

**Appropriations Committee March 18, 2019**

**STINNER:** Any additional proponents? Seeing none, any opponents? Seeing none, anybody in the neutral capacity? Seeing none, that concludes our hearing on Agency 5. We will now open the hearing for LB199.

**WISHART:** Well, good afternoon, Chairman Stinner and members of the Appropriations Committee. My name is Anna Wishart, A-n-n-a W-i-s-h-a-r-t, and I represent the 27th District in west Lincoln. I am here today to introduce LB199, a bill that seeks to appropriate funds to the, to the Supreme Court for the purpose of Court Appointed Special Advocate state aid. This bill was brought to me by the Nebraska Court Appointed Special Advocates Association, otherwise known as CASA. CASA helps train and develop volunteers to speak in court for the protection and welfare of abused and neglected children. LB199 would enhance this Legislature's current commitment by appropriating an additional \$500,000 from the General Fund for fiscal year 2019-2020 and 2020-21 to the Supreme Court for, for Court Appointed Special Advocate state aid. Each of us is aware of the enormous need to do all we can to address the issues surrounding abused and neglected children. The issues that are facing families in this state are daunting. However, one of the bright spots that I

have found is the beneficial role that Court Appointed Special Advocate volunteers play in our system. CASA volunteers do an extraordinary job for us throughout this state acting in many cases as the child's only constant in a sea of changes. It is the CASA volunteer who provides them with the consistency that we expect from those who work with our most vulnerable youth. In particular, I have been impressed by the efforts of the CASA volunteer system here in Lancaster County. Following me in testimony today will be Corrie Kielty, the executive director of Nebraska CASA. And she will be here to testify about the overall effect that this funding can have across our state. What I believe we will hear is that, first, we need to have more CASA volunteers working throughout the state in those cases where it is truly needed. Second, we need to expand the CASA volunteer program into these counties across the state where they currently do not exist. I hope you will listen to this testimony and provide the additional funding requested. I thank you for your consideration, and I'd be happy to answer any questions.

**STINNER:** Questions?

**DORN:** Oh,--

**STINNER:** Senator Dorn.

**DORN:** Thank you, thank you, Senator Stinner. I, I know I should know more about special court appointed special helpers or whatever. Explain that a little bit.

**WISHART:** Yes, so-- the, the people following me will be able to explain it in,--

**DORN:** OK.

**WISHART:** --in a lot more detail but I'm, I'm happy to give you kind of the 30,000-foot view. When a, a kid in foster care is going through the court system, we have this incredible organization across the state where they will appoint a person who's entire job as a volunteer is to be an advocate for that child in the court system. So what's amazing-- my husband and I were licensed foster parents, and so I have some personal experience in the-- in how the foster care system works. And one of the concerns that I have is a lot of times especially with the most vulnerable kids, they don't have one adult in their life, when you have caseworker turnover that's consistent, when you have biological parent issues, when you have a kid that's jumping from foster home to foster home so that kid may not have one person that is consistent in their life. And what's incredible about the CASA system is that it allows for people who otherwise may say, I, I don't have the time commitment to be

a foster parent but I do have the time commitment to volunteer and be sort of an advocate for this child for their life within the system as a volunteer to help them navigate a really complex court system.

**DORN:** Thank you.

**WISHART:** Yeah.

**STINNER:** Thank you. Additional questions? Seeing none, thank you.

**WISHART:** Thank you.

**STINNER:** Good afternoon.

**CORRIE KIELTY:** Good afternoon, Senator Stinner and members of the Appropriations Committee. Thank you for your time this afternoon. My name is Corrie Kielty, C-o-r-r-i-e K-i-e-l-t-y. I am the executive director of the Nebraska Court Appointed Special Advocates or CASA Association. We would like to thank, Senator Wishart, for introducing this bill and also for supporting CASA over the years. Long before she was a state senator she was a supporter of CASA, and, and we appreciate everything she's done for us. I'm gonna provide you with an overview of CASA in Nebraska and the use of state funding

received for the last eight years. I will also overview our plans for continuing to serve and expand our services to children who are abused and neglected. There are also two local program directors here and they will talk with you about the local program perspective and exactly what we do as a CASA program. We are asking you to continue state funding to CASA program so we may continue to serve the 2,046 children that were assigned to CASA volunteers by Nebraska judges in 2018. We will also continue expanding CASA programming so that every child in Nebraska who needs one has a CASA volunteer. The first CASA program was established in Nebraska in 1986. I gave you a CASA fact sheet, the colored sheet. And on the opposite side of it you will see that on the right-hand side, I have a list of our 21 programs and the 48 counties that they serve. Sixteen of those counties were added to, were added to our service area due to the funding that we have received over the last eight years from the state of Nebraska. Eighty percent of the Nebraska CASA fund has been designated for grants to local programs. These grants subsidize the recruitment and training of new volunteers. We have increased the number of volunteers statewide from 412 in 2010 to 824 in 2018. So we've had over 100 percent increase. The CASA fund has also allowed us to expand into 18 additional counties. Most of this has been done through expansion of

current programs. You will hear from one of our local directors in Cheyenne County. This local program has not only expanded in this time but also was started during the period that we received state funding. Lincoln County was also added where North Platte is in 2012. We began services to children in Buffalo County in 2012 as well. Last year, this program, which also serves Kearney County, served 196 children. They achieved their goal of serving 100 percent of children in foster care in 6 short years and that is no small task to be able to recruit enough volunteers to serve all children in foster care in, in 6 years. Although we served 888 more children in 2018 than 8 years ago, there are still more than 2,000 children in the foster care system with no CASA volunteer. Additional funding is needed to continue, to continue serving more children. Program funds are being stretched further and further as we increase the capacity and size of our services. We have plans currently to expand into four more counties and by that I mean over the next year. We also have been working with local nonprofits in very rural areas to find ways to start programs in counties with very few children in care. Although we partner to save costs and we work with every local program to raise their own program funds, the investment of the state of Nebraska and to CASA volunteers is essential and saves the state more than its investment. In

addition to program expansion, recruiting, training, and retaining volunteers with the CASA fund, Nebraska CASA has also conducted statewide evaluation of our programs to ensure we are providing quality service with these funds. We also fund our statewide data system and provide an annual volunteer conference. Finally, I'd like to address the cost benefits to our state as a result of CASA programs. National studies and one conducted by Creighton University on the Douglas County CASA program have extrapolated the cost analysis to the Department of Health and Human Services based upon children who are assigned a CASA volunteer. A child served by a CASA volunteer spends on average four to five months fewer in care than a foster child without a CASA volunteer. If every child had a CASA volunteer that reduced time in care is an estimated \$12.5 million per month which is \$50 to \$62.4 million annual savings to the state of Nebraska. Now this is based on 2009 costs of simply housing foster children. It does not include other costs to the state or the increased costs that we've seen since 2009 for housing foster care children. Children in care with the CASA-- with CASA, CASA volunteers also have fewer placement changes. These children also reenter the system at a lower rate of 1.4 to 9 percent. Those children without a CASA volunteer average reentry into the system at a rate of 16 percent. CASA is an incredibly

cost effective program. We utilize volunteers to provide as much direct service to abused and neglected children as possible while also ensuring our volunteers are background checked, fully trained, and supported by qualified staff. We operate under the Court Appointed Special Advocate Act in the Nebraska statute. The funding in LB9-- 199 provides Nebraska CASA programs with the opportunity to continue these needed cost effective services for abused and neglected children and also to grow our services. We are asking the Nebraska Legislature to continue your prudent investment in CASA. Do you have any questions?

**STINNER:** Thank you. Questions? Let me just ask one question. We've seen-- we've heard from, from the judge and we've seen statistics less and less out of home placements trying to keep the child in.

**CORRIE KIELTY:** Yes.

**STINNER:** Have you seen that also from your volunteer side of things?

**CORRIE KIELTY:** So our volunteers are trained that the best place for a child is at home. But when that home is not safe we don't want them there. So what happens when they're removed from the home is a plan is put in place to make the home safe. And what



we see is when there's a CASA volunteer on the case those children are receiving more services that get them back into the home usually faster or if, unfortunately, what ends up happening is the, the children go up for adoption because the parental rights are terminated because no safety can ever be achieved. That also happens faster. So they remain in foster care a shorter period of time which is really the most difficult period of time for children because they have no surety, they have no control. They're not living with people who are going to be their permanent home.

**STINNER:** Thank you. Additional questions? Senator Hilkemann.

**HILKEMANN:** I noted on your map here that northern Nebraska has very few-- well, is this because you can't find volunteers or you don't have the work force to go up there and recruit the volunteers?

**CORRIE KIELTY:** It's the cost of setting up a program that I have found to be our difficulty in those counties. So, yes, there are very few children in care in very large geographic areas. Right? So we're not gonna serve a lot of kids, but we still want to serve every child. So we try to set up a program. In order to have it in place, we have to be prudent and it has to be a program that does background checks of our volunteers, that

trains them appropriately, and that uses the curriculum that's approved for our volunteers. So we can't just use a volunteer to create a program. And that's why we've been looking at other nonprofits to try to partner with them. And a great example is, I've been working with a woman who, who is wanting to volunteer and Ainsworth to try to start a program up there. And so I have contacted local nonprofits to say, you know, would you consider having CASA as one of the programs under your 501(c)(3) agency? And unfortunately they deal with the same issues that we deal with. There's very few people they're providing service to in a very large geographic area. There's not a lot of funding. So it's very hard for them to add another program into what they're already doing. So that's one of our biggest challenges.

**HILKEMANN:** Do you have-- you have a lot of local agencies that also help fund the CASA program?

**CORRIE KIELTY:** Counties help fund the CASA program because it saves them money because they're the ones that pay the guardian ad litem that serves the children in court. And then, yes, we have United Way, local foundations, and all of our programs hold their own local fundraisers and ask for individual donations in their communities.

**HILKEMANN:** So what percentage of your total funding comes from the state?

**CORRIE KIELTY:** For the entire state?

**HILKEMANN:** Yeah.

**CORRIE KIELTY:** Sorry, I have to,--

**HILKEMANN:** [INAUDIBLE]

**CORRIE KIELTY:** --I have to kind of try to add up our local program budgets and my budgets together. And it's, it's--

**HILKEMANN:** Pretty puny.

**CORRIE KIELTY:** Pretty puny. [LAUGHTER] It's less probably than 1 percent, yep.

**HILKEMANN:** OK.

**STINNER:** Additional questions? Senator Erdman.

**ERDMAN:** In your comment-- thank you, Senator Stinner. And thank you for coming. In your comments you said you are appreciative of Senator Wishart's support of increased funding. What is your current funding from the state?

**CORRIE KIELTY:** Three hundred thousand dollars.

**ERDMAN:** So you get 300 now,--

**CORRIE KIELTY:** Yes.

**ERDMAN:** --and it's an additional 500 or is it 500 total?

**CORRIE KIELTY:** It's an additional 200 for 500 total.

**ERDMAN:** OK, thank you.

**STINNER:** Additional questions? Seeing none, thank you.

**CORRIE KIELTY:** Thank you.

**STINNER:** Afternoon.

**KRISTA BRUNS:** Good afternoon. Thank you, Senators. Good afternoon, my name is Krista Bruns, K-r-i-s-t-a B-r-u-n-s, and I am the executive director of the PlainsWest CASA Program located in Sidney. Our local program is 1 of 21 in Nebraska that recruit, screen, train, and support volunteers who are appointed by the judge to advocate for abused and neglected children in the courts. The CASA fund has been the key to the growth of CASA programs across Nebraska. Our program began with the funding in 2011 in Cheyenne County through the request of County Court Judge Randin Roland and these state funds have been a central growth to the growth of our program. In 2016 our CASA program

expanded into Kimball County Courts and then the following year we expanded into Deuel County Courts, again at the request of Judge Roland. Last year our volunteers served 58 children that are in the court system in our area. This would not have been possible without the state funding. In Cheyenne County, we have experienced multiple challenges due to the buyout of our largest employer. The loss of jobs in our community has created a loss of population in which turns a loss of our local funding. Our program has also experienced turnover in my position with me being the fifth program director in the last eight years. I would also-- I would like to share a story about one of our cases. We currently have a 12-year-old girl, girl who's been placed into foster care for the third time in her life due to her parents using drugs and neglecting her and her siblings. She was a priority case in our-- due to her age and the number of times in the child-- children welfare system. Our organization was fortunate enough to be able to assign one of our newer advocates to this girl-- one case-- at one month after the case began. Shortly after the case began, the young girl was taken to the hospital and then transported to Denver for more testing, then to be diagnosed for type 1 diabetic. Her CASA has been that consistent person in her life, meeting with the girl every Sunday at every same, at every same time. The CASA listens to

her and attends the family team meetings and court hearings on her behalf. After meeting with her on building this relationship she expressed the concerns that she didn't want to do visits with her Mom because her Mom doesn't know how to treat her illness. The CASA then wrote this concern down in her court report and recommended it with the rest of the court and the professionals in the case which were eventually adopted to the court. The CASA re-- recommended in her court report that this youth be allowed to choose not to attend her family visits with her mother. And the court agreed that due to her age and the child and number of times in her care that she should absolutely be given the right to choose to attend the visits or not, as long as she attended counselling and created a plan for future visitations taking a more child-focused approach on the CASA's recommendation. In summary, we're asking for you to continue funding to keep our effective, cost-saving volunteers in place for the children in our system. We are also asking for additional funding so that we can continue to grow in Nebraska and serve more counties and more children in need. Our foster children deserve a voice as they are going through this very difficult time in their lives. Thank you for your consideration. Do you have any--

**STINNER:** Thank you. Questions? Senator Erdman.

**ERDMAN:** Thank you, Senator Stinner. Thank you for coming all that way from Sidney. I appreciate it. So how many volunteers do you have in your program?

**KRISTA BRUNS:** Currently, we have 17.

**ERDMAN:** Seventeen, OK. Later on in your comments you said that because of Cabela's being bought out, you lost a larger employer. It's created a large lost in funding.

**CORRIE KIELTY:** Yes, sir.

**ERDMAN:** Can you explain that?

**CORRIE KIELTY:** In the last two years we have experienced at least a \$25,000 loss.

**ERDMAN:** And what-- how was that loss-- was it--

**CORRIE KIELTY:** That was major donors that were part of Cabela's that have been moved out and part of a fund raiser that we used to do.

**ERDMAN:** OK, that makes sense. I just-- I was curious. OK, thank you.

**CORRIE KIELTY:** You're welcome.

**STINNER:** Additional questions? Seeing none, thank you.

**CORRIE KIELTY:** Thank you.

**STINNER:** Good afternoon.

**DAWN ROCKEY:** Good afternoon, Chairman Stinner and members of the Appropriations Committee, my name is Dawn Rockey, D-a-w-n R-o-c-k-e-y, and I am the executive director of CASA for Lancaster County. In 2018, CASA for Lancaster County had 106 volunteers advocating for the best interests of 236 abused and neglected, truant, and ungovernable children here in Lancaster County. Ninety five of those 236 children and youth achieved permanency or case closure last year. The CASA fund has enabled our program to continue to grow and serve more children. Approximately 10 years ago, CASA for Lancaster County was serving roughly 23 percent of the children in the system in Lancaster County eligible for a CASA volunteer. Through increased support from the CASA fund, we've been able to increase that to 42 percent of the children and youth in the system. The vast majority of children referred to our program are referred by our judges due to the complexity of the case and due to the lack of progress towards case closure. The cases we receive often have multiple issues and the judges want another set of eyes and ears on the case. CASA volunteers and staff are trained to think outside of



the box about services and programs that are in the best interest of the children and will help address the adjudicated issues. CASA volunteers focus on the needs of the children and help ensure that necessary programs and services are received by the children and parents. CASA volunteers concentrate on moving the case forward, advocating for permanent placements, and ensuring that children would be safe if they are returned to their homes. Furthermore, they provide a stable adult in the lives of these at-risk children. CASA volunteers make a difference. Prior to the start of state funding in 2011, Nebraska was one of seven states that provided no state funding for CASA programs. As Corrie Kielty stated, the funding we have received from the CASA fund has enabled us to serve more children and ultimately to save the state and counties more money. As Corrie noted, cases with a CASA volunteer tend to close more quickly thereby saving funds spent on services and court appointed attorneys. In addition, children with a CASA volunteer are less likely to reenter child welfare, the Child Welfare and Juvenile Justice Systems than children without a CASA. According to the most recent data available on the For--Fostering Court Improvement Web site, the reentry rate for Lancaster County was 17.1 percent. Our program's reentry rate has been approximately 7 percent. When children reenter the

system, it's often for a longer amount of time. Fewer children reentering the system saves money. In short, CASA offers an excellent return on your investment. In the past several years HHS has moved to more voluntary cases rather than cases filed in court. These are cases where the parents accept services voluntarily without a court case filing. Voluntary cases are allowed for all types of abuse including sexual abuse and all types of issues such as meth use. Often these voluntary cases drag on for several months with little or no progress and with little or no assurance the children are safe. Many of these cases are later filed in court resulting in an even more complex set of circumstances given the additional time the abuse or neglect was allowed to continue. We often receive referrals for these cases. The judges recognize that there needs to be a new approach and want another perspective on the case. These cases are more difficult to work due to the increased trauma to the children coupled with the fact that many of the services available have already been offered but the family did not engage. Having someone on the case that can focus on the children's needs and best interests helps to ensure that the children receive the services they need and that their safety is a priority. The funding in LB199 provides grants to local CASA programs that help us increase the number of volunteers we

recruit, screen, train, and support so that we can provide quality, cost effective advocacy services to more children. It's my hope that the Nebraska Legislature will continue your prudent investment in CASA and will help us be the voice for more abused and neglected children statewide. Thank you.

**STINNER:** Questions? Senator Erdman.

**ERDMAN:** Thank you, Senator Stinner. Thank you for coming.

**DAWN ROCKEY:** Um-hum.

**ERDMAN:** Interesting program. So tell me you have 106 volunteers and 236 children,--

**DAWN ROCKEY:** Um-hum.

**ERDMAN:** -- so that's about two each. Is that a normal-- two, two children per volunteer?

**DAWN ROCKEY:** Yes. We've ranged-- and I've been the director here in Lancaster County for 12 years. And so we've ranged anywhere from about 2.1 children per volunteer to as high as 2.4. There's kind of a cyclical effect. Some years we'll have kids enter our program in ones and twos and other years it's in sibling groups of three and four. So it kind of-- you know, works out to that 2.1 to 2.4 per volunteer.

**ERDMAN:** If you have siblings entering the system,--

**DAWN ROCKEY:** Um-hum.

**ERDMAN:** --would they be seeing one counselor or two?

**DAWN ROCKEY:** Generally, they have one CASA volunteer.

**ERDMAN:** OK.

**DAWN ROCKEY:** Depending on the age range of the children, the service providers could be different if, if-- to give you an example, I have one family that I've been working with and it's a group of, of three brothers. They're all in separate placements. Their types of trauma that they suffered when they were with their parents and the trauma that they've suffered in care is all different. They, they see different therapists. They have different permanency plans. It, it just can kind of shake out differently for, for kids. But our emphasis is like everybody else is we want siblings to stay together when they can. And we try to make sure our volunteers are staying on top of each of the children that they're assigned to.

**ERDMAN:** So-- and if I were a volunteer with CASA, how much time would I put in a week or a month, whatever?

**DAWN ROCKEY:** We ask volunteers to see the children at least once a month. Most of our volunteers report-- the first month they're on a case, it's pretty heavy. It's pretty time intensive because you're reading everything and, and meeting everybody. That could be as many as maybe 10 or 12 hours that month. Going forward, 3 to 6 hours a month--

**ERDMAN:** OK.

**DAWN ROCKEY:** --is what we typically see.

**ERDMAN:** So that visit would last how long? It, it depends on where you're seeing them, usually an hour or a couple of hours. If, if I go see a kid at school I may be only seeing him 20 minutes so.

**ERDMAN:** OK, thank you.

**DAWN ROCKEY:** Um-hum.

**ERDMAN:** You've been helpful.

**STINNER:** Senator Dorn.

**DORN:** Thank you, Senator Stinner. Thank you for coming.

**DAWN ROCKEY:** Sure.

**DORN:** I, I-- several of the ones that have talked here today and one of the issues I or I seen here several times is it's because of our growing issues with drugs or whatever.

**DAWN ROCKEY:** Um-hum.

**DORN:** And, and I, I-- I'm assuming the parent-- they've been tested or whatever or the-- if you can't tell me that's fine, are the children then tested-- or how do you know what their level or--

**DAWN ROCKEY:** Sure.

**DORN:** Yeah, I'm--

**DAWN ROCKEY:** With-- especially with methamphetamine, the parents-- well, of course, I don't want to get into the whole drug testing policy that changed with HHS but let's just say that the parents are tested, we would know that they used methamphetamine. For children to be exposed to meth because meth is often smoked, it can be absorbed through the skin or absorbed and then detected in like hair follicle testing or skin swabs and we've requested that kind of testing with kids that we think are still in that type of environment.

**DORN:** Because I mean that, that is, I guess, a level of concern  
for--

**DAWN ROCKEY:** Very much so,--

**DORN:** Yeah.

**DAWN ROCKEY:** --very much so. And meth is still very prevalent.

**DORN:** OK, thank you.

**STINNER:** Any additional questions? I have-- there's 21 CASAs  
listed--

**DAWN ROCKEY:** Right.

**STINNER:** --on this, and there's \$300,000 and I was looking and  
it says-- states that the Supreme Court shall award grants. So  
apparently each one of these has to put an annual grant  
together?

**DAWN ROCKEY:** Yes. I write both the grant report and a grant  
application each year.

**STINNER:** So you get a request from the local CASA?

**DAWN ROCKEY:** Well, I am the local CASA program.

**STINNER:** OK, so you would submit to the Supreme Court for funding?

**DAWN ROCKEY:** Actually, we submit to Nebraska CASA. So the money flows to Nebraska CASA and then they have to administer it in grants out to the local programs.

**STINNER:** But you would submit your request, and say--

**DAWN ROCKEY:** Um-hum.

**STINNER:** --that your request is \$40,000. They would then look at all the requests and allocate the \$300,000 accordingly. Is that how it works or--

**DAWN ROCKEY:** We've-- and I was part of the, the group that when we first got state funding trying to figure out how we were gonna do this. There's actually a funding formula that, that looks at a base amount for each program to aid recruitment efforts.

**STINNER:** That's 80 percent, 10 percent for create innovative programs and 10 percent--

**DAWN ROCKEY:** Right.

**STINNER:** --shall be expanded [INAUDIBLE]--



**DAWN ROCKEY:** Of that 80 percent though the, the funding formula for each local program includes an amount that is a base amount that would be used primarily for recruitment. So that could be for a holding recruitment events, for advertising, for-- however in your local area works to recruit volunteers. And then the other part of the formula was based on the number of volunteers that you had assigned to children the previous year. We used to try to do projections of how many new volunteers--

**STINNER:** OK.

**DAWN ROCKEY:** --we were gonna train, that it can be so easily skewed and, and is sort of out of your control. However, the funding formula now is based on so many dollars per volunteer. So when I do my application to Nebraska CASA, I have an idea of how my numbers will work out in that funding formula and I submit a grant application for that amount.

**STINNER:** OK, what I'm really trying to get to, is it oversubscribed at \$300,000, and if we go to \$500,000 will that be sufficient or--

**DAWN ROCKEY:** It-- it'll, it'll get us a lot further than the current \$300,000. Of my budget-- my overall operating budget for CASA for Lancaster County, there's four of us on staff. We train

30 to 40 new volunteers a year. I have 106 volunteers assigned each year. The funding that I receive through the Nebraska CASA fund is about twelve and a half percent of my total budget. Could I train more volunteers if that was increased? Yes. And so I would say it's-- there's definitely more need than is funded by the \$300,000.

**STINNER:** OK. Senator Erdman.

**ERDMAN:** Thank you, Senator Stinner. Your last comment provoked a question.

**DAWN ROCKEY:** Sure.

**ERDMAN:** So if you get twelve and a half percent from the state where does the other eighty-- eight seven and a half come from?

**DAWN ROCKEY:** I'm a pretty good grant writer. I write a lot of grants so I-- about 38 percent of our funding is foundations both state-- or both local and regional foundations. We're a United Way agency. We raise our own funds from corporate partners, individuals. We have one federal grant that comes through the Crime Commission. But we-- you know, we look for a variety of funding sources.

**ERDMAN:** OK, so what would your total budget be?

**DAWN ROCKEY:** My total budget for this year is a little over \$300,000.

**ERDMAN:** OK, thank you.

**DAWN ROCKEY:** Um-hum.

**STINNER:** Any additional questions? Seeing none, thank you.

**DAWN ROCKEY:** Great, thank you.

**STINNER:** Any additional proponents? Seeing, none, any opponents? Seeing none, anybody in the neutral capacity? Seeing none, Senator Wishart.

**WISHART:** Would you like me to come back up or I can just waive?

**STINNER:** You can waive. Senator Wishart waives closing. So that concludes our hearing on LB199. We'll now open the hearing on LB625. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you Chair, Chair Stinner and members of the Appropriations Committee. For the record, I am Patty Pansing Brooks, P-a-t-t-y P-a-n-s-i-n-g B-r-o-o-k-s, representing District 28, right here in the heart of Lincoln. I am here today to introduce LB625, a bill that would, would provide much needed resources for prison programming to help reduce our overcrowding

crisis. As we also know, we, we have until July 1, 2020 to get our prisons down to a 140 percent of design capacity. If we are over 140 percent of de-- design capacity at that time an overcrowding crisis shall exist and the Board of Parole shall consider or reconsider committed offenders for suitability for accelerated release on parole until which time we are at operational capacity of 125 percent. In, in this past January, Director Frakes, indicated to us that he doesn't think we will get to 140 percent by July 20 of next year. I know from my previous work chairing the LR34 Department of Corrections Special Investigative Committee, that there is a vicious cycle of problems going on in our correctional system. Our overcrowding problems lead to understaffing and assaults which leads to lack of programming which leads to parole ready individuals jamming out which leads to recidivism which then leads to more overcrowding. I have come to believe that we must tackle these programs-- these problems on all fronts in order to alter this dynamic. LB625 appropriates \$5.8 million to the Nebraska Department of Corrections for programming, programming portables, and programming staffing costs. Last year, the Legislature appro-- appropriated \$5.8 million for a 100-bed dormitory. So this would be a similar appropriation. We know lack of programming is one of the main contributors to our

overcrowding crisis. Too-- and too many inmates are being deferred when they come up for parole due to the fact that they have not received a clinical programming that the Board of Parole requires. Further when these deferrals happen, the state is not acting in a systemic way to get these individuals into programming. The end result is that more people are staying in prison longer at taxpayer expense and then at greater risk to our communities jamming out. I brought another bill, LB133, this session to help rectify the problem by requiring the department to find out from the Board of Parole when a person has been deferred for parole based on programming deficiency and to respond by offering the programming within 30 days. I have submitted a packet of five information sheets for the record that were put together by the Nebraska Parole Administration. The first sheet shows that in 2018 of the 3,000 parole deferrals, 1,766 or 58 percent did not have the required correctional treatment needed. This was the total number of deferrals not an individual account of specific individuals denied parole. So this means many of these individuals reviewed for parole could have been deferred multiple times for the same reason, most often a lack of programming. I had previously received additional data from parole administration that showed how many parole hearings there were in 2017 and why they were

denied. Keep in mind that not everyone who has reviewed for parole gets a hearing. This hearing's data shows that of these hearings, 308 people were denied parole for reasons categorized as, quote unquote, other, which was by far the largest reason. Curious as to what, quote unquote, other meant, I asked Parole Board Chair, Rosalyn Cotton, previously to break those, quote unquote, other numbers down. And the numbers show that they were denied parole because they didn't have the required programming. This information is on page-- pages 2 and 3 of your handout. Page 4 shows an updated parole hearings sheet that indicates the same issues with lack of programming through-- although parole reclassified some categories from 2017. On the fifth page of your handout on the bottom you will see the numbers on types of offenders which shows that most of those who came before the Parole Board are nonviolent offenses, about 66 percent by our calculations. Also we know that at least 95 percent of individuals-- individuals in our prison system will be released back into the communities at some point according to the Bureau of Justice Statistics. We need to prepare them for life on the outside so we're all safer and we don't have to keep paying for them to come back into the prisons. I am also handing out two case plan documents put out by the Nebraska Department of Corrections to establish procedures for the development of personalized case

plans for each inmate. One of these case plans is from 2017 and the other is the updated document from 2018. I'm handing these out because I believe how-- that they show how the departments own programming goals are being reduced under the administrative regulations. For instance in 2017, the regulations state that, quote, clinical programming should be completed within the first third of an inmate's sentence. Nonclinical programming should be completed by the two-thirds point in an inmate sentence. And the last third of an inmate's sentence should be devoted to specific discharge planning, end quote. This specificity of programming is completely removed in the 2018 document. The frequency of personal case plan reviews with inmates have also been specifically reduced from 2017 to 2018. The problems with staffing are contributing to this problem as case managers are being moved to security detail because of understaffing which was confirmed at the briefing many of us attended with frontline staff. So my concern is that at the time when we need increased attention to programming for parole eligible individuals to reduce overcrowding, we are actually seeing programming being further diminished in priority. Since the department is already supposed to be providing programming prior to the first parole eligibility date according to Nebraska Revised Statute 83-1,110.01, we need to ensure a process is in place for

accountability. The LR127 committee's report in December of 2017 said, quote, the Department of Correctional Services should continue to prioritize its efforts to provide adequate and timely programming opportunities to inmates to ensure they are properly prepared for reentry into the community and to ensure that they are parole ready to alleviate overcrowding, unquote. Currently, there are 927 inmates in Nebraska who are past their parole eligibility dates according to data received from the parole administration. In the next 6 months, another 500 will receive-- will reach their parole eligibility date. I brought a bill last Friday before the Judiciary Committee, LB131, to reestablish the one-third rule, a sentencing reform measure to help address our prison overcrowding crisis. I first brought that bill in 2015 to restore an element of sentencing policy that was previously in Nebraska-- in place in Nebraska and worked effectively and was also supported by CSG, the Council State Governments, in our work on LB605. The one-third rule was originally part of the 60-- LB605 package in 2015, but was taken out because some argued that LB605 was strong enough to reduce overcrowding without it. In hindsight, we now know that the elements of LB605 were not enough. I tell you this because at the hearing for this bill on Friday we had opposition testimony from the Attorney General's Office. They had county attorneys



and the Omaha Police. They in-- all insisted we should not be looking at sentencing reform to fix the overcrowding crisis but that we should put more money and resources into programming. I told them I had a bill up today, Monday, to put more money into programming and I invited them to attend the Appropriations Committee to tell you the same information. I'm not sure if they're here but I'm hoping they are. I believe that the only way that we can solve overcrowding is through sentencing reform and money for programming and staffing. But one thing is clear to me we cannot do-- what we cannot do is sit on our hands and look the other way. Also what we cannot do is to try to build our way out of this. In bringing this appropriation bill, it is my hope that it spurs more honesty about the pro-- problems. I know that this is another tight budget year and that you're dealing with all sorts of, of issues including issues that are compounded by the significant dollars we're going to need to help rebuild Nebraska after the storms and flooding. But something has to be done or the prison costs are going to keep rising exponentially. So in closing, I hope you're able to find the money for one of our most urgent priorities, prison overcrowding. Thank you.

**STINNER:** Thank you. Senator Wishart.

**WISHART:** Well thank you, Senator Pansing Brooks, for bringing this bill and for your continued work on helping us address this crisis. So I just want to be clear about the numbers. There are 308 individuals for who in 2017 who-- their reason for denial who are parole eligible and their reason for denial was because they didn't get sufficient programming.

**PANSING BROOKS:** That's correct.

**WISHART:** Three hundred and eight.

**PANSING BROOKS:** [INAUDIBLE] back to find-- is that what I just read to you?

**WISHART:** Yeah, yeah.

**PANSING BROOKS:** Yes.

**WISHART:** So--

**PANSING BROOKS:** Yes, 308 people were denied for other, and then once I, I asked Parole Board Chair Rosalyn Cotton she kindly got me the information and almost all of it was due to programming.

**WISHART:** So how many people are currently parole eligible in our state? Do you have that number?

**PANSING BROOKS:** Yes, sorry, just had-- read that. Currently, there are 927 inmates who are past their parole eligibility dates, and in the next six months 500 more will reach their parole eligibility date.

**WISHART:** And do you have the number of, of individuals-- assuming that we address the flow of people into our corrections system and we stabilize that, do you have the number of people we would need to, to safely work through them getting the programming they need within-- before 2020 so that they will be able to reenter into the community. What is that number that will, will get us to 140 percent and stop the state of emergency?

**PANSING BROOKS:** I, I need to recheck that. But I can, I can, I can look that back up. And you know, it's funny because my bill on the one-third rule last year would have put us at the 140 percent-- underneath 140 percent. We would have been good and saved, saved quite-- at, at least 5 to 6 million dollars per year. That was a minimum they-- it was 5 to 18 million dollars per year. So that just didn't make it because-- you know, some of the county attorneys and others did not want to do any kind of sentencing reform. And again, we have to have all types of reform. And if we're imprisoning people that, that are

nonviolent and aren't the greatest risk to our society we've got to be doing some things and helping get them the programming to get them the heck of prison as long as they're not a threat to our society.

**WISHART:** One of the concerns and I'd be interested in your perspective on this just because you become an, an expert in this space from, from your work on the committee. One of-- one of the concerns that I have, that I have heard from people who work within corrections is that when you have an overcrowding system and you have people who are, who are maximum security people where-- you know, truly is a reason to be, to be afraid--

**PANSING BROOKS:** Concerned, yes.

**WISHART:** --and concerned.

**PANSING BROOKS:** Um-hum.

**WISHART:** Intermingling with people who are medium to more minimum security, the problem is that you see people who are minimum or medium actually becoming more-- it's, it's they're not being rehabilitated.

**PANSING BROOKS:** Right.

**WISHART:** You don't see the maximum security sort of changing their perspective because they're around people who are more minimum. So my concern is that if we don't address those who are parole eligible and those who are nonviolent, the longer they stay the more influenced they may be by, by people who are not a good influence on them.

**PANSING BROOKS:** Yes, and if, if they can't have positive contact with, with the staff and those who are trained in programming to help people rehabilitate and instead they're only mainly in contact with the people who are the most worrisome in our society then-- you know, they're going to tend towards the connection with, with those people. So you're exactly right. If, if we want to help this situation we need to get people in their programming and helping rehabilitate because that's what our-- as I said, 90-- about 95 or 96 percent come out of prison. So if we want our communities safe, why would we not be making sure that they get the correct programming? So I finally just decided I'm gonna bite the bullet and bring a bill even though it's a whacking amount and I, and I don't even know-- I, I mean many people said it's gonna be more than five million. So this is not even sufficient. But we have to do something and it's great if we want to just turn, turn the other way and presume that everything's gonna get better but we're not doing our due

diligence to make sure that our communities are safe by the people who are released back in our communities without the required requisite. Because what happening is they're, they're jamming out. And so as we saw with the most infamous jam out, Nikko Jenkins, when somebody jams out they haven't had any kind- - any of the, the training and the programming necessary and they're out in the community again with, with no hope and no help.

**STINNER:** Additional questions?

**DORN:** Yeah.

**STINNER:** You have a question? Go ahead, Senator Dorn.

**DORN:** Thank you, Chairman. Thank you, Patty, for bringing this, Senator Brooks. So your bill is aimed more at the \$5.8 million is probably because we don't have the programs or we need more additional people to run the programs or what's your thoughts on that?

**PANSING BROOKS:** Well, we need people-- we need-- you know, right now we-- I added portables because we don't necessarily have the room. The overcrowding crisis is causing the problem where there aren't even the rooms to take people to the programming to, to be able to get the programming and we don't have enough staff to

take them. So again, this is the whole vicious circle. And the problem is that for whatever reason the Department of Corrections has decided they are not-- that they are fine and they're not gonna ask us for any more money except what was initially requested. So we know in Judiciary and, and elsewhere the, the programming is one of the key things that we are lacking. And so if they won't ask for it, I feel it's our duty to say, there needs to be money for programming. We've got to figure it out. And if-- and just say, well, then there's not room then we'll, we'll provide some portables just like they did at the schools when, when there has been a problem with overcrowding at the, at the high schools and stuff. So I thought-- and all of them, but I thought, well, that's one way we can solve some of this.

**DORN:** Thank you.

**STINNER:** Just, just for the record there is a request for additional programming. Two hundred and fifty thousand, two hundred fifty thousand in the request and I'm just gonna read this out loud. These funds will provide programming opportunities for more individuals targeting those who are parole eligible. The increased program would allow more individuals to complete the programming and it goes on to talk

about, will be-- estimates inmates participating in programs will increase 25 percent as a result of an additional funding of 188 inmates. We do currently spend almost 17-- \$16.6 million on programming. A lot of it mental, drugs, education, and so on and so forth. And we still can't seem to get enough folks when they're up for parole out on parole--

**PANSING BROOKS:** No.

**STINNER:** --because of programming or, or maybe they haven't finished their programming. Is that what I understand?

**PANSING BROOKS:** That's, that's what we're hearing in Judiciary.  
So--

**STINNER:** And if you could give me that number again about parole eligible that aren't capable of getting out because of programming?

**WISHART:** Three hundred and eight.

**PANSING BROOKS:** Well-- pardon me?

**WISHART:** Three hundred and eight.



**PANSING BROOKS:** Yeah, 308. Let's see, 308 were denied parole for reasons of other. But that, that-- so right now though what we need to think about and-- you know, this is-- these are the--

**STINNER:** I thought it was a bigger number. I thought it was 700 or--

**PANSING BROOKS:** Yes,--

**STINNER:** --900.

**PANSING BROOKS:** --currently 927 are past their parole eligibility dates and in six months another 500 will reach their parole eligibility date.

**STINNER:** Now that doesn't mean that just because they went through programming--

**PANSING BROOKS:** No.

**STINNER:** --they'd be allowed to be out.

**PANSING BROOKS:** No, and I do-- and I had, I had a bill to say, if, if they come to the Parole Board I want the Parole Board to communicate with corrections and say, OK, we're denying them because of these reasons like they don't have their anger management class or they haven't had their addiction training.

And then the goal is to have corrections put them into training. My concern is the fact that corrections has now totally changed their, their regulations regarding how people are going and when they're going to get any kind of programming. It's just basically they've taken, taken it out where, where they had in 2017 complete requirements about when they're going to get-- when in their-- during the time that they're serving they're going to get some kind of programming. So in the first third of the inmate's sentence, nonclinical programming should, should, should-- or in the first third clinical programming should be completed. Because if it's clinical programming, it's, it's often about anger management and you can imagine that that really affects the staff. It's important for staff that people that need anger management are getting that, that kind of program early in their, in their sentence so that they're, they're able to understand and deal with that way better. That's a protector for our staff that are, that are working in the prisons. Then nonclinical programming should be completed by the two-thirds point in an inmate's sentence and the last third should be devoted to specific discharge planning. And again, we're just trying to get people to be safer when they are released from prison and able to move on with their lives and not dealing with the same issues. Clearly, when people jam out

they don't have the post-release supervision. And so that's why we're trying to split those sentences a little bit more so that, so that they can go before the Parole Board, get some of their programming, and then be encouraged to go on post-release supervision so we can watch to make sure that, that things are going well as they assimilate back into our communities.

**STINNER:** The biggest problem that I think that they have had is finding people to administer the programming.

**PANSING BROOKS:** Exactly, that is, that is a problem, problem.

**STINNER:** We-- do we--

**PANSING BROOKS:** Just like building the prison, they're gonna have the exact same issues about finding people to staff that prison.

**STINNER:** I understand that, yes.

**PANSING BROOKS:** We've just, we've just added-- and that's why I chose \$5.8 million out of the blue. I thought, well, we're gonna build new beds. Then we could put that money to programming as well. And either way, I think that, that putting more money towards programming is gonna help us more than just adding another facility which we'll just keep filling because we don't

have the programming and we don't have the staff. I mean--  
again, this is a vicious cycle and at some point we have to say  
stop. We cannot keep building ourselves out of this problem.

**STINNER:** Do you have any analysis of the trends-- we got what  
927 that were available or eligible for parole but weren't  
paroled. Is-- can you do a look back before LB605 and tell me  
what the [INAUDIBLE]--

**PANSING BROOKS:** Yes, I can get you that information and then  
I'll get that to you.

**STINNER:** I'd like to, I'd like to see that-- just to see if--  
is, is it going down or is it--

**PANSING BROOKS:** Since LB605, we're not, we're not making that  
downward mark like we had hoped.

**STINNER:** OK, additional questions? Senator Hilkemann.

**HILKEMANN:** So, Senator, what you're saying, what I just heard  
you saying is that if you had the choice, you'd put the \$5.8  
million into programming than \$5.8 million into brick and  
mortar.

**PANSING BROOKS:** Yes, because we haven't solved anything about  
healing the people that are, are in the prisons and then we just

end up jamming them out and they go out in the same mess and painful situation that they were in before and something happens and they come right back in. So we're just, we're just filling that and we'll have to build again after that in my opinion. So whereas with programming, we have some hope of healing people and helping them to get out and move on with their lives. Our prisons are supposed to be rehabilitative and we are not doing that sufficiently.

**STINNER:** Any additional questions?

**BOLZ:** I have some.

**STINNER:** Senator Bolz.

**BOLZ:** Thanks for bringing this bill to us. Could you connect the dots a little bit for this committee between what you've heard in the Judiciary Committee and what we'll hear more about in the Appropriations Committee this afternoon about two things. One, is the actual space in the facilities to do this work if there were additional funds.

**PANSING BROOKS:** Um-hum.

**BOLZ:** What limitations do you hear about in Judiciary about the-  
- just the logistics of getting that done? And the second

question is-- you know, we'll be talking a lot about building an additional facility. Have that-- have there been ideas brought to your committee about other alternatives and concepts for addressing the overcrowding emergency?

**PANSING BROOKS:** Well, on the first question, that-- let's see, that was, sorry, I was just [INAUDIBLE]. On the first question it was about facility and space. And I, I mentioned briefly here that I've added portables to it because the space is a problem. And so-- and that's because of the overcrowding. So I thought some of those could be used to get some portables where there could be space where people could be continually having classes to help move the people through and help make our, our prisons safer, and then our communities safer. So that's one, is, is just trying to approach the whole situation, provide some space. Yes, we need more employees to be able to take them to those classes. But there are all sorts of, of groups that are willing to help the correctional system put on those classes and have done so in the past and so we can look at this as a private-public partnership in a way. So I, I think that's number one. Number two-- what was your second question, sorry?

**BOLZ:** I'm just curious if there are bills or ideas being discussed in the Judiciary Committee about other alternatives.

You know, certainly we need to take the facility's request seriously but we don't necessarily know other ideas that are on the table for addressing overcrowding. I'm just curious if there are one or two things that have come to your committee that you can think of?

**PANSING BROOKS:** Well, well, we have-- like I mentioned that I have a bill that, that addresses, that addresses sentencing reform. So again, I don't think any of this can happen without work on sentencing reform. I think that we're all responsible, this is not any one group's fault. This isn't corrections' whole fault. It isn't exec-- it isn't the executive branch's fault. It isn't the legislative fault. But it, it has been a little bit of adding and adding more to the point where we've, we've changed, we've changed our sentences so that everything's a hammer. We stack sentences. We make it way more difficult for some people who are charged with nonviolent crimes to ever-- to, to do anything to improve their lives. So that's one thing, is looking at sentencing reform. We've got, we've got some things in there but we're also looking at, at just how to move forward and do something about-- you know, the, the programming has been key. And again, it's, it's so interesting how everybody's pointing at everybody else. You know, some people think the only answer is, is, is programming and that's what we heard from the AG's

Office. And, and again, the county attorneys, they came in Friday and said, that's-- we need to put more money into programming. I'm like, great then come and support this bill. And others say sentencing reform, because we're just charging and using a hammer on every single person and doing as much as we can to put people away for as long as we can. And that all stemmed from the 90s when we decided to get tough on crime and, and just throw everybody away. Now all of a sudden we-- just like Texas and other states, Texas has had great reforms after the whole 90s when we were throwing away the key on everybody. And everybody-- they, they realize this is not good. This does not make economic sense to continue to just, just put people away and throw away the key and then let them out when it's their time. That's-- it's not working. It hasn't been working. And we have this continuing crisis because of it.

**STINNER:** Senator McDonnell.

**McDONNELL:** You said 66 percent were nonviolent offenders?

**PANSING BROOKS:** Yes.

**McDONNELL:** Out of that nonviolent offenders, do you have the percent that are drug related?

**PANSING BROOKS:** I, I can get you that quickly, too.



**McDONNELL:** OK.

**PANSING BROOKS:** I'll-- so I'll get that. Thank you.

**McDONNELL:** Thank you.

**STINNER:** Anybody else? Seeing none, thank you.

**PANSING BROOKS:** Thank you very much.

**STINNER:** Any additional proponents? Good afternoon.

**KENT ROBERT:** Good afternoon, Chairman Stinner, members of the Appropriations Committee, my name is Kent Rogert, K-e-n-t R-o-g-e-r-t, and I'm here today to support Senator Pan-- Pansing Brooks and her bill on behalf of a company called Trilogy Integrated Resources. I've been before this committee for the past couple of years to talk about the technology that this company has built and is being-- currently being deployed through the Department of Health and Human Services here in Nebraska. You're going to get a couple of sheets of paper. One of them contains two current, almost screenshots of the stuff that we're using, one is for vets, the other one is for behavioral health. But the top one is a new one that they started to roll out. We have-- we currently have four portals here in Nebraska. We have vets, behavioral health, public

health, and aging. And they have a new one out that is for prisoner reentry and what it does is it's a no wrong door type of a situation where you have one portal where someone who's coming into the community out of the system can, if they can get, get to a computer via a phone or something in that effect, they can go to the first page and think about what service they might need. They might need a call center. They might need something for jobs. They might need some help with housing and it-- pretty-- if you think about what it does, it pretty well would line up with what our behavioral health issues are. And it's-- you know, the, the good thing about it is, is Senator Pansing Brooks is looking for \$5.8 million of servicing-- service money. This would be a one-time charge of \$60,000 and as long as the behavioral health portal is maintained the prisoner reentry portal would stay with it. It-- you know, the, the chief-- I thought about coming up here on Agency 5 but this seemed a little more appropriate. The chief was talking about mental health and substance abuse problems being the main reason that people are "recidivised," where they have to go back. And we know that reentry problems related, that-- that lead to recidivism definitely contributes to overcrowding. But so if you take a look at that-- what I sent you it's a pretty simple way for us to coordinate those services. Oh, the last sheet you have

is what we're currently seeing for traffic on the four portals we have right now. And you see just behavioral health had 73,000 visits in 8-- 2018 and a 125,000 page views. The aging one is becoming a really popular one through our Aging and Resource-- Aging and Disability Resource Centers. Happy to answer any questions if I can.

**STINNER:** Questions? Senator Hilkemann.

**HILKEMANN:** Can you-- what type of-- how long as this program been going on?

**KENT ROBERT:** We've been investing here in Nebraska-- in it for about five or six years. Director Dawson over the Department of Behavioral Health was the first one to use it and then it kind of spreads out because a lot of the services are the same. These guys started this program in the early 2000s and it's been spreading across the country and, and growing and other states and counties and cities are using it.

**HILKEMANN:** And their, and their success rate?

**KENT ROBERT:** Well, it's pretty tough to measure, but everywhere where they've started is continuing to still use it.

**HILKEMANN:** Do we, do we have any data as far as rate of recidivism?

**KENT ROBERT:** Not particularly, just because they're fair-- this-- that portion of it is fairly new in the past couple of years. I can look for you though for sure and see if we have any data and see if we can see any down trends.

**HILKEMANN:** There's a program I know that, that-- a volunteer program, it's called Defy. It's got a new name and I can't think of what the new name is now. But how does this compare, how does this compare with programs like Defy?

**KENT ROBERT:** Well, so that's a volunteer program that would most likely be searchable or show up in one of the results when they look for some-- whatever service it is that they-- or keyword that they're looking for help on. If that's a program-- if that's a com-- a group that's doing stuff in the area they're at-- you know, in and one of the urban areas, I'm guessing, that which they could definitely be on the coordinated service Web site where it would just show up and then they'd find out how to go get ahold of them. They would be a service provider that would be listed on this Web site.

**HILKEMANN:** So this is not-- so this service is not so much-- who does this serve again?

**KENT ROBERT:** And so--

**HILKEMANN:** Prisoners, or does this serve--

**KENT ROBERT:** This would be people who are-- who have come out of the system and are in the community now.

**HILKEMANN:** So it doesn't-- this is not, this is not for people who are in the prison and giving them training, this is for resources for them once they are out of prison?

**KENT ROBERT:** Correct.

**HILKEMANN:** Thank you.

**KENT ROBERT:** Um-hum.

**STINNER:** Additional questions? Seeing none, thank you.

**KENT ROBERT:** Thank you.

**STINNER:** Good afternoon.

**MARGE SCHLITT:** Good afternoon Senator, Senator Stinner and members of the Appropriations Committee, I've never been before this committee before. This is a new experience for me. I'm

Marge Schlitt, that's M-a-r-g-e S-c-h-l-i-t-t. I'm representing just myself. I've been active in-- as a volunteer in prisons for 30 years with-- primarily with a program called the Alternatives to Violence Project. This is a international program started in 1975 in a prison at the request of some people in a prison in New York State and has-- is now and currently in 30 states and 50 countries. And I've been coordinating in Lincoln for-- since 2002. I care very much about the problem of programming in prison because I've seen an awful lot of people in prison who are not being released from prison when they're supposed to be because they haven't had the, quote, required programs, and have to stay in longer to get those programs. Why haven't they got those programs? Partly is the problem, as I see is, that there are a lot of very good programs being offered by the Department of Corrections no doubt. But there are not enough sessions in them so the people have a long waiting list. And people who are-- and have to wait a long time to get into those programs. The Council of State Governments recommended that, that the department start offering more programs on evenings and weekends so that they would be able to get more sessions in of these good programs. That might help. We do need to make sure that the money that is allocated for programs is documented so we know how the money is spent and it does go for programs. We also feel

that very strongly that programs should be offered as soon as somebody enters the system and not wait until close to their ending date. I have heard that, that there's studies that there's-- the drug-- say drug counseling-- alcohol, alcohol counseling is most effective when just before somebody is released. But let's face it, there's a drug and alcohol prison-- a pro-- problem in prison now. They-- those people need some treatment as soon as they enter and so they can start learning how to deal with their problems. Some people have been given parole on the requirement that they take programming when they're out of prison. That-- that's one of the requirements and that cost them a \$1,000 of their own money to take these programs because they couldn't get them while they're in prison. And I know people who've done that. The, the old programs that used to be offered at-- in the Department of Corrections many years ago and were cut by budget cuts because we've been starving the Department of Corrections for so many years. Some of them were really very effective programs. They used to farm and grow their own food. They had heating, refrigeration, and air conditioning programs. They had auto mechanics, horticulture, and driving vans and other programs that were giving them skills that they could actually use when they get out. New programs that have been suggested are the culinary

program, auto mechanics, forklift operation, computers, clerking, higher education. There's all sorts of good things that really would be very helpful to, to the inmates and, therefore, to society because the inmates would come out better prepared and have much lower recidivism rate. There is one solution to part of this problem is that of-- there's John Shuford of North Carolina, who trained staff on-- so that they have a lower turn-- turnover and higher morale-- very effective in many other prisons in other states. He is willing to come to Nebraska if he's invited. And I would highly recommend him, and I've given you a little bit of information about him on your handout. Thank you.

**STINNER:** Thank you. Questions? Senator Hilkemann.

**HILKEMANN:** Now what's your, what's your relationship again it-- you're a volunteer with it?

**MARGE SCHLITT:** Yes.

**HILKEMANN:** Do you know, do we have-- do our prisons have AA programs?

**MARGE SCHLITT:** Oh, yeah. I'm not working with them but I know about them.



**HILKEMANN:** OK.

**MARGE SCHLITT:** Yeah. This is called the AV-- the one I work with is AVP, called Alternatives to Violence Project. And we-- it's a conflict resolution program-- helps people take a conflict in their lives, and we all have conflicts. No matter how big your halo is you're going to have conflicts. But the question, question is how do you deal with them? And we train people to realize that they have choices and that they have, they have the power to make a choice between helping a conflict de-escalate and go toward a nonviolent solution or they can escalate it and get into the violence. And we train them over and over and practice, practice, practice. Our program lasts for a weekend, 17 to 18 hours long in a one weekend. And we just finished one this last week and I'm pretty tired because it's a very intense program, but very effective because they come away with-- I wish I'd brought my evaluations of this last workshop and how they're talking about this is awesome and I had never realized before that I could make these choices and I had never thought-- I thought I had to just react to conflicts and I don't. I can do better. And I was very pleased when I read all that. It happens every month. We do this once a month.

**HILKEMANN:** Thank you.

**STINNER:** Additional questions? Seeing none, thank you.

**MARGE SCHLITT:** Thank you.

**JOHN KREJCI:** Good afternoon, Senators,--

**STINNER:** Good afternoon.

**JOHN KREJCI:** --I'm John Krejci, J-o-h-n K-r-e-j-c-i. Like Marge, I'm a longtime volunteer and testifier and student of the Legislature. I'm testifying for-- and in support of LB625. And thank you, Senator, for introducing it. Reentry Alliance of Nebraska is a coalition of agencies and people who are interested in working to keep inmates from being inmates. We've met-- and we just met this morning, it was like 35 people and we just share ideas and they're different. We're-- you know, mental health and probation and parole, etcetera, etcetera. I'm glad that Senator Pansing Brooks said corrections is in crisis because we know that overpopulation is at the heart of it. We have understaffing and bad staff morale. We have inadequate space for programming and I'm glad to see-- I just learned that this afternoon that-- seems like an excellent idea to build some portable classrooms you know. And you can have people come in-- they wouldn't be afraid to come into the prisons they would come and do programming there. So that's, that's a-- now I know that

we're-- it's a tight budget year, but I wanted to make a pitch kind of against the Governor's budget. He wants \$45 million to build 384 maximum security beds. We tried at Tecumseh maximum security prison that if-- you know, if you build it, they will come. And I think from what I pick up from Frakes, Director Frakes, he's got a lot-- way too many people in segregation who are troublemakers and he wants to take those troublemakers and put them in secure places so that he can deal with the other 90 percent of the prison and that may not be true. But if he comes around, ask him about that you know. And again, we talked about the 140 percent capacity rule by 2020. I think that means that we have to parole about a 1,000 inmates and Frakes said, the department's not gonna be able to do that. This would certainly help with that. Because-- you know, there are hundreds on waiting lists for anger management and violence prevention. So you know, it's really difficult to get on and a lot of them don't, don't get on. So I, I just think this-- you know, \$5.8 million is, if you do the math, a small percentage of \$45 million. So when you look at the Governor's budget-- you know, you can just pull some of that. Anyway, thank you for letting me testify. Doug Koebernick's gonna come afterwards, he's a-- you ought to read-- if you really want to know about prisons read

his 60-page report because he's right on target and he's got-- it's a long report but, boy, is it good. Thank you.

**STINNER:** Thank you. Questions? Seeing none, thank you.

**JOHN KREJCI:** Thank you.

**STINNER:** Good afternoon.

**DOUG KOEBERNICK:** Good afternoon, Senator Stinner and members of the committee. My name is Doug Koebornick, spelled K-o-e-b-e-r-n-i-c-k, and I work for the Legislature as the Inspector General of Corrections. First, I want to thank Senator Pansing Brooks for all of her work on correctional issues and for introducing this bill. I also want to acknowledge the efforts that Director Frakes and Dr. Deol, who's the chief medical officer for the Department of Corrections, have made to increase programming opportunities over the past few years in our system. Like the LR127 committee, I have also made findings and recommendations related to the need for additional program-- programming opportunities and space in past reports. The department also has done that as well. A 2018 program statement that was funded by the department regarding the needs of the Nebraska State Penitentiary included information that relates to this, this legislation and I wanted to share that with you. Their programs

state-- statements stated that the department's 2014 masterplan identified a general shortage of treatment program capacity, specifically inpatient capacity throughout the correctional system. Regarding the Penitentiary, the program statement specifically found and stated the following: the projects prioritized to benefit this facility the most were increasing certain core program areas which also serve as inmate work areas to better meet the needs of existing and increased population. Specifically, inmate programs and education including both edu-- of both academic and vocational training plus behavioral and mental health programs. The plans for the Penitentiary to do some that expansion were announced last fall by Director Frakes, but have been discontinued due to the new emphasis on building the 384 high-security beds at the Lincoln Correctional Center. LB625 could assist with part of that discontinued project that has previous-- previously been identified as a high need of the department. In visiting the prisons, I also hear a lot about the need for more job skills, training, and vocational education opportunities like Marge said. One inmate, David Weir [PHONETIC], from the Lincoln Correctional Center has shared many excellent ideas with me including a computer code-- coding program that is being done in the California system. I think that LB625 could be a vehicle for those needs as well. I think

it is also important to show that there are many individuals in the system who have contacted either my office or the Ombudsman's Office who are trying to get into programs before their parole eligibility date. One man recently contacted me who has had good behavior while incarcerated and has to take two programs yet before he can be paroled. Unfortunately for him the two programs, as I understand it, will take about 18 months total to complete, but his parole eligibility date is only 15 months away. This bill would possibly assist people in that situation and, and others like him. I want to end by sharing that even though providing programming to individuals before their parole eligibility date is the goal or expectation or the law. Anything that can be done to move that up would also assist that person since it would be a positive step for them to, to enter our community corrections centers prior to their release. Sometimes people receive their programming but since they will likely be paroled within a few months they do not get placed in community custody and they don't have that opportunity for work detail and work release transitional opportunities. And I-- so I think just pointing out the parole eligibility date is not, not the most important thing. Thinking about moving that up a little bit is a positive thing. I did a, a handout and I was gonna hand this out when-- or provide you with a handout. I was gonna

provide that, provide that when I talked about the corrections budget, but it gets to-- Senator Wishart was asking about the, the numbers where you need to be to get down to that 140 percent and 125 percent. And what this chart does, it just shows the population of each of the facilities. It shows the number of people that are in our-- in county jails that are state inmates. And the last few days, that number-- a total-- the total number of people within the custody of the department has, I think, hit an all-time high of over 5,500 people. That puts us at 160 percent of design capacity for those individuals who are in our 10 prisons, 163 percent of design capacity if you include the 112 people in the county jail program. To get to 140 percent of design capacity right now, we'd have to release 786 individuals. To get to that 125 percent of the design capacity which is in the law would equal 1,292 individuals. That will change slightly in April when 160 beds come on line at the Community Corrections Center in Lincoln for women. But then we have a growth going on, too. So that might be gobbled up pretty quick. So I just wanted to provide that with you and am free to answer any questions you may.

**STINNER:** Any questions? Senator Wishart.

**WISHART:** So Doug, thank you so much for being here today. I'm, I'm interested, and we'll get more into the conversations around this when we have the Department of Corrections before us, but I am interested in the department's request for additional maximum security beds. We already have two maximum security facilities in Nebraska. Is that correct?

**DOUG KOEBERNICK:** There's, there's maximum custody individuals at the Lincoln Correctional Center, the Nebraska State Penitentiary, Tecumseh, and I guess, too, Diagnostic and Evaluation Center. But the main ones would be like LCC-- Lincoln Correctional Center, the State Pen, and Tecumseh.

**WISHART:** So just thinking numbers-wise in terms of the population makeup of each one of these facilities that can house maximum security individuals, if we were to address the, the amount of people who are in currently facilities that, that were designed to hold maximum security individuals, if we were to address some of the minimum and medium security individuals within those correctional facilities and find, and find a, a better place for them to be, would the current capacity that we have now be able to handle the population of maximum security that we currently have?



**DOUG KOEBERNICK:** That's a good question. I don't want to dodge it, but that might be a better question for Director Frakes because he has a better handle probably on what-- how his staff can handle those different levels of custody individuals as far as like how many maximum custody inmates at Tecumseh and at the State Pen. But-- I mean, if you go-- if you break it down by the number of maximum custody people that have been classified in that-- I mean, we definitely have enough maximum custody beds right now.

**WISHART:** We have enough maximum--

**DOUG KOEBERNICK:** That's my--

**WISHART:** --custody beds right now?

**DOUG KOEBERNICK:** I'll double-check but I believe so. But I know he has a different vision for those 384 beds that he can explain.

**WISHART:** Yeah.

**DOUG KOEBERNICK:** And then-- and to some extent it does make some sense and everything when he, when he lays it out. But, but it is quite expensive, and there's other issues with it.

**WISHART:** Yeah.

**STINNER:** Getting back to the bill. Senator Bolz.

**BOLZ:** Two questions. The first is, I think you have done some research on the county jail program.

**DOUG KOEBERNICK:** Correct.

**BOLZ:** Do you see need for additional programming through the county jail program? Is there an opportunity there?

**DOUG KOEBERNICK:** I think there would be opportunities there. I know that the-- there's some individuals that are there that will eventually be released to probation. And Probation has said that they would like to provide more programming for those individuals if they're placed in the county jail. For instance, if there's a-- a lot of those people have a shorter sentence. So if you have somebody from Grand Island and they're in-- or let's-- well, we don't have county jail inmates or inmates in the Hall County Jail, but let's say Columbus, so Columbus has about 40 state inmates right now. If some of those are gonna be going to probation and they're from that community, Probation would like to provide some programming in those facilities for those individuals.

**BOLZ:** OK-- that's helpful. It just-- if, if we have a facility problem-- a facility space challenge then maybe there are other opportunities--

**DOUG KOEBERNICK:** And a lot of times those county jails they aren't set up for that program. They don't have the space to provide it.

**BOLZ:** So they wouldn't have the space either even if  
[INAUDIBLE].

**DOUG KOEBERNICK:** No, not really. I've been through all the ones that we have state inmates at and North Platte has a little bit of room, but the other ones not really.

**BOLZ:** It would have to be more individualized if we were to provide it?

**DOUG KOEBERNICK:** Probably.

**BOLZ:** OK. The other question I have and I don't-- maybe I can wait when Director Frakes comes to talk about the agency, but I'm wondering about the portables. I know that one of the reasons that we-- that facilities in the Department of Corrections are more expensive than other facilities is because there are design standards for correctional services.

**DOUG KOEBERNICK:** Um-hum.

**BOLZ:** I, I assume some of the same would be applicable to portables. What I don't know is whether or not there are different rules for community custody or for other-- for different levels of custody. Do you have any insight?

**DOUG KOEBERNICK:** I know just the very first visit-- I've been in this position for about three and a half years. The very first time I visited the Community Corrections Center in Omaha, the warden there said to me, I wish I had some portables here like they have in schools because I could provide programming here. And he has the space back there and everything. And what he told me about was it-- the same kind of portables that we all imagined. But there's also other modular kind of buildings that you can bring in that are done in other systems that are more secure and everything and built to a kind of a different standard.

**BOLZ:** OK, so it's not unprecedented, the idea that you could have a portable, a portable facility that still complies with some of the higher correctional standards?

**DOUG KOEBERNICK:** Right, I've looked at that. Back in 2016, we talked about that and there's, there's lots of options out there.

**BOLZ:** OK, thank you.

**STINNER:** Additional questions? I just have one. A little bit of what Senator Bolz has talked about in terms of the logistics or space for programming. If we were to grant 5.8, first of all we'd have to find the staff. How confident are you that we could find the staff? Then secondarily, space to educate and do the programming?

**DOUG KOEBERNICK:** I think it depends on what kind of programming you're going to provide. There's different levels of programming, different types. There's some cognitive behavioral programming that Director Frakes and the department have really beefed up lately. A couple of them are Thinking for a Change-- well, that's one. And then MRT, Moral Reconciliation Therapy, and they can train individuals to do that. I mean I-- any of us could get trained and, and go do that. So you know, that might be easier to find people for that but they also have a problem getting licensed mental health practitioners that can provide some of that different type of programming. Right now they have a lot of psychologists in the system and that's been a real

positive. They've really recruited hard for those positions and filled, filled those and they're in a really good position there. But substance abuse counselors and LMHPs, those are ones that they have difficult filling right now.

**STINNER:** Thank you. Additional questions? Seeing none, thank you. Any additional proponents? Seeing none, any opponents? Seeing none, anybody in the neutral capacity? Senator, would you like to close?

**PANSING BROOKS:** If you wouldn't mind, thank you. Just a couple things. Thank you all for listening and for your good questions. Just as a reminder when Senator Ebke and I came here in the Legislature five years ago, Senator Seiler, who was chair of the Judiciary Committee asked us to be in charge of programming and to look at programming and what was going on and so we really did try to grapple with that and have tried to grapple with it for the whole time we've been here. It's, it's been interesting because it's hard to get all the information about what programming is there? How, how many people are on a waiting list? Where people are, where they are on their sentencing? It's, it's, it's very difficult to get that information from the Department of Corrections. So that's just one thing. The other thing is that there were some questions. If you look at the

first page that I handed to you that says, Parole Reviews in FY 2018, you'll see that about one-third of the way down the page it says, Decisions Count for All Reviews (4665). Then if you go down to the first line-- the first gray line says, Deferred, and there are 3,000 deferred. And then of those deferred you'll see a line goes down, Continued Correctional Treatment is Needed, so 1,766, over half were deferred for more treatment. So I just want to point out to you that it's costing us around-- nearly \$32,000 per year to have an inmate in prison. So I multiply it out, the 32-- obviously all 1,766 couldn't get out, but I multiplied the \$32,000 per year times the 700-- 1,766 and that gets you to \$56.5 million per year. Now say that even a fourth of those could come out, that's \$14 million per year. So I'm asking for \$5 million-- \$5.8 million nearly 6 to try to deal with this issue and get people out, as long as we can get some people that are safe. And then to your point, Senator McDonnell, if you look on page 5, it-- you can see that in 2018 and, yeah 2018, if you look down at the bottom of the page it has that little graph with the circles below it. And so it shows 542 of those were drug offenses. Again, property offenses, sex and morals, motor violations, burglary-- so the, the most tough were all the 853. So again, there are things that we can do to minimize this overcrowding problem or we can continue to just

deal with it. The 308 I wanted to point out was on page 3, Senator Wishart, regarding and, and where-- that's the letter that Senator-- that, that Director Cotton sent to us delineating what others meant for reasons of denial. And just on page 2 then you can see that 308 were deferred or denied. So again, this is an ongoing problem. We have the numbers that show it is, it is an ongoing problem. It is clear as we search more and more that programming will definitely help and that the 250,000 or whatever you're talking about that I didn't-- I have not seen is, is nowhere nearly sufficient to what we are needing. So we have got to-- we cannot get the Department of Corrections to say, yes, this, this is what we really need. But, of course, that's because part of it has to do with taxpayers paying for it. But we're paying for it while they sit in prison and at a much higher rate and we're paying for it when they come out and damage our property because they've been-- not been rehabilitated. Those are ways that we're paying for it as well. So we can choose to just-- the, the easiest thing is to stuff people into a building and in a cage and continue to have them sit out their time. But that's not the safest thing for our communities. That's not the safest thing for our state. So again, we need some sentencing reform and we definitely need



programming dollars to help to make our communities safer. Thank you.

**STINNER:** Thank you. I have letters of support of LB625: Spike--

**BOLZ:** Eickholt.

**STINNER:** --Eickholt, from ACLU. Any questions for--

**DORN:** Yeah.

**STINNER:** --Senator.

**DORN:** Back to your numbers a little bit.

**PANSING BROOKS:** Yes.

**DORN:** We had 786 or he showed we had 786 inmates to get down to our 140 percent. You said it's costing us \$32,000 per inmate that's \$25 million. And, and don't take this wrong, but if you come back in a year and a half, we'll be able to fund your \$5.8 million out of that \$25 million.

**PANSING BROOKS:** Yeah, exactly.

**DORN:** Yeah.

**PANSING BROOKS:** That's the point, exactly.

**DORN:** That's the point.

**PANSING BROOKS:** Yes.

**STINNER:** Any additional questions? Seeing none, thank you.

**PANSING BROOKS:** Thank you very much.

**STINNER:** That concludes our hearing on LB625. And in consideration of the staff here, we're gonna take a five-minute break.

[BREAK]