-0099

Dear

I am in receipt of your recent letter concerning the status of your sentence.

You asked if you were eligible to receive the good time you earned while on parole. The answer is no. Good time earned while on parole is only applicable if you conform to the conditions of parole. If a person successfully completes parole the good time earned while on parole is deducted off of the maximum prison term to establish an earned discharge date from parole supervision. Since you did not successfully complete parole, that good time is no longer applicable.

You also asked if you were entitled to the mandatory 90-day parole. The answer is also no. LB 1307/1499 state that "a committed offender's release on parole shall become mandatory at the expiration of your maximum term of imprisonment, less good time reductions allowed in accordance with the provisions of this act, or three months prior to discharge, whichever is earlier". What this means is that you must be mandatorily paroled no later than 3 months prior to the expiration of your maximum term. Your maximum term expires on December 6, 2001. If you lost all your good time, you would be released on mandatory parole September 6, 2001. However, your current mandatory parole date of February 26, 2001 is earlier than your 3-month mandatory parole date.

I have thoroughly reviewed your time sheet and your case complies with the Nebraska Supreme Court Ruling in Wounded Shield v. Gunter, filed May 1, 1987. This case was similar to yours. Wounded Shield also violated a mandatory parole and the Department's policy was upheld.

The only relief I can see for you at this time is to get the 1 1/2 months good time you lost last year restored. That restoration would reduce your mandatory parole date to January 11, 2001.

LB 1307/1499 cases can be quite complicated. I trust I have answered your questions satisfactorily.

Sincerely,

Ron Riethmuller
Records Administrator

cc: Val Granholm; Records Manager, Omaha Correctional Center
Chuck McElfish, Unit Manager, Omaha Correctional Center

O.M. 410.03.8.05
Attachment

(Original letter is on department letterhead.)

March 14, 2008

Cathy Gibson-Beltz, Adult Parole Administrator
Department of Correctional Services
Adult Parole Administration
Folsom and West Prospector Place, Bldg. #1
Lincoln, NE 68522

Dear Ms. Gibson-Beltz:

This letter is authorization for you to forfeit good time from parolees following an administrative hearing for violating conditions of their parole release. Additionally, you are authorized to forfeit good time from parolees following a review of parole hearing for violating conditions of their parole release.

This authorization is pursuant to Nebraska Revised Statute 83-1, 107 subsection (6) and presumes that each parolee is afforded appropriate due process and that the amount of good time forfeiture is comparable with those sanctions that may be imposed by the disciplinary committees in the institutions.

Sincerely,

(signed Robert P. Houston signature on file)

Robert P. Houston
Director

RPH:bls

xc: Larry Wayne, Assistant Director – Programs and Community Services
Esther Casmer, Chair – Nebraska Board of Parole

From: Poppert, Kyle
Sent: Wednesday, January 06, 2010 11:24 AM
To: Green, George
Subject: restoration of good time

Our policy allows the Director to restore lost good time for parole violations. I wonder if we should be doing this, or if the Board should be restoring this lost good time?

Kyle

83-1,108. Board of Parole; reduction of sentence for good conduct; provisions; forfeiture.

(1) The board shall reduce, for good conduct in conformity with the conditions of parole, a parolee's parole term by two days for each month of such term. The total of such reductions shall be deducted from the maximum term, less good time granted pursuant to section 83-1,107, to determine the date when discharge from parole becomes mandatory.

(2) Reductions of the parole terms may be forfeited, withheld, and restored by the board after the parolee has been consulted regarding any charge of misconduct or breach of the conditions of parole.

Source:Laws 1969, c. 817, § 39, p. 3092; Laws 1972, LB 1499, § 8; Laws 1975, LB 567, § 4; Laws 1992, LB 816, § 3.

Kyle J. Poppert
Classification and Inmate Records Administrator
Programs & Community Services
Phone: (402) 479-5750
[REDACTED]
Fax: (402) 479-5623
Kyle.Poppert@nebraska.gov

From: Poppert, Kyle
Sent: Thursday, October 21, 2010 7:02 AM
To: Wayne, Larry
Subject: parole sentence reduction proposed language
Attachments: reductionmemo.doc

Kyle J. Poppert
Classification and Inmate Records Administrator
Programs & Community Services
Phone: (402) 479-5750

Fax: (402) 479-5623
Kyle.Poppert@nebraska.gov

**Suggested language for policy directive.
Should include a signature block for the Chairperson of Parole Board.**

Nebraska Revised Statute §83-1,108 (as stated in LB 567) which authorized a reduction of a parolee's sentence for good conduct has been reviewed by the Board of Parole and the Department of Corrections.

Previously we concluded when parole was revoked, the parolee no longer conformed to the conditions of parole and was not entitled to any good time earned while on parole because they did not discharge from parole. We concluded the authorized sentence reduction, was only applicable to establishing an earned discharge date from parole and not a tentative release date.

Upon review, we believe the intent of the law was for parolees to earn this reduction for each month they successfully fulfilled their conditions of parole.

Therefore, effective immediately, the Department of Corrections with the Board of Parole's consideration and consent, will adjust an inmate's tentative release date to reflect this change.

Questions can be directed to your institutional records manager.

From: Morris, Kate
Sent: Monday, October 25, 2010 8:44 AM
To: Carmichael, Mary
Subject: parolees good time

Policy on Good Time for Parolees – Larry Wayne

- Mr. Wayne shared the following:
 - Nebraska Revised Statutes §83-1,108 (as stated in LB 567) which authorized a reduction of a parolee's sentence for good conduct has been reviewed by the Board of Parole and the Director. Previously we concluded when parole was revoked, the parolee no longer conformed to the conditions of parole and was not entitled to good time earned while on parole because they did not discharge from parole. We concluded the authorized sentence reduction, was only applicable to establishing an earned discharge date from parole and not a tentative release date. Upon review, we believe the intent of the law was for parolees to earn this reduction for each month they successfully fulfilled their conditions of parole. Therefore, effective immediately, the Department of Corrections with the Board of Parole's concurrence, will adjust an inmate's tentative release date to reflect this change.

83-1,108. Board of Parole; reduction of sentence for good conduct; provisions; forfeiture.

(1) The board shall reduce, for good conduct in conformity with the conditions of parole, a parolee's parole term by two days for each month of such term. The total of such reductions shall be deducted from the maximum term, less good time granted pursuant to section 83-1,107, to determine the date when discharge from parole becomes mandatory.

(2) Reductions of the parole terms may be forfeited, withheld, and restored by the board after the parolee has been consulted regarding any charge of misconduct or breach of the conditions of parole.

Source:Laws 1969, c. 817, § 39, p. 3092; Laws 1972, LB 1499, § 8; Laws 1975, LB 567, § 4

Neither mandatory good time earned pursuant to this section nor meritorious good time earned pursuant to section 83-1,107.01 is automatically forfeited upon revocation of parole. Such forfeiture must occur upon recommendation of the chief executive officer of the facility to which the offender is entrusted or the parole administrator, depending upon who has custody at the time of revocation, subject to approval of the director of the Department of Correctional Services. Once forfeited or withheld, good time credits may be restored to the offender in like manner. *Malone v. Benson*, 219 Neb. 28, 361 N.W.2d 184 (1985).

Pursuant to this section and section 83-1,107.01, the Board of Parole merely has the right to make recommendation of forfeitures of good time when the offender is in the custody of the Board of Parole. The discretion referred to by statute vests solely in the chief executive officer of the facility when the offender is in the custody of the Department of Correctional Services and in the parole administrator when the offender is in the custody of the Board of Parole, in each instance subject to the approval of the director of the Department of Correctional Services. *Malone v. Benson*, 219 Neb. 28, 361 N.W.2d 184 (1985).

STATE OF NEBRASKA

DEPARTMENT OF CORRECTIONAL SERVICES
Robert P. Houston
Director



Dave Heineman
Governor

MEMORANDUM

DATE: November 1, 2010
TO: Mr. Joel Staley, Associate Warden for Administrative Services
FROM: Mickie Baum, Corrections Records Manager II *MB*
SUBJECT: End of Month (October 2010) Records Office Report

- A) **MAJOR DEVELOPMENTS:** On October 21, 2010 inmates that were paroled then had parole revoked, received the application of "Parole Credit Days" towards their TRD. Kyle Poppert distributed a list of inmates receiving the credit. A list of inmates serving good time under LB 364 and 816 was distributed and Unit Staff are requesting the restoration of good time. The Records Office will check the following before signing off on the restoration, NCIC and CJIS for outstanding warrants, Victim Witness Notification, Detainers, and Sex Offender Registry.
- B) **MAJOR INCIDENTS:** No major incidents during the month of October.
- C) **STAFF MORALE:** Good
INMATE MORALE: Good
- D) **MAJOR PROBLEMS/SOLUTIONS:** Files of incoming transferred inmates from the DEC that meet the requirement of "No Contact with Minors" do not have the proper completed paperwork in the file. Initial Classification Committee has started to check the file for this paperwork then will notify Unit Staff to complete the process.
- E) **GOALS & OBJECTIVES PROGRESS:** There were five (5) Additional Sentences received for the month of October, these were entered the day received. There were four (4) Sex Offender Registrations completed for the month of October. There were two (2) boxes of discharged/paroled files made ready for central office records. Detailed logs for Additional Sentences, Sex Offender Registrations, Discharged Files Log, Parole Check Log, Medical Travel Order Log, and Institutional File Audit Log are attached for the month of October 2010.

| | |
|------------------|--|
| OFFICIAL REPORT: | TO: THE WARDEN NEBRASKA STATE PENITENTIARY |
| Page 1 of 2 | FROM: Joel Staley, Associate Warden |
| November 4, 2010 | RE: Monthly Report Admin. Ser. October 2010 |

Major Developments in each Department or Administrative Unit:

Records Office - Records Office Manager Mickie Baum reported that on October 16, 2010, inmates that were paroled then had parole revoked, received the application of "Parole Credit Days" towards their TRD. A list was distributed of inmates receiving the credit. The list was of inmates serving good time under LB364 and 816. I was distributed and Unit Staff are requesting the restoration of good time. The Records Office will check the following before signing off on the restoration; NCIC and CJIS for outstanding warrants, Victim Witness Notification, Detainers and Sex Offender Registry.

Business Manager - Inmate Accounting is routine and confiscated appeals are going much quicker with a small change in the process. CIPS went live on October 1, 2010 and is functioning well with only a few minor issues. I am still serving on several work groups and administering GED tests to inmates.

Inmate Accounting - Routine

Library - The legal aide training has been approved by the legal division. The lesson plans have been approved but we are awaiting IT to place them on the thin client network. No test has been drafted. Both NSP and CO has been quite busy.. Thin client problems, faulty hardware, and inmate personnel issues at NSP have been quite time consumptive.

Human Resources - Officer testing was completed on October 9, 14 and 21. Karla also assisted DEC on 10/28/10. New employee orientation was completed on 10/6 with new hire fingerprinting on 10/18. Val Peery completed in-service training the week of October 18th. Weekly KRONOS reports continue to be run to keep track of furlough days. Karla got behind on her KRONOS and HR duties last month due to entering all furloughs for custody. She is now getting caught up. Karla attended fingerprint training on 10/20. 100 plus HR surveys have been received and reviewed last month but have not been discussed with Ass. Warden. Applications for Case Manager and Recreation Specialist have been screened. Jo completed 15 back pay corrections this past month.

Mail Room - None to report

Canteen - Bobbie Kenyon is on maternity leave. Holiday items are on sale and doing very well.

Training - Talent Edge remains in process. Pro Serve classes continue but we are down to two students.

Interpreter - There has been an increase in medical appointments in October.

STATE OF NEBRASKA

DEPARTMENT OF CORRECTIONAL SERVICES

Robert P. Houston

Director



Dave Heineman
Governor

MEMORANDUM

DATE: January 6, 2011

TO: Robert Houston, Director - NDCS

THRU: Larry Wayne, Deputy Director - Programs and Community Services

FROM: Cathy Gibson-Beltz, Adult Parole Administrator

It has been the practice of the Nebraska Department of Correctional Services (NDCS) to credit 2 days of goodtime to a parolee's tentative release date for every month that he/she is on parole, resulting in the parole earned discharge date (EDD). This is the date that the offender would discharge should he/she successfully complete his/her parole in its entirety. This has historically been referred to as "street goodtime" or "parole goodtime". When offenders parole, their earned discharge date is calculated with the assumption that they will complete their sentence while on parole thus crediting them 2 days of goodtime for each month projecting out until their sentence is complete.

If the offender violates his/her parole and the parole is revoked by the Board of Parole, this parolee goodtime is forfeited in its entirety. The EDD is no longer relevant and the 2 days that the offender has earned for each month that he/she has successfully completed on parole has been automatically forfeited, without a recommendation for doing so by Adult Parole Administration or the Board of Parole.

In speaking with George Green, Legal Counsel for NDCS, he has reviewed the parole goodtime laws and finds nothing that requires the Department to forfeit the parole goodtime in its entirety, nor does he see anything that prevents us from applying the 2 days of goodtime to the offender's tentative release date (TRD) for each month the parolee completes successfully. Records Administrator Kyle Poppert advised that should we apply the 2 days of parole goodtime to the TRD of offenders who are currently incarcerated in NDCS as parole violators; it could impact the TRD of about 185 offenders.

Given the fact that offenders are earning 2 days of goodtime for each month they successfully complete parole, it is recommended that this goodtime should be credited to the TRD as it is earned. It is further recommended that any offender who has previously been paroled and is still incarcerated completing the sentence, for which they were initially paroled, will have their TRD recalculated so that 2 days will be deducted from the TRD for each month he/she has successfully completed parole.

APPROVED: 
Robert P. Houston, Director

Date 1/6/11

From: Poppert, Kyle
Sent: Wednesday, July 23, 2014 10:22 AM
To: Green, George
Subject: Parole good time

During the summer of 2010, the Director asked for suggestions regarding proposed legislation concerning inmate's good time. The idea of awarding an additional 3 days good time for good behavior, and an increase in parole good time from 2 to 10 days was proposed. This resulted in LB 191.

During the discussion of increasing the parole good time from 2 to 10 days, the language from 83-1,108, was discussed. "The board shall reduce, for good conduct in conformity with the conditions of parole, a parolee's parole term by ten days for each month of such term. The total of such reductions shall be deducted from the maximum term, less good time granted pursuant to section 83-1,107, to determine the date when discharge from parole becomes mandatory"

Our policy and practice at that time was as follows. When an inmate paroled, the additional parole good time was calculated and deducted from his tentative release date (TRD), to determine an earned discharge date (EDD) (the date when discharge from parole becomes mandatory). If an inmate had his parole revoked, the EDD was deleted and the inmate's release date reverted to his TRD because he no longer had the ability to discharge from parole.

It was suggest another legislative change, would be to allow the parolee to keep the additional parole good time and apply it to their tentative release date and not just be used to "to determine the date when discharge from parole becomes mandatory". It was decided the law could already be interpreted this way and all we needed to do was to change our practice. In late 2011 we changed our practice and if an inmate earned parole good time, it was deducted from their maximum term creating a new tentative release date.

My questions are:

Does our current policy and practice violate the statute? Do the additional reductions in 83-1,108 only apply to a discharge date from parole, or can it be credited to his TRD as well?

Kyle J. Poppert, Administrator
Nebraska Department of Correctional Services
Classification, Inmate Records, Warrants & Extraditions
Phone: (402) 479-5750

Fax: (402) 742-2349
Kyle.Poppert@nebraska.gov

Change is inevitable, growth is optional.

From: Kenney, Mike
Sent: Wednesday, July 23, 2014 2:45 PM
To: Wayne, Larry; Gibson-Beltz, Cathy; Poppert, Kyle; Green, George
Cc: Lindgren, Sharon; Blum, Kathy; Baum, Mickie
Subject: RE: Parole good time

I was under the impression we would have someone from the AG's office confirm that their understanding / interpretation and review of our implementation plan is in agreement with their understanding.

Please advise me if they have a different take on this than DCS. Thanks.

Michael L. Kenney, Director
Nebraska Department of Correctional Services mike.kenney@nebraska.gov
402-479-5710

-----Original Message-----

From: Wayne, Larry
Sent: Wednesday, July 23, 2014 8:55 AM
To: Gibson-Beltz, Cathy; Poppert, Kyle; Green, George
Cc: Lindgren, Sharon; Blum, Kathy; Baum, Mickie; Kenney, Mike
Subject: RE: Parole good time

That is correct. The good time earned on parole should apply only to their parole discharge date, NOT their TRD from prison. If they are revoked that good time earned on parole is moot, and they revert back to the TRD they had before being paroled.

George and Kyle, this is my takeaway from our discussion yesterday. If any of this is not correct, let's discuss again and make sure we have it right.

-----Original Message-----

From: Gibson-Beltz, Cathy
Sent: Tuesday, July 22, 2014 2:11 PM
To: Poppert, Kyle; Green, George
Cc: Lindgren, Sharon; Blum, Kathy; Baum, Mickie; Wayne, Larry
Subject: RE: Parole good time

So they would not get the 10 days credit for the months they did successfully complete on Parole? Do I understand that correctly?

Cathy

From: Poppert, Kyle
Sent: Tuesday, July 22, 2014 2:05 PM
To: Green, George; Gibson-Beltz, Cathy
Cc: Lindgren, Sharon; Blum, Kathy; Baum, Mickie
Subject: RE: Parole good time

Thanks George

Kyle J. Poppert, Administrator
Nebraska Department of Correctional Services Classification, Inmate Records, Warrants & Extraditions
Phone: (402) 479-5750
Cell: [REDACTED]
Fax: (402) 742-2349
Kyle.Poppert@nebraska.gov<mailto:Kyle.Poppert@nebraska.gov>

Change is inevitable, growth is optional.

From: Green, George
Sent: Tuesday, July 22, 2014 2:05 PM
To: Poppert, Kyle; Gibson-Beltz, Cathy
Cc: Lindgren, Sharon; Blum, Kathy; Baum, Mickie
Subject: RE: Parole good time

OK, we just met a minute ago to further discuss this. Now I understand. (I hope.) I agree with Mickie. I think that when the parole is revoked the good time credit against the parole goes away and he goes back to the original TRD. Thanks.

George D. Green, General Counsel
Nebraska Department of Correctional Services
Office: 402-479-5735

From: Green, George
Sent: Tuesday, July 22, 2014 1:46 PM
To: Poppert, Kyle; Gibson-Beltz, Cathy
Cc: Lindgren, Sharon; Blum, Kathy
Subject: RE: Parole good time

I see now what your question is. The best reading of the law is that for the month during the which the bad behavior occurred no good time could be earned under 83-1,108. The Board could also take good time after a hearing. Or the Board could impose some other penalty short of revocation. But, the next month, assuming that he or she displayed good conduct in conformity with the conditions of parole, a further reduction could be granted by the board.

George D. Green, General Counsel
Nebraska Department of Correctional Services
Office: 402-479-5735

From: Poppert, Kyle
Sent: Tuesday, July 22, 2014 1:35 PM
To: Green, George; Gibson-Beltz, Cathy
Cc: Lindgren, Sharon; Blum, Kathy
Subject: RE: Parole good time

So to be clear, when parole is revoked, you are saying all the good time earned under 83-1,108 would go away and the inmate would revert back to his original TRD.
Thanks

Kyle

Kyle J. Poppert, Administrator
Nebraska Department of Correctional Services Classification, Inmate Records, Warrants & Extraditions
Phone: (402) 479-5750

Fax: (402) 742-2349
Kyle.Poppert@nebraska.gov<mailto:Kyle.Poppert@nebraska.gov>

Change is inevitable, growth is optional.

From: Green, George
Sent: Tuesday, July 22, 2014 1:31 PM
To: Poppert, Kyle; Gibson-Beltz, Cathy
Cc: Lindgren, Sharon; Blum, Kathy
Subject: RE: Parole good time

Hello Kyle. I'm not sure I understand the question you're asking. The Board shall reduce the parole term as required by the statute for good conduct. If the Board revokes the parole, the conduct has not been good and there should not be any reduction in the sentence under this statute.

George D. Green, General Counsel
Nebraska Department of Correctional Services
Office: 402-479-5735

From: Poppert, Kyle
Sent: Tuesday, July 22, 2014 6:42 AM
To: Green, George; Gibson-Beltz, Cathy
Subject: Parole good time

George,
Would you review this? Our current practice is to reduce both the earned discharge date and the tentative release date as allowed in 83-1,108. My concern is 83-1,108 states the reduction is to determine a date when discharge from parole becomes mandatory. If an inmate's parole is revoked there is no longer a discharge date from parole. Is it proper to reduce the tentative release date as well?
Thanks
Kyle

Kyle J. Poppert, Administrator
Nebraska Department of Correctional Services Classification, Inmate Records, Warrants & Extraditions
Phone: (402) 479-5750
Cell:
Fax: (402) 742-2349
Kyle.Poppert@nebraska.gov<mailto:Kyle.Poppert@nebraska.gov>

Change is inevitable, growth is optional.

From: Green, George
Sent: Thursday, July 24, 2014 6:52 AM
To: Larson, Amie
Subject: Re: 83-1,108

Thanks.

Connected by DROID on Verizon Wireless

-----Original message-----

From: "Larson, Amie" <Amie.Larson@nebraska.gov>
To: "Green, George" <George.Green@nebraska.gov>
Cc: "Kenney, Mike" <mike.kenney@nebraska.gov>
Sent: Wed, Jul 23, 2014 22:28:47 GMT+00:00
Subject: Re: 83-1,108

I will look into this and get back to you as soon as possible.

Sent from my iPhone

On Jul 23, 2014, at 3:49 PM, "Green, George" <George.Green@nebraska.gov> wrote:

Hello Amie. A questions has come up regarding parole good time. Mike Kenney asked me to get your advice. 83-1,108 provides that the Parole Board shall reduce, for good conduct in conformity with the conditions of parole, a parolee's parole term by ten days for each month of such term. The total of such reductions shall be deducted from the maximum term, less the good time granted pursuant to 83-1,107 to determine the date when discharge from parole is mandatory.

A question has arisen regarding the application of this statute. Do the good time credits earned by a parolee apply to his or her tentative release date if the inmate's parole is revoked? If so, does the sentence revert to the maximum term or does the inmate retain the good time credits earned during prior months?

If you have any questions about this email, please let me know.

Thanks.

*George D. Green, General Counsel
Nebraska Department of Correctional Services
Office: 402-479-5735*

From: Green, George
Sent: Wednesday, July 23, 2014 1:58 PM
To: Poppert, Kyle
Subject: RE: Parole good time

Thanks Kyle. I'll copy you in on my memo to Larry about this.

*George D. Green, General Counsel
Nebraska Department of Correctional Services
Office: 402-479-5735*

From: Poppert, Kyle
Sent: Wednesday, July 23, 2014 10:22 AM
To: Green, George
Subject: Parole good time

During the summer of 2010, the Director asked for suggestions regarding proposed legislation concerning inmate's good time. The idea of awarding an additional 3 days good time for good behavior, and an increase in parole good time from 2 to 10 days was proposed. This resulted in LB 191.

During the discussion of increasing the parole good time from 2 to 10 days, the language from 83-1,108, was discussed. "The board shall reduce, for good conduct in conformity with the conditions of parole, a parolee's parole term by ten days for each month of such term. The total of such reductions shall be deducted from the maximum term, less good time granted pursuant to section 83-1,107, to determine the date when discharge from parole becomes mandatory"

Our policy and practice at that time was as follows. When an inmate paroled, the additional parole good time was calculated and deducted from his tentative release date (TRD), to determine an earned discharge date (EDD) (the date when discharge from parole becomes mandatory). If an inmate had his parole revoked, the EDD was deleted and the inmate's release date reverted to his TRD because he no longer had the ability to discharge from parole.

It was suggest another legislative change, would be to allow the parolee to keep the additional parole good time and apply it to their tentative release date and not just be used to "to determine the date when discharge from parole becomes mandatory". It was decided the law could already be interpreted this way and all we needed to do was to change our practice. In late 2011 we changed our practice and if an inmate earned parole good time, it was deducted from their maximum term creating a new tentative release date.

My questions are:

Does our current policy and practice violate the statute? Do the additional reductions in 83-1,108 only apply to a discharge date from parole, or can it be credited to his TRD as well?

Kyle J. Poppert, Administrator
Nebraska Department of Correctional Services
Classification, Inmate Records, Warrants & Extraditions
Phone: (402) 479-5750
Cell:
Fax: (402) 742-2349

From: Gibson-Beltz, Cathy
Sent: Friday, August 08, 2014 10:47 AM
To: Poppert, Kyle
Subject: RE: parole good time question

Thank you Kyle.

Cathy Gibson-Beltz
Adult Parole Administrator
Nebraska Department of Correctional Services
402-479-5699

From: Poppert, Kyle
Sent: Friday, August 08, 2014 10:42 AM
To: Gibson-Beltz, Cathy
Subject: FW: parole good time question

Kyle J. Poppert, Administrator
Nebraska Department of Correctional Services
Classification, Inmate Records, Warrants & Extraditions
Phone: (402) 479-5750
Cell:
Fax: (402) 742-2349
Kyle.Poppert@nebraska.gov

Change is Inevitable, growth is optional.

From: Kenney, Mike
Sent: Thursday, August 07, 2014 9:49 AM
To: Poppert, Kyle
Cc: Baum, Mickie; Casmer, Esther
Subject: FW: parole good time question

Kyle, please see the below. If further clarification is needed, please consult with me. Thanks.

Michael L. Kenney, Director
Nebraska Department of Correctional Services
mike.kenney@nebraska.gov
402-479-5710

From: Larson, Amle
Sent: Thursday, August 07, 2014 9:45 AM
To: Kenney, Mike
Cc: Smith, James
Subject: parole good time question

Director Kenney:

13
13

In an email dated July 23, 2014, George Green asked this office for an opinion on the following question:

Do the good time credits earned by a parolee apply to his or her tentative release date if the inmate's parole is revoked? If so, does the sentence revert to the maximum term or does the inmate retain the good time credits earned during prior months?

In our opinion, good time credits earned pursuant to Neb.Rev.Stat. § 83-1,108(1) do not apply to an inmate's tentative release date if the inmate's parole is revoked. Neb.Rev.Stat. § 83-1,108(1) states that "[T]he board shall reduce, for good conduct in conformity with the conditions of parole, a parolee's parole term by ten days for each month of such term. The total of such reductions shall be deducted from the maximum term, less good time granted pursuant to section 83-1,107, to *determine the date when discharge from parole becomes mandatory.*" (emphasis added).

This section authorizes the grant of good time credits while on parole but provides that they are to be applied only to the mandatory discharge date from parole. A parolee whose parole is revoked ceases to have a "parole discharge date" and thus there is nothing against which the credit can be applied.

Amie Larson
Assistant Attorney General
Inmate Litigation Section Chief
2115 State Capitol
Lincoln, NE 68509
402.471.2757
amie.larson@nebraska.gov

STATE OF NEBRASKA

DEPARTMENT OF CORRECTIONAL SERVICES
Michael L. Kenney
Director



Dave Heineman
Governor

August 7, 2014

TO: Records Managers

A handwritten signature in blue ink, appearing to be "KJP".

FROM: Kyle J. Poppert, Records Administrator

RE: Parole Good Time

Good time credits earned pursuant to Neb.Rev.Stat. § 83-1,108(1) do not apply to an inmate's tentative release date if the inmate's parole is revoked. Neb.Rev.Stat. § 83-1,108(1) states that "[T]he board shall reduce, for good conduct in conformity with the conditions of parole, a parolee's parole term by ten days for each month of such term. The total of such reductions shall be deducted from the maximum term, less good time granted pursuant to section 83-1,107, to determine the date when discharge from parole becomes mandatory." (emphasis added).

This section authorizes the grant of good time credits while on parole but provides that they are to be applied only to the mandatory discharge date from parole. A parolee whose parole is revoked ceases to have a "parole discharge date" and thus there is nothing against which the credit can be applied.

From: Kristalyn, Kendra
Sent: Thursday, August 14, 2014 11:10 AM
To: Skrobecki, Denise; Miller, Timothy; Hunzeker, Steve; Settles, Shaun; Loya, Gary
Cc: Snipes, Ruta
Subject: Sensitive Information - Not for Release to Inmates - Parole Revocation Good Time
Attachments: Parole Good Time Explanation.pdf

Importance: High

Good morning everyone,

Please do not release any of the following information to the inmate population, or any other staff at NCCW at this time. If you think another area would benefit be knowing, please let me know.

I wanted to give everyone an update on some additional sentence recalculations that will be happening soon at NCCW. On August 7th, 2014 Kyle Poppert emailed the NDCS Records Managers the following Attorney General's Office clarification on how the AG views that NDCS should handle parole good time credits specifically for inmates who have been revoked from parole.

The AG opinion is as follows:

"In our opinion, good time credits earned pursuant to Neb.Rev.Stat.§ 83-1,108(1) do not apply to an inmate's tentative release date if the inmate's parole is revoked. Neb.Rev.Stat.§ 83-1,108(1) states that "[T]he board shall reduce, for good conduct in conformity with the conditions of parole, a parolee's parole term by ten days for each month of such term. The total of such reductions shall be deducted from the maximum term, less good time granted pursuant to section 83-1,107, to determine the date when discharge from parole becomes mandatory." (emphasis added).

This section authorizes the grant of good time credits while on parole but provides that they are to be applied only to the mandatory discharge date from parole. A parolee whose parole is revoked ceases to have a "parole discharge date" and thus there is nothing against which the credit can be applied."

As you can imagine, we will possibly have quite a few inmates affected. (To give you an idea, we typically send between two and three inmates to parole revocation hearings every other week.) When this news came out, we were told to discretely check our August Discharge and Parole Rosters and correct any inmates TRD's who had been revoked from parole but given parole good time credits. **Two inmates fall into that category for us.** They are listed below, along with their old TRD which included the parole good time credits and their new TRD which has the credits removed. Central Office is creating a list for each institution that has every inmate who falls into this category. We will hopefully receive this list at next Tuesday's mandatory meeting at Central Office. Once I have this list I will update everyone affected and send out statements to each inmate that day. I will also send out an email so that caseworkers have an idea of how is affected on their caseloads. I was hoping to have the list in time to do everyone at once before this weekend and have every inmate affected was updated at the same time. As that will not happen now, I conferred with Angela at DEC this morning and we decided that I need to go ahead and tell the two below so they can make the necessary arrangements for travel, etc. Angela has had to let some inmates know at DEC already, so I will follow the same procedures with ours. I will meet with both inmates in Intake at 1500 hours today and explain the situation. I will also give each one a copy of the attachment. **As of this time, the attachment is not to be hung up in the housing units.** Unlike DEC, I think the two inmates that I have to tell today will immediately go back to their housing units and let the rest of the population know. I am expecting to be flooded with IIRs tomorrow from inmates worried about their TRDs. I expect that people involved in all of your departments may be asked many questions as well. Please simply direct all inmates with questions to send an IIR to Records.

I know this has the potential to create a lot of frustration over the next few days from inmates and staff alike. I appreciate everyone's understanding as we get through this next phase.

Please let me know if you have any questions.

Thank you,

Kendra Kristalyn
NCCW Records Manager
1107 Recharge Rd.
York, NE 68467
p. (402) 362-3317 ext. 218
f. (402) 362-3892

STATE OF NEBRASKA

DEPARTMENT OF CORRECTIONAL SERVICES

Robert P. Houston

Director



Dave Heineman
Governor

MEMORANDUM

DATE: May 5, 2009

TO: Robert Houston, Director

FROM: Doug Hanson, Facilities Engineering Manager *Doug*

SUBJECT: New Housing and New Facility Construction – Inquiry from Robert Bell

Pursuant to our discussion, I am providing you with some very "ballpark" cost information in response to Robert Bell's May 4th inquiry. In addition, you also requested information on the estimated project cost for a new 900 bed multiple custody facility, to include a segregation unit. The following information is based on the 2006 Strategic Capital Facilities Plan, as prepared by Carter Goble Lee, as well as the actual project cost for TSCI.

1. **256 Bed Housing Unit Addition (Maximum Security) - TSCI** ✓

(a) Project cost for a new 256-bed housing unit on the existing TSCI footprint was estimated at \$23,296,000 (2006 data). Today's project cost estimate, adjusted for inflation would be \$25.9 million, as follows:

| Year | Req. Cost | Increase | Ending Cost |
|------|--------------|----------|--------------|
| 2006 | \$23,296,000 | 3.9% | \$24,204,600 |
| 2007 | \$24,204,600 | 2.7% | \$24,858,200 |
| 2008 | \$24,858,200 | 4.3% | \$25,927,100 |
| 2009 | \$25,927,200 | | |

Constructing a new housing unit within the secure perimeter of TSCI will result in additional construction costs related to security and access issues for the contractor, sub-contractors, and suppliers. As such, an "8% security conditions" factor is also applied to the TSCI project. Increasing the \$25,927,200 estimate by eight percent (8%) results in a total estimated project cost of **\$28.0 million**.

(b) Number of new beds = 256 beds

(c) Increase in annual operation cost = \$9,088,000 (2006 Data), 57 FTE
(NOTE KATE MORRIS IS WORKING ON MORE ACCURATE OPERATIONAL 2009 COST DATA)

9090

2. 250 Bed Housing Unit Addition (Minimum/Community Custody) – CCCL

Clearly, the most cost efficient minimum/community custody facility to add inmate housing to is CCCL. It would be very difficult to add housing at CCCO due to insufficient land area, utilities, and the need to close a public street. CCCL, on the other hand, has ample site size and utilities within a reasonable distance. The following cost estimate is based on providing a 250 bed housing unit increase to CCCL. Consideration for new food service facilities, heating plant, and other ancillary services are included in the square footage, however, industrial space (CSI) and a gymnasium is not included. Project cost is based on a construction cost of \$195 per square foot plus project soft costs of 30% for FFE, Security Equipment, Fees, Site Utilities, and Contingencies.

| <u>Beds</u> | <u>Area Per Bed</u> | <u>Total Area</u> | <u>Project Cost per GSF</u> | <u>Project Cost</u> |
|-------------|---------------------|-------------------|-----------------------------|---------------------|
| 250 | 250 GSF | 62,500 GSF | \$255 | \$15,937,500 |

(a) Project Cost for a 250 bed housing unit expansion at CCCL is estimated at **\$15.9 Million**.

(b) Number of New Beds = 250 Beds

(c) Increase in annual operation cost =
(NOTE KATE MORRIS IS WORKING ON MORE ACCURATE OPERATIONAL 2009 COST DATA)

3. New 800 Bed Medium/Minimum Facility – Site Unknown

The following information is based on providing a new, stand-alone 800 bed medium/minimum security facility. The proposed facility would include all ancillary components such as food service, recreational facilities, education, heating plant, and industrial space. The location for such a facility is unknown, and therefore, site acquisition costs, major utility extensions, driveway and roadway costs, and other major unforeseen infrastructure costs are not included in the estimated project cost. The project cost is based on construction cost of \$210 per square foot plus project soft costs of 30% for FFE, Security Equipment, Fees, Site Utilities, and Contingencies.

| <u>Beds</u> | <u>Area Per Bed</u> | <u>Total Area</u> | <u>Project Cost per GSF</u> | <u>Project Cost</u> |
|-------------|---------------------|-------------------|-----------------------------|---------------------|
| 800 | 400 GSF | 320,000 GSF | \$270 | \$86,400,000 |

(a) Project cost for a new 800 bed, stand-alone, minimum/medium security custody facility is estimated at **\$86.4 Million** and does not include site acquisition or major utility/road extensions.

(b) Number of new beds = 800 beds

(c) Annual operation cost =
(NOTE KATE MORRIS IS WORKING ON MORE ACCURATE OPERATIONAL 2009 COST DATA)

4. New 900 Bed Multiple Custody Facility (Maximum/Medium) – Site Unknown

The following is a preliminary project cost estimate to construct a 900 bed, multi-custody facility capable of housing maximum, medium, and minimum security inmates. Instead of using resource information from the 2006 Strategic Capital Facilities Plan, the following estimate is based on providing a facility similar to TSCI. As you know, TSCI was programmed and designed based on essentially this same criteria. As such, the most comparable cost model would be TSCI, adjusted for 900 beds using today's cost criteria. TSCI was originally funded in 1997 with an appropriation of \$73,946,763 for a design capacity of 960 beds. The following is my interpolation of what a similar facility would cost today:

1. Project Cost per inmate bed in 1997: $\frac{\$73,946,763}{960 \text{ beds}}$
= \$77,028 per design bed
2. Interpolated Project Cost for 900 beds in 1997: $900 \text{ beds} \times \$77,028 \text{ per bed}$
= \$69,325,200
3. Today's Project Cost utilizing *Engineering News Record's "Building Cost Index History"* since 1997:

| Year | Beginning Value | Annual Cost Increase | Ending Value |
|------|-----------------|----------------------|--------------|
| 1997 | \$69,325,200 | 5.027% | \$72,978,600 |
| 1998 | 72,978,600 | 0.803% | 73,394,900 |
| 1999 | 73,394,900 | 1.917% | 74,801,800 |
| 2000 | 74,801,800 | 2.402% | 76,598,800 |
| 2001 | 76,598,600 | 0.989% | 77,356,200 |
| 2002 | 77,356,200 | 1.371% | 78,416,800 |
| 2003 | 78,416,800 | 1.932% | 79,931,800 |
| 2004 | 79,931,800 | 7.880% | 86,230,400 |
| 2005 | 86,230,400 | 5.547% | 91,013,600 |
| 2006 | 91,013,600 | 3.900% | 94,563,100 |
| 2007 | 94,563,100 | 2.655% | 97,073,800 |
| 2008 | 97,073,800 | 4.593% | 101,532,300 |
| 2009 | \$101,532,300 | | |

4. Additional cost issues: The \$101.5 million estimate does not include cost factors for a higher proportion of segregation and maximum security beds compared to TSCI. For instance, this new facility may require a higher proportion of these types of beds. Additionally, the square footage per inmate (Area/Bed) for TSCI (383 sf/bed) is slightly below the cost matrix information provided in the Strategic Capital Facilities Plan of 400 square feet per bed. As such, a small 5% factor is included to account for these variances. Therefore, increasing \$101.5 Million by five percent (5%) results in a total estimated project cost of \$106.6

- (a) The estimated project cost for a 900 bed, multi-custody facility is **\$106.6 Million**. The location for this facility is unknown, and therefore, site acquisition costs, major utility extensions, driveway/roadway costs, and other major infrastructure costs are not included in the estimated project cost.

9092

(b) Number of new beds = 900 beds

(c) Annual operational cost =

(NOTE KATE MORRIS IS WORKING ON MORE ACCURATE OPERATIONAL 2009 COST DATA)

To recap the estimated project cost from the above:

| | |
|---|-----------------|
| 1. 256 Bed Housing Unit Addition (Maximum Security)-TSCI | \$28.0 Million |
| 2. 250 Bed Housing Unit Addition (Minimum/Community)-CCCL | \$15.9 Million |
| 3. New 800 Bed Medium/Minimum Facility-Site Unknown | \$86.4 Million |
| 4. New 900 Bed Multiple Custody Facility-Site Unknown | \$106.6 Million |

Once again, I want to reiterate these are "ballpark" project cost estimates and in the event any project would move forward, a full program statement with architectural space plan is required. Kate Morris is developing more accurate data for anticipated annual operational expenses and we will provide that information to you when it is available.

In the event you need any additional information, please give me a call at 479-5742. Thank you.

DH/dh

Attachment: Robert Bell's May 4, 2009 email

CC: Robin Spindler, Kate Morris, Connie Nemecek, Layne Gissler, File

MEMORANDUM

DATE: May 5, 2009

TO: Robert Houston, Director

FROM: Doug Hanson, Facilities Engineering Manager

SUBJECT: New 900 Bed Multi-Custody Facility
Inquiry from Robert Bell

In addition to the information provided in my earlier correspondence concerning new inmate housing, you also requested a preliminary cost estimate to construct a 900 bed, multi-custody facility capable of housing maximum, medium, and minimum security inmates. As you know, TSCI was programmed and design based on essentially this same criteria. As such, the most similar cost model would be TSCI, adjusted for 900 beds and using today's cost criteria. TSCI was originally funded in 1997 with an appropriation of \$73,946,763 with a design capacity of 960 beds.

The following is my interpolation of what a similar facility would cost today:

1. Project Cost per inmate bed in 1997: $\$73,946,763 / 960 \text{ beds}$
= \$77,028 per design bed
2. Interpolated Project Cost for 900 beds in 1997: $900 \text{ beds} \times \$77,028 \text{ per bed}$
= \$69,325,200
3. Today's Project Cost utilizing Engineering News Record "Building Cost Index History" since 1997:

| Year | Beginning Value | Annual Cost Increase | Ending Value |
|------|-----------------|----------------------|--------------|
| 1997 | \$69,325,200 | 5.027% | \$72,978,600 |
| 1998 | 72,978,600 | 0.803% | 73,394,900 |
| 1999 | 73,394,900 | 1.917% | 74,801,800 |
| 2000 | 74,801,800 | 2.402% | 76,598,600 |
| 2001 | 76,598,600 | 0.989% | 77,356,200 |
| 2002 | 77,356,200 | 1.371% | 78,416,800 |
| 2003 | 78,416,800 | 1.932% | 79,931,800 |
| 2004 | 79,931,800 | 7.880% | 86,230,400 |
| 2005 | 86,230,400 | 5.547% | 91,013,600 |

| | | | |
|------|----------------------|--------|-------------|
| 2006 | 91,013,600 | 3.900% | 94,563,100 |
| 2007 | 94,563,100 | 2.655% | 97,073,800 |
| 2008 | 97,073,800 | 4.593% | 101,532,300 |
| 2009 | \$101,532,300 | | |

The estimated cost for a 900 bed, multi-custody facility is \$101.5 Million

Pursuant to our discussion, I am providing you with some very "ballpark" cost information in response to Robert Bell's May 4th inquiry. Most of the following information is taken from the 2006 Strategic Capital Facilities Plan, as prepared by Carter Goble Lee.

1. *TSCI addition construction cost, # of new beds, increase in annual operating costs.*

(a) Project cost for a new 256-bed housing unit on the existing TSCI footprint was estimated at \$23,296,000 (2006 data). Today's project cost estimate, adjusted for inflation would be **\$30.8 million**, as follows:

| | | | | |
|------|--------------|---|------------------|--------------|
| 2006 | \$26,296,000 | @ | 4.7% inflation = | \$27,532,000 |
| 2007 | \$27,532,000 | @ | 4.1% inflation = | \$28,661,000 |
| 2008 | \$28,661,000 | @ | 2.8% inflation = | \$29,464,000 |
| 2009 | \$29,464,000 | @ | 4.3% inflation = | \$30,731,000 |

(b) Number of new beds = 256 beds

(c) Increase in annual operation cost = \$9,088,000 (2006 Data), 57 FTE
(NOTE KATE MORRIS IS WORKING ON MORE ACCURATE OPERATIONAL 2009 COST DATA)

2. *Other facility construction costs, # of new beds, increase in annual operating costs.*

Clearly, the most cost efficient minimum/community custody facility to add Inmate housing to is CCCL. It would be very difficult to add housing at CCCO due to insufficient land area, utilities, and the need to close a public street. CCCL, on the other hand, has ample site size and utilities within a reasonable distance. The following cost estimate is based on providing a 250 bed housing unit increase to CCCL. Consideration for new food service facilities, heating plant, and other ancillary services are included, however, industrial space (CSI) is not included. Project cost is based on a construction cost of \$195 per square foot plus project soft costs of 30% for FFE, Security Equipment, Fees, Site Utilities, and Contingencies.

| Beds | Area Per Bed | Total Area | Project Cost per GSF | Project Cost |
|------|-----------------|------------|-------------------------|--------------|
| 250 | 250 GSF | 62,500 GSF | \$254 | \$15,875,000 |

(a) Project Cost for a 250 bed expansion at CCCL estimated at **\$15.9 Million**

(b) Number of New Beds = 250 Beds

(c) Increase in annual operation cost =

(NOTE KATE MORRIS IS WORKING ON MORE ACCURATE OPERATIONAL 2009 COST DATA)

1-2792

3. *Medium/minimum construction cost, # of new beds, annual operating costs*

The following information is based on providing a new, stand-alone 800 bed medium/minimum security facility. The proposed facility would include all ancillary components such as food service, recreational facilities, heating plant, and industrial space. The location for such a facility is unknown, and therefore, site acquisition costs, major utility extensions, driveway and roadway costs, and other major unforeseen infrastructure needs are not included in the estimated project cost. Project cost is based on a construction cost of \$225 per square foot plus project soft costs of 30% for FFE, Security Equipment, Fees, Site Utilities, and Contingencies.

| <u>Beds</u> | <u>Area Per Bed</u> | <u>Total Area</u> | <u>Project Cost per GSF</u> | <u>Project Cost</u> |
|-------------|---------------------|-------------------|-----------------------------|---------------------|
| 800 | 400 GSF | 320,000 GSF | \$295 | \$94,400,000 |

(a) Project cost for a new 800 bed, stand-alone, minimum/medium security custody facility is estimated at **\$94.4 Million** and does not include site acquisition or major utility/road extensions.

(b) Number of New beds = 800 beds

(c) Annual operation cost =

(NOTE KATE MORRIS IS WORKING ON MORE ACCURATE OPERATIONAL 2009 COST DATA)

Once again, I want to reiterate that these are "ballpark" cost estimates and in the event any project would move forward, a full program statement with architectural space plan is required. As mentioned, Kate Morris is developing more accurate data for anticipated annual operational expenses and we will provide that information to you when it is available.

In the event you need any additional information, please give me a call at 479-5742. Thank you.

CC: Robin Spindler, Kate Morris, Connie Nemeec, File

From: Hanson, Doug
Sent: Thursday, August 06, 2009 8:13 AM
To: Houston, Bob
Cc: Spindler, Robin
Subject: Program Statement Concept-250 Bed CCCL Expansion
Attachments: Program Statement Concept-CCCL 250 Bed Expansion.doc

Bob,

Thanks for your comments on my draft, and it was the type of feedback I was hoping for. Based on our conversation, I revised the document and have attached a copy for your review. I modified the sentences to read:

An expansion at CCCL would also have an impact on relieving the inmate overcrowding at DCS's higher security facilities as it provides opportunities for inmates to promote into lower custody level beds. In concert with DCS's classification system, this focus on expanding minimum and community custody design beds ultimately aids in reducing overcrowding at DCS's medium and maximum security facilities.

I also inserted the following under attributes:

5. The benefit of having available state-owned land and utilities in reasonable proximity will result in lower project cost and quicker project completion.

Please review and let me know if you desire any other changes. Thanks again.

Doug Hanson
Facilities Engineering Manager
Department of Correctional Services
(402) 479-5742 (Office)
(402) 479-5842 (Fax)
doug.hanson@nebraska.gov

PROGRAM STATEMENT CONCEPT
250 Bed Housing Unit and Program Space Expansion
Community Corrections Center – Lincoln
August 6, 2009

Introductory Comments

The Community Corrections Center-Lincoln (CCCL) was occupied in 1993 with a rated design capacity of 200 beds. The facility houses male and female, community-custody level inmates. Since original occupancy, the facility has added beds as a result of the growing inmate population. On June 2, 2009, the actual population was 382 inmates (or 191% of design capacity) - well over the original design capacity of 200 beds and Tentative Operational Capacity of 250 beds, as defined in the Department's 2006 Strategic Capital Facilities Master Plan.

Remarkably, with a current inmate population level approaching 200% the facility and building systems appear to be handling the increased population. Nonetheless, with persistent overcrowded conditions the inevitable wear and tear on the building and building systems takes a toll. The building's heating and cooling, domestic hot water, food service equipment, electrical systems and other building systems' life cycle is shortened significantly as a result of overcrowding. Moreover, due to crowded conditions the secure operation of CCCL is compromised.

Perhaps some of the relief for building system demand is the result of the "community corrections" nature of the building and occupants. A large portion of the inmate population at CCCL work in the community and this reduces the demand on existing systems. That is, unlike higher security correctional facilities, 100% of the facility is not occupied 100% of the time by the inmate population.

Similar to CCCL, all DCS facilities are experiencing overcrowded conditions. On June 2, 2009, the actual combined population of DCS facilities was 4,459 inmates and the rated design capacity is 3,175 beds. This represents an inmate population of 140.44% of design capacity. The 2006 Strategic Capital Facilities Master Plan (Carter Goble Lee) provides additional information on existing DCS facility capacities and conditions, and identifies a number of strategies for meeting the physical space and operational demands of the ever-increasing inmate population.

Proposed 250 Bed Housing Unit and Program Space Expansions to CCCL

A proposed strategy to relieve the inmate population pressure on CCCL as well as relieve system-wide overcrowding is to add a 250 bed housing unit expansion that includes space for inmate programming and treatment activities. A 250 bed expansion at CCCL would especially reduce inmate population pressures on DCS's community and minimum security facilities. An expansion at CCCL would also have an impact on relieving the inmate overcrowding at DCS's higher security facilities as it provides opportunities for inmates to promote into lower custody level beds. In concert with DCS's classification system, this focus on expanding minimum and community custody design beds ultimately aids in reducing overcrowding at DCS's medium and maximum security facilities. The following represents some of the positive attributes of constructing a community/minimum custody housing expansion at CCCL.

Positive Attributes:

1. The estimated project cost to construct community custody facilities is far less than it is to construct maximum security facilities (CCCL 250-bed expansion estimate @ \$15.9 Million vs. TSCI 256-bed expansion estimated @ \$28.0 Million).
2. The annual cost to operate community custody facilities is far less than maximum security facilities (CCCL estimated @ \$2.725 Million vs. TSCI estimated @ \$4.8 Million annually).
3. State owned land with adequate size is available adjacent to CCCL (See attached aerial photograph).
4. Utilities for water, sewer, electrical and natural gas are reasonably close.
5. The benefit of having available state-owned land and utilities in reasonable proximity will result in lower project cost and quicker project completion.
6. The proximity to LCC, DEC, and other Lincoln area facilities is reasonably close.

Preliminary Programming and Design Criteria Considerations

At this time, the exact needs and design component considerations for a new 250 bed expansion to CCCL are not fully known – hence the need for a detailed architectural space program and operational plan. However, based on preliminary DCS information and the nature of CCCL's operation and physical characteristics, the following preliminary design concepts are provided:

1. The preliminary estimated square footage for the building spaces is 62,500 gross square feet (gsf) and is based on providing 250 beds at 250 gross square feet per bed. The 62,500 gsf includes spaces for housing, dayrooms, treatment and programming, food service facilities, offices, heating/cooling plant, recreation, and other ancillary services. Industrial space (Cornhusker State Industries) and a gymnasium are not included.
2. The preliminary estimated project cost is \$15,937,500 and is based on 62,500 gsf at \$255 per gsf.
3. The proposed location for the 250 bed expansion is adjacent to and directly north of CCCL. The area needed for the expansion is estimated at 6 acres and includes enough space for parking, circulation, and other campus requirements (See attached site location).
4. The new housing and treatment spaces are envisioned to be an expansion to, and under the administration of, the existing CCCL facility. The programming statement shall include concepts (e.g., bubble diagrams) to illustrate the space adjacencies within the new spaces, as well as functional adjacencies with the existing CCCL facility and operations.

5. The operational staffing plan shall include the proposed new staffing component required for the expansion as well as the staffing component of the existing staff positions at CCCL. The architectural space plan shall be as staff efficient as possible.
6. The housing and treatment spaces shall be able to accommodate both male and female offenders.
7. The design of the housing unit and treatment spaces shall be based on "community and/or minimum" custody security level standards.
8. Although the size of the expansion is based on serving a population of 250 beds, the program statement should demonstrate the capability to easily and economically expand above 250 beds in the future. The facility's core infrastructure (i.e., site utilities, water & sewer lines, food service, etc.) shall take into consideration growth beyond the need to immediately accommodate 250 beds.
9. The expansion shall provide sufficient space for program and treatment areas associated with chemical dependency/substance abuse, mental health treatment, socialization skills, relapse prevention, parenting, domestic violence, and other recognized cognitive-behavioral restructuring approaches.
10. The programming and architectural spaces for the housing and treatment space expansion shall take into consideration nationally recognized models for community corrections.
11. The design shall be in accordance with American Correctional Association (ACA) Standards for Community Facilities.
12. Sufficient dayroom and dining, office, storage and ancillary support spaces shall be provided.

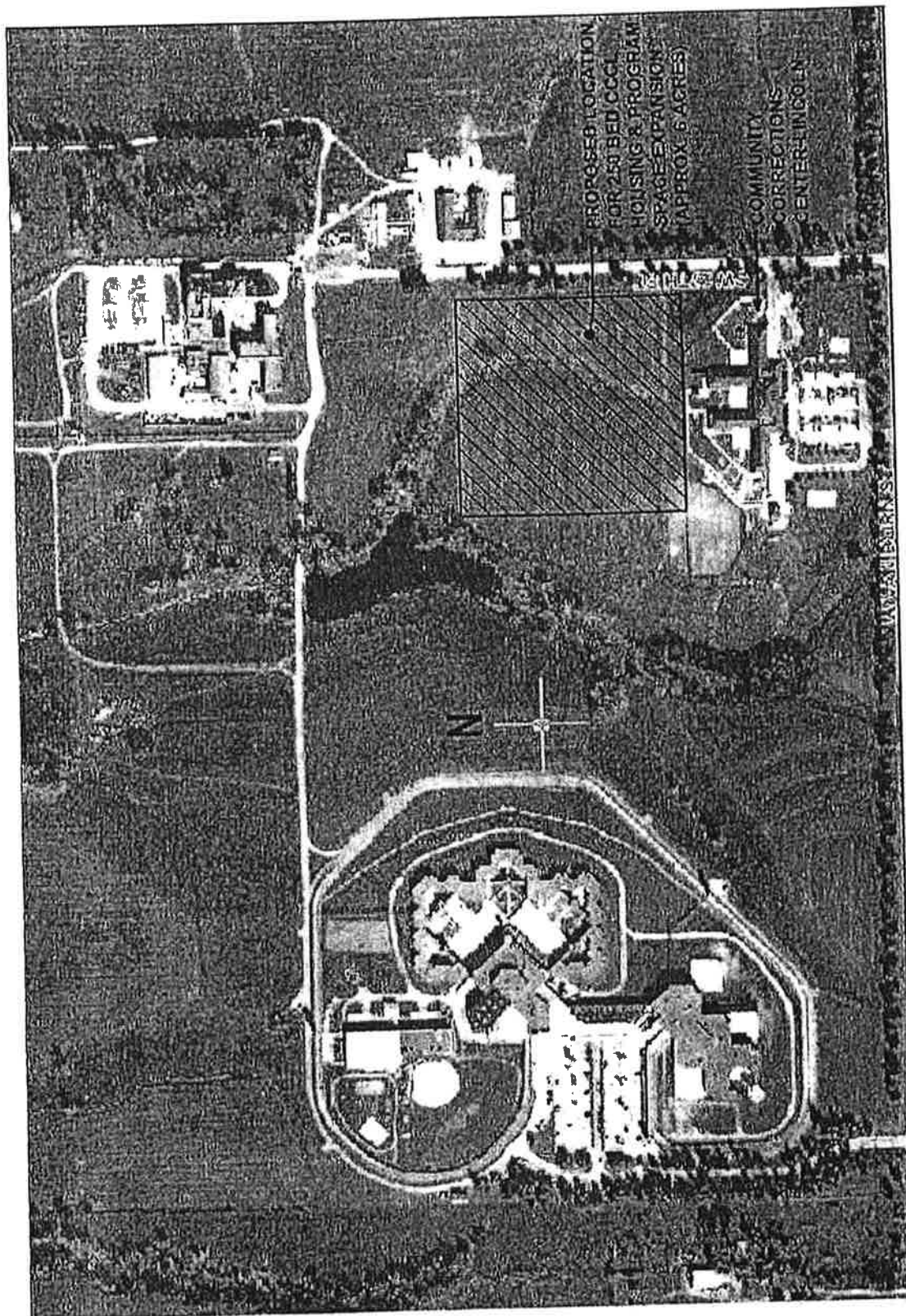
Scope of Desired Consultant Services

DCS will require the consultant team to provide a complete architectural space program and operational plan (Program Statement), including cost estimates. The components and format of the Program Statement shall be in accordance with the *Procedural Manual for Capital Construction Projects*, dated December 2005, as promulgated by the Department of Administrative Services/State Building Division. The following are some of the specific tasks to be undertaken:

1. Assist in identifying the needs of the expansion and treatment program, including the characteristics and programmatic needs of the inmate population to be served, and forecasts of future inmate growth for this facility;
2. Analysis and re-defining the size (bed space) and the square footage requirements for the expansion;
3. Study and review of the DCS Strategic Capital Facilities Master Plan (dated October 2006);

4. Assist in developing a detailed description and justification for the 250 bed expansion and treatment program;
5. Analysis of existing DCS community corrections centers (i.e., Community Corrections Center-Omaha, Work Ethic Camp-McCook) and substance abuse, mental health, and other inmate treatment programs at existing DCS facilities;
6. Document the estimated impact of the proposed project on existing DCS programs;
7. Provide an architectural space analysis, including functional relationship diagrams (e.g., bubble diagrams) of proposed new and existing CCCL spaces, as well as potential options for future growth considerations;
8. Provide an architectural concept plan, including options for consideration, of the proposed 250 bed and treatment expansion in relationship to the existing CCCL facility;
9. Identification of total capital costs for housing, program spaces, furnishings, equipment, and other physical plant requirements for the expansion;
10. Identification of operational costs, including staffing plan and cost, associated with the proposed expansion and in relationship to the existing CCCL operations;
11. Development for a project timeline, including budgetary cash flow requirements; and,
12. Assist DCS in making presentations to administrative staff, elected officials, the general public and others.

Program Statement Concept-CCCL 250 Bed Expansion.doc



From: Hanson, Doug
Sent: Tuesday, September 01, 2009 10:22 AM
To: Houston, Bob
Cc: Pohlmann, Jerry; Spindler, Robin; King, Steven; Kroeger, Concha
Subject: Overcrowding Meeting
Attachments: New 250 Bed Housing Expansion CCCL (09-02-09).doc; New 600 Bed Med-Min Facility (09-02-09).doc

Director Houston,

Due to a family medical issue, I will not be able to attend tomorrow's meeting on overcrowding. I will be assisting my wife in moving her parents into an assisted living unit in Lexington. I have asked Jerry Pohlmann to attend in my absence.

I am attaching copies of the two (2) documents that I shared with you last week.

1. 250 Bed Housing Unit and Program Space Expansion for CCCL, preliminary estimated cost is \$16,125,000. This project would be a CCCL expansion housing unit and includes program treatment space.
2. 600 Bed Medium/Minimum Security Facility, preliminary estimated cost is \$50,625,000. This stand alone facility would be located north of CCCL. Please recognize locating a new facility of this size and security level at this site may receive community opposition as the location is relatively close to Roper Elementary School (please refer to site plan).

Steve King and I have discussed the population increases and it does appear additional beds for medium and minimum security are needed.

Doug Hanson
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(402) 479-5842 (Fax)
doug.hanson@nebraska.gov

From: Hanson, Doug
Sent: Friday, September 04, 2009 10:34 AM
To: Baldassano, Joe
Cc: Pohlmann, Jerry; King, Steven
Subject: NDCS Capacity Increase Options
Attachments: NDCS Capacity Issues (09-28-09).doc; New 250 Bed Housing Expansion CCCL (09-02-09).doc; New 600 Bed Med-Min Facility (09-02-09).doc

Joe,

Per your request, please find the attached information regarding the steps required to request capacity increases, as well as the attachments for the 250 Bed Housing Unit and 600 Bed Facility.

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1-2706

Hanson, Doug

From: Hanson, Doug
Sent: Wednesday, September 23, 2009 10:07 AM
To: Smith, Dawn Renee
Subject: RE: 09/28/09 meeting with Larry Bare

If we submit the Capital Construction Request with the Program Statement on September 15, 2010, funding would be appropriated July 1, 2011 and then it is a 2 to 3 year process for design, bidding, and construction (2013 or 2014).

If we miss our chance to submit the request with the program statement in 2010, then we will have to wait until September 15, 2012, with funding on July 1, 2013 and occupancy 2015 or 2016.

Once again, I recommend that the talking point be changed to February 1, 2010.

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doug.hanson@nebraska.gov

From: Smith, Dawn Renee
Sent: Wednesday, September 23, 2009 9:58 AM
To: Hanson, Doug
Subject: RE: 09/28/09 meeting with Larry Bare

I'll check with Mr. Houston, but I *think* he changed it because the information we're presenting indicates we wouldn't need to build/expand until 2012 because current space will take us through 2012.

Dawn-Renee Smith

Legislative and Public Information Coordinator
Nebraska Department of Correctional Services
Folsom & West Prospector Place, Bldg. 1, YY
Lincoln, Nebraska 68509
Phone: 402.479.5713
FAX: 402.479.5623

From: Hanson, Doug
Sent: Wednesday, September 23, 2009 9:44 AM
To: Smith, Dawn Renee; Baldassano, Joe; Urosevich, Steve; Kohl, Randy
Cc: King, Steven
Subject: RE: 09/28/09 meeting with Larry Bare

Dawn Renee,

The talking point concerning NDCS Plans to Increase Capacity recommends beginning the Program Statements for the 250 Bed CCCL housing unit and 256 Bed TSCI housing unit by June 2010. June 2010 is too, too late to

have it completed in time for Budget Submission in September. **My recommendation is that the Program Statements start no later than February 1, 2010, as I stated in my September 4th email to Joe.**

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From: Smith, Dawn Renee
Sent: Wednesday, September 23, 2009 8:28 AM
To: Baldassano, Joe; Hanson, Doug; Urosevich, Steve; Kohl, Randy
Subject: 09/28/09 meeting with Larry Bare

I have attached the talking points for the meeting. Please let me know if you have questions, etc., before the meeting as they can still be modified if necessary.

Thanks,

Dawn-Renee Smith

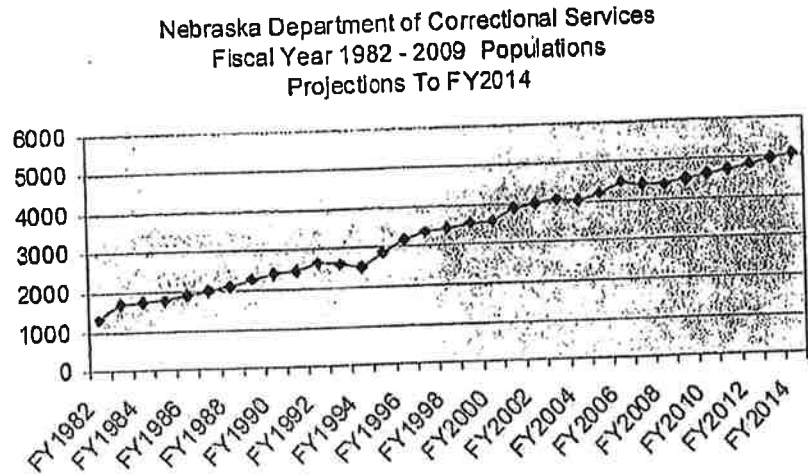
Legislative and Public Information Coordinator
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Nebraska Department of Correctional Services
Robert P. Houston, Director
September 28, 2009

Capacity Issues

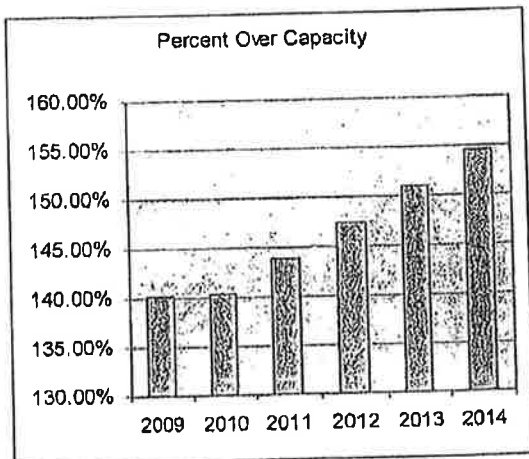
Over the last three decades, the Department has averaged an annual growth rate of 116 inmates per year. The chart on the right identifies actual population through 2009 and projections through 2014 should this trend continue.



External Factors

- LB 63 – change provisions and penalties relating to assault, firearms and other weapons, graffiti, gang affiliation, juveniles, bail, jailhouse informers, appeals, violence prevention, prisoner employment, and dating violence policies
- Sex Offenders – Currently the NDCS houses approximately 1,000, or nearly one quarter, of the total population. Total bed capacity for in-patient sex offender treatment is 52; total capacity for outpatient treatment is 54. Currently, 17 sex offenders, or two (2) percent of the total, are on parole.
- Additional legislation which would enhance penalties (i.e., mandatory minimums)

Implications & Solutions



| Year | Population | Percent Over Capacity | Placement of Additional 116 Inmates |
|--|------------|-----------------------|-------------------------------------|
| 2009 | 4451 | 140.19% | |
| 2010 | 4597 | 140.37% * | 100 at WEC (200%) ** |
| | | | 16 at OCC (173%) ** |
| 2011 | 4713 | 143.90% * | 104 at OCC (199%) ** |
| | | | 12 at NSP (151%) ** |
| Maximum/Medium Security Units Become More Crowded | | | |
| 2012 | 4829 | 147.45% * | 116 at NSP (167%) ** |
| 2013 | 4945 | 150.99% * | 116 at NSP (183%) ** |
| 2014 | 5061 | 154.53% * | 93 at NSP (196%) ** |
| | | | 23 at TSCI (100%) ** |

* Includes 100 rated-capacity beds
 ** Percent of that facility's design-capacity

NOTE: TSCI was built as a "double bunk" facility

Factors Which May Cause a Downturn in Population

- Correctional industries decrease idleness within facilities and promote success upon parole/discharge. Industries provide vocational training at no additional cost to decrease recidivism.
- Community Corrections Council increases day reporting capacity and gives up 100 beds at WEC, thereby adding 100 beds. This pushes the adding of Maximum/Medium beds to 2012.
- Maintaining a larger capacity within community centers and the Work Ethic Camp, increasing the number of inmates prepared for parole.
- Placing inmates serving 12 months or less in their communities at no added cost to local governments and expanding the Re-entry Furlough Program (RFP).
- Increasing the number of inmates on parole.
- Decreasing the number of inmates returned for technical parole violations with "half-way back" options (e.g., electronic monitoring, house arrest, travel plans, etc.).
- Behavioral health programming (mental health, substance abuse, sex offender) to increase successful parole, thereby decreasing recidivism.

NDCS Plans to Increase Capacity

- Continue filling lower security units and facilities first.
- Reallocating 32 minimum beds at TSCI to maximum/medium, which does not change total capacity, but aids in placement for the maximum/medium population
- Design – Bid – Construction process
 - Suggest we begin program statement by February 2010 to :
 - Build 250-bed housing unit at CCC-L (minimum custody)
 - Approximate cost - \$16,125,000
 - Build 256-bed housing unit at TSCI (maximum/medium custody)
 - Approximate cost – \$28,000,000

NDCS Capacity Issues

September 28, 2009

IV Steps to Request Capacity Increase

- Program Statement (6 to 8 months) – Start Program Statement by February 1, 2010 in order to have it completed by September 15th (cost depends on project).
- Design-Bid-Construction (2½ to 3 years) – This time period does not include site selection if project is not on state land, which could add 1 year to the project.
- Capacity Increase Options:
 - New 250 Bed Housing Unit Addition (Minimum) to CCCL (\$16,125,000)
 - New 600 Bed Medium/Minimum Security Facility (\$50,625,000)
 - New 256 Bed Housing Unit (Maximum Security) at TSCI (\$28,000,000)

From: Hanson, Doug
Sent: Monday, February 22, 2010 3:34 PM
To: Kroeger, Concha; Houston, Bob
Subject: Program Statement Development
Attachments: Program Statement Funding Request (FY2011-13).doc

Concha,

Director Houston requested that I send you this for printing out for his review. Also, I will be meeting with Bob at 8:30 a.m. on Thursday, Feb 25th about this. Dawn Renee was going to place on his calendar. Thanks.

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PROGRAM STATEMENT DEVELOPMENT

The Department of Correctional Services (DCS) is requesting funds to develop program statement(s) for new facility construction and the expansion of inmate housing at existing facilities. DCS continues to experience inmate growth with populations typically exceeding design capacities by approximately 140%. In October 2006, DCS developed a strategic plan to address the shortfall which exists between the current design capacity of DCS's facilities and projected inmate populations. The *2006 Strategic Capital Facilities Master Plan* identified several capital projects for consideration. The new program statements shall take into consideration the recommendations provided in the *2006 Strategic Capital Facilities Master Plan*.

The scope of services for the program statements shall include the independent analysis of DCS's classification system, current inmate population, growth population projections (including needs assessment by custody level, gender, age, and classification groupings), analysis of DCS's existing facilities and programs, and traditional architectural space planning and operational programming for new facility construction and expansion of housing components at existing facilities.

The program statements shall be in accordance with State Law (§81-1108.41), as required for all projects with estimated project costs exceeding \$540,000. The program statements will provide the basic information for project funding. The documents will include narrative and graphical summaries of each project, and will serve as the programming guide for architectural plans and facility operations. The program statement's components shall include;

- Needs assessment of the inmate population to be served,
- Independent forecasts of future inmate growth (by custody level, gender & age)
- Programmatic needs,
- Detailed description of the program,
- Justification for the program,
- Location and site considerations,
- Comprehensive plan compliance,
- Analysis of existing facilities,
- Facility requirements and impact of the proposed project on existing facilities,
- Architectural space requirements (including adjacency analysis),
- Projected capital construction budget and fiscal impact,
- Staffing projections and annual operational cost analysis,
- Funding requirements and cash flow and Projected timelines

The total number of program statements required will, of course, be predicated on the information derived from the needs assessment and the forecast of future inmate growth. It is anticipated at least two (2) program statements will be developed, as follows:

1. A new, stand alone facility to be located on existing state owned land. The new facility would, most likely, serve as a medium/minimum security facility.
2. A new housing unit to be located within the secure perimeter of the Tecumseh State Correctional Institution.

The total amount requested for the needs assessment, inmate population projections, and the development of the program statements is \$XXX,XXX.

Program Statement Funding Request (FY2011-13).doc

DCS Executive Staff

2/23/10

Houston, Urosevich, Wayne, Hopkins, Kohl, King, Spindler, Green

- Larry Wayne gave the OD report for Kyle Poppert, which is attached.
- Budget announcements were made: nothing has changed from last week on the budget status. We're going through the budget to see where we stand. No new positions are approved except on a case by case basis.
- The group discussed the Intensive Management bill proposed by James Davis, pending in the Judiciary Committee. Mr. Houston testified at the hearing. Marshal Lux' testimony was discussed, including "shadow discipline" concept of classification. The upcoming Mental Health Unit and improved decision making was discussed. There is a meeting scheduled for March 1, 2010 regarding the mental health unit. Access to programs in segregation was discussed in the meeting, and points were made that the nature of segregation was to limit access to the institution and that necessarily means less access to programs.
- John McGovern discussed the concept of meetings being productive. He distributed a card noting that the executive staff could bill at \$600 per hour, \$2400 per meeting, and \$120,000 per year. He asked the rhetorical question of whether or not we are adding that value. Steve King asked how we can do business better, and stated that no all time is "wasted" at meetings where communication is ongoing. The ESC is primarily informational in nature and the information is available in other forums also. The repetitive aspect of information sharing was discussed. Attendees using a PDA, not staying on task, or engaging in sidebar conversations was discussed. John McGovern said that the Single Minute Evaluation in manufacturing calls for an analysis of each step to make sure that value is added at each step in the process. Frank Hopkins said that there is a reason why this topic comes up from time to time. He said that we need to be flexible and attend to the needs of the audience. There are people who attend ESC and love the sharing of information. Steve King said that the original purpose of the ESC was to "drive quality" but, he asked "what does that mean?" The group asked whether or not the focus or purpose of ESC has changed. Mr. Houston questioned what information the ESC does to help corporals to do their jobs. Mr. McGovern stated that one of the effects of the budget crisis was to be come more efficient. Mr. Hopkins stated that the CQI discussion should come from your own life to explore leadership issues.
- Bob Houston said that leaders need to be conversant in many different areas and information sharing meets that need. That's why we transfer Wardens from institution to institution.

- Bob Houston had several additional comments to make.
 - Thanks to Steve King for assistance with the ACA Best of the Business article. Hon. Laurie Smith Camp also contributed to the article. It will appear in the May issue of the ACA publication.
 - The program statement for the upcoming budget considerations was reviewed with Larry Bare. Bob Houston wants all discussions regarding budget to be flawless.
 - Talk to others about the charitable giving, we increased DCS giving from \$16,000 to \$40,000 in one year.
 - The National Conference on State Legislatures published a chart on information in all 50 states regarding sentencing laws. One idea that was discussed was to raise the minimum limits for felony theft offenses. Another idea was to use a risk-based instrument to determine who is sentenced to prison. It was also discussed to screen inmates who are veterans for PTSD.
 - No capacity increases are in the offing for DCS. We will attempt to manage growth in population without increases in capacity.
 - Administrative confinement – there will be a meeting on March 1, 2010 to discuss this topic, regardless of legislation.
 - Jerall Moreland, with the Office of Public Counsel requested access to DCS Administrative Regulations on line. Steve King said that this poses us some real problems. Robin Spindler mentioned that on the DCS website there are many regulations. We send the Ombudsman a disc with AR changes as soon they are published.
 - An Iowa DOC newspaper article was discussed.
 - The Governor is insistent that no one accepts gifts from anybody. If you were to somehow receive something, donate it to charity.
 - The federal stimulus money will be the subject of a nation debate. The money will not be available on an ongoing basis. It means \$52 million for DCS in the most recent budget cycle.
 - Use e-filing for personal taxes. It's free.
 - Gerry Oligmueller mentioned to Mr. Houston that states are working on gaps for the upcoming budget. Senators are looking for savings.
 - For the upcoming March Budget Symposium consider what we would do if we received a 0% increase. A 0% increase is in effect a decrease in our budget.
 - There is a stark difference between wellness benefits and the regular insurance benefits. Encourage employees to use the wellness benefits.
 - Yahoo! May be coming to LaVista.
 - We want to schedule inmates keeping in mind the hours of service providers and provide a very busy schedule for inmates. We need to keep parole numbers up by insuring that Board has very well qualified candidates for parole.

- Steve King mentioned that we need to maintain fidelity to evidence-based programs, in terms of number of contact hours, length of programs and so forth.
- Bob Houston reminded the group that incarceration and treatment are not opposed to each other. He said that incapacitation is expensive and asked if we were moving inmates through the system as efficiently as possible. He said that 1/3 of the inmates in the system are parole eligible. Larry Wayne asked if we wanted to revisit the statutory restrictions on WEC placement. Bob Houston said not at present. We just increased the numbers at WEC and asked why we should add to that effort at this time. Frank Hopkins asked if we could develop a data base on inmates who refuse programming to we will know on a system basis. PPR are online now with the computer. There is a field to mark yes or no if parole is recommended. We can use that field to track paroles and the reasons for denial of parole.
- Bob Houston discussed a program statement for operation expansion. He likes community options, but there is a common understanding that 12.5% to 13% is average for community placement. Taking public safety into account, the Department needs to manage inmate risks. The Parole Board should manage the risks as well. We will request funds to study options for expansion as necessary. He stated that we can keep high security levels and units at current populations levels, but “crowd” only at minimum and community custody levels.
 - Population studies.
 - Validate classification instrument.
 - Effectiveness of programs.
 - Other programs used.
 - Offers programs in community.
 - Sexual assault and abuse potential in crowded institutions.
- Bob Houston stated that there is a need to have multiple needs addressed at the same time, education, mental health, substance abuse, and sex offender treatment could be offered simultaneously to prepare inmates for release. Currently substance abuse has imbedded LMHP. He stated that all institutions needed to follow the WEC practice of having inmates engaged in treatment at all times. Even if we only shave a few months off of each inmate’s sentence, we can save resources. We have over 700 inmates who are serving one year or less. If we don’t address crowding by operation changes we can’t realistically expect to be supported for a capacity increase in the future.
- Bob Houston stated that we need to develop a program statement that takes into account future and present population increases, increasing community corrections placement and parole numbers. The program statement for budget purposes will also allow the legislature to address future and present capacity needs. The group discussed integrating programs to decrease time in the

institutions, setting TRD well enough in advance to stratify resources, revalidate the classification instrument, implementing integrated programs to prepare inmates to be viable parole or community custody candidates before parole eligibility when possible.

**DCS Executive Staff
Meeting Minutes
Monday, March 15, 2010
Director's Conference Room
10:00 am**

Present: Mikki Kirkpatrick, George Green, Dr. Randy Kohl, Steve King, Steve Urosevich, Robin Spindler, Frank X. Hopkins, John McGovern, Bob Houston, Concha Kroeger, Dawn-Renee Smith, and Larry Wayne

OD Report – Frank X. Hopkins (March 9 – 15, 2010)

- At this time, Mr. Wayne asked if Mr. King could get some statistics relating to the increase numbers of inmate-on-inmate assaults; has there been a significant increase or decline in numbers/reporting.

Next OD – Larry Wayne, (March 15 - 22, 2010)

Budget Announcements/Discussion (permanent Agenda item)

- Ms. Spindler shared the following:
 - We are now 1M\$ to the good.
 - BCBS billings forthcoming to keep in mind.
 - We will keep staff apprised of our status as we meet our end of the fiscal year goal.

Ground Rules – reviewed by all

- Start on time~
- Adhere to the break time~
- End on time~
- No side bar conversations~
- No PDA/Treo/MotoQ/Cell Phone interruptions~
- Stay on task~
- Time Keeper~
- If you have to leave the room, explain why~

Review Agenda – by all

Calendars – by all

“DCS Monthly Updates to the Governor” (permanent item)

- All current information has already been given to the Director this month.

CQI Presentation – Bob Houston

- Dr. Randy Kohl shared the following:
 - A handout to all titled: Make the most of new ideas by listening, questioning, and clarifying!
 - Leaders interested in growing and evolving their organizations should take heed instead of finding fault, then dismissing a new idea.
 - Give new ideas a chance to mature and evolve.
 - Listen,
 - Don't be one of those leaders who think they must have all the answers.
 - Don't just jump in; put aside judgment.
 - Question,
 - Positive or negative statements can have a nullifying effect.
 - Clarify.
 - Clarify, don't assume.
 - Discussion: all staff agreed this is a good reminder. We all need to let the new ideas come to light; we should step back and listen because you never know what great idea we may have just missed. Showing great leadership begins with listening and not assuming what you may or may not have heard.
 - Staff enjoyed this presentation and looks forward to the next one from Dr. Kohl.

Announcements – Bob Houston

- Mr. Houston shared the following:
 - He continues to talk with many staff about issues on the growing inmate population. He had Mr. King generate statistics regarding 5 months of female reclass vs 5 months of male reclass (see handout attached).
 - By looking over the chart, those reclassifications are appropriate; current custody.
 - The next data to look at is the overall population; classification.
 - To include information on:
 - A chart of growing status from now until 2016; questions/concerns.
 - Filling up WEC.
 - Not fully filling up WEC.
 - Facilities we don't want to have to be concerned about; security risk.
 - We need to look at DEC #'s; we don't want to overcrowd.
 - Also, Mr. King/Mr. Wayne to look at the 40% or so which of those offenders from WEC fail/go back to prison at any given time.
 - Check on success rate vs failure rate pertaining to (WEC vs others).
 - He would like to have Mr. Wayne narrow down talking points regarding efficiencies for the upcoming meeting with Larry Bare-Governor's Office.
 - He will be meeting with the Mexican Consulate again on May 20, 1:30pm in his conference room. This is a follow up meeting from last week when he met with the Mexican Consulate regarding specific data. Those who need to be in attendance have been notified.
 - He would like to have Mr. Hopkins and Mr. Wayne to check and see if each facility has at their front entrance rotation postings etc.
 - The NSP ABE/GED Graduation is being held on June 7, 2010, at 2:30 pm.

There being no further business the meeting was adjourned.

Next meeting will be Tuesday, March 23, 2010, 8:00 am, in the Director's Conference Room; please plan accordingly.

Submitted by: Concha Kroeger

Hanson, Doug

From: Kroeger, Concha
Sent: Monday, March 29, 2010 2:28 PM
To: Smith, Dawn Renee; Hanson, Doug; Spindler, Robin; Bell, Robert; Wilcox, Joe; Wayne, Larry
Cc: Houston, Bob; Bare, Larry; Farritor, Katina; Young, Konda
Subject: Meeting w/Mr. Larry Bare RE: DCS Inmate Population, April 16, 2pm, downtown

Hi all~

Director Houston has set a meeting up for you and him to meet with Mr. Larry Bare-Governor's Office **RE:** The DCS Inmate Population, at Mr. Bare's office, 2:00 pm, on Friday, April 16, 2010.

Your attendance in this meeting will be very beneficial and very much appreciated.

If you have questions, please contact the Director any time.

Thanks
Concha

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WARDENS' MEETING MINUTES

Nebraska Correctional Youth Facility December 14, 2011

PRESENT: Frank X. Hopkins, Dennis Bakewell, Diane Sabatka-Rine,
Mike Kenney, Mario Peart, Fred Britten, Ryan Mahr, Charlie West,
Matt Heckman, John Dahm, Della Calabro

GUESTS: Bob Houston, Robin Spindler, Larry Wayne, Cathy Gibson-Beltz,
Rex Richard

CELEBRATE: Mr. Hopkins began the meeting by welcoming guests and Wardens. He thanked Della Calabro, NCYF Secretary II, for taking the minutes today for Ms. Torres. Each person had the opportunity to celebrate. Warden Dahm announced that he would be retiring February 3, 2012. Everyone shared their condolences with Mr. Bakewell on the passing of his mother.

DIRECTOR HOUSTON

- Director Houston discussed the accomplishments in the agency during the past year. Director Houston stated there is an underlying quality and integrity in everything the agency does. Despite all of the challenges facing our agency, there are exciting times and opportunities ahead of us. The Director asked the Deputy Directors to comment on the past year. Mr. Hopkins spoke about the many successes in the agency and was grateful that staff were adapting well to numerous issues and challenging situations. Mr. Wayne said that it was gratifying to see where Nebraska was in relation to other jurisdictions around the country. DCS staff continue to exceed his expectations. Ms. Spindler said that we continue to take good care of our staff. Sometimes our technology is lagging but we use research and evidence based practices to guide us in making correct long term decisions.
- Director Houston discussed the Level of Services Management & Inventory (LSCMI) risk and needs assessment tool. The LSCMI is becoming the model assessment instrument in the US and may eventually be implemented in the DCS. The LSCMI would be completed at the reception facilities.
- Director Houston discussed the potential transfer of the YRTC Kearney and Geneva facilities from HHS to DCS. DCS would provide a criminal justice approach to managing youthful offenders. Both facilities have seen a significant increase in inmate on staff and inmate on inmate assaults.

DEPUTY DIRECTOR SPINDLER

- Ms. Spindler distributed a handout for a scheduling software workgroup. The scheduling software is designed to assist staff in allocating staff more efficiently, reducing overtime and allowing the facility to collect data on staffing over a

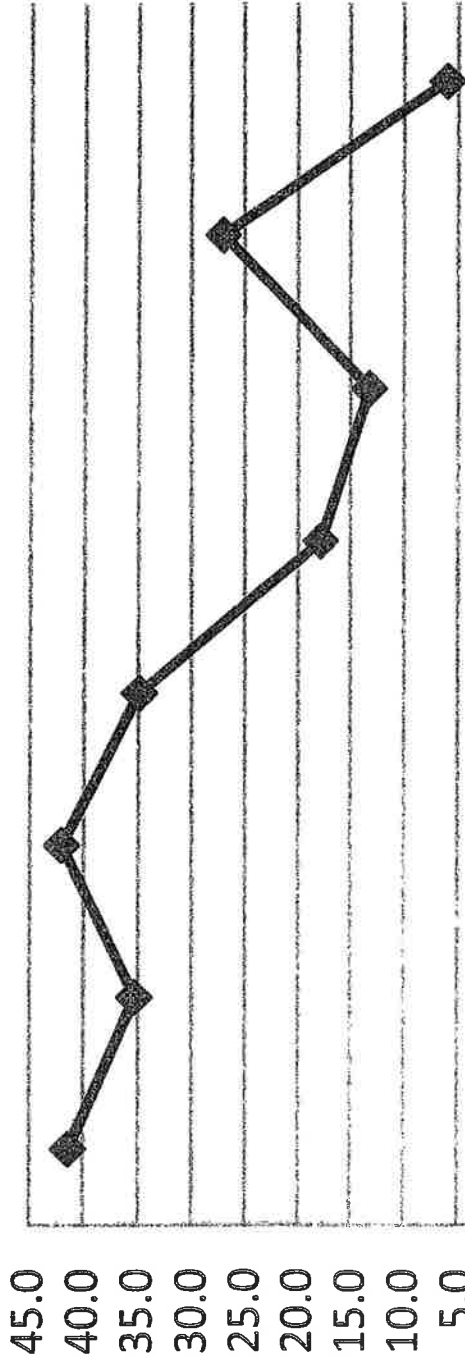
period of time. The scheduling software will be piloted with Correctional Officers, Corporals, Unit Caseworkers, Sergeants and Lieutenants initially but could be expanded to include food service or other staff with the purchase of additional licensure. Ms. Spindler provided a list of team members and asked that they attend each of the meetings as they will be implementing the process at their respective facilities.

- Ms. Spindler discussed the eventual closing of a housing unit in the Lincoln area. The closing of the unit would require 21 vacancies be put on hold throughout the agency until similar vacancies become available in the Lincoln area. Director Houston stated that every employee affected by the unit closure would have a job somewhere in the agency.

RE-ENTRY – LARRY WAYNE, REX RICHARD, CATHY GIBSON-BELTZ

- Rex Richard distributed a spreadsheet for each facility that contained a list of inmates with their parole and treatment status. Mr. Hopkins and Mr. Richard asked each facility to go through the spreadsheet and identify the most recent treatment recommendation or changes in treatment recommendations. Unit Case Managers need to review substance abuse recommendations, CSORT or CVORT recommendations. If changes were made, a new Institutional Progress Report (IPR) needs to be generated electronically. A hardcopy of the updated IPR needs to be forwarded to Kyle Poppert. Priority needs to be given to inmates who have had a new entry or treatment recommendation on spreadsheet between 11/28/11 and the present time. Mr. Richard asked that UCM's recommend parole hearings for the month prior to the inmate's parole eligibility date.
- Mr. Wayne and Mr. Richard asked that unit staff consider parole, Re-entry Furlough Program (RFP) and community custody as programs. We lose our ability to manage and supervise an inmate if they do not parole. If inmates don't need work release consider them for the RFP. Inmates that are not going to reside in Omaha or Lincoln areas will have to find employment in the area of their RFP or parole residence. Case Management staff should consider the benefits of a period of time under parole supervision for inmates they have on their caseloads regardless of the inmate's compliance with program recommendations. It is possible that a 6 to 8 month period of parole supervision prior to discharge would promote lasting public safety rather than permitting the inmate to discharge with no community support and supervision.
- Mr. Hopkins asked that staff consider inmate TRDs when recommending OCC SAU or the NSP RTC for residential substance abuse. Inmates with lengthy TRD's should be considered for treatment and placement at NSP and not the OCC. Institutions need to have documentation supporting a recommendation to defer or deny an inmate's parole.
- Ms. Gibson-Beltz informed the group that research shows that certain low level sex offenders do not need intensive supervision.

Average Number of Good Time Days Lost per Inmate



| Year | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|--------------------|------|------|------|------|------|------|------|------|
| Days | 41.4 | 35.3 | 42.0 | 34.9 | 17.8 | 13.2 | 27.0 | 6.0 |
| # Inmates with MRs | 1278 | 1226 | 1196 | 1097 | 970 | 811 | 1086 | 1614 |