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Appropriations Committee
February 23, 2011

[AGENCY 46]

BOB HOUSTON: Good morning, Chairman Heidemann. [AGENCY 46]

SENATOR HEIDEMANN: Good afternoon to you. (Laugh) [AGENCY 46]

BOB HOUSTON: (Exhibit 17) Thanks a lot. (Laughter) Good afternoon. No, it does say afternoon. Chairman Heidemann, members of the Appropriations Committee, my name is Bob Houston, H-o-u-s-t-o-n. I'm the director of the Nebraska Department of Correctional Services. We will implement our budget while continuing to maintain public safety. Thank you for your budget proposal that addresses our key needs over the next two years. (Inaudible) recommendation planned, I think it's important to note that our department does not parole anybody. We make recommendations for parole and we supervise those individuals on parole. The graph that you have in your packet illustrates the last 13 years of inmate population and parole growth for Nebraska, as well as key events throughout this time period, the crowding level, the impact of our present parole plan recommendations plan and our future growth. I'll review the chart with you in a couple of minutes. We know Nebraska is safer when offenders are supervised in the community compared to those mandatorily discharged from their sentence. Parole provides a structured release and the enhanced opportunity to establish a law-abiding life. Offenders under parole supervision are required to seek employment, maintain stable housing, and attend any required treatment. Our current efforts include first getting the inmates parole ready sooner so that when they appear before the Parole Board they're prepared parole candidates. Secondly, we utilize existing resources for reentry success. And third, we are working hard to enhance parole success by using halfway back options for those having difficulty adjusting to a law-abiding lifestyle. By halfway back option that means not bringing them all the way back to prison. Successfully paroled individuals do better than those who are mandatorily discharged. Nebraska primarily focused...Nebraska's primary focus for expanded numbers of parolees on those who would be out of prison in 36 months regardless. Reasonably

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sized caseloads, close supervision of parolees, and adequate behavioral health services help address concerns of community stakeholders. The national average of parolees to inmates is 51 percent which you'll see in your charts. And I'll go over that with you. Currently, Nebraska is at 19.1 percent. When the current budget goal is met, Nebraska will still be below the national average. Further, the 2008 justice statistics list only five states with a lower number of people on parole per 100,000 citizens. Inmates who mandatorily discharge do not have access to the same resources as those on parole. In fact, those are the ones that are costly to local resources. Parolees pay programming fees which will increase the parole cash fund and bring more money into communities to serve those individuals. The department has been successfully working with Health and Human Services and the Labor Department. Concerning food and medical costs, our budget request is based upon increased expenses over the last years including inflation. The reduction in population is reflected in this request. And I'd be happy to answer any questions you may have. [AGENCY 46]

SENATOR HARMS: Thank you, Bob. Do we have any questions? [AGENCY 46]

SENATOR CONRAD: I don't really have a question, Director. But I did just want to note on the record that I always appreciate the candor and responsiveness of you and your department and agency in dealing with a multitude of issues before the Legislature. And it is sincere and much appreciated. [AGENCY 46]

BOB HOUSTON: Thank you very much, Senator Conrad. [AGENCY 46]

SENATOR HARMS: Do we have any other questions? [AGENCY 46]

SENATOR WIGHTMAN: Thank you. Can you tell us a little bit about what the average cost of a parolee is on an annual basis compared to the annual cost of a person, an inmate? [AGENCY 46]

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BOB HOUSTON: To give you an example, the average cost of a parolee is right around \$3,500. [AGENCY 46]

SENATOR WIGHTMAN: A year? [AGENCY 46]

BOB HOUSTON: A year. And the average cost of incarceration, depends on our facility, but the overall average cost is a little bit under \$30,000. [AGENCY 46]

SENATOR WIGHTMAN: A little under what? [AGENCY 46]

BOB HOUSTON: A little under \$30,000 per year. [AGENCY 46]

SENATOR WIGHTMAN: Thirty thousand, so about a 10:1 ratio. [AGENCY 46]

BOB HOUSTON: Exactly, yes. And now we have a per diem cost which is \$5,625, so when we take somebody out of prison that's what we save, not the whole \$30,000. [AGENCY 46]

SENATOR WIGHTMAN: Could you address a little bit why we have such a low rate. Is it because of state statutes that maybe reduce the chances of somebody being put on parole or is it because we maybe don't jail somebody or incarcerate somebody for the same crimes or what would be your take on that, I guess? [AGENCY 46]

BOB HOUSTON: Okay. The two statistics need to be looked at differently in that the reason we have a low number of people per 100,000 is we have one of the lowest incarceration rates in the country, we're in the 40s, somewhere in the mid-40s as far as incarceration rate per 100,000. So you would expect that the number of people on parole is going to be low. I present that statistic just because...in preparation for any questions that might be related to community safety. The percentage of people that we have on parole, Ms. Casmer will be here on March 8 and she can address those issues

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with you. From Nebraska's part, from the Department of Corrections' part, we've been working very successfully with the Board of Parole and we've been building reentry resources over the past five years. And as we've built those, and Ms. Brokofsky talked a little bit about the Day Reporting Centers. As we build those resources, we believe that it's now time. I came to this committee in 2007 and following the Nebraska meth study, and you provided resources that allowed us to expand tremendously our programming opportunities in the institutions. We started a mental health unit. We doubled the size of our substance abuse unit. Well, that investment that you made in the department is now coming back. We're able to return, we think, a substantial amount of resources back to the state of Nebraska because the plan that we put into place worked. We now...we don't have people waiting in line for services like we did before. We still have some programs we'd like to expand the capacity on. And as the Colonel said this morning, everybody would like to have more resources. But we believe we have the resources that we need and the resources to push this plan forward. [AGENCY 46]

SENATOR WIGHTMAN: Understand the incarceration rate would affect the number of parolees, but as far as the percentage of...I think your first one is percentage of parolees to inmates. [AGENCY 46]

BOB HOUSTON: Yes. [AGENCY 46]

SENATOR WIGHTMAN: We're about a third of the national average it would appear, we're at 19 and the national average is about 51, is that correct? [AGENCY 46]

BOB HOUSTON: That's correct. We believe we're prepared to increase the number...the percentage of people on parole. And the first chart here really puts us at...I mean it's very clear, it puts us at a crossroads. And so it's not the...it's not just the budget modifications that we're addressing with this parole plan. But as you can see, where we're plotted right now at 140 percent of our population, within a few years it would be my obligation to ask for a capacity increase as crowding increases. We've

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been very, very successful in our crowding. What we've done is, in our maximum security units our average crowding is about 126 percent, whereas in the community centers it's 200 percent. So we've crowded our agencies strategically so that those individuals who would cause the greatest amount of problem are in institutions that are less crowded. The...but if we go the route of the parole plan and we start reducing our population, it will be many years before we come to you for a capacity increase.

[AGENCY 46]

SENATOR WIGHTMAN: Thank you. [AGENCY 46]

SENATOR HARMS: Senator Fulton. [AGENCY 46]

SENATOR FULTON: Thank you, Mr. Vice Chairman. The percentage, I want to be certain I understand this. The...numerically the number of persons in prison you said was lower in Nebraska. Was that numerically or percentagewise, as percentage of population? [AGENCY 46]

BOB HOUSTON: Well, there is two ways of looking at it. The first way is the number of parolees per 100,000 in Nebraska, we're at about 63 as the chart would indicate, so about 63 people out of every 100,000 is on parole. The other statistic is that we're at 19 percent of our prison...our total prison population is on parole. And so that number is the one that applies most here. And that has to do where we think that increasing that up to a higher percentage we can, not just save money, but more specifically we think we can increase public safety because one of the charts on the back here, I'll take your eyes to this one here, Senator Fulton, is that if you look at...if you look up above at our recidivism rate, we really...we have technical violations for parolees. And so they may come back for a little while, where we have had...and then go back out on parole. But the one below shows that inmates who are discharged off of parole, in other words they successfully go through the parole program, they come back at 10.4 percent. That's measured over three years. Whereas below, those who are mandatorily discharged,

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they come back at 19 percent. Now our recidivism rate is higher than that, it's because we use the national standards on that and that includes parole violations as well. And so you can see from that that we think if we successfully discharge people from parole that the likelihood of them coming back to prison has gone down considerably. [AGENCY 46]

SENATOR FULTON: Okay. The comment that you made earlier about Nebraska having a lower percentage of overall population in prison, that's, I guess, you weren't tying that to this 19.1 percent, correct? [AGENCY 46]

BOB HOUSTON: No, no, not to that. [AGENCY 46]

SENATOR FULTON: The 19.1 percent is an apples to apples comparison... [AGENCY 46]

BOB HOUSTON: Yes. [AGENCY 46]

SENATOR FULTON: ...with respect to prison population and those other states in the country? [AGENCY 46]

BOB HOUSTON: Yes, it stands on its own. [AGENCY 46]

SENATOR FULTON: Okay, yeah. [AGENCY 46]

BOB HOUSTON: Yes. What I was referring to was that the overall incarceration in Nebraska is low. [AGENCY 46]

SENATOR FULTON: Thank you. [AGENCY 46]

BOB HOUSTON: Thank you. [AGENCY 46]

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SENATOR HARMS: Senator Fulton, do you have any other questions? Bob, thank you very much for coming in and testifying. [AGENCY 46]

BOB HOUSTON: Thank you. [AGENCY 46]

SENATOR HARMS: Is there anyone else who would like to speak on Agency 46? If not, we will close the hearing for Agency 46. And we will now close the public hearings. Thank you. [AGENCY 46]