

**Judiciary Committee November 8, 2019**

**LATHROP:** The Director has some place to be. I promised him he'd be out of here by 2:15. I don't know that we have an hour and 15 minutes worth of questions for him. But with that, I think we'll begin. Good afternoon and welcome. I have something Laurie makes me read to make sure we start out with the right record. And everybody knows the rules of the road in here. Welcome to the Judiciary Committee. I'm Steve Lathrop. I represent District 12 and I'm the chair of the Judiciary Committee. I'd like to start off by having the committee members introduce themselves.

**BRANDT:** I'm Senator Tom Brandt, 32nd District. I represent Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties.

**CHAMBERS:** Ernie Chambers, District 11, Omaha, Nebraska.

**LATHROP:** We're also joined today by Laurie Vollertsen, our committee clerk; and Neal Erickson, who's one of our two legal counsel. I will say that I expect other senators to arrive. Sometimes senators have other obligations and they come and go a little bit during these hearings. It's not to suggest that the subject matter isn't important to them, but oftentimes we get double-booked. If you're planning to testify today, fill out one of the yellow testifier sheets at the back of the room and hand it to the clerk, that's Laurie, when you come up to testify. We'll begin testimony with an opening statement by the

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introducer. That'll be me briefly. We will then hear testimony with respect to the resolution from-- we have a few invited speakers today and then we'll open the floor up to testimony. We will finish with a closing statement by the introducer if they wish to give one. Please, if you're going to testify, begin your testimony by giving us your first and last name and spell them for the record. If you have any handouts, please bring 12 copies. Today, if you brought four or five that'd probably be enough, give them to Laurie and she'll make sure they're passed out. We'll be using a three-minute light system when we get to the point where we are opening up the testimony. That's because we have to allow enough time for everyone to have an opportunity and then allow enough time for the senators to ask questions and be able to complete our hearing in a reasonable manner in a reasonable time. I saw some expressions. I'll just say you might want to pare down your testimony if you have ten minutes worth of talking points down to three minutes before you come up, if you can. As a matter of committee policy, I'd like to remind everybody that the use of cell phones and electronic devices is not allowed during public hearings. The senators, however, may use them to take notes or stay in contact with their staff. I'd ask everyone to look at their cell phones and make sure that they are on off or in a silent mode. And with that, we'll begin today's hearing, and I will from here introduce the subject matter of our hearing today. The LR237 resolution is a general or a broad resolution that we've used as a tool for conducting hearings

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relative to the Department of Corrections, some aspect of the Department of Corrections. A couple of weeks ago, we were talking primarily about the State Penitentiary, that happened in the wake of the emergency declared by the Director. Today, our focus, our focus is on reentry. So that is everything from the moment somebody walks into the Department of Corrections and is handed a book until the day they leave the institution. And, in fact, some of the services they receive after they've left the Department of Corrections' facilities. We do, as I indicated, have a couple of invited guests, the Director's here, who will lead off our discussion, beginning with an opening statement. And then the senators are permitted an opportunity to ask the Director questions. They will be primarily related to reentry, although not perhaps exclusively, and Dr. Spohn is here from UNO. He's done a study on the VLS grant process and the programs. He'll have an opportunity to visit with us about his study. I think that Minardi is going to be here from Probation. I don't know if she has a big introduction or a big opening statement, but we'll hear from Probation and have a few questions and then I think we'll open it up. And I do see a lot of interest here. How many people wish to testify today, by the way? OK. Very good. With that, we'll ask the Director to have a seat at the testifiers' table and we'll begin. Good afternoon.

**SCOTT FRAKES:** Good afternoon. And again, good afternoon, Chairman Lathrop, members of the committee. My name is Scott Frakes,

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F-r-a-k-e-s. I'm the Director of the Nebraska Department of Correctional Services. As someone who's been in Corrections for more than 37 years, I can tell you that I've witnessed firsthand the evolution that has taken place with regard to the concept of reentry. Staff members no longer simply stand to post. They help shape the culture of the institution. They are mentors, leaders, and models for good behavior, and they help to inspire hope. Early in my career, I facilitated MRT classes, Moral Reconation Therapy, and I witnessed the change in behavior that resulted. Since then, I've remained committed to the concept that when given access to the right tools, the right education, the right clinical treatments, and the right opportunities, people can find success. Annually, we take in and release approximately 2,500 people. Many people have short sentences, which means we have very little time to work with the individuals who come into our system. We're serious about keeping people from returning to prison. We cannot afford to waste one minute of any prison sentence. I've met many people who have used their time to change their lives for the better. Self-determination has a strong influence on the outcome for any individual, but setting people off on the right path can be the inspiration that gets them there. With that in mind, I share three goals, really philosophies, which guide reentry efforts and NDCS now and will continue to do so into the future. Goal number one: reentry begins at intake. The moment someone steps foot in the door, we need to encourage them to start thinking about going home.

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We've made tremendous strides in this area. Over this last, about 13 now, 13 months or so, more than 11,000 reentry workbooks and reentry guides have been distributed. These have been positively received by staff as well as inmates. They've proven to be a tremendous resource and a guide for those who are working towards release. Individuals meet with reentry specialists and attend a reentry orientation meeting very soon after coming NCS-- NDCS. They also meet with reentry staff at various points during incarceration in group and individual meetings. Reentry specialists reinforce the importance of developing a reentry plan and assisting individuals with the creation of that plan. They're also instrumental in identifying resources that will assist individuals upon release: education, housing, transportation, mental health resources, and substance abuse resources, etcetera. We engage the population through a variety of means: video broadcast on closed circuit TV, reentry fairs, guest speakers, and other pro-social activities, plus conversations with reentry ambassadors. These are all in addition to the structured meetings that reentry team members have with the men and women during their course of incarceration. Upon release, individuals receive a finalized copy of their release plan or reentry plan, which includes information about community resources, contact information they may require, and other necessary information. When individuals fail to show up for the required reentry meetings, and some do, every effort is made to follow up and identify the reason or the concern that is holding the person back. As part of the move

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towards reentry, individuals are given the opportunity to obtain a state ID. As noted in the last hearing, that process is moving along very well with great thanks to our collaboration with DMV and Vital Statistics. Additionally, we have strong communication and collaboration between our reentry team, Parole, and Probation. Goal two: adoption and implementation of evidence-based practices. This involves using research and data to guide decisions for the purpose of maximizing outcomes. In Corrections, this is an area that is still evolving and still being refined. There must be buy-in that evidence-based practices work. This is a culture shift for both staff and the population. But utilized to their maximum effect, evidence-based practices should produce the results that we expect. Assessments indicate the interventions that are most effective for each individual. NDCS utilizes a number of tools to best identify what resources are needed and how to get people access to those resources. We use the STRONG-R, our risk needs tool, the classification tool, also known as the Institutional Risk Assessment, and clinical assessments, as well as other tools. There is no one size fits all approach to getting people prepared for reentry. We must enlist a right inmate, right bed, right time approach. Otherwise, we're wasting our resources and could diminish the impact that clinical treatment, in particular, will have on an individual. We make sure treatments and programs are delivered with fidelity, and in a, and in a way that is meaningful and has maximum impact. We provide opportunities for basic

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education, GED, and vocational training. As you mentioned, UNO just completed its summary report analyzing the results of the VLS program. A hard copy of the report has been provided. I believe you may get another one today. I believe that the team who did that analysis will be here to speak. You mentioned Dr. Spohn will be here. In addition, we use pro-social groups, programs, and organizations like RISE, Prison Fellowship, Christian Heritage, AVP, the Alternatives to Violence Program [Project], Mental Health Association, Domesti-PUPS, Second Chance-PUPS, and on and on. We do this to provide people more tools and to inspire hope. And goal number three: development of the best transition plan possible, including aftercare. Having a solid reentry plan is foundational to all that we do, and it speaks directly to our mission: keep people safe. We must continue to work toward perfecting the delivery of clinical treatments, getting people to transfer and release through community custody, engaging people in development of their own reentry plans, and creating the types of plans that help set people up for success. Reentry is a dynamic system, one that should also include delivery of services after someone is released. Only then will we see a real impact on recidivism. And we continue to work on the culture of reentry. We want staff to recognize the benefits of having constant discussions around reentry and help inmates visualize, visualize what reentry can look like. Staff play an important role in delivering those messages. And

with that, if you have questions about what I presented or on other things, I'm ready.

**LATHROP:** OK. I may see if other members have questions before I, before I start. Do you have any questions? Senator Chambers.

**CHAMBERS:** Not to prolong discussion of it, but a program such as this is what I'm going to relate the question I'm going to present you. Would the staffing problems and overcrowding impact negatively this program that we're discussing here today?

**SCOTT FRAKES:** We're talking about vocational life skills?

**CHAMBERS:** Say it again.

**SCOTT FRAKES:** Are we talking specifically about vocational life skills or just--

**CHAMBERS:** Uh-huh.

**SCOTT FRAKES:** OK. Neither one of those things helps us be as efficient as we can be. So the shorter answer would be, yes.

**CHAMBERS:** OK. Here's what I'm trying to do, lay out a way so that I can help us get some help in other areas to show that it's almost like a continuum or a product which needs all of the parts working well to get it all to work the way that it should. That's why I asked the question.

**LATHROP:** Senator Brandt.

**BRANDT:** Thank you, Chairman Lathrop. Thank you, Director Frakes, for testifying again today. How do you measure the success of this program? Is it percent of recidivism?

**SCOTT FRAKES:** There's more and more conversation, discussion, and maybe even some scholarly efforts to say that that may be the most challenging and less a-- least effective measure in terms of what we do with this work. So it's very difficult to create a cause and effect linkage to any one thing that we do. We do so many different things that ultimately will impact recidivism. So what we do measure is the completion rates, the self-assessments provided by the people that take part in it. And we do certainly-- you know, we're gonna look at recidivism as kind of a very, very broad number, a very, very broad measure. But more importantly, and I just read a great article yesterday about what we really need to figure out is what are some of the intermediate measures that we can determine? Could we get a better sense of are there reduced interactions with law enforcement? Are there reduced lower level criminal justice interactions? What are the employment rates in those successes? So it's a-- it's very complicated, and I think Dr. Spohn will be able to do a much better job of speaking to the-- you know, their research methods and how

they're determining the effectiveness or lack of effectiveness of what we're doing.

**BRANDT:** OK. And then a second follow-up question. Do you see a difference between men and women?

**SCOTT FRAKES:** Yes. Now in terms of program success, is that--

**BRANDT:** Yes.

**SCOTT FRAKES:** --the broader question? The sample for the female population is so much smaller that it's-- I'm not gonna make some-- you know, broad assumptions. Again, Dr. Spohn might be able to talk a little bit more about that. What we find from I'd say at least anecdotal experience and evidence is that the female population tends to be easier to work with and quicker to engage around things, more willing to try self-help, to try programming, to actively raise their hand and pursue that from very early in their sentence. So sometimes it takes a little longer to get the male population onboard. But on the-- at the other end of it, I'm not so sure that there's a big difference once people do get engaged in terms of the success rates and the level of-- you know, appreciation.

**BRANDT:** OK. Thank you.

**LATHROP:** Director, I got a few questions for you. And before I start, I passed out and shared with you this morning an e-mail that I

received from the Inspector General on the population that, that indicates-- it actually is a two-year tracking of the population. And if accurate, this would reflect that the population in September of 2017 was 5,246 inmates. Does that sound about right to you?

**SCOTT FRAKES:** Yes.

**LATHROP:** And it says for November of '19, 5,642 inmates.

**SCOTT FRAKES:** That would have been yesterday, yes.

**LATHROP:** OK.

**SCOTT FRAKES:** It may be a couple higher today.

**LATHROP:** OK. That's a pretty significant increase in population over that two-year period of time.

**SCOTT FRAKES:** Yes, it is.

**LATHROP:** And I understand-- we'll start out with this basic understanding. You don't have any control over how many people get sent there. Right? But do you have an opinion or can you share with us an explanation for that increase over a two-year period of almost-- well, right at 400 additional inmates?

**SCOTT FRAKES:** Right at this moment, it will be opinions, but I have some, some thoughts. We're close to getting the product back from JFA, and I think that's gonna give us a much more definitive sense of--

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maybe not as much about the last two years, but certainly where they believe we're headed. So what we know is we've got some stacking effect. Some of that probably tied to the decision to move certain Level 3 felonies to Level 2, that's part of LB605, length of sentence would contribute that-- contributed to that as well. And we've seen-- we can go back to 2011 and see a steady increase in the body of people that are not parole eligible and are with us. And I don't have the numbers off the top of my head, but it's, it's been steady and significant. So that stacking effect drives part of it. We know that, at the very least, Douglas County believes that they're seeing increases in commitments. And the numbers that we're receiving from the big counties suggest that that's true. We have some indication that Sarpy and Lancaster may be also seeing some increases. But again, it's indications. I don't have data in my hand. We know that with the move to post-release supervision, there was a certain element of that population that would have been parole eligible in the past and they're now under PRS. So the overall parole numbers, not surprisingly, are down for parole. Because in essence, kind of some of the, the easiest decisions were moved to that post-release supervision. We've taken a look at that to see if there's a variable there. It's a tough one to measure, of course, because there's never any-- you know, you don't know when someone's gonna get parole until something gets parole. But you know, that could be contributing a few beds just because PRS serves it as a definitive time and somebody

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might have gotten out sooner if they'd gotten parole. Overall, I don't-- I'm not able to identify a significant increase in people that are returning from supervision. What I can tell you is today there's probably 700 people with this, give or take, that are back in the system because they were revoked from parole, failed on probation, failed on post-release supervision. So it's a pretty big number, but it's not significantly different than it was two years ago.

**LATHROP:** Is this more people coming into the Department of Corrections or is this the people that are coming in are serving longer sentences, and as a consequence, you're getting a higher average daily population?

**SCOTT FRAKES:** I think it's every-- I think it's everything I just talked about. And if it's-- you know, if one of those elements contributes 50 and another one of those elements contributes 50, and pretty soon you've added 400 people to the, to the system.

**LATHROP:** Two weeks ago, during your testimony, I recall you testifying that at the Nebraska State Penitentiary, you're basically you can't take anymore people and put them in that facility.

**SCOTT FRAKES:** We're at one in, one out.

**LATHROP:** Yeah. Yeah. So if somebody needs a space, they're not going into the State Penitentiary because-- unless somebody else is coming out?

**SCOTT FRAKES:** Correct.

**LATHROP:** How soon before or at what population do we get to a place where the Department of Corrections has that problem with every one of its facilities?

**SCOTT FRAKES:** We're good on the female side, and we'll be good, I think, for some time to come. The male side, we might have the ability to-- I'd say 150 more beds, something like that. That may be a little bit high even, so somewhere in that 100-- no, I'd say 150 more beds, roughly. And then we'll be looking at what our next options are.

**LATHROP:** Yeah, you're, you're hitting, or you're 150 additional inmates in the daily average population away from being at the point of complete saturation.

**SCOTT FRAKES:** Yeah. Yes. Just to clarify, though, everyone of these is, is-- you know, a point in time measurement. Our ADP is different, but yeah, it's a good indicator.

**LATHROP:** Oh no, I get it, I get it, but it does, it does show that it's trending up and in two years it's gone up by an average daily population of-- in two years an average daily population of 400.

**SCOTT FRAKES:** Well, there again, so don't mix the two terms because these are points in time. So I'm not sure--

**LATHROP:** OK.

**SCOTT FRAKES:** --today what are ADP is. It's not 5,642 because we've had such a spike this year. But it's-- you know, it could easily be 5,642-- so the ADP for this year may end up being-- you know, 5,590 or something like that, so.

**LATHROP:** True.

**SCOTT FRAKES:** Yeah.

**LATHROP:** But next year it will be higher if-- this is a trend line, right?

**SCOTT FRAKES:** If it continues, yeah. If it is turns out to be--

**LATHROP:** This is a trend line.

**SCOTT FRAKES:** --an ongoing trend line that doesn't-- you know, you look at it, though, there's other points where it levels out for a while. And then we see this unusual spike that we saw in October of '18 to January of '19, then it leveled out for a little while, and then we've been on a steady six month upward trend line.

**LATHROP:** Right. Right. I want to visit with you about reentry. Yesterday an email came out or a bulletin from your office about the,

the brochures that people get. So when I show up or when an individual shows up at the Department of Corrections and I'm gonna use the men, it's just easier for me to talk about them because the problem's more acute on that side of the, of the ledger. When they show up at D&E, they get a book that they can carry with them, read when they have time, and they're also given an orientation about reentry.

**SCOTT FRAKES:** Yes, and they get a workbook and they get a resource guide. So two--

**LATHROP:** OK. All designed to encourage them to be thinking about what they need on their way out of the door,--

**SCOTT FRAKES:** Yes.

**LATHROP:** --how they're going to transition back in the community. After I get my workbook and attend the orientation, what's my involvement in reentry before I leave?

**SCOTT FRAKES:** Well--

**LATHROP:** Are the case managers--

**SCOTT FRAKES:** Yeah.

**LATHROP:** --pardon me, are the case managers involved in that process?

**SCOTT FRAKES:** It varies from facility to facility. So we have--

**LATHROP:** Should they be involved in that process or is that--

**SCOTT FRAKES:** Yes.

**LATHROP:** --the intent of a case manager? What's their role in reentry?

**SCOTT FRAKES:** Well, they are part of the foundation of reentry, so in terms of encouraging people to take advantage of programming, completing the assessment responsibilities that they have, making sure that people are moving through the system, encouraging good behavior, providing all those pieces.

**LATHROP:** And so the case manager, somebody that's on a housing unit in addition to the Corrections staff--

**SCOTT FRAKES:** Yes.

**LATHROP:** --or the security staff, whatever the proper term is? Are these guys able to do their job or are we pulling them off to do security detail?

**SCOTT FRAKES:** We still struggle at the higher security facilities with people getting called upon to work the floor, as we say, as opposed to being able to do just case management work.

**LATHROP:** OK. I won't ask you to quantify to what degree that's a problem or to what degree they're not able to do their job, but let me

ask about the reentry. Do the reentry specialists at-- they're employees of the Department of Corrections. Is that true?

**SCOTT FRAKES:** Yes.

**LATHROP:** Do those people get involved in every case, or just those cases that involve someone who will be paroled?

**SCOTT FRAKES:** On the front end, they're making contact with everyone. If they have post-release supervision, there probably is less interaction on the other end. The navigators are coming in and making that contact from Probation.

**LATHROP:** OK. What if I'm going to jam out, is reentry involved in my life as an inmate if, if I'm going to jam out?

**SCOTT FRAKES:** Yes, if the person's willing to let him be.

**LATHROP:** That's not often likely, or they'd be on the parole path?

**SCOTT FRAKES:** That's part of it.

**LATHROP:** OK. So if I'm leaving the Department of Corrections, I'm either leaving on parole, probation with post-release supervision or I'm jamming out?

**SCOTT FRAKES:** Yes.

**LATHROP:** And while there may be some involvement with the jam outs, to the extent they're willing to accept assistance, those people that are going to be on parole are going to-- or pardon me, probation will have a navigator come in from, from Probation and work with them at what point in time?

**SCOTT FRAKES:** Pretty close to release. I'm gonna say 30 days. Deb Minardi will probably be able to give a, a much more specific number.

**LATHROP:** OK. And I just want for the benefit of, of the committee and anybody who's interested in the topic to distinguish between people that are going to be on post-release supervision, they go off on the probation end of things and their reentry contact is a nav-- somebody called a navigator from the Probation Office.

**SCOTT FRAKES:** Yes.

**LATHROP:** Those people who are on a track to parole or have an opportunity or their sentence structure is such that they will have an opportunity to parole, they'll-- they will be guided through this process by a Department of Corrections employee whose job is reentry.

**SCOTT FRAKES:** Yes, along with the case managers.

**LATHROP:** OK. Tell me when the reentry staff-- if I'm an inmate and I, and I have a five year-- I'm five years out from my parole eligibility

date, what's my involvement gonna be with that reentry person,  
Director?

**SCOTT FRAKES:** There's the initial contact that happens at intake. So there's that opportunity to at least hear about how things work and to be encouraged to take advantage of what they have to offer. And then the real hands on starts at about 180 days out.

**LATHROP:** What happens at 180 days out?

**SCOTT FRAKES:** They will have both individual and group meetings. I'm not the right guy, though, to be able to give you the answers of what specifically happens in that meeting.

**LATHROP:** Let me back up and ask another question. When I come through the D&E right after I'm-- I arrive at the Department of Corrections, you perform an assessment. Is that right?

**SCOTT FRAKES:** Several.

**LATHROP:** That's the STRONG-R?

**SCOTT FRAKES:** That's the risk needs assessment, yes.

**LATHROP:** And what's that gonna tell you after, after I arrive at D&E and the STRONG-R has been administered to me and you get a report or the, the Department gets a report? What's it gonna tell me-- tell you about what my needs and risks and that sort of thing?

**SCOTT FRAKES:** It's gonna tell us the risk to reoffend and needs to address. And to some degree, the person's responsivity, which helps us measure and make some decisions about the best approach to get them engaged and deliver things at the right time. So the most-- the two really key pieces, though, are risk to reoffend because then that determines the approaches that we use and then the needs to address. If there are what appear to be clinical needs, then we have further clinical assessment for substance abuse, sex offender issues, and high-level violence.

**LATHROP:** Do all those assessments happen in the 60-- the average is 60 days at D&E?

**SCOTT FRAKES:** The clinical assessments go as far out as 90, sometimes a little bit longer. But the goal there was to do them under 90 days. The goal still remains to get the STRONG-R done in 30 days or less. The last time I checked, we were closer to 40 days on average.

**LATHROP:** OK. By the time I have those assessments, all of which should be completed within 90 days, if you took my folder at the Department, inside it would say Lathrop needs these clinical programs and these nonclinical programs?

**SCOTT FRAKES:** When all the assessments are completed, yes.

**LATHROP:** OK. And that's all within the first 90 days or that's the goal?

**SCOTT FRAKES:** That's the goal.

**LATHROP:** Are you, are you meeting that goal for the most part?

**SCOTT FRAKES:** I haven't recently looked to see. I'm gonna, I'm not gonna make a claim I can't back. So I think we're doing a good job. But if we're at 40 days on risk-- on the risk needs assessment tool, then it wouldn't surprise me if overall we're somewhere more in the 120 days on risk-- or on clinical assessments--

**LATHROP:** OK.

**SCOTT FRAKES:** --with a substantial number of people getting them done before 90 days.

**LATHROP:** OK. And so now somebody-- case manager, somebody is gonna tell me what I need to have done?

**SCOTT FRAKES:** Yes.

**LATHROP:** And so I'm an anxious patient-- inmate, rather, to get all this work done, and so I sign up for all this stuff. Right?

**SCOTT FRAKES:** We've gone the other direction. We don't have people sign up. We, we create the waiting list and then we notify people when the time is right and the opportunity is right.

**LATHROP:** OK.

**SCOTT FRAKES:** If it's clinical, then they have the choice of whether or not to accept because it's clinical treatment.

**LATHROP:** OK. And, and I think you've referred to that as triaging the, the programming list. In other words, you're gonna try to do the people that are closest in time to their parole eligibility date for the programming.

**SCOTT FRAKES:** I don't know that I've used the word triaging, but conception--

**LATHROP:** It might have been a few years ago, but I seem to remember it. But in any case,--

**SCOTT FRAKES:** Fair enough.

**LATHROP:** --in any case, that's the, that's the approach. We're going to offer the programming, for example, substance abuse treatment to somebody who's closest in time to their parole eligibility date so we can check that box.

**SCOTT FRAKES:** Trying for that, trying for that two years from PED, having them start the treatment and be able to get to Community.

**LATHROP:** OK. If I'm in the Department of Corrections for five to ten years, something like that, let's say, somebody for that's gonna be there for five years, am I gonna have another one of those assessments before I leave?

**SCOTT FRAKES:** You'll have risk needs assessments with each classification action which starts off annual and then as you get closer to release-- want to say it's at the three-year mark. It's either the five-year or three-year mark you would start having them every six months.

**LATHROP:** Is that the STRONG-R readministered each time?

**SCOTT FRAKES:** Yes, updated, not necessarily readministered, but--

**LATHROP:** OK.

**SCOTT FRAKES:** --updated to see-- and if nothing's changed then--

**LATHROP:** At the point in time that I'm 180 days out, you will have an updated assessment of my needs and my risks?

**SCOTT FRAKES:** Yep. Yes, because that's part of how we complete the parole guideline-- feed the parole guideline.

**LATHROP:** And going back to our three categories of people leaving the department, is this true only with respect to parolees or potential parolees? Or are the people that'll be on post-release supervision going to be subjected to the same type of-- updated their STRONG-R?

**SCOTT FRAKES:** The only group that we don't do risk needs assessment with are those that have less than six months with us because there isn't anything that that tool will-- you know, help us do.

**LATHROP:** Are some of those people with less than six months probationers?

**SCOTT FRAKES:** Some.

**LATHROP:** People that will be on post-release supervision?

**SCOTT FRAKES:** Yes.

**LATHROP:** OK, well, we'll talk to--

**SCOTT FRAKES:** And if they-- if they're parole eligible, in that case then they would get it. But those people that are coming in with a flat sentence with less than six months or they have PRS in less than six months.

**LATHROP:** OK. Once you have that assessment done six months out, what happens? What, what, what happens in the, in the reentry process with your reentry specialists?

**SCOTT FRAKES:** Well, if they're parole eligible, then that information will be fed to the parole guidelines. So there's a--

**LATHROP:** Are they developing a reentry plan or a parole-- you know, they got to, they got to appear in front of the Parole Board in six months. Somebody needs to be talking about what they need to look like on paper by the time they show up at Parole.

**SCOTT FRAKES:** So yes, they're developing--

**LATHROP:** Who's doing that?

**SCOTT FRAKES:** Again, it's a combination of the person that's leaving the reentry staff and then the case management staff.

**LATHROP:** OK. How are you doing staffing these reentry positions?

**SCOTT FRAKES:** Well-- yeah, I think that's been an area where we haven't had difficulty in keeping them full.

**LATHROP:** Are the, are the individuals-- is there a, is there a standard for how many cases these individuals carry at any given point in time?

**SCOTT FRAKES:** I don't believe we've set it by a caseload.

**LATHROP:** Do you have a, do you have a standard for these people? Like you're gonna see five people this week, ten people this week have 100 open files.

**SCOTT FRAKES:** Yeah, I know their expectations, but I don't have an answer, specifically.

**LATHROP:** Who would? Who's the person we need to talk to about the, the reentry staff, whether they, whether they have sufficient opportunity to devote the time to the inmates to do reentry effectively and prepare them for their Parole Board hearing?

**SCOTT FRAKES:** I'm the one. You just don't expect me to have the answer for everything off the top of my head.

**LATHROP:** OK, maybe you can, maybe you can get back to us with that?

**SCOTT FRAKES:** Yeah.

**LATHROP:** Can you take a look at this document I left? I think this actually came from your office. You see which one we're talking about, Senator Chambers? Can you tell us or describe what this document is for people that don't have one in front of them?

**SCOTT FRAKES:** It's our quarterly report that we've been issuing consistently now for at least a couple of years. And it's a reflection of some work that I did with Senator McCollister. And it's-- we used to do something similar for a while, and it-- well, it was here when I

got here, but it didn't appear that it was being used by anybody. So we stopped and then we found out who was interested in it and had that allowed us to have the conversation. And so it is just a good, orderly reflection of a variety of data points and information that we're able to put out and it's available to the public.

**LATHROP:** Yeah, if you're wondering if anybody reads it, they do. I do.

**SCOTT FRAKES:** I know.

**LATHROP:** Which is one of the reasons, we're gonna talk about it.

**SCOTT FRAKES:** But we didn't, we didn't do it for over a year before-- you know, it came up. So it was, it was a good lesson all the way around.

**LATHROP:** OK. I want to talk about-- a little bit about a couple of the, the graphs in here or some of the information that's provided. On page 3 of this, it has Reentry and Discharge. And it says, Parole Revocations, by month. Do you see that?

**SCOTT FRAKES:** Yes.

**LATHROP:** Tell us what that information is intended to convey.

**SCOTT FRAKES:** The number of people that are returning to our system because they were revoked. They were put on parole and had some level of failure. And then down below, if you go through the actual numbers,

it shows those that are returned based on technical violations, which would be conditions of parole, and those that received a new felony, that typically would be a new felony that led to their return.

**LATHROP:** What's a-- what's an example of a technical violation?

**SCOTT FRAKES:** I-- because I don't administer that piece of it, I've-- I have some ideas.

**LATHROP:** Is it like reporting or something?

**SCOTT FRAKES:** It could be not reporting. It could be failing a quantity of UA's. Based on reviews of cases that I've had, it's typically a lot of failure to do things that you're supposed to do.

**LATHROP:** OK. And this would reflect some changes up and down between 40 in July to maybe 32 in September?

**SCOTT FRAKES:** Yes.

**LATHROP:** So somewhere kind of in that range, if we looked at a broader time frame, we'd see, see data somewhere in the 30 per month?

**SCOTT FRAKES:** Would you say that again?

**LATHROP:** On average, are we about 30 per month? It's 39, 32, 24, 40, 32, 51.

**SCOTT FRAKES:** My quick math in my head say we're a little over 30, but I don't know that we hit forty either--

**LATHROP:** OK.

**SCOTT FRAKES:** --just looking at it, so.

**LATHROP:** So if we have, if we have 30 to 35 a month on average, how many are we actually putting out per month on average, if you know on parole?

**SCOTT FRAKES:** I don't right at this moment.

**LATHROP:** Do you know what that 30-some people per month represents as a percentage of the number of people paroled?

**SCOTT FRAKES:** Twenty-five, thirty percent.

**LATHROP:** OK.

**SCOTT FRAKES:** Somewhere in there.

**LATHROP:** So one in three people that we parole are gonna be back, and in what time period?

**SCOTT FRAKES:** I don't know that.

**LATHROP:** It, it-- but it's, it's within a year or two years or three years or how do you-- how's that measure or how long does the parole last, do you know?

**SCOTT FRAKES:** As long as the sentence calls for.

**LATHROP:** All right.

**SCOTT FRAKES:** So you know, I would guess that the average length-- I'd just be guessing. I think the average length of parole though is, is probably under 18 months.

**LATHROP:** OK.

**SCOTT FRAKES:** That's sometimes--

**LATHROP:** And we're having 25 to 30 percent of the people paroled returned for some kind of a violation?

**SCOTT FRAKES:** That's a good guesstimate, not, not--

**LATHROP:** And it looks like at least half of them probably are new law violations.

**SCOTT FRAKES:** Or more probably.

**LATHROP:** OK. Does that say anything about our reentry efforts? How can we improve that number? Is that, is that a service issue? Is that

preparing these folks for reentry? Why are we looking at, say, 30 percent of them getting violated if you have a judgment?

**SCOTT FRAKES:** Because we're dealing with human beings with long histories of criminal behavior and they're not ready to change. They have a wide variety of issues that they bring with them and that they take back out with them that some of which may not be addressable. They come with trauma. They come with long histories of substance abuse. They come with sexual and other violence abuse against them. They-- I'm not dealing with average citizens that just made a bad mistake. That's, that's the bottom line. That doesn't--

**LATHROP:** Is there a--

**SCOTT FRAKES:** --mean that I don't believe people can't change because 70 percent of our people are not coming back.

**LATHROP:** Right. Right. I appreciate the 70 percent that aren't.

**SCOTT FRAKES:** Me, too.

**LATHROP:** Is there a correlation between the 30 percent that are and the assessments that are down on the STRONG-R six months out? Like, can we predict who these 30 percent are before we ever parole them?

**SCOTT FRAKES:** I don't think we're there yet. I think it's a great question and one that I'll circle back with my people to see. I don't think, I don't think we have. We're only three years into using risk

need assessment tools, so we're just starting to get the level of data.

**LATHROP:** OK. I'll ask you to turn to page five 5 your quarterly report. This has a caption that says, Programming Information - Outstanding Recommendations. And then the subcaption is Outstanding Clinical Program Recommendations. And it would appear to be a measure of the number of people who are waiting for programming pre-parole eligibility date and post-parole eligibility date. Have I described that accurately?

**SCOTT FRAKES:** Yes.

**LATHROP:** OK. Walk me through that. I, I understand the people in-- on this graph that are found in green and for people that don't have it in front of them. That's the folks that are pre-parole eligibility. So these are people that haven't gotten to their parole eligibility date. And we have data on how many of those folks are waiting for particular programs. But we have a number of people who are found in this graph that are post-parole eligibility date. Can you walk us through that data?

**SCOTT FRAKES:** So you see, you did a good job of describing in general what this chart reflects, those that are before their PED and the clinical treatment and those that have missed their parole eligibility date and have yet not completed the treatment. The numbers for

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substance abuse are a great reflection of just how much of our population has recommendations for clinical treatment with substance abuse. And that's also a reflection of assessments. It's not the waiting list because many of those people are still substantially away-- long distance away from their parole eligibility. And if you look down at the bottom of this page, it gives a sense of the number of people that are out quite a ways yet. When we start to get to the one to three years, six months to one year, those are the people that should either be in or be on the cusp of getting into the treatment that they need. The yellow is a reflection of those that have not yet completed. So that's a combination of people that refused, people that tried and were removed, people whose behaviors impacted their ability to get to the programming-- treatment, excuse me, this is treatment. And unfortunately, there's a notice-- a noticeable number of people and you'll see then in that first column that are less than six months. I'm not gonna say that everyone in that section at the bottom came with that short of sentence, but that is part of the challenge as we get these people that come with very limited time.

**LATHROP:** When we just look at the sheer numbers, and for people that don't have it in front of them, the tall, the tall columns here are substance abuse either for people that are residential or nonresidential. That is probably the biggest demand for programming in the facility by numbers.

**SCOTT FRAKES:** Yes.

**LATHROP:** Would you agree with that?

**SCOTT FRAKES:** Oh, yes.

**LATHROP:** Do you have the capacity to take care of all these people?

**SCOTT FRAKES:** We do. We do. Because, again, that reflects the whole body of inmates that have an assessment. But these are people that could be as far as ten years from their parole eligibility date.

**LATHROP:** I understand the, I understand the, the, the folks that are green on our graph, but the folks that are yellow are past their parole eligibility date. And even if you just look at the sheer numbers and of individuals, the biggest demand is for substance abuse. Right?

**SCOTT FRAKES:** Yes.

**LATHROP:** And the biggest number of people who are past their parole eligibility date that needed substance abuse treatment of residential or nonresidential are-- that's, that's the program in the greatest need. And the program for which most people pass their parole eligibility date are waiting.

**SCOTT FRAKES:** Right. But it's not because we didn't provide the opportunity. It's because they weren't willing to take the

opportunity. And in terms of parole, it is the residential substance abuse treatment program that is delaying people from actually getting parole because there are, there are community resources for nonresidential treatment.

**LATHROP:** So we'll put people out who have not completed their residential--

**SCOTT FRAKES:** If everything else is [INAUDIBLE]--

**LATHROP:** Let me finish the question so I make sure we're, we're on the same page. You're telling me that people who need residential substance abuse treatment will get paroled nevertheless?

**SCOTT FRAKES:** Nonresidential.

**LATHROP:** Nonresidential. OK. So that's somebody goes to a transitional living place that offers nonresidential. But the residential, they have to have that before they--

**SCOTT FRAKES:** Pretty much. There are some residential beds available, but it's not-- there's not a lot, so. But again, as I've said, you know, I think I'm gonna take the opportunity to say it again. We look at these cases, we try to figure out why. I just reviewed one for Mr. Koebernick this week. And the bottom line was his behavior was really what contributed to why he's not currently finishing up his substance abuse treatment and being able to hit his parole date that's coming up

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in February. And we're still gonna work with him and see if we can get him back in and maybe we can get him eligible by summer.

**LATHROP:** OK. I have a letter on my desk that came from one of your inmates. I probably should have brought it and shared it with you. I'm sure you've seen it. I think the fellow's name is Perez [PHONETIC], if I'm remembering it right, but he's in protective custody at LCC.

**SCOTT FRAKES:** That's one of the locations.

**LATHROP:** OK. And if I understand right, this individual needs substance abuse treatment. Is it-- I don't want to talk about this guy as an individual, you probably can't, and I shouldn't. Are there individuals over at LCC in protective custody who can't get to substance abuse treatment? Or have you seen a petition from one or more individuals from that housing unit, protective custody, who are complaining that they can't get access to substance abuse treatment?

**SCOTT FRAKES:** No, I haven't seen that.

**LATHROP:** Do you have a protective custody unit at LCC?

**SCOTT FRAKES:** Yes.

**LATHROP:** OK, I'll share that with you--

**SCOTT FRAKES:** OK.

**LATHROP:** --because it's a petition that has a lot of names. Do they have substance abuse programming at LCC for people in protective custody?

**SCOTT FRAKES:** No, we have one, we have one right now at Tecumseh but we were at a place where we depleted the waiting list. So we were going to do some intensive outpatient treatment. And then once the waiting list numbers increase again, we'll resume doing residential treatment.

**LATHROP:** Are these people waiting at, at LCC in protective custody for inpatient treatment or outpatient treatment if you know?

**SCOTT FRAKES:** I wouldn't know without looking at who we're talking about.

**LATHROP:** OK. The last thing on, on your handout is the, the-- on the last page it has staffing, these are Behavioral Health Vacancies. By the way, I don't want to discourage you from putting this quarterly report out because I'm asking you questions about it in a hearing because it's useful.

**SCOTT FRAKES:** I think I'm pretty locked into doing it, so. It's a good thing.

**LATHROP:** No, I think, I think the committee probably finds it very useful, and I know I do. In here, it tells us-- now we already know

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about custodial staff and the difficulties we're having staffing the facilities and we covered that two weeks ago. But here we have the number of vacancies for behavioral health and that would include individuals that provide chemical dependency counselor-- counseling.

**SCOTT FRAKES:** Yes.

**LATHROP:** Looks like you have four vacancies there.

**SCOTT FRAKES:** Yes.

**LATHROP:** With respect to these people that provide clinical programming, do you bring in any outside resources for that purpose?

**SCOTT FRAKES:** We don't bring in people specifically for chemical dependency, but we use telepsychiatry, a little bit of telemedicine, and then, of course, we contract with a wide variety of providers for specialties.

**LATHROP:** Do you--

**SCOTT FRAKES:** And specific behavioral health would be telepsychiatry.

**LATHROP:** Director, do you, do you contract for people for mental health services?

**SCOTT FRAKES:** The telepsy--

**LATHROP:** For example, psychologists, mental health-- licensed mental health professionals, people that can do the counseling?

**SCOTT FRAKES:** I don't believe--

**LATHROP:** Or is that all done in-house?

**SCOTT FRAKES:** I don't believe everything in that respect is done in-house except telepsychiatry.

**LATHROP:** Is there a reason you don't? If you have vacancies in behavioral health, is there a reason you don't contract outside of the institution for behavioral health services?

**SCOTT FRAKES:** Again, we do for the place where we believe we have a need, and that's psychiatry. But in terms of the other areas-- so it's a reflection. What is the total there? There's 9, 14, 17, 23 out of 159 FTEs. A measurable number, but actually for a long time we ran about 35 vacancies. So I'm--

**LATHROP:** Oh, I'm pretty sure it was worse before, but-- and each one of these vacancies represent a need or they wouldn't be on the list. Right?

**SCOTT FRAKES:** Yes.

**LATHROP:** OK. Is there a reason you don't contract for these positions that are-- appear to be vacancies?

**SCOTT FRAKES:** Because we don't have a need. You know, we fill, we fill positions. We have expected turnover and there's rotation. But right now there's, there's not a place that we have a need to actually contract for psychiatry. And that's what we do.

**LATHROP:** A few years back, maybe in '14, '13 or '14, we began the VLS program.

**SCOTT FRAKES:** Yeah, '14 I believe is when it finally came in.

**LATHROP:** And that is a grant process where certain grantees are funded through a grant to provide services to inmates that are transitioning into, or engaged in reentry.

**SCOTT FRAKES:** Yes.

**LATHROP:** Can you tell us-- I'm gonna try to make this quick to make good use of your time. It's a distribution of \$10 million for a two-year period. Is that right?

**SCOTT FRAKES:** That's right, [INAUDIBLE]--

**LATHROP:** And, and is two of it kept by the Department for reentry staff or other purposes?

**SCOTT FRAKES:** It's almost three.

**LATHROP:** OK.

**SCOTT FRAKES:** About \$3.5 million per year for the grant money.

**LATHROP:** OK, so the grantees and we'll, we'll talk about them generally in a second. The grantees split \$3.5 million to provide services per year.

**SCOTT FRAKES:** Yes.

**LATHROP:** How are they selected? Can you walk us through the process of determining who is going to be a grantee that is accepted or, or funded?

**SCOTT FRAKES:** There is a request for proposal process. There is a grant committee that includes my staff and it did include Mr. Koebernick, I'm not sure-- I'm not gonna say that that's still true, but I believe it is. And I'm not sure who else sits on the committee and they review all the proposals and make the best decisions.

**LATHROP:** How often do they meet?

**SCOTT FRAKES:** We go through the grant cycles every two years.

**LATHROP:** Are the people that are on the committee appointed by the Governor or are they identified by their office in statute?

**SCOTT FRAKES:** Well, they're not appointed by the Governor. I know that much. So I don't know if the statute spells it out there. It's managed by the department.

**LATHROP:** Are you on that, on that panel?

**SCOTT FRAKES:** No, I just sign the-- you know, whatever the final--

**LATHROP:** Whatever the panel comes up with.

**SCOTT FRAKES:** Yes.

**LATHROP:** Who on your staff is, if you know?

**SCOTT FRAKES:** Well, the head of reentry, Grace. Thank you. I can see her name, but I can't pull it out of my head. It's just Grace. Other members of the reentry team-- again, I believe that Mr. Koebernick was part of that. The head or the deputy director of programs, communities-- Community Corrections and programs is involved. But I don't know that she sits on the actual selection committee.

**LATHROP:** Who's that?

**SCOTT FRAKES:** Dawn-Renee Smith.

**LATHROP:** And what's her role?

**SCOTT FRAKES:** She's the deputy director of programs in Community Corrections.

**LATHROP:** And she is not on the panel, but has what, what role in the VLS grant process?

**SCOTT FRAKES:** Well, reentry reports to her.

**LATHROP:** If I am coming out of the Department of Corrections, I'm developing my reentry plan and there's this menu of providers-- we have, what, five grantees?

**SCOTT FRAKES:** Eight.

**LATHROP:** Eight. So there's Metro Community College, there's Bristol, there's a variety of these people that all-- Center for People in Need, they all provide a variety of different services. ReConnect, I think is another one.

**SCOTT FRAKES:** Yes.

**LATHROP:** If I'm coming out, how do we measure whether or not my STRONG-R needs risk assessment matches up well with what I get into with the VLS grantees? Like, how do we know that I'm not a high risk, high need coming out of the Department of Corrections and I end up in a programming taking a forklift class or, or doing something that doesn't address my high risk, high needs?

**SCOTT FRAKES:** Well, those [INAUDIBLE]-- the risk needs assessment tool determines those. Gives us an assessment of clinical needs, but you still then need to do a true clinical assessment to identify what the real needs are and the criminogenic factors that might be addressed through cognitive behavioral interventions. So it helps inform, but

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it's not gonna say this person needs Metro and Bristol Station, it's, it's gonna identify. So the tool will help identify are there other life factors, past employment history or lack thereof, relationship issues, and things like that. So those things are identified which then help people make decisions in terms of this program would probably be a good fit.

**LATHROP:** And I might not have been clear with my question. What stops me from picking the easiest thing on the menu?

**SCOTT FRAKES:** Well, I don't know that anything stops someone from picking it, but it doesn't mean that they automatically get into it.

**LATHROP:** So is there a safeguard? Somebody that says, hang, hang on a minute that's not a good fit for you, your risks and your needs are too high so we're not letting you in that VLS program.

**SCOTT FRAKES:** I'm trying to frame this in a way that makes sense. It's-- I guess, the short answer would be, yes, but it's not that the program is gonna be in conflict with the risk needs assessment, but more, is there something that would be more effective based on the information that we have, and can we push people-- you know, to move that direction. And if they say, no, then we certainly can say, well then, no, you're not gonna go do forklift training because-- you know, you need this life skills piece or you need this more specific employment skills, vocational training.

**LATHROP:** OK. I just have one more topic to cover with you. And that's when we began the answers to my questions we've talked about your population being up well over 5,600 at present, what problems is that presenting for space to do the programming for the population? Because I, I have to tell you, and you know, I've been to all these institutions except the, the youth facility, and every time I go into one, people like they-- they'll show me-- you know, like they're doing-- they're trying to use the cafeteria or the gym or-- now, now let's go to the Penitentiary or LCC or one of these places that are significantly crowded, is there space for these people to get to the programming that they need to get to be ready by their parole eligibility date?

**SCOTT FRAKES:** That is not a factor that I've identified as stopping people from getting the treatment or programming they need for parole eligibility. In general, does it impact our ability to-- you know, get to as many people as quickly as we want to? Yes. It's easier to do it with 5,300 than it is with 5,600 and-- so. And when you see a spike like that so quickly, there's no-- you know, no adjustment. But it was the need to be creative and fully use every bit of space we have as something that's been a factor since we hit probably-- you know, 4,800 inmates. Building programming space, unfortunately, wasn't yet popular in the 1980s.

**LATHROP:** Last-- two weeks ago, you declared an emergency and the people at the NSP are-- can move about for or are-- you still got ten minutes,--

**SCOTT FRAKES:** Yes.

**LATHROP:** --are able to move about for the first-- for one shift, but not the other.

**SCOTT FRAKES:** Nine-- about nine and a half hours now I'd say.

**LATHROP:** What are they not able to do during the period of time they're no longer able to move about? Now that you're doing 12 hour shifts at NSP, what are they not getting to that they could before that became a necessity?

**SCOTT FRAKES:** Evening visiting, evening recreation probably could curtail a little bit of overtime hours. It sometimes happens with Cornhusker State Industries. So-- but that's I think being offset by working on Saturday and Sunday. We can do things consistently across all seven days during that movement period. Some volunteer activities and probably a pretty big impact on the club activities right now.

**LATHROP:** And the club activities would be sort of the peer-to-peer mentoring kind of things that go on?

**SCOTT FRAKES:** Yes. Prosocial activities. Yes.

**LATHROP:** OK. I think that's all the questions I have. Senator Chambers.

**CHAMBERS:** I should have waited until the Chairman had asked his questions because as I listen to the colloquy, I think the answer to my question and you did say, yes, overcrowding and understaffing do have a significant impact on what we're discussing here today. I want to ask something from a specific situation, and you were not involved in that directly. If a person had been kept in solitary confinement for a period of years and was going to have to be let out mandatorily and that person had very serious mental problems and knew it and had requested a commitment and would not even be given a hearing, and the case I'm talking about that wouldn't-- did not occur. I'm going to make it hypothetical when I get around to asking you the question. I'm talking about Nikko Jenkins. When we looked at his case as a committee, not with necessarily the same members but similar to this one, almost every problem that could be found in a penal system were faced by him. He, he was involved in every one of them. He had made a number of requests, more than a dozen, to be committed because he knew that from his own situation he was not fit to be released. And he had made a request several times. And in one instance, maybe more than one, he had said, I'm not doing this to try to serve-- not serve time because I'm about to get out of prison. I'm going to be-- I'm going to jam out and I'm not fit to be released. Prior to that point being

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reached, I had contacted the then director who had told me that something would be done because I didn't want him released directly into our community from solitary. As it turned out, nothing was done and he was released straight from solitary into the community, so to speak. And the things that he told them he feared would happen did happen. And he's on death row now. And I don't believe that a death sentence will be carried out. And I'm not going to go into all the legal reasons why I think, but I wanted to give the background so you know I'm not trying to lay a trap for you, but to let you know it's a real situation. Let's say with you as the director confronting a situation like that, would you be in a position to have some kind of transitional treatment program or whatever that could be provided that individual-- and let's say-- this is remember, I'm creating a hypothetical for this. The person would not be suitable to be released into general population so was going to stay in the condition of solitary. Would there be any way to can try a program that could be described as transitional for such a person or would that be impossible in that type of restrictive housing he was living in?

**SCOTT FRAKES:** We're in a better place today than we were then in terms of having a mental health unit that is designed to address issues like that. It's not everything it needs to be. The one under construction will be so our new behavioral health unit truly will give us the tool that we need. But I do believe we could do a better job today with

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someone that fit those circumstances than we might have been able to do in 2013, 2012. When it comes to the date of release, that's when it becomes very challenging. But I think we also-- I don't think, I know we're doing a better job in terms of reaching out and looking for those resources. Our relationship with the Mental Health Association being one of the best things that we have today that I don't think-- I don't know if it existed, or if it did, it didn't exist in the way that-- I don't think it existed. But if it did, it didn't exist in the way we, we have today. So there's things that we can do to do a much better job in terms of helping people transition if they're jamming out. The whole issue of civil commitment, it's got its own set of rules and regulations and complexity. So--

**CHAMBERS:** Are you in a position, or would you be in a position to try to facilitate a civil commitment of such a person? Let's say that nothing you could provide in a correctional setting doing the very best you could would be adequate to prepare that person to enter society without serious consequences. But a civil commitment, would that be something that you, as the Director, could facilitate at least being looked at? Or do you feel that you'd be in a position where you could not get involved in trying to arrange at least a hearing to determine whether it was civil commitment would be called for?

**SCOTT FRAKES:** I'm in a position to engage all the people that I need to, to make sure that we have thoroughly explored and made the best

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decisions. And so I wouldn't depend on just a single-- you know, point of assessment. So between the psychologist, the psychiatrist, Dr. Deol, is the head of our health care, collectively, we would be able to review and make the best decision. I can't make the referral, I'm not the provider, so.

**CHAMBERS:** Right.

**SCOTT FRAKES:** Yeah.

**CHAMBERS:** OK.

**SCOTT FRAKES:** But I do think that-- and have been involved in other situations in the past where--

**CHAMBERS:** And for my purposes you've answered the question so I won't have you elaborate, but I appreciate that. Thank you.

**LATHROP:** Senator DeBoer.

**DeBOER:** I apologize for coming in halfway through your testimony, I was in another meeting. I've been thinking about since-- I don't know, was it last week or two weeks ago whenever we last-- OK, well, time flies.

**SCOTT FRAKES:** Yes, it does.

**DeBOER:** There was something you said and I just-- I've been thinking about it a lot so I wanted to ask you some follow ups about it. We

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were talking about transporting folks to different facilities in order to get them the type of programming that you need-- that they need. And one of the things that you said was that-- you know, you kind of have to do it this way where you sort of congregate all the people together in order to be efficient. And I'm wondering if you could sort of walk me through how much inefficiency would be involved if we say wanted to have one type of program in every facility so that you're not moving folks around. So first of all, I know when we visited the Pen, it has been almost a year ago now. Well, maybe it was in January, there were folks there who were saying, oh, well, there's some problems with getting enough people together to be able to transport folks so that there are some troubles with staffing and transporting and that it requires a certain amount of staffing. Is that right that it requires maybe a couple of people to be dedicated to that?

**SCOTT FRAKES:** Probably you're talking about travel orders and, yes, so--

**DeBOER:** OK.

**SCOTT FRAKES:** --daily trips.

**DeBOER:** So is some of that due to shifting inmates from one facility to another for purposes of getting them to where they need to be for their programming?

**SCOTT FRAKES:** No. We have a transportation unit that's just focused on moving inmates from facility to facility for all the different reasons that we need to move inmates from facility to facility.

**DeBOER:** And is one of the primary reasons that you move them from facility to facility because they have to go to a different one for a different-- for programming?

**SCOTT FRAKES:** No.

**DeBOER:** OK.

**SCOTT FRAKES:** It would be appropriate promotion because they're behaving and doing the right thing. So they go to less restrictive custody levels. It's the other side of it, they're not doing what they're supposed to be--

**DeBOER:** Sure.

**SCOTT FRAKES:** --doing so they get taken to higher level-- higher security levels. It's addressing all of those things. It could be for medical needs. It could be for mental health needs. It could be for programming, clinical treatment needs. So it's all those things that contribute to it. But to answer the earlier question, though, to try and have everything in other facil-- every facility certainly would tax our space availability. I think we would, we would not have the space to do that approach. But more importantly, I've just-- you know,

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I'm just ball parking, but we'd be lucky if we could hit a 50 percent utilization rate. And that's-- this is-- clinical treatment, in particular, is expensive. So perfect world, you have 95 percent utilization. There's a lot of reasons that we're not perfect world. So if we're utilizing at a 85 to 90 percent rate, I'm happy.

**DeBOER:** So but another view of the perfect world might be that everybody was getting treatment in their home facility because then they would arguably know the guy who was sitting next to them and trust them more when they were going into their treatment or--

**SCOTT FRAKES:** But the prison system doesn't work like that. It's-- there may be-- there's often this perception that people go to prison and they go to the Penitentiary, they go to LCC, they go to a location, and that's where they serve their sentence.

**DeBOER:** But they move around much more.

**SCOTT FRAKES:** But yeah, there's-- for so many different reasons.

**DeBOER:** So is there any, any portion of the matching inmates to programming problem, which is caused by not having programming in the same place as an inmate at a particular time, either because of overcrowding or for whatever other reason?

**SCOTT FRAKES:** Right. So I'm not defining it as a problem-- just have hear that from me,--

**DeBOER:** Sure.

**SCOTT FRAKES:** --but there are certainly situations where not having a specific program at a specific location could be a challenge for an individual. But every time I peel those cases apart, I find that the inmate owns some part of it, our system could own some part of it, more often than not. Unfortunately, it's, it's a combination of the behavior of the inmate and the situations that the person's put them in often because of their STG affiliations or other relationships and things that they've done. And so it makes it a problem for them to-- the case I-- I'm just about out of time, but very quickly, the case I reviewed this week, the person continued to misbehave, continue to misbehave, was no longer appropriate to be at a medium custody, long-term minimum custody facility. He was brought to the Penitentiary where he could have continued his treatment because it was offered there as well. Because he had conflicts with others from the past, he requested protective custody. So we had to remove him from NSP and take him to another location where there isn't residential substance abuse treatment. So for this moment in time, he's not able to complete. Now if he'll behave and if he'll stop doing some of the things that he was doing that led to him being removed from the first facility, I'll get him back to the other facility and get him back into treatment. But those are the kind of dynamics. There are conflicts. There is behavior issues. There's just a wide variety of

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things that contribute to it. So even if we had them at every every single location, that's no guarantee that a person is gonna access it at that location unless they're staying out of trouble often and sometimes trouble that they don't directly bring upon themselves, but their past behavior contributes to it.

**DeBOER:** So just so I can get a better understanding then of the system that you work at. This will be a very, very short question, which is, in the average inmate's lifetime in your custody would you say they move around more than one or two times the average? Are most people moving more than once or twice?

**SCOTT FRAKES:** This is definitely just a ballpark,--

**DeBOER:** Yeah.

**SCOTT FRAKES:** --but if we're talking about somebody that's doing, say, a two- or three-year sentence, I would expect that they'd move two to three times--

**DeBOER:** Interesting.

**SCOTT FRAKES:** --if they don't have other issues that generate even more movement. So that's the guy who stays out of trouble, who doesn't bring a lot of conflict, who didn't testify against somebody that's at one facility.

**DeBOER:** Yeah.

**SCOTT FRAKES:** You know, it's a-- I'd love to sit dow with you and we can walk through all of the things that this Rubik's Cube of managing an inmate population.

**DeBOER:** I'll make that happen.

**SCOTT FRAKES:** OK.

**LATHROP:** OK, thanks, Director.

**SCOTT FRAKES:** Thank you very much.

**LATHROP:** Next, we're going to have Dr. Spohn come up, if he would. And for those of you that are on the panel and those of you who are in the audience, Dr. Spohn's recently put out a report, Vocational Life Skills Annual Report.

**RYAN SPOHN:** You now officially have copies of that.

**LATHROP:** I think we passed out copies, Doctor.

**RYAN SPOHN:** We're well-traveled today.

**LATHROP:** Thanks for being here. Besides giving us your name and spelling it for us, can you also give us a little background on your involvement and what you do for us at UNO?

**RYAN SPOHN:** Absolutely. Good afternoon, members of the Judiciary Committee. My name is Dr. Ryan Spohn, spelled R-y-a-n S-p-o-h-n. I'm testifying today as director of the Nebraska Center for Justice Research, or NCJR, at the University of Nebraska Omaha. The views I'm sharing today are my own and do not represent an official position at the University of Nebraska. The Vocational and Life Skills initiative, or VLS, as we refer to it, is a state-funded, reentry program created by LB907 in 2014 that provides valuable job training, education and life skills, as well as programming such as resume development, soft skills, and effectively managing the stigma of being formerly incarcerated in order to facilitate employment. As such, the VLS initiative represents a large, comprehensive approach to improving the reintegration of individuals back into the community. There are currently eight grantees providing programming in correctional institutions prior to release as well as in the community. An underlying principle for this effort is that reentry begins the first day that individuals enter correctional facilities. As such, programming occurs in facilities in order to prepare individuals for successful reentry and to also coordinate a warm handoff from the institution to the community where additional VLS programming is available. The Nebraska Center for Justice Research is the contracted evaluator for the VLS reentry initiative. We have served in that capacity for each of three two- year grant cycles, and we are currently more than halfway through the third grant cycle. From its

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inception, the initiative has grown and improved in the delivery of programming and our data tracking and evaluation has improved and expanded to provide the process and outcome data provided in our most recent annual report. What we are learning in this third grant cycle will ensure that the next request for proposals for the initiative is guided by an outcomes-based orientation. Throughout the evaluation, NCJR has emphasized the use of evidence-based practices and has disseminated to VLS grantees new research findings on effective reentry practice. NCJR has completed the VLS annual report for the most recent fiscal year. I will briefly highlight, highlight some of the major findings. First, VLS programming is currently delivered in ten correctional facilities as well as in the community. Also, 7,660 individuals have been served as of June 30 of this year; 85 percent of participants successfully completed their programs; 95 percent of participants completing surveys recommended VLS programs to others; over 86 percent of participants say that the program fits their needs; over 82 percent say that the program will help them to stay crime free. As the evaluators, we have developed a theory of change for the initiative, an overall logic model for the initiative, and specific logic models for each grantee. These evaluation tools are founded in the science of what works in reentry and will help ensure that the services provided by VLS grantees increase job preparedness, job skills, pro-social behaviors, confidence and competence, factors which are linked to reduced odds of recidivism. Grantees generally met their

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performance measures during the year covered in the report, and any deficiencies are being addressed by the team to improve performance. In addition to the VLS evaluation, I serve on the statewide Coordinated Reentry Initiative that brings professionals from corrections, jails, community corrections agencies, reentry agencies, and other professionals together monthly to strategic-- strategically plan the improvement of reentry in Nebraska. And this group provides context for me to discuss reentry in Nebraska more broadly than just the VLS initiative. Thank you for this opportunity to speak to you today, and I'd be more than happy to try to answer any questions you might have.

**LATHROP:** Senator Brandt.

**BRANDT:** Thank you, Chairman Lathrop. Thank you, Dr. Spohn, for testifying again. Number 6, over 82 percent of participants say the program will help them stay crime free. Fact for fiction?

**RYAN SPOHN:** Well, that's their opinion. So do, do we know then that, that occurs 82 percent of the time? No, we don't know that for sure. But what that does tell us is they believe that the programming that they have received-- you know, hopefully in their minds was salient and was applicable to the problems and the barriers that they are facing that might bring them back to a facility.

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**BRANDT:** So since we start-- we're on the third cycle, is that correct? So since we've started, do we have any statistics to give us a number of what percent are crime free?

**RYAN SPOHN:** We do not. What, what we would need to do that would be we'd need all recidivism data on the participants. We have some of that, but we need basically a match control group. So we need individuals that had gone through similar experiences in prison and now they're in the community and have been released for a year or three years or what other measure we want to use and be able to match those up and we have not been able to do that at this time.

**BRANDT:** All right. Thank you.

**LATHROP:** I want to ask you a few questions. It sounds like you are working with the grantees.

**RYAN SPOHN:** Yes.

**LATHROP:** If I'm somebody that wants to be in consideration the next time the grant is considered by whatever panel process is undertaken. Am I getting an opportunity to receive the information you're sharing with the current grantees? Does that make sense?

**RYAN SPOHN:** Or would you have access to the reports and things of that nature?

**LATHROP:** So one of the things that you said is, in addition to the evaluation, I serve on the board-- wait a minute, trying to find it.

**RYAN SPOHN:** Is it number 7?

**LATHROP:** Might be number 7 to help ensure [INAUDIBLE]. I think you talked about to the extent there are difficulties, you're working with the grantees to try to make improvements.

**RYAN SPOHN:** Um-hum.

**LATHROP:** So are people who want to be involved in the grant process-- maybe I should start at a different place. Do we keep awarding the grant to the same people each time?

**RYAN SPOHN:** There are some incumbents that are re-awarded, but there is-- there have been some new grantees each time. The total number, I think it's ranged generally between six to eight. I think at one point we may have fallen down to five. So some of the incumbents have been funded all three of the grant cycles. But I think each grant cycle there has been some new awardees.

**LATHROP:** So if we have eight people that are in the current grant cycle or eight organizations, how many, how many organizations didn't make the cut?

**RYAN SPOHN:** I, I don't know. I was not on the selection committee.

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**LATHROP:** Who is on the selection committee, if you know?

**RYAN SPOHN:** I didn't know all the individuals. I do believe that Dr. Jennifer Miller from Parole was on that committee and there had been some discussions if myself or somebody from my office should be on that committee. But as the evaluators, we saw significant conflict of interest that we would choose who receives the money and then we would evaluate the individuals that eventually were the recipients. So we have not been on that committee.

**LATHROP:** So is-- do you provide an advisory role to the panel that's gonna make the decision about the grantees or do you simply evaluate the grantees who have been awarded grants?

**RYAN SPOHN:** Our role is to inform their requests for proposals. So the RFP, as it's often called, so the official document that will be released to-- you know, through the, the formal channels and we distribute it informally that says here is a funding opportunity for people that provide these types of services. And here's-- you know, what you would need to do to be an applicant. And so as the evaluators, we help them to develop that document. So if it says that they must get pre and post surveys out to each individual or they must complete satisfaction surveys or the different things that help guide the evaluation, we want to get those requirements in the RFP so that applicants know what they're signing up for. So we help make that

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request for proposals as good as possible. And in the past anyway, then that's the point that our involvement ends. And then once the decisions have been made by the committee, then that's when we come back on board and do our, our technical assistance work, data analysis, and evaluation with the award winners.

**LATHROP:** You and I had a chance to talk about this about a week ago. I met with you and you had a concern, I think you expressed in the executive summary.

**RYAN SPOHN:** Yes, sir.

**LATHROP:** Can you tell us what that is?

**RYAN SPOHN:** It's related to some of the things that have been discussed already. The program is voluntary and not probably entirely voluntary that anybody can take any program, but it is voluntary that individuals in our correctional institutions and in the community can say, hey, I heard about this program. Sounds like something that might help me out in my current life circumstances. Can I sign up for this program? It is not largely guided by the needs that are identified in the STRONG-R or-- you know, the classification tool or any other assessment tool, clinical assessments, any assessment tool that they might receive up to that point is not-- does not directly inform who-- the, the fit, the match between the participants and the services that they're receiving.

**LATHROP:** So I may have high needs and finding myself taking forklift driving class over at Center for People in Need.

**RYAN SPOHN:** That is possible. Hopefully, that doesn't occur.

**LATHROP:** Why is that a problem?

**RYAN SPOHN:** It's a problem if it's not a good fit. So if John Doe has absolutely no, let's say, computer or IT skills and every job application now is on-line, one of the things that that individual would need to get is basic job preparation skills so he could fill out applications. If instead taking-- you know, something over here to do with criminogenic thinking that wasn't identified as a high need for that individual, then that's not a good fit of services to, to individual needs.

**LATHROP:** So are the people that are coming back into or reentering allowed to choose off the VLS menu?

**RYAN SPOHN:** My knowledge is that they are, yes.

**LATHROP:** So it's driven by what-- I understand there was a reentry fair the other day. Which sounds a lot like a job fair at the high school where a bunch people set up booths and-- you know, people put out stuff to get you to stop by like free stuff or things to eat. And then you, then you engage the inmate and say, well, we offer welding classes or we offer, we offer this or that. So are the inmates

generally choosing the VLS programs themselves, or is somebody responsible for matching the inmate up to an appropriate program?

**RYAN SPOHN:** I think it's largely the inmates. I would have to say that in the, the broader-- what I call the VLS initiative, we, we have, reentry specialists that are at that-- those meetings. We have a number of professionals from Corrections. We have representatives from, from Parole. And I, I think there's some matching. So I'm not in the facilities to see how a reentry specialist, for example, might-- you know, try to guide a particular individual in the right direction. One other check that, that does occur is each grantee does have some sort of intake procedure. A number of them have-- you know, either brief assessments or some sort of assessment themselves. So that's an internal check within the grantee that these are the things that we do. These are the things that you're saying that you need or we're, we're asking about and you're saying that that might help you. So the individual grantees do have-- you know, obviously they, they want their programming to match up with the needs of the individuals. But there isn't-- we're not using the STRONG-R or any other comprehensive assessment tool to do the sorting process.

**LATHROP:** OK. I just have maybe two more questions. Is there anything you'd have us change about this program policy wise?

**RYAN SPOHN:** You know, I think to the extent that we're getting the right programming to the right individuals, of course, more funding is always going to be able to reach more individuals. I think as, as I state in my testimony, our role as a university-based evaluator is to bring the most, the most recent knowledge that we have about the science of reentry and evidence-based practices. And most of those are founded in the risk needs responsivity framework. And that means that you get the programming to the individuals that have the highest risk. High-risk and medium-risk individuals take precedence over low risk. And then you identify-- you know, it could be that you identify the two most salient needs that were identified by a risk assessment instrument or a risk needs assessment instrument. And then those are the opportunities that they're presented for programming, the VLS programming in this case. I-- you know, the, the more we could move to an RNR model, which we might not always be able to do in an initiative this large, but the, the closer we can move to that, I think we would probably have better outcomes.

**LATHROP:** And that would be done by reentry staff, people doing the assessment 180 days or a 160-- you know, 6 months out-- 180 days, I guess?

**RYAN SPOHN:** It would be-- you know, I would say the, the most recent assessment that's been completed if the data that comes from that

could be used to then identify those, those most salient needs and then link that to programming.

**LATHROP:** So I'll go back to the question. Is that something we need to change policy wise or is that something this program can move to without intervention by the law writers, us?

**RYAN SPOHN:** I don't know for sure. I think, I think we're gradually moving closer in that direction, and I think we, the, the current grantees, certainly they understand the Risk-Need-Responsivity model and they understand the idea of matching needs to, to relevant programming. So I think, I think that mindset is there. I think we're gradually moving there. If, if it would be possible to add that in legislation in a way that could realistically be implemented in practice, then that, that would probably help.

**LATHROP:** OK. I do think that's all I have. I don't see any other questions. Thanks for your report and your testimony today and your work on the topic. Next, we'll take up Deb Minardi. I just call you Deb Minardi. I don't know if I should call you by a title and forgive me if I, if I missed an opportunity. Do I call you chief probation officer?

**DEB MINARDI:** Administrator.

**LATHROP:** Administrator. OK.

**DEB MINARDI:** Good afternoon--

**LATHROP:** Well, welcome to the Judiciary Committee and thanks for being here.

**DEB MINARDI:** Thanks. Good afternoon, Senators. I'm Deb Minardi. I am the administrator for Probation with the Supreme Court Office of the Courts and Probation. And to start with a little bit this afternoon, one of the first pieces of information that I do want to give you from Probation in the court's perspective is to give you first an idea of what's happening on the front end, just very briefly. Since the inception of justice reinvestment, there's actually been a 15 percent increase in the utilization of prison alternatives for felony offenses that includes both probation and problem solving courts. Across all probation cases, which includes both felony and misdemeanors, I would say to you that we estimated about 71 percent success rate. And even with that 15 percent increase, we've been able to sustain that 71 percent success rate. Probation also, as you know, and has been already mentioned, has the reentry responsibility for lower level felonies who are coming out of prison and jail. That includes Class III, IIIA, and Class IV felonies. This represents about 16 percent of the Department of Corrections population on any given day. That also means that about 88 post-release supervision, we refer to them as PRS clients exit the Department of Corrections each month under the supervision of Probation. There are four navigation officers that we

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refer to, navigation probation officers, who cover the ten institutions. They meet with these individuals who are going to be reenter-- reentering their community. And part of their role is to interview, reassess, make recommendations and create what is referred to as a post-release plan. This post-release plan is submitted to the court and the court has approval of the plan before the individual is released. Navigators also serve as the conduit between their soon to be supervision officer back in their community and the client while still in the institution. So they literally introduce them to the officer that they'll be working with once they return to the community. Last but not least, once they do return to the community with under the supervision of Probation, they are engaged in ongoing intensive programming and supportive services throughout the term of their post-release supervision. One strategy that has been put into place around post-release supervision is, is a strategy that is referred to as reentry courts. Reentry courts are modeled after problem-solving courts that include not only intensive supervision, but that ongoing judicial support as well. We currently have two courts in Nebraska, one court in Grand Island that has been operating for approximately 28 months, and another court in Sarpy County, which has been operating for about 11 months. If you are familiar with problem-solving courts, you know that the judge-- that an individual comes before a judge on a very frequent basis, typically at least one time a week. Also, reentry courts, like problem-solving courts, take a

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team approach where it involves a judge, a prosecutor, a defensive counsel, a coordinator, the supervision officer, law enforcement, and a treatment provider who come together on a weekly basis to discuss the progress of the individual that's involved in the court system. One big difference, though, between what we consider to be our traditional problem-solving courts and a reentry court is, as many of you know, problem-solving courts have the carrot that when someone completes a problem-solving courts, their case is dismissed. The carrot for reentry court oftentimes is this strong support coming back into the community by all of these individuals who are working with the individual, and oftentimes that's hand in hand with the individual who simply is motivated to get out of the justice system once and for all. Another big difference, and in this particular case, I'll refer to as a barrier for all post-release supervision clients across the board is the length of supervision. Keep in mind that the typical length of a felony probation is gonna average right around 18 to 24 months. The typical length of a problem-solving court is gonna be right around 24-plus months. The typical length of a PRS individual under supervision averages right around 10 months. But another obstacle that is faced by the PRS client is that because they do tend to serve two years or less, their likelihood of receiving services while in the institution is very, very slim. So when you couple having someone coming out of the institution, having not received any services and that short sentence, it's not a good start for reentry

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because we're kind of starting from scratch. A very recent project, and I mean recent project, that we have-- pilot project that we have started is that we are currently in the process of when someone is in a community custody facility that here in Lancaster County, we're gonna pull them out of the community custody, custody facility to take them to our reporting center in order to receive, for example, a substance abuse evaluation before they're actually released from custody. This is what we hope to be a move in the right direction and, and at least know what we're gonna be facing moving forward. But this is such a new pilot project that I literally want to say we're gonna have our first client next week. So I can't sit here and say this has been a great step. I'm just saying we recognize the fact that many of these individuals have not received services, so we're trying to do something. Senator, kind of going back to a question that you had earlier. In the courts and Probation, we define recidivism by looking at individuals who are three years out after having been released from probation, in particular, or three years out having been released from the problem-solving courts. So I want to speak just a minute to what Probation and problem-solving courts look like from a recidivism perspective. The first thing that I would say is that the recidivism numbers for probation-- and again, I want to be very clear that this is both misdemeanor and felony, the whole gamut. So from your lowest to your very high risk. The recidivism average for probation is right around 16 percent. We saw a slight increase over the last year to

about 17 percent, but we average right around 16 to 17 percent. What we're seeing in the recidivism rate around problem-solving courts, it's around 27 percent. Now 27 percent is I want to, I want to note the 27 percent when you talk about all high risk, that's actually considered to be a very good recidivism rate when you're talking about dealing with an all high risk kind of population. So that's really kind of a very quick briefing in terms of some of the more recent engagements that Probation, the courts, and problem-solving courts are involved in. And with that, I'd be happy to answer any kind of follow-up questions around that.

**LATHROP:** OK. Senator Brandt.

**BRANDT:** Yep. Thank you, Sen-- Chairman Lathrop. Thank you, Administrator. Help me understand what a reentry court is. Why do we have reentry courts?

**DEB MINARDI:** The best way to think about it is that we, we really clearly understand the power of problem-solving courts.

**BRANDT:** Yes.

**DEB MINARDI:** We see good success around problem-solving courts and good success around that just engagement of the judiciary when it comes to the oversight for the client. And so reentry courts are not new to-- are not new nationally, they are new to Nebraska. But what they are, is they are really intended for that individual coming out

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of the institution. So you have even yet another [INAUDIBLE] up of kind of a supervision approach that encompasses this nonadversarial like problem-solving courts approach that has both high levels of services, high level of judicial support. As I mentioned, law enforcement serves on the team. So it's really kind of an approach that has been very successful with reentry when you're talking about your highest of high clients. So as I-- again, as I said, they don't have the same kind of carrot, but it can have very good results with these really high risk kind of individuals.

**BRANDT:** OK. Thank you.

**LATHROP:** Senator DeBoer.

**DeBOER:** I just have a-- I don't even know if you can answer this question. But you mentioned that with those folks coming out with two-year sentences, that they haven't had a lot of programming. Is that-- I don't-- do you know is that true just in Nebraska or is that true across the board that folks who have only got a short sentence like that wouldn't have a lot of programming? And has it always been the case in Nebraska? Can you say more about this two years, they haven't had a lot of programming?

**DEB MINARDI:** Yeah. We've, we've-- I've had-- I've been fortunate enough to have a lot of discussion with the Director on this particular topic. And I want to start again by saying keep in mind

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that the individuals eligible for post-release supervision are determinate sentence, which means they're gonna get out once they hit their date whether or not.

**DeBOER:** Right.

**DEB MINARDI:** So they're not parole eligible. So from a strategic perspective-- and I don't want to speak for the Director, this is my opinion. From a strategic perspective, if I had to decide this guy's gonna get out, whether I give them services or not. And this guy is gonna get out on parole only if I give them services. I'm gonna prioritize this kind of if guy because the other individual is gonna get out regardless, and they can get their services in the community, as I mentioned. So from a priority perspective, the, the PRS clients are probably gonna be on the bottom of the totem pole for prioritizing services. And again, as the Director also mentioned, that's coupled with are they motivated to ask for the services,--

**DeBOER:** Sure.

**DEB MINARDI:** --and then where are they on the list within that period of time to get into the services? Is that normal from a national perspective? To be honest, I can't speak to that.

**DeBOER:** OK.

**DEB MINARDI:** I do know that that-- it hasn't always been that way in Nebraska, but it's been quite a while since we've seen no services or such minimal services for this group.

**DeBOER:** OK.

**LATHROP:** I have a few questions. I want to talk a little bit about the navigators. So in contrast to people headed to parole who have reentry staff from the Department, you actually send folks called navigators into the institution to meet with the individuals.

**DEB MINARDI:** Correct.

**LATHROP:** Do they always get them on board the first time they meet with them?

**DEB MINARDI:** No.

**LATHROP:** Is there sometime resistance from the inmates the first time a navigator tries to meet with them?

**DEB MINARDI:** Well, when you think about the whole just even concept of post-release supervision, unlike the other individuals, it's not an option. They can't jam their time out. The court has specifically said you're gonna do X amount of time incarcerated and X amount of time afterwards. So this is a new concept to a lot of individuals who feel like, no, I'm not interested in supervision afterwards. I'll just do my whole time. Well, that's not an option. So there is a certain

amount of motivation that the navigators have to do just walking in the door, reminding them that this is not an option. You are gonna be under supervision regardless. And if you don't fulfill the supervision, you'll be subject to go back to the court again in relationship to your sentence.

**LATHROP:** But it doesn't always happen on the first visit.

**DEB MINARDI:** No.

**LATHROP:** Sometimes it takes a little reasoning with the inmate, couple visits.

**DEB MINARDI:** Yes. Yes. And, and I would say that also keep in mind that my navigation officers are also some of our highest trained officers. So they're trained in motivational interviewing. They're trained in some of those skills that do help to solicit that motivation as well. Doesn't always work, but it helps.

**LATHROP:** OK. They go in at the six months before discharge point in time.

**DEB MINARDI:** We typically go in about 120 days. Again, keep in mind, because of the length of the sentence.

**LATHROP:** OK. At the 120 day mark, do they do an assessment?

**DEB MINARDI:** Yes.

**LATHROP:** What kind of an assessment do they get?

**DEB MINARDI:** If-- as if there was a previously a Level of Service/Case Management Inventory, which is also referred to as an LS/CMI. If there was an LS/CMI done during the presentence investigation, then the navigator will do a reassessment of that LS/CMI. If a LS/CMI was never done-- in other words, a presentence investigation was never done, the navigation officer will do the full brand new LS/CMI. That LS/CMI is used to create that reentry plan based on those criminogenic risk factors and what kind of services are-- or what kind of needs still have gone unmet. And that's what creates the plan moving forward.

**LATHROP:** OK. If that LS/CMI shows that I have substance abuse needs or mental health needs, what happens?

**DEB MINARDI:** That's what goes into the plan is that there'll be an associated recommendation that says this individual continues to have an elevated substance use problem. Therefore, we're recommending an evaluation and, and follow-up treatment.

**LATHROP:** And I don't want this to feel like it's a surprise. Right? You know that I, I talked to one of the judges up in Sarpy County about the reentry courts. And I want to talk to you about two concerns with the individual who is on post-release supervision, who is high needs and headed to reentry court. Right? These would be our most difficult cases and they are one of the pilot jurisdictions.

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**DEB MINARDI:** Right.

**LATHROP:** And two concerns that were expressed, and I'm gonna ask you to talk to the committee or, or to us about that. And one is that for those high-needs individuals, there is a limited period of time within which they have to work given the current statutory process.

**DEB MINARDI:** Correct.

**LATHROP:** How much time is that?

**DEB MINARDI:** As I said, right now it averages about ten months.

**LATHROP:** OK. Some of these people more-- need more than ten months worth of oversight,--

**DEB MINARDI:** For reentry.

**LATHROP:** --supervision,--

**DEB MINARDI:** Absolutely.

**LATHROP:** --particularly in the, in the reentry courts.

**DEB MINARDI:** Correct.

**LATHROP:** How do we-- well, what do we need to do to, to allow the reentry court sufficient time to bring about the changes for that individual, high-need individual if they need more time?

**DEB MINARDI:** Well, if that--

**LATHROP:** Because some of them, some of them I'm told need like years and not months.

**DEB MINARDI:** That's why I gave the comparison that a traditional probation is gonna be 24 months. In, in statute a judge could give five years of supervision for a probation case. In a PRS case, depending upon whether it's a Class III or IV-- you know, they may give-- they may only be able to give 9 to 12 months in-- and if-- in relationship to that. So my first comment would be, I'm always inclined to, to say judicial discretion is--

**LATHROP:** Do you think the court can impose a longer period of post-release supervision for people headed to reentry courts?

**DEB MINARDI:** No, not current-- the way that I understand the law currently, no, they are limited to what is currently in law.

**LATHROP:** Me, too. And so what are we got to do to either incent those people to stick around past that time, or do we need to broaden the period of time that they can be subject to post-release supervision for those difficult individuals headed to a reentry court?

**DEB MINARDI:** I think there's some value in broadening the time. And I would say that's why I mentioned the judicial discretion in relationship to that, because that may not be-- that mandatory may not

always be the answer. But having that discretion of that length of time, especially as it applies to reentry courts, would certainly help.

**LATHROP:** The second concern that I heard expressed, and you might have addressed it with your brand new pilot program, which is if they do an assessment 120 days out and it says this particular inmate has substance abuse issues or mental health issues, what's taken place, perhaps before your pilot program, is those assessments of substance abuse and mental health aren't done until I'm released and I show up in the Probation Office.

**DEB MINARDI:** Correct.

**LATHROP:** Then we do the assessment, it says I need substance abuse treatment and the runway or the time left to get everything done gets--

**DEB MINARDI:** Even shorter.

**LATHROP:** --shorter and shorter. Can we get the, the substance abuse and mental health assessments done while an individual is still incarcerated?

**DEB MINARDI:** I would have to say, Senator, that that would be a question that would have to be directed to the Director in terms of the--

**LATHROP:** Who's doing the LS/CMI?

**DEB MINARDI:** The navigator.

**LATHROP:** And when the-- when that-- when that's done, then they come out and it says that I need substance abuse, then I stop at the Probation Office, who's going to make sure that I get the substance abuse assessment.

**DEB MINARDI:** Correct. That's, that's why we're trying this new pilot program that says while you're still in, there-- as we understand it, there is current statutory authority that would allow an individual to come to a reporting center while they're still in an institution. So it's our way of kind of maybe, as I said, piloting this opportunity to say, so what can we do to help facilitate that quicker? Can we possibly bring them out, get the evaluation while they're still in to facilitate that? But to actually have it occur in the institution itself, I think would have to be directed to the Director.

**LATHROP:** Yeah, it's not the answer I wanted to hear. Yeah, my concern is-- and I know we made some changes last year to the post-release supervision statute, but the idea that Probation only has so much time to work with somebody and we're burning up that clock on further assessments that we knew were necessary after the LS/CMI was done at 120 days.

**DEB MINARDI:** Well, there are-- you know, I would say that there are those instances in which as part of the actual process of an individual going into the institution where that evaluation may have already taken place. And so utilizing that evaluation--

**LATHROP:** Assuming they had a probation presentence and they weren't in there long enough for it to get stale.

**DEB MINARDI:** Or that it happened as a part of their classification process. The problem with-- may be is, in fact, now you're talking about evaluation that's possibly two years old.

**LATHROP:** Stale.

**DEB MINARDI:** Right.

**LATHROP:** OK. Well,--

**DEB MINARDI:** I hope, I hope the reporting center.

**LATHROP:** --I want to have more, I want to have more conversations about that. I, I have to tell you, when I, when I met with the folks up in Sarpy County and saw what they're doing, I'm sure they're doing this out in Hall County, too, with the reentry courts and the opportunity to bring sort of that dynamic that happens in problem-solving courts to the high-needs person. We pretty well know

they're gonna get in more trouble if they don't succeed in the reentry court. Seems to be a great opportunity for success and public safety.

**DEB MINARDI:** We agree.

**LATHROP:** OK. Senator DeBoer, does that prompt any questions from my other committee member? I don't think so.

**DeBOER:** It's gotten, gotten kind of sparse.

**LATHROP:** Yeah. Thanks.

**DEB MINARDI:** OK. Thank you.

**LATHROP:** Appreciate you being here today. OK. We appreciate-- let's see a show of hands on how many people want to testify, again. Two, four, six, eight, ten, maybe twelve. OK. We are now going to go, since we're through the invited testimony, to the clock process. And Laurie here is going to run the clock. What that means is you'll see a green light when you sit down. That green light will be on for two minutes. That's just like you'd expect. You're good to go. The yellow light will come on warning you that you have one minute left. And when the red light comes on, we'll ask you to finish up your thoughts, if you wouldn't mind. If you're going to testify, you-- if you want to come up, you can have a seat. If you want to testify, we hope you'll come up and fill up the front row seats so that we: A) know how many people we got left; and also can keep people moving through the seats. And

just because you can only talk for three minutes doesn't mean there won't be questions. So with that, welcome.

**DESTENIE COMMUSO:** Good afternoon. My name is Destenie Commuso, D-e-s-t-e-n-i-e C-o-m-m-u-s-o. I'm the reentry coordinator for the Mental Health Association of Nebraska. We have been a VLS grantee since the beginning in 2015. The Mental Health Association of Nebraska is a peer run organization, meaning all employed live with a behavioral health issue and/or a previous incarceration. MHA provides a wide variety of free to the participant services for those inside Nebraska Department of Corrections, as well as those returning to our community. We currently have Honu Home, which is a 20 bedroom, 14 bathroom building staffed 24/7 by trained peers on about 56th & Pioneers. The whole program provides supported employment to individuals looking to gain and maintain employment while at the Work Release Center, and within 18 months of release. The REAL program provides outreach services to individuals inside facilities and in the community. Those services could be anything from obtaining proper identification, assisting with [INAUDIBLE] medication providers and/or therapists, help with locating safe, affordable housing, and assisting with making sure all basic needs are met, such as food and hygiene. The [INAUDIBLE] Benefits Program assist those coming out to reinstate Social Security benefits or those who may now need to apply for Social Security benefits. We facilitate WRAP, Wellness Recovery Action Plans,

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inside five of our state correctional facilities year round. We train selected individuals who are serving life and/or long-term sentences in IPS, Intentional Peer Support, to give those who go through the training purpose and hope in sometimes an unhopeful situation. Those trained individuals now meet with people in segregation units and mental health units who asked to meet with peers to receive support and just have someone who may understand listen to them and help process what they're dealing with. To date, we have completed Intentional Peer Support trainings at NSP, TSCI, and LCC is about to begin training the selected individuals that have been chosen there. Over the last almost five years, we have built great relationships with all the reentry specialists, Grace, and the deputy director, Dawn-Renee Smith, social workers, and the Director of the Department of Corrections, Scott Frakes. I want to focus on the relationship we have with the reentry specialist and the navigation specialist for PRS participants reentering our community. I have seen the folks in these positions work extremely hard on release plans. They work long hours and I receive calls and I'm working on plans with them sometimes until 8:00, 9:00 at night. They are dedicated and motivated to provide each individual with a strong reentry plan. They, at the end of the day, are some of the biggest advocates for inmates because they take the time to get to know them and get an understanding of what would work best for the individual, not for the system. They also know a lot about our programs and which ones may or may not be a good fit for

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someone which helps us. The communication between VLS programs and reentry specialists is perfect. The VLS program is working and very beneficial to those who utilize it-- utilize the grantees under the VLS grant. Anytime we have issues or concerns at any facility, all we have to do is call Grace or Dawn-Renee Smith and it's taken care of as soon as possible. Our numbers show that the support and programming works. This grant cycle, 84.9 percent of individuals who went through our supported employment program are successfully employed. And any past participants who begin to struggle have rapid access back into our program because nobody is perfect and life happens. So when it does, we are there and we are able to collaborate with other grantees to assist people to get back on track. The majority of our staff who work under the VLS grant are people who started out as participants returning to the community. They are buying cars, houses, having children, getting married, and are taxpaying citizens. They get the barriers and struggles our folks will face reentering so we are able to catch things faster and prevent issues. I want to thank you for your time and I'm willing to answer questions.

**LATHROP:** Thank you.

**DESTENIE COMMUSO:** Oh, and I got the red light.

**LATHROP:** Yeah, you did get the red light. Did you have a question? OK.

I do want to say this. I did have a chance to tour the House and I

also went to the graduation at, at the Penitentiary of those folks that were graduating from the Intentional Peer Support and the idea that those men who had been trained in that area were going in to talk to people who were on restrictive housing is just such a win-win. I am enormously impressed with what you guys are doing. And we, we appreciate your service to these individuals and your testimony today.

**DESTENIE COMMUSO:** Thank you.

**DeBOER:** I actually thought of a question.

**LATHROP:** OK. Senator DeBoer.

**DeBOER:** Have-- has the change in-- or the shift in the way the, the hours are working at NSP affected your programming at all?

**DESTENIE COMMUSO:** We currently are not able to run WRAP groups at NSP.

**DeBOER:** Because of the 12 hour, 12 hour?

**DESTENIE COMMUSO:** Yes.

**DeBOER:** That's when it changed.

**LATHROP:** What program did you say that is?

**DESTENIE COMMUSO:** WRAP.

**LATHROP:** The WRAP.

**DESTENIE COMMUSO:** The weekly support group there.

**LATHROP:** So is anybody else doing that inside the facility or it's just not happening?

**DESTENIE COMMUSO:** No, that's only a program that we take inside the facility. So it's not happening currently.

**LATHROP:** Anybody giving you an idea when it may be-- when you may have an opportunity to return and provide that program?

**DESTENIE COMMUSO:** Not that I know of.

**LATHROP:** OK. I don't see any other questions. Thanks, Destenie. OK, so the lights that we're talking about are right on the table, OK.

**AMIE JACKSON:** I know Senators, but in my experience in the past we were given five minutes so I strategically timed this at five minutes. So--

**LATHROP:** Well, you're gonna leave two minutes on the table.

**AMIE JACKSON:** Yeah, so I'm hoping that you'll give me some grace on this three-minute period here.

**LATHROP:** Well, there's a lot of people that want to talk--

**AMIE JACKSON:** I know, I know.

**LATHROP:** --so we're gonna ask you to stay inside that three minutes.

**AMIE JACKSON:** I'll, I'll try to speak quickly. And I did provide a copy in case you want to read it later in case you miss something.

**LATHROP:** Yeah, we appreciate that.

**AMIE JACKSON:** So I'll speak quickly.

**LATHROP:** Starting with your name.

**AMIE JACKSON:** Yes. Good afternoon. My name is Amie Jackson, A-m-i-e J-a-c-k-s-o-n. I once had a prison number but that is not how I am defined today, nor do I let it hold me back from reaching my goals and dreams. I was released from the Nebraska Department of Corrections in 2012. I went back to the same environment that I struggled in for 25 years. I was addicted for many years and in and out of jail my whole life. Ended up back in prison, but the second time I was released, I found the support of the Mental Health Association. I began working closely with peers who had gone through similar struggles as I had. I found my second family in a recovery journey that finally gave me purpose. MHA encouraged me to become someone who no longer had to succumb to drug addiction, crime sprees, and many years of incarceration. I became an active member of my community and started to live responsibly. I started to break barriers that so many reentrants face upon release from prison. I got a driver's license, a car with insurance, my own home, a job, and I even got the pleasure of

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paying bills and taxes like real people do. This all gave me hope that if I can do this, anybody can do it. I began to volunteer for MHA in 2014 and became employed in March of 2015 as a peer support specialist under the VLS grant. I continue my work with them doing outreach for people reintegrating back into our communities. My job as an outreach specialist is to help reentrants obtain basic needs and essentials such as food, clothing, hygiene, birth records, state IDs, community resources, and their own safe, affordable housing. I facilitate Rent Wise groups to educate people on how to become responsible tenants. I've also connected with many landlords in the community and advocated for those needing to find a home upon release or after transition. I have helped 65 people find their own homes and receive 10 to 20 calls a week from people needing to help-- needing help to find housing. It's tough, the need for housing is so great and there are stiff criteria that need to be met to be approved for our residents. Most of this population does not even meet one criteria on the list of many. Then it's back to square one, starting over to find the landlords willing to give someone a second chance. There are not enough landlords or housing options for people being released. So what happens? They stay in prison, parole pending, or deferred for months to years after their parole eligibility date. Some people will rent to someone in a heartbeat, but oftentimes those dwellings are filled with bugs, drugs, and rodents not fit for anyone on a recovery journey. We have a lot of people who have been working and have money for an

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apartment who still want to utilize a short transition to Honu for peer support because they have no family, no social skills or support, and want to become a part of something that will encourage them to be the best version of themselves and become a contributing member of our community. You know the old cliché, if you do the crime, you do the time. Well, they have done their time. But the crime labels and stigma follow them back into our communities and they are not given a chance to reach their full potential because they are told no everywhere they go. I've been facilitating WRAP groups and attending reentry fairs inside the prisons for the last four and a half years. And in those years, I've met with thousands of people to offer them hope, help, inspiration, and opportunity to do something different. Their desire to come to Honu and participate in our programs is evidence-- evident and we don't turn anyone away. I would like to let you know that people used to come up to me with excitement and hope in their eyes and tell me I got accepted to Honu. We've been able to celebrate their freedom and hope for a better life. In recent months, I've been approached by participants saying Parole denied my plan for Honu, and then they are left with another let down, another person telling them, no, I'm sorry, you can't do what you really want to do. It's been heartbreaking, to say the least, to see these men and women let down again and again and again. Peer support is an evidence-based practice, and nobody, no matter what their crime or circumstance, should be denied the opportunity to discover, receive, and share it. When

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someone is truly invested in their own recovery and asking for help, support, love, and opportunity, we as a community should honor their request and do all we can to guide them on their recovery journey. Senators, I would love to sit here with you all day and tell you about the miracles, the progress, success, and countless lives I've seen changed as a result of being invested in doing something different. At MHA, we are invested in doing something different, offering hope for a different life inside and outside those prison walls. It's time to take the power from those abusing it and denying parole, parole plans to Honu and other grantees and give it back to the ones who want to use it for the greater good. Give it to the ones on the ground and in the field doing the hard work for those who we are talking about today. Those who have done their time for their crime. They deserve a chance to be released back to their communities and become a part of it once again. I've heard some of you talk back-- talk about squeaky wheels, shiny objects, and hearing the same thing time and time again. My hope, our hope, their hope is that someone will finally stand beside them and applaud their success, their new beginnings in life change, so they, too, can have the lives they always dreamed, dreamed of because they are worth it. And if you have any questions, I'll answer them.

**LATHROP:** Senator DeBoer.

**AMIE JACKSON:** Yes.

**DeBOER:** Why are their-- why is Parole denying their plan for Honu?

**AMIE JACKSON:** They're-- the high-risk, high-needs assessment tools that are just now being implemented. I believe those tools have been implemented for years, but they're changing some of them.

**DeBOER:** And how is that affecting whether or not Parole allows them to go to Honu?

**AMIE JACKSON:** It depends on the crime. It's just-- it depends-- it-- there's a lot of factors that go into it. And there's no rhyme or reason to why they're starting to deny those plans now. I-- you know, I was in a meeting recently and they talked about approving a plan for somebody who was-- went out on parole, stabbed somebody, went back in, and they're gonna approve him to come to Honu, but they're not gonna approve somebody who just did 25 years because of his crime is sexual in nature. He's been across the table from me for two years, working with us closely. And now I have to go back and tell him that his parole plan is denied. When the last two years, he was excited to come to Honu. So I don't know why parole plans are being denied. They're basing it on their crime of 30 years ago.

**DeBOER:** So what's the alternative? So if they don't go to Honu, where do they go?

**AMIE JACKSON:** They stay, they stay parole pending in prison.

**DeBOER:** OK.

**LATHROP:** Senator Brandt.

**BRANDT:** Thank you, Chairman Lathrop. I had the opportunity to see the Honu House. I'm very impressed. It's a success. So anything we can do to help you, let us know.

**AMIE JACKSON:** Will do.

**LATHROP:** I think we met at the Honu House.

**AMIE JACKSON:** We did.

**LATHROP:** Yeah. You're doing good stuff there. You really are. And, and again, what they did with the Intentional Peer Support and doing the WRAP inside is impressive as well.

**AMIE JACKSON:** Yes. Thank you.

**LATHROP:** Thanks for what you guys do.

**AMIE JACKSON:** Have a good day.

**DEMETRIUS GATSON:** I got to do one thing, this is driving me nuts.

**LATHROP:** Me, too.

**DEMETRIUS GATSON:** I'm sorry.

**LATHROP:** I have too many papers up here. Thank you.

**DEMETRIUS GATSON:** I got to fix it. I had to fix it.

**LATHROP:** And she didn't turn that light on yet.

**DEMETRIUS GATSON:** Good.

**LATHROP:** Now turn it on, Laurie. OK, welcome.

**DEMETRIUS GATSON:** Good afternoon, Senators. Senator Lathrop, Chairman and all the rest of the committee. My name is Demetrius Gatson, D-e-m-e-t-r-i-u-s, last name G-a-t-s-o-n. I am currently a reentry specialist with RISE. I am formerly the welding instructor at the trade program. I'm also-- well, formerly peer support at Honu and that's just for lack of time. But I come to you today to talk about reentry. Over my 40-something years of life, I have been in and out of the penal system approximately 60 times. One time with the feds. And I want to talk about reentry because reentry was something I got out and had none of all these many years. I would get out with \$100 in my pocket and my son on my hip. Absolutely nothing. I listened-- I had a whole speech that I was gonna talk to you about, but I listened to Scott Frakes, how he talked about reentry and how it starts at intake. Unfortunately, it did not start at intake, even this very last time. This very last time, which I've been on parole for approximately 16

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months now, I've done all that in 16 months. It did not start at intake. I didn't see my reentry specialist until about three months prior to me leaving August of 2018. And when I saw them, the one thing they asked me was, do you have an address to go to? Yes, I do. I gave them the address. That was the only one and only time I saw that person. I never saw that person again. I didn't receive this pamphlet that they're talking about. I didn't receive this resource book. I received nothing. What I think is consistency. They should have consistency. I currently have a son that is incarcerated right now in NSP. He is in what they call South Forty. And I asked him the same question. Matthew, did you receive any type of reentry specialist when you came in? Did you receive a book, a pamphlet? He said, no, I don't know what you're talking about. I said, what about these classes? Because I've navigated through the classes. I've went through the system with absolutely no, no plan in place. So I set my own plan in place. I've taken Moral Reconation Therapy, 7 Habits of the Highly Effective Person, as well as Thinking for a Change, which all those classes help. Well, if you put it together, you have that mindset, it will help. I asked him, have you heard of these classes? What about VRP? I know about VRP, Mom, but I know about none of them other classes you're talking about. Well, now we can't do nothing. I just sit here. They won't even let me get my GED, they won't even send me my GED book. Consistency. I think that consistency is the key in any institution. I am a woman, so I've been in, in York only. They're very

consistent up there. They get all the classes that they need so that they can parole. I don't have been denied a final yes. They waited until I was like about three months past my eligibility. That's because they wanted me to have support. I did gather that support through my church family, through my family, my natural born family, my friends, coworkers. But these men, they don't give them that support. Consistency, that's all I think that the Department needs is consistency with the reentry specialists.

**LATHROP:** And when you say your son's in the Back Forty, that's the restrictive housing unit at the State Penitentiary.

**DEMETRIUS GATSON:** Yeah. I think it's called South Forty.

**LATHROP:** Did I say--

**DEMETRIUS GATSON:** Back Forty.

**JASON WITMER:** It's South Forty.

**DEMETRIUS GATSON:** Is it South Forty? Yes, South Forty.

**LATHROP:** South Forty. OK, so he's not getting access to the programming,--

**DEMETRIUS GATSON:** Absolutely not.

**LATHROP:** --not sitting in restrictive housing at NSP.

**DEMETRIUS GATSON:** Absolutely not. And they keep him there and they deny him.

**LATHROP:** I, I-- I'm not here to defend the Director, but I think handing out these books and doing this orientation is something that's been in the works in the last year. It's not something he claims that was-- had been going on for years and years. I think when we toured Diagnostic and Evaluation Center this--

**DeBOER:** January.

**LATHROP:** --January, they were talking about it like it was something they were just starting, so.

**DEMETRIUS GATSON:** OK.

**LATHROP:** But--

**DEMETRIUS GATSON:** Any questions?

**LATHROP:** I don't see any questions.

**DEMETRIUS GATSON:** Thank you very much for your time.

**LATHROP:** No, thanks for coming. I appreciate it.

**DEMETRIUS GATSON:** No problem.

**LATHROP:** OK. John's been jumping up there. John, we'll let you be--

**TAMMY HANSON:** John, you want to go first?

**LATHROP:** Yeah, let's let John--

**JOHN KREJCI:** Age before beauty.

**LATHROP:** If we had a lifetime light, it would be red by now.

**DeBOER:** You have a lifetime limit?

**LATHROP:** John has been coming to the Judiciary Committee on these issues for a long, long, long time.

**JOHN KREJCI:** Long time.

**LATHROP:** Welcome back.

**JOHN KREJCI:** Thank you. Good afternoon, Senators. If Senator Chambers were here, I'd note that we were the few that opposed the Tecumseh Penitentiary in 1992. And we did not succeed, but I think we were correct in not putting it out there. This is an important hearing and reentry is extremely important. I'm a member of RAN, Reentry Alliance of Nebraska. I'm not testifying for RAN. My name is John Krejci, K-r-e-j-c-i. We know our prisons are overcrowded. They're in crisis and we definitely got to get more inmates out and fewer in. That's-- you know-- what the problem is, is that there are many good people working in Corrections. We met with the Parole Board earlier this week, really sincere, hardworking, and good. What happened is-- and I

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think that the testifier before me meant, the system is fragmented and dysfunctional. You know, there are programs set up. There are things on paper and whatnot, but-- you know, it's not working the way it's supposed to. What we need to do-- people working in their isolated silos, we need to have-- Parole isn't sure what Corrections is doing, Corrections blames law enforcement and the courts for sending too many people to prison, probation, and supervising hundreds of diverse individuals. We need a task force of all the stakeholders. We had Community Corrections years ago. You know, we need all of those above plus mental health, Legislature, Governor, we need a dialog, cross-fertilization of ideas so people know what others are doing. We've got to get aware of the big picture. The Governor could do this. He could declare we're going to have a task force. I think McCollister had a law pending last session that did not get passed. The Legislature could pass legislation mandating this. Short of this the Legislature could hold a summit or a task force of stakeholders to begin this dialog. The problem is broad multiple solutions need to be comprehensive. This would increase probation, drug and alcohol programs, increased programming in prison, faster paroles, stronger supervision and support of formal inmates-- former inmates. I have a letter that was to the editor which I proposed a kind of a whimsical proposal. The staffing could be solved by the Governor declaring a State of Emergency and bring, bring the National Guard in there and-- or do like Oklahoma did, let out 400, 500 prisoners-- the Governor

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would commute their sentences. We have to think outside the box, the little dilly-dally-- I shouldn't say dilly-dally, but the sincere efforts are just not working. Would it be risky to do some of these things? Yeah, but a prison riot and violence in the prison is-- would be even worse. Oh, red light's on. I'm done.

**LATHROP:** OK. Thanks, John. Any questions for Mr. Krejci? Seeing none, thanks for your testimony today.

**JOHN KREJCI:** Thank you.

**TAMMY HANSON:** You're welcome. Good afternoon. My name is Tammy Hanson, T-a-m-m-y H-a-n-s-o-n, and I'm representing myself today based on my experiences of doing prison ministry for 15 years at our Savior's Lutheran Church. I go to monthly parole hearings. I am a sponsor [INAUDIBLE] at CCC-L. And I also in the last eight years, my husband and I have had two men paroled to our house and we also had a former FEAST partner that came to live with us for a year because she had left a domestic abuse situation. So I have had a lot of experience. When I was asked what can the state of Nebraska do to facilitate the process of reentry for individuals going back into the community? My first thought was housing. I've heard that a lot. And then my husband said, well, why housing? And we talked. And it's like the bottom line is it's money. When we talk about recidivism, well, I'll get to the part where they don't have enough money. So when men and women come to

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Community Corrections, and that's my experience is about Community Corrections, they go to work detail. And you might have seen some of these people down at the state offices in their grays at the Governor's Mansion, down on-- out on the roads and other activities that they do. Now the state is paying Corrections an hourly wage for these people, and the inmate gets paid approximately \$2 a day. And so they have a hard time of paying their, their five percent of a victim's impact fund, 5 percent to a savings. Some of them have a modified child support. So it's difficult for them to save money. Then some individuals-- we talked about programming or heard about programming. Some people have to do programming. And in my opinion, that programming should be done before they get to Community Corrections. What happens is that sometimes the individual started a program when they were at another institution and they get shifted to Community Corrections, they have to start that program all over again because they had not completed it. And so they need to have time that they can just save money. You know, when you think about Work Release, people at the Center have to pay a fee, and it's no longer called rent of around \$400 a month. And there are eight men in a room built for four. Indivi-- individuals coming out of Corrections need to have housing. Honu House is some-- someone that we worked with. We have a lot of people from FEAST that have gone there. So transitional housing, having support as they get out, looking at people when they get out and there-- they have a job. A lot of times the employers

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still have to send their checks to the Community Corrections. And so some individuals do not get their money back from Corrections to pay their second month's rent. So they might have to do-- you know, buy a phone, do job training and education, having insurances like health and car insurance, food, clothing, furniture, and sometimes having to pay child support and maybe other debts. So when the correctional system does not help people succeed and not come back, it costs the taxpayers more money because the breadwinner is now back in prison and the family has to go on welfare. One of our, our partners had been offered \$5,000 bonus to start his selling of drugs. So I believe that the system needs to be changed in many ways. One important way would be to allow men and women to earn enough money to succeed when they get out of being incarcerated.

**LATHROP:** OK.

**TAMMY HANSON:** So if you have any questions?

**LATHROP:** I don't think so, other than the observation that, that when you start out at work detail, you're making maybe a couple bucks a day--

**TAMMY HANSON:** A day.

**LATHROP:** --and you might be picking up leaves or--

**TAMMY HANSON:** Yes.

**LATHROP:** --cleaning a building. If you get to Work Release your payday-- maybe not a living wage, but you're--

**TAMMY HANSON:** Right.

**LATHROP:** --paid at least minimum wage.

**TAMMY HANSON:** Right.

**LATHROP:** You're paid \$12 a day and you can actually bank some money prior to your discharge.

**TAMMY HANSON:** Well, but they are-- they still are paying their 5 percent victim's fund, their, their savings, and then their maintenance fee. So-- and most the--

**LATHROP:** And maintenance is a \$12 a day. Right?

**TAMMY HANSON:** I've got whatever it is for the month.

**LATHROP:** OK.

**TAMMY HANSON:** So yeah.

**LATHROP:** OK. If we could get them to Work Release, everybody to Work Release with an opportunity to work outside, make at least a wage,--

**TAMMY HANSON:** Right.

**LATHROP:** --bank a little bit of money so that they can land on their feet when they go out the door.

**TAMMY HANSON:** Well, and I can tell you that the, the turnover of people coming through Community Corrections is faster. Like, we used to have people that would be with us for years. And now-- I mean, we're lucky to keep them maybe-- you know, four or five months.

**LATHROP:** Right. OK. Well, thanks for your testimony.

**TAMMY HANSON:** Um-hum.

**LATHROP:** Good afternoon.

**TEELA MICKLES:** Good afternoon, Senators. And I appreciate your commitment to this particular operation. I am Teela Mickles, T-e-e-l-a, Mickles, M as in Mary i-c-k-l-e-s. I am the founder and CEO of Compassion in Action. Compassion in Action has been serving the prison population unofficially since 1983 and officially since 1994. Pre-release education, reentry preparation is our program. It's the foundational service with a focus on personal validation for each individual. The process is to assist the correctional resident, we don't like the word inmate, with the identifying and underlying-- with identifying and underlying unresolved issues that led to negative behavior resulting in criminal acts. Therefore, we're giving our students a sense of ownership for their actions and a desire for resolution that is personal, long-term and life changing. Thus,

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breaking systemic, generational, poverty, criminal cycles and fostering-- that foster reoffending and recidivism. I submit the following: number one, to be more attentive to the positive efforts being made by the confined residents through the self-betterment clubs, which are usually led by-- led and heavily populated by long-term and life sentence servers. I've attached identi-- the definitions for each of, of those clubs which were given to us by the club members at a transitional fair. Next, is to provide more avenues for community awareness and active involvement through the self-betterment clubs. The public needs to be more aware of the positive activity within the confines of prison walls and how they can become engaged in the process of pre-release, reentry, transition from prison to society, and community reestablishment. It's a journey and it's different for each individual. It takes three to six years for them to complete all those phases and they need community support in the process. My note is when one person is in prison, the whole family is locked up and the entire community is paying for it. Number three, is to be intentional and actively include the confined population in studies pertaining to them, for example, when examining issues related to the Nebraska correctional system. The confined individuals are the experts in the matter. The public can only guess and study, but these individuals live in this environment daily and some for many years. Yet, they still manage to maintain, to study, to plan, and to hope for a future. I have comments from the residents at NSP, Nebraska State

Penitentiary, accompanying this statement. When we do our classes inside Nebraska State Penitentiary-- by the way, all those classes and clubs are terminated until they have this movement thing changed. But we ask the individuals specific questions because we want their information, which we will document it and we will consider it data because we want to know from them what's really going on. The information needs to be adequately communicated as it pertains to the confined population. Currently, there is an authorized movement schedule, which I got directly from Director Frakes, because I work with him very closely, in, in place and it's due to lack of staff for extended houses in the day. It's not a lockdown, and nor are the clubs or the programs being cut. However, that hasn't been clarified to the residents. I actually got a letter just this week from a life-sentence server who actually thought that the programs are being cut. So they need to get adequate information so they don't think that they're always a victim of something. And then my last statement was just that the Omaha Police Department has recently arrested five young people ages between 13 and 15, four of which, which were already on probation and one is for a gun charge. And so we're asking the question, why are you so willing to take these risks in the community? And then where is the community's responsibility for prevention as well as interaction with our confined population? I believe more involvement from the

community with them understanding what their place could be would be the glue to some of our concerns with reentry.

**LATHROP:** OK. I don't see any questions. Must be Friday afternoon.

[LAUGHTER] Thanks for your testimony.

**TEELA MICKLES:** Must be. Thank you so much.

**LATHROP:** Welcome back.

**JASON WITMER:** Welcome back, me. Jason Witmer, W-i-t-m-e-r. I believe there's a lot of people to represent what I was gonna say before, so I would just like to shortly point out something that I believe was pointed out before. And I just wanted to make sure that it was pointed out. And being a person, incarcerated individual, peers had gotten invested in me on the inside as discussed before, got me involved in a lot of program or a lot of reinvestment in myself and others before I got out. And having coming out, I started out even when I was doing construction work, volunteering with groups, domestic violence group, other, or-- and I got into the reentry organization. All that leading up to is I don't want to ignore the-- so it's-- parole [INAUDIBLE] a smaller thing, I want to talk about the Parole Board. So when I was construction, an individual got me involved with domestic violence group because of what I seen as a, as a child. And then eventually my life led into a spiral. And this group worked with a lot of individuals that were getting in trouble and the courts were

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sentencing to this group. And after a time, it turns out that I had taken pride. You know, we take twisted pride inside like my crimes, not that, so I'm better than that or this and that, and it gets a kind of twisted sense. So I've taken pride in I'm not a rapist and I'm not a woman beater so somehow I'm better than that. However, when I'm got in this group and people change my mentality to try to accept people and work with people. When I got into this group, I was like, I'm going into it to share my story and maybe something will happen. And I've learned that just being involved in violence translates into violence. So it doesn't matter who the violence is against. So in the organization, it translated, well, like, OK, this is somebody, this is a peer in some sense that can connect and I'm gonna connect to them. And we had good conversations and it really amounted into the good things. So the organization wanted to send me to the Duluth Model, that's the-- pretty much one of the top models of domestic violence to educate about this. And the Parole Board, stop-- stopped that. They did not want a parolee. I'm a long- term parolee. They did not want a parolee to have any sort of-- even the appearance of authority over another parolee. And now I'm seeing it again in-- Amie Jackson has referred to that. That was a problem in MHA. The parolees that were involved working with other people, they, they decided we don't want them involved in these things. I understand some of the dynamics, but if I worked at McDonald's and I had, and nothing against McDonald's, if I had some authority, if I was manager and I was a parolee, there

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would be no talk. Construction is well-known, people get their skills and they move up. There's no talk. In the industry of human service where we could serve in a capacity, a purpose for ourself and other people to connect like myself that had moved me forward, it's a problem and it's the Parole Board. I don't want to miss that has this blanket thing of there's a no. And I want-- and I would like to put that forward for something that to be looked at and possibly addressed, because it has given me great purpose in my life that I'm giving back in some sense. And it gives a lot back to myself. And to find out that maybe it's not for me because somebody else is saying it's not for me, like only construction, only McDonald's, is a problem.

**LATHROP:** OK. Well, we're glad you came and shared. I don't see any questions this afternoon.

**JASON WITMER:** Thank you.

**LATHROP:** Thanks for being here.

**DOMINIQUE MORGAN:** Hi.

**LATHROP:** Welcome back.

**DOMINIQUE MORGAN:** Greetings. My name is Dominique Morgan, D-o-m-i-n-i-q-u-e M-o-r-g-a-n. I am the national director of Black and Pink. We are the largest organization in the United States supporting

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LGBTQ+ people. Our national offices are now in Omaha, Nebraska, and have been for two years. I also speak as a formerly incarcerated person in the Nebraska system for nearly a decade, 18 months of that time was in solitary confinement under PREA law. I really don't want to talk about the needs of reentry, you all understand that. I think the concerns that I have as a service provider who chooses not to partner with Corrections based on the foundation of values of our organization are the barrier to supporting folks through reentry if you are not a partner or if you are not a grantee of Corrections. I-- I'm concerned about Corrections being in a position to be a grantee. I have a path of being a sexual health educator. And when you think of healthy relationships, for me it's if a boyfriend is abusing someone and the boyfriend pays for that someone to go to therapy or the boyfriend punches the partner and the boyfriend pays for the medical services, it seems like a conundrum to me for Corrections to feel so unsure about how they can repair the issues internally that will allow people who are currently incarcerated to access services and then have the audacity to be a grantee to provide those services. I think the fund should exist. I don't think Corrections should be over those funds. In addition to that, it seems as though there is difficulty with folks who are being positioned to do reentry services that may not agree with the decisions that Corrections are making or want to challenge Corrections and then being hindered to doing work with people who are currently incarcerated. At this point, you've heard

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over and over today that they don't have the staff to do this work. They don't have from what they're saying, they don't know where to hire these people to do this work. And you have organizations like Black and Pink, we opened the first community housing for formerly incarcerated people who are on the LGBTQ+ spectrum or who identify as HIV and AIDS in Omaha three weeks ago and is the first one in the country. And we can't even get in to see our clients because we have a JPay account. There is no discernment. There's no communication. Things are siloed. We can't-- my goal is for us to figure out what are the rules of engagement to provide services for people through reentry if you are not a grantee of Corrections. How do we streamline that? Last but not least, I just want to uplift the voice of several folks who are parole pending and because their housing won't be approved, because there's uncertainty with the Parole Board they're there. A young man named [INAUDIBLE] is right now, he's parole pending. They won't let him parole to a halfway house. They won't let him parole to family. He has parole to himself. He's been incarcerated for the past 16 years. He's 32- years-old. I'm really concerned about the processes of reentry and folks inside are concerned. And I don't know how we connect those pieces, but I would love for you all to really set out some mandates. And in my last few seconds, we have been working to create a standard of care for people who are in community houses, three-quarter way houses, program houses to where we can hold them accountable. Because right now they're on a program application,

they're not tenants. So most of the tenants rights that are in place in our cities are not held accountable. Folks are getting eaten up by bedbugs, being forced to turn in their food stamp cards, paying \$500, \$600 a month to share a room with three other people. And many of these houses are on the mandated or approved list that Parole has. So for many of these gentlemen, it's either parole there or stay inside.

**LATHROP:** Well, thanks for the good news. [LAUGHTER] I do have--

**DOMINIQUE MORGAN:** Senator Brandt.

**LATHROP:** I'll get to him in just a second. I do want to comment, though, real quickly about your last, your last comment, which is I don't know how we-- you know, when Health and Human Services can send a surveyor and to survey facilities that the state runs and we can determine whether they are up to some standard or not. I don't know what we're doing with this post-release housing and whether we have places springing up that aren't doing what we expect that they're doing, and there's not much or little or not enough oversight. So I appreciate your comment.

**DOMINIQUE MORGAN:** Well, Senator, the concern with that is that these houses are not about services. These are, these are entrepreneur endeavors for people. So anytime dollars are attached to how many people that can be housed there, it's going to be problematic.

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**LATHROP:** OK. Senator Brandt.

**BRANDT:** Did I understand you to say that if, if a parolee is LGBTQ and they do not have housing, they will not be paroled?

**DOMINIQUE MORGAN:** Well, that's just in general. But the Black and Pink house was created because many of these folks have no fit, no direct family. Some of these folks are on the sex offender registry and many of these homes are not approved for them to be sent to so [INAUDIBLE] House was created to address that barrier that many of our members have, especially our transgender individuals.

**BRANDT:** OK, but I guess what I'm trying to get at is if, if an LGBTQ person would be denied parole because they could not find a place to live. Is that a true statement or not?

**DOMINIQUE MORGAN:** They will be parole pending. So they will not-- the, the actual like your own parole will be granted, but they will not have any housing approved. So they will literally sit there until they find housing or there may come a time when they just revoke the parole and maybe send them to Work Release.

**BRANDT:** All right. Thank you.

**DOMINIQUE MORGAN:** Yes, sir.

**LATHROP:** I see no other questions.

**DOMINIQUE MORGAN:** Thank you.

**LATHROP:** Thanks again, Mr. Morgan. Good afternoon.

**ELVIN SIEBERT:** Hi. My name is Elvin Siebert, it's spelled E-l-v-i-n S-i-e-b-e-r-t, and I'm a retired mental health social worker and I grew up and have been a Nebraska resident, but worked over in the neighboring state across the river and so ever since 1975. But I did get my start here at Whitehall and Lincoln Regional Center and at Uta Halee home for girls in Omaha. And then after that, worked in the neighboring state. There I did work and I was head of the-- at [INAUDIBLE], the corrections department, was jail consultant to the jail. And I worked with the Fourth Judicial Correctional Division and ran the mental health component part for their sex offender treatment programs. And why I am here today is that one of the things I think that the state of Nebraska could do is to set up a fund for every prisoner of approximately-- and this is just a-- you know, a guess amount of \$2,000 for everyone leaving the prison or parole. And that the person who administers that helps decide-- you know, what it can be used for and it should be used for living expenses and job seeking expenses. And I, I heard the other lady talking about that very thing and I witnessed that before I retired in the year of 2011. The agency I worked for, we had people coming in all the time, where they're getting vouchers for gas money or for rent or those kind of services

that they needed to exist. And you know, we don't go any place in our society without this, you know. So that's all I wanted to say.

**LATHROP:** Well, we're glad you came here to say it. Thanks and thanks for the work you did before your retirement, too.

**ELVIN SIEBERT:** Yeah.

**LATHROP:** Thank you. Good afternoon.

**JERRY ARELLANO:** Good afternoon, sir. Chairman Lathrop, members of the committee, my name is Jerry Arellano, Jerry, J-e-r-r-y A-r-e-l-l-a-n-o. I live in Omaha, Nebraska, and I'm a constituent. I'm also employed by the Nebraska Department of Correctional Services as a reentry specialist. I've held this position for five and a half years. As a reentry specialist, my job is to help individuals develop comprehensive reentry plans to include housing or transitional living and employment, allowing them to successfully reenter our communities. There are a couple of situations that prevent timely reentry for individuals. If they are unable to complete needed programming, parole may be denied. In the case of the individuals who are Spanish-speaking, programming may not be attainable because translators are not available. I understand this could be a matter of cost. However, if we used interns from college, we could reduce those costs. Even better, we could utilize current Spanish-speaking porters to provide translation services. This is especially needed where

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Spanish only speaking inmates need to complete I-help or O-help programming for individuals incarcerated for sex offenses, offenses, excuse me. The alternative is that they jammed their time reentering society with no programming and no supervision. Before leaving custody, we try to provide every person with a comprehensive reentry-related information and access to resources necessary to succeed in the community. Nevertheless, we can't just drop individuals off on the street with their gate pay and our good wishes and expect them to succeed. Let me end with a story. I had a client who was going to Bristol Station in Hastings, Nebraska. He was released at 9:30 in the morning. I took him to the bank to cash his check. I dropped him at the train station. I later found out that train station did not open until 9:00 in the evening and that his train did not leave until 10:00 p.m.. I am concerned about what happens during these idle unsupervised hours. Did I send him-- did I set him up for failure? Does my job end when my clients walk out of prison? I don't believe so. I believe we must provide seamless transition between incarceration and post-release services. And I believe I can answer some of those questions my boss couldn't earlier, if you so desire.

**LATHROP:** Yeah. Well, I'm glad you're here. Tell us, are there-- tell us what the training is you have to be a reentry specialist. Did you start out as, as security staff and then elevate to that position?

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**JERRY ARELLANO:** I started in 1991 as a food service specialist at the Omaha Correctional Center and the Community Corrections Center in Omaha and retired in September of '94. And I went to UNO and got a bachelor's degree in criminal justice with a minor in history. I returned on January 8 of 20-- 2001 as a caseworker at the Nebraska Correctional Youth Facility where I worked for approximately 13 years. And in March of-- March 14 of 2014, I came a re, re-- parole-- senior parole officer, but basically did reentry through the parole system. When they integrated the [INAUDIBLE] reentry program with the my job, they offered me the position of either being a parole officer or stay with reentry. I chose to stay with reentry, continued to work and moved to Omaha. Well, my home is in Omaha, I was working in Omaha. Prior to that, I worked out at Trebert Hall with the parole officers. I worked-- I have worked every institution except for the Work Ethic Camp in McCook in this capacity that I am in now. I have also worked six county jails between this position: Hall County, Buffalo County. I worked Holdrege, Lexington, North Platte.

**LATHROP:** Talking to Department of Corrections?

**JERRY ARELLANO:** Inmates.

**LATHROP:** Inmates.

**JERRY ARELLANO:** I don't like--

**LATHROP:** In those county facilities?

**JERRY ARELLANO:** I don't like to call them inmates, I like to call them individuals.

**LATHROP:** OK.

**JERRY ARELLANO:** I don't like to further incarcerate them by reminding them that they've had a, had a felony conviction.

**LATHROP:** OK.

**JERRY ARELLANO:** The training--

**LATHROP:** So what's your caseload look like?

**JERRY ARELLANO:** It varies from institution to institution. OCC's case load is rather large. We're working six months out, as you know. We have approximately eight reentry specialists. We have a reentry specialist at every institution. Some of them are overlapping, for example, Trevor and Tyler work both NSP. Tyler, Mr. Hernandez, and Miss Goodman work OCC. I work OCC, CCC-O, and the Youth Facility. Chris Jones works NSP-- or Tecumseh and then the others are in the other institutions.

**LATHROP:** So how many people are not parole eligible by their parole eligibility date because they cannot access programming?

**JERRY ARELLANO:** I can't answer that question, sir. I only work with the people that the Parole Board has set a hearing for. And as I said, we work six months out. We meet with individuals at 180 days, paroling, discharging, post release. We also indicated earlier meet with them at orientations at D&E. Every week, my coworkers in Lincoln are going to D&E and doing classes, doing the workbook, showing a PowerPoint, informing people of what we will offer them with encouraging them to do their programming, encouraging to, to get into groups, doing Moral Reconciliation Therapy and T4C.

**LATHROP:** What's the, what's the biggest barrier for individuals facing reentry? If we, if we could wave the magic wand, whether it's made out of gold or policy, what would be, what would be the most helpful thing?

**JERRY ARELLANO:** I think folks have already said, housing is one of the major, major issues. Right now, we do not parole people to Section 8 Housing. If you tell me your family's living in Section 8 Housing, I'm gonna tell you I'm not submitting that plan. It's gonna be automatically denied by the parole officer or the parole supervisor. I would like to see that changed. If an individual goes into the prison system and his family has to go on Section 8 Housing, excuse me, and then he wants to be reunited with his family and they can't afford to move out of that housing, we're separating families.

**LATHROP:** Do you know what the policy is behind that?

**JERRY ARELLANO:** I can't answer that, sir. I just noted something in Douglas County. I can't answer for the rest of the state, but I-- to me, that is one of the biggest detriments to my job.

**LATHROP:** OK. What's the next biggest barrier?

**JERRY ARELLANO:** Education, employment, having people meet their addictions and facing their addictions. I can give you all the information that you can desire, but until you're ready to change who you are, I can't help you. And that's one of the issues-- one of the big issues I see, some people don't want to change. They don't mind prison. Yeah, they don't like it when they're there. And I've worked in the Department of Corrections for almost 24 years, so I've been around a lot of these guys and gals. But I think that's one of the big things is, even if they are doing the programming, are they gonna change when they get on the streets?

**LATHROP:** And you don't know that until they're on the streets.

**JERRY ARELLANO:** And they're doing whatever, you know.

**LATHROP:** OK. Senator Brandt.

**BRANDT:** Thank you, Chairman Lathrop. Thank you for your testimony today. Would it be correct in, in saying you're bilingual?

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**JERRY ARELLANO:** No, sir. That would be incorrect.

**BRANDT:** Oh, OK, because--

**JERRY ARELLANO:** I wish I was and that would be-- assist me.

**BRANDT:** In your, in your written testimony, you address that as one of the problems--

**JERRY ARELLANO:** Yes.

**BRANDT:** --that we have. What-- and then this would just be a ballpark guesstimate maybe on your part because you work in the system, what percent of the inmates do not understand English well enough to get along?

**JERRY ARELLANO:** There's at least six individuals at the Omaha Correctional Center that I know who cannot take the required sex offender programming because they do not understand English. If that's the case there, I assume in the other institutions it's something that's similar. If we had some way, for example, I said to interning with colleges, inviting bilingual students in the proper programs, programs to come in and intern and do these programs, we could assist them to get their programming so they could be paroled and maybe sent by detainer back to their countries or try to be productive on parole while they're there. Hopefully, emptying some beds that are not being emptied.

**BRANDT:** So we do not have enough bilingual staff--

**JERRY ARELLANO:** Not trained in the, the required fields. And I know we have interpreters in the institutions because they come into parole hearings. Stella Finn [PHONETIC] is one that I know. Ricky Ray [PHONETIC] is another one that I'm familiar with that I have worked with in the past. But they're not clinicians or have degrees in the required areas, so they cannot be used.

**BRANDT:** Thank you.

**JERRY ARELLANO:** Yes, sir.

**LATHROP:** It's a little hard to do programming and counseling with somebody on sex offender, substance abuse, whatever it is, if you got to have a translator communicate what's going on in your room.

**JERRY ARELLANO:** Yeah, and if you can't translate-- some of them are giving books-- given books and said, OK, use the book. Well, if you don't understand the English language, how can you do that? This is not something new. This has been going on for quite a while is my understanding.

**LATHROP:** OK. I don't see any other questions. And you know what? Thank you for being here. I, I really appreciate it. And you're obviously committed to, to the work you do. And I appreciate that as well.

**JERRY ARELLANO:** Saying that, the lady that testified about her son not getting the workbook. I'm gonna get him a workbook. I'm gonna-- next time I'm at NSP, I will take him the workbook. I'll take him the resource manual. It's not my institution, but I will be there and I will make sure that he gets the information he needs.

**LATHROP:** OK.

**JERRY ARELLANO:** Thank you, sir.

**LATHROP:** OK. Thank you. Good afternoon.

**ANGELA LaBOUCHARDIERE:** Good afternoon. All right. My name is Angela LaBouchardiere, L-a-B-o-u-c-h-a-r-d-i-e-r-e. I'm the executive director of Western Alternative Corrections in Hastings, Nebraska, and we operate Bristol Station Residential Reentry Center. We've been providing residential reentry services since 2009 and our model is based off the Federal Bureau of Prisons residential reentry model. We have a 52-bed facility which is staffed 24 hours a day, seven days a week. We serve both male and female participants. We provide services under the VLS grant. They fund 25 of our 52 beds right now and we provide the residential reentry services transitioning out of NDCS custody as well as to those who are on probation and parole. Individuals entering our program receive a validated risk and needs assessment, which provides a rating that identifies the individual's risk to reoffend. The risk and needs assessment also guides the

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development of the individualized program plan. And that plan includes personal goals as well as programs and interventions required that target specific risks and needs identified in the assessment. While in our program, individuals receive weekly case management. They also receive a vocational assessment which guides the degree of vocational programming received. Residents in our program receive assistance in obtaining and maintaining employment. Once they begin working, they develop a functional budget and begin saving for their transition into the community. We offer programming each day of the week to include things like Moral Reconciliation Therapy, relapse prevention, transition skills, anger management, employment ready, personal growth, just to name a few. Residents participate in their assigned groups at the facility as well as participate in support groups within the community. Once they are gainfully employed, participating in required programming, maintaining a positive attitude, they can begin taking transition passes in the community to reintegrate with their family and build family ties. Our program has a very high degree of structure and accountability. All community movements must be approved by the assigned case manager, typically, about two days in advance. There is an electronic sign in and out procedure residents follow when entering and exiting the facility. When in the community, residents are required to make accountability calls to the facility via landline or video call. There is an allotted time to get from point A to point B. This helps ensure they're at the approved location. All calls are

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documented into a case management system, so there's a chronological documentation of their whereabouts at all times. We do drug testing every week, a minimum of one test per, per week, and there's more if warranted. The individuals under the VLS grant stay an average from 4 to 6, 4 to 6 months, but they're eligible to stay up to 18. We've been working with UNO to gather data on the programming we provide in relation to the reduction of risk to reoffend. As I mentioned, we complete a risk assessment upon admission and we complete the same assessment upon discharge. And the data we've been gathering shows that those who successfully complete our program, there is a reduction in risk to go out and reoffend. We also have contracts with Probation Administration and Parole to do transitional housing. Under the-- like I said, the VLS grant funds 25 of the 52 beds. On a given day, we usually have anywhere from 15 to 20 empty beds. So I'm open to discussing how we can fill our empty beds and would like to invite those of you that haven't been to the facility out. And I'm happy to answer any questions.

**LATHROP:** I had an opportunity-- and I'm gonna make this statement for the benefit of my colleagues here. I had an opportunity to accompany the Inspector General out to your facility and take a tour. And the thing that impressed me most, and you, you passed over it very briefly, but when you said structured, we're talking structure.

**ANGELA LaBOUCHARDIERE:** Um-hum.

**LATHROP:** You actually-- your facility actually has been-- it was a contractor for the federal government where they would release people to your facility because of the--

**ANGELA LaBOUCHARDIERE:** Correct.

**LATHROP:** --structure. It had to meet federal guidelines. And then that contract was apparently secured by another outfit across town.

**ANGELA LaBOUCHARDIERE:** Correct.

**LATHROP:** I want you to remember this program because we're gonna have conversations about where this might be utilized in trying to come up with some ideas for community corrections in outstate Nebraska, because they-- when, when they talk about structure, these guys don't leave that place without getting to the destination, literally taking a picture of themselves at the, at the destination--

**ANGELA LaBOUCHARDIERE:** Um-hum.

**LATHROP:** --and coming back. There-- there's not like I'll leave at 8:00 in the morning and I'll see you at 5:00 and then jack around in Hastings for eight hours.

**ANGELA LaBOUCHARDIERE:** Nope.

**LATHROP:** It's a-- it is quite a program and not everybody likes to be sent there either.

**ANGELA LaBOUCHARDIERE:** It's not for everyone.

**LATHROP:** No. No. But thanks for what you do, and I personally was very impressed. I may drag the committee out there before--

**ANGELA LaBOUCHARDIERE:** Please do.

**LATHROP:** --the session on Christmas Eve or something. [LAUGHTER]

**ANGELA LaBOUCHARDIERE:** Excellent, 24/7, seven days a week.

**LATHROP:** Not exactly when we're gonna do that, but--

**BRANDT:** Christmas Eve.

**LATHROP:** I really do think people need to-- well, we'll have conversations about it,

**ANGELA LaBOUCHARDIERE:** Great.

**LATHROP:** --but thanks for being here today.

**ANGELA LaBOUCHARDIERE:** All right. Thank you for having me.

**LATHROP:** Anyone else left to testify?

**DIANE GOOD-COLLINS:** Good afternoon.

**LATHROP:** Good afternoon.

**DIANE GOOD-COLLINS:** My name is Diane Good-Collins, G-o-o-d hyphen C-o-l-l-i-n-s. I am director of the 180 Re-entry Assistance Program at Metropolitan Community College. I'm here today to testify on behalf of MCC's general support of LR237. MCC supports a study to examine issues related to Nebraska's correctional system. MCC currently provides service and support to individuals incarcerated in eight Nebraska prisons, including both Work Release centers in Lincoln and Omaha. MCC's goal is to educate and train the incarcerated in reentry populations. Since February 2015, MCC has provided reentry assistance to 4,805 individuals. These participants have enrolled in college credit classes, noncredit workshops to build digital and financial literacy skills, obtain national certifications and completed short-term work force trainings. Viable credentials and work readiness skills connect these individuals to the Nebraska work force and gainful employment which stabilizes their transition into the community. In addition to providing services inside the prisons, MCC has created the largest on-campus reentry center nationwide. We are considered experts and receive best practice requests from other higher education institutions to duplicate service elsewhere. The Re-entry Center is an 8,000-plus square foot building on the college's main campus. It's dedicated to provide transition support to the reentry population in Nebraska. The Re-entry Center houses a job

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center, computer center, and a reentry center. Since January alone, MCC has served over 800 individuals in the reentry job center with an average employment rate of 82 percent. In addition to providing employment referrals, 180 RAP provides job support, serving as a liaison to employers and program participants. The reentry pantry has provided hygiene items, laundry detergent, food and clothing to 1,234 people in the past 10 months. While MCC has provided wrap around support for many previously incarcerated people to meet their education and employment goals, these individuals are faced with other barriers, such as access to wellness support and restricted access to meet basic needs such as housing. Many times the reentry population has to build or rebuild positive support systems as well. MCC helps the incarcerated and reentry populations to identify many potential barriers and develop a plan for overcoming their barriers. However, with restricted funding, MCC and other Nebraska community resources and agencies are not being optimized to support our correctional system and reentry efforts statewide. MCC looks forward to continue to provide reentry services to the incarcerated and reentry populations in Nebraska, and stands prepared to expand reentry services if requested. On behalf of MCC, thank you for the opportunity to testify in support of LR237.

**LATHROP:** I've also toured your place, too.

**DIANE GOOD-COLLINS:** Yes, sir.

**LATHROP:** You guys are doing great stuff. Thank you for what you're doing for this population. Are you having trouble getting into the Pen?

**DIANE GOOD-COLLINS:** Not NSP, because we have stalled service there.

**LATHROP:** What's that mean?

**DIANE GOOD-COLLINS:** We have-- we are not providing service at NSP at this time.

**LATHROP:** Oh, OK. OK, good. Well, thanks for what you do.

**DIANE GOOD-COLLINS:** You're welcome.

**LATHROP:** It's an impressive place and just a great part of the mission for Metro Community College. Senator DeBoer.

**DeBOER:** So you've stalled services because of the change in ability to get in there or--

**DIANE GOOD-COLLINS:** No, we--

**DeBOER:** --you stalled services for some other reason?

**DIANE GOOD-COLLINS:** Yes, at request of Corrections.

**DeBOER:** Corrections asked you stall your services at NSP?

**DIANE GOOD-COLLINS:** Yes. We are one of the VLS grantees and the service we were providing was called duplication of service.

**DeBOER:** What does that mean?

**DIANE GOOD-COLLINS:** We were providing work readiness skills and they stated that the Department of Labor would provide those services in place of our service.

**LATHROP:** Are they?

**DIANE GOOD-COLLINS:** Not that I am aware of.

**DeBOER:** When did you stall your services there?

**DIANE GOOD-COLLINS:** It would have been approximately six or seven months ago. Possibly a little longer.

**DeBOER:** OK.

**DIANE GOOD-COLLINS:** I could, I could tell you exactly when if I were at my office.

**DeBOER:** Maybe you could send that information--

**DIANE GOOD-COLLINS:** OK.

**DeBOER:** --over to us.

**DIANE GOOD-COLLINS:** Yes.

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**DeBOER:** But you're still in the other facilities?

**DIANE GOOD-COLLINS:** Yes, we are.

**DeBOER:** The only you've stalled is just the State Pen?

**DIANE GOOD-COLLINS:** Yes. We have been requested to modify services at other facilities and asked to no longer teach certain college credit classes as well.

**DeBOER:** Do you know what the-- did they tell you why?

**DIANE GOOD-COLLINS:** It was the same reason, the duplication of service for work readiness skills.

**DeBOER:** Interesting. OK, thank you.

**LATHROP:** Well, there's nobody at the Department of Corrections teaching college-level classes. Am I right?

**DIANE GOOD-COLLINS:** No. Are-- well--

**LATHROP:** No, I'm not right or, no, there isn't?

**DIANE GOOD-COLLINS:** So, no, the Department of Corrections is, is not teaching work readiness skills. They were proposing that the Department of Labor would bring in work readiness skills.

**LATHROP:** And they haven't?

**DIANE GOOD-COLLINS:** I believe they piloted it at LCC last year.

**LATHROP:** Piloted it. So did they continue with it or they piloted it and stopped doing it?

**DIANE GOOD-COLLINS:** And I am, I am not sure.

**LATHROP:** OK.

**DIANE GOOD-COLLINS:** I, I believe it was one class.

**LATHROP:** I know you're a VLS grantee and we, we don't want to put you on the spot.

**DIANE GOOD-COLLINS:** Thank you.

**LATHROP:** OK. Well put. All right. Thank you for being here. And thanks for what you do for this population.

**DIANE GOOD-COLLINS:** Thank you.

**LATHROP:** OK.

**JEREMY BOUMAN:** Good afternoon, Senators.

**LATHROP:** Good afternoon and welcome.

**JEREMY BOUMAN:** My name is Jeremy Bouman, B as in boy o-u-m-a-n. I'm the executive director of RISE. We are a private prison reentry program in Nebraska. We are not a VLS funded group. We are supported

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through private support as a nonprofit. And we offer a six month pre-release program in five of the state prisons where we focus on character development, job readiness, and entrepreneurship. As you've heard today, there is a lot of good people doing a lot of good work. I would argue that equally as important is a clinical-based program that requires-- is required for parole eligibility. This reentry's planning, I would put up there is equally as important. And our program, again, is not VLS funded. We were told we are redundant to other job readiness programs, but I would argue that the great work that Jerry and his reentry other colleagues are doing, they can't scratch a service when they're being tasked with other jobs and really large caseloads. If there's ways to expand some of the work that we do, we stand at the ready to do that. You've heard a lot of common themes today about housing and mental health and substance abuse. And these things are all important, but just the importance of-- you know, our program provides a 20-page reentry plan that I think the system has a challenge to be able to provide because of how much needs to go in, in place well in advance of somebody going up for parole or being ready to jam out. So I just encourage you to look at things like maybe even resourcing VLS further and putting investments into other reentry organizations. I want to commend the Department and the DMV for the work they're doing around getting people at NSP. They're piloting a driver's license program. I think that if there is a way to skill that quickly, that is certainly an issue that speaking on behalf of our

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program participants, they struggle with and face when they come back.

I think that's a great example of something that can really be-- start happening pre-release that's sets people up to be able to get a job when they have that license prior to going on job seeks. So thanks for the opportunity to speak to you today.

**LATHROP:** Yeah, you mentioned the, the ID and the DMV is doing this pilot program where they bring the van up and try to make sure people have the IDs. I've done tours with the Inspector General, and when we walk through the population, I'm just gonna say, they don't know me, but they certainly know Mr. Koebernick and--

**JEREMY BOUMAN:** Right.

**LATHROP:** --they're-- and whoever the-- oftentimes, the warden's there, and these guys-- to every visit people are going, like, I can't get my birth certificate.

**JEREMY BOUMAN:** Um-hum.

**LATHROP:** I need some help with an ID. And it's just basic stuff that--

**JEREMY BOUMAN:** Yeah.

**LATHROP:** --eases, eases a per-- well, it's a necessity in the process.

**JEREMY BOUMAN:** And if you wait until you're out to order your birth certificate from another state or a marriage license, you're that much

further behind. And so just being able to really lean in on reentry in all different facets to help people start those processes, they can hit the ground running much faster when they get out.

**LATHROP:** So if RISE is inside-- and I know I saw you, I went to one of your events--

**JEREMY BOUMAN:** Um-hum.

**LATHROP:** --at OCC in Omaha. If you go in to OCC, are, are-- is RISE developing a reentry program with the individuals that are at OCC?

**JEREMY BOUMAN:** Correct. Correct.

**LATHROP:** And so does reentry not do them or you, you turn your reentry program over to the reentry specialist or the navigator? Is that how it works?

**JEREMY BOUMAN:** Our reentry's-- we have our own reentry specialists that are meeting with our graduates before they get out and then connecting with them when they return to the community. They are working with-- in concert the reentry specialists that are in the facilities. Because we can run our program privately, we have the ability to work with the population over the six-month period where they're in a class three days a week. And so I think what we're doing is very additive to the reentry planning, they do create a 20-page reentry plan in our program that then our reentry specialists are

helping them implement when they are released, when they get to Work Release, or when they come back to the community.

**LATHROP:** Do you find that your graduates are paroled more frequently and have more successful outcomes?

**JEREMY BOUMAN:** We have 360 graduates of our program in the three years we've been running it in the prison, about 78 are released to the community, 84 percent are employed today. We've had no new charges of our graduates. We've had a handful of parole violations. I do believe that really intensive reentry support, pre and post release does increase employment opportunities, connections to wrap around services, and lowers recidivism. So I do believe that just being able to have that much concentrated focus on somebody's reentry both inside and out does make a pretty significant difference.

**LATHROP:** What's your capacity to provide those services? Like is there a-- you can help 66 guys a year or what's, what's the number? How many people do you have in your program that actually get released and that you're helping?

**JEREMY BOUMAN:** Yeah, at any given time, we have about 150 people in our program across 5 facilities that we serve. And our capacity is limited to the space limitations of the facilities. We have the privilege of being able to come in and do the program and with the overstaff-- understaffing the facilities have, the fact that they

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allow us to come in and do this, we bring volunteers from the community in, we're grateful for that partnership and the ability to come in and do the program. We have capacity to serve more people, but there's competing time for space and other competing programming that people are required to do.

**LATHROP:** And do you know exactly what they think-- they being the department or whoever is making the VLS grant decisions, what they think you're duplicating?

**JEREMY BOUMAN:** Job readiness and--

**LATHROP:** And who's doing the job readiness if they think that program would duplicate?

**JEREMY BOUMAN:** I would have to look deeper into who the VLS funded organizations are. But I think there's so many holistic facets to doing reentry well. And probably the most important part of our program is character development, working on accountability, shame, forgiveness, parenting, soft skills. Those are building blocks to employment and entrepreneurship and reentry planning. And so I would say we're-- you know, to call us just a job readiness program is, is a pretty narrow definition of what we do. And whoever is probably in the capacity as that organization and VLS would probably, probably say the same thing.

**LATHROP:** OK. I don't see any other que-- oh, yes, I do. Senator DeBoer.

**DeBOER:** Do you guys operate in the Pen?

**JEREMY BOUMAN:** We do.

**DeBOER:** Are you operating there now?

**JEREMY BOUMAN:** We currently-- we just graduated a class. We will restart in January. We have had a little bit of interruption when there's been lockdowns. But by and large, we've just kind of adjusted to the pacing of our program so that we've been able to continue to have our classes meet. So when they're locked down, obviously we're not meeting. So we just pace out the program in, in the Pen a little bit further to when the participants can complete it-- complete the curriculum and then graduate.

**DeBOER:** Have you been informed of any potential-- I mean, because obviously there's a lot fewer things that inmates are able to do now that they're only out of their cells for nine and a half hours. Do you anticipate that that will interrupt your programming?

**JEREMY BOUMAN:** I really hope not. We've changed a little bit when we meet, how much time we have to meet, the length of our events when we bring volunteers in is shorter at an NSP than it is at other facilities as a result. But to this point, we're grateful that we're

still able to, to play our program in a way that we feel has integrity and that the facility can still accommodate.

**DeBOER:** OK. Thank you.

**LATHROP:** Thank you.

**JEREMY BOUMAN:** Thank you, Senators.

**LATHROP:** Appreciate it. Thanks for coming in, and for what you do for these--

**JEREMY BOUMAN:** Thank you.

**LATHROP:** --individuals. Am I down to two testifiers? OK. Good afternoon.

**STEVEN ABRAHAM:** Senator Lathrop, committee members, thank you for allowing me to speak in front of the Judiciary Committee for the state of Nebraska regarding the interim study to examine issues related to Nebraska's correctional system. I would like to introduce myself. I'm Steven Abraham, S-t-e-v-e-n A-b-r-a-h-a-m, former commissioner of Omaha Housing Authority. During my term, we were able to change the housing criteria to allow individuals convicted of nonviolent offenses to achieve affordable housing. This was important because our data showed couch surfing contributes to recidivism. During my time at Siena Francis House as the day house manager, I seen how mental illness, homelessness, and addiction led to recidivism. Individuals

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facing those things usually end up incarcerated and are usually nonviolent offenders. As a community health worker for Charles Drew Health Center, many of the disparities that identify were connected to recidivism because most of the individuals seeking services were formerly incarcerated and without jobs. And unfortunately, many returning citizens were pushed into poverty and low income, which leads to the programs provided by private organizations and the Department of Corrections for the State of Nebraska. In most cases, the programs in place are designed to eliminate recidivism. But due to the shortage in staff, many of the programs need help from outside organizations. It has been documented in the NDCS quarterly population summary for April to June 2019 that the Nebraska Department of Corrections has a population of 5,562 and the average age is 37.5. In comparison to males versus females, there is 5,131 men and 431 females. These numbers represent the mothers, fathers, sisters, and brothers that are incarcerated, which is a ripple effect to their families. We also know that the design capacity for all facilities, 3,535 creates a total of 2,027 individuals over the design capacity. Based on the ACLU report, 50 percent of these individuals are incarcerated are nonviolent offenders. And if we took 50 percent of the individuals incarcerated and connected them with life tool type services, that would, that would reduce the prison population to 2,781, correcting the overcrowding in corrections and the staffing issues. One of the reasons for the creation of the Inspector General

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position was to address these numbers which make up the fight against recidivism in Section (c) and (d) of Legislative Bill [SIC] 47-902 under the legislative intent. It states: agencies in the current system make it difficult to monitor and oversee the Nebraska correctional system; and provide a process for investigation and review in order to improve policies and procedures of the correctional system. I'm here today to offer a solution to help the Inspector General address these issues more effectively and make positive changes in my lives. I know this all well too often because I am a returning citizen. I'm someone that was incarcerated and had changed my life and moved to the ranks of society. This information will be used to make effective upgrades to current policies and procedures of laws with the Department of Corrections, which I feel will ease the burden of the Inspector General and will allow the Department of Corrections to operate at its, at its highest potential, which is to keep people safe. That's all I have. If, if anyone has any questions?

**LATHROP:** Did I hear you say, you were at Omaha, Omaha Housing Authority?

**STEVEN ABRAHAM:** Yes. I'm one of the former commissioners for Omaha Housing Authority. I was elected by Jean Stothert about three and a half years ago.

**LATHROP:** OK. Did you hear the individual say that individuals can't go into-- people coming out of the Department of Corrections, can't get into Section 8 Housing?

**STEVEN ABRAHAM:** Yes, I did. And that was one of the barriers that was identified. Like I mentioned before, couch surfing was something that the organization identified connected with property damage. And so as one of the commissioners, I challenged my fellow commissioners to ask, are we contributing to recidivism? At first it wasn't identified immediately, but then after statistical gathering we were able to prove that and changed our criteria from the six-year criteria where individuals after they were released, they had to wait six years to two years after conviction. That was a important change because that allows individuals to receive affordable housing. Now there is certain criteria that go along with that, nonviolent offenders, typically drug charges.

**LATHROP:** But these are criteria set up by the Housing Authority?

**STEVEN ABRAHAM:** Yes.

**LATHROP:** And there are-- I, I get that if I-- you know, Tom Brandt has a place in, in public housing and I tell the reentry specialists that I'm gonna crash at Brandt's place after I get out and they go, well, that's not family, that's not a good situation. And you guys recognize that that apparently contributes to property damage. But if it is my

wife and children that live there and I say that I'm going to public housing upon discharge, if that's where my family's at, why, why the, why the two-year limitation?

**STEVEN ABRAHAM:** Well, I want to be clear about this, Senator Lathrop, that the two years is after conviction. So say an individual is convicted of a crime at that time and they served their two years. That means that as soon as they get out, they can apply for housing assistance.

**LATHROP:** Will Parole send them to public housing or they have to apply for public housing in that point and hope they get it and wait in line and whatever happens?

**STEVEN ABRAHAM:** Like I mentioned before, Senator Lathrop, that there is specific criteria that goes along with that. So we had to redevelop the point system that we had implemented and which allowed us to really address that issue. We understand that family is important. And we don't want to break up any families. And like I stated before as a former commissioner of Housing, I feel that I was very instrumental coming from life experiences.

**LATHROP:** Well, I appreciate that. I'm not sure I understand the answer, though, and so let me go back to it. If I am coming out of the Department of Corrections and the reentry specialist says, where are you going to live? And I say, I'm going to live with my wife and three

kids. This is their address, it happens to be Section 8 Housing. Right now, does public housing have a problem with that?

**STEVEN ABRAHAM:** Well, they would apply. So that individual that's coming from incarceration will have to go through the same process that the family went through.

**LATHROP:** Even if my wife and kids are already there?

**STEVEN ABRAHAM:** Yes. It's the similar process as far as the Department of Health and Human Services, any individual entering the family household has to also apply to join that household.

**LATHROP:** OK. Well, you can see where I appreciate that you're here, that you're concerned about the topic. But you can also see that whole process doesn't work very smoothly for somebody trying to come out and move in with their family.

**STEVEN ABRAHAM:** Yes, I do understand. It is in the, the beginning stage and it's trial and error. But I do know that there is individuals that have applied and have been approved for Section 8.

**LATHROP:** OK. I appreciate your testimony. I do not see any other questions. But thanks for being here and your patience. I know you're waited to the second to the last, I think--

**STEVEN ABRAHAM:** That's fine.

**LATHROP:** --to testify, but thank you for being here.

**STEVEN ABRAHAM:** Thank you.

**LATHROP:** And the testifier we've been looking for.

**DeBOER:** The last one.

**LATHROP:** The last one.

**TY SULLIVAN:** The last one or me?

**LATHROP:** Well, both.

**TY SULLIVAN:** First of all, thank you for having me. I'll make this simple down to three minutes. My name is Ty Sullivan, T-y S-u-l-l-i-v-a-n. I was here on the last hearing regarding staffing issues and things with the prison, stuff like that. And at the end of that meeting, a lot of things kept going back towards reentry programs, which this one is about, which happens to be one of the most important issues. There's a lot of good groups out there, and we've heard from a lot of groups, and we've heard from a lot of people going in and offering programming and things like that. And we've also heard from a lot of obstacles that they've had going in and offering these classes. I spent 16 years this last time, my third number in the prison system, most of it at NSP. I know it very well. I know the programming very well because I took every class they had to offer. Matter of fact, I have a stack almost an inch tall of certificates,

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which don't do anything for me out here. So my biggest thing is, and the whole reason why I wanted to be here was the programming inside is important to the people who need-- the mental health issues, the substance abuse issues, things like that. The one thing that we're forgetting is, what about the people who don't have substance abuse like me? What about the people who don't need the mental health attention like me? There's a lot of very intelligent guys, very capable guys with zero opportunity. I took classes that weren't on my personalized plan because I wanted to see what was out there and what I can gain from it. Once again, it didn't really do me a lot. I did get my birth certificate, my Social Security card, and everything before I walked into Community Corrections. As soon as I got in Community Corrections, I got my driver's license and I did everything on my own. There wasn't a lot of help. There was advice on people you can look up and stuff like that. But to get a driver's license, you need a car. And Corrections doesn't allow you to drive a car while you're in there so that's difficult to do. One of the biggest things, though, is housing. I mean, we talked about programs. We talked about-- you know, will we'll help you get job relation skills and we'll help you do this. And I've taken work relations and job relations and all that stuff and not a single one of them had taught me anything about training. While I was in prison, I participated in everything I could and one of them was being in the maintenance program and getting experience as electrician, which gave me my job

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now, which is the reason why I'm doing as well as I am. But housing was still a problem. When I walked out, I didn't have a place to go. Earlier this week, on Tuesday, I found myself in a position where I have to find a new place to live and it was difficult. So I applied to an apartment complex here in town, filled out their application, paid their application fees. Everything was good, looked great on paper. Came to the question, are you a felon? I had two choices: I could lie and say, no, and get in, or I could say, yes, and explain myself. So I said, yes, and explained myself. I have nothing to hide. I'm not ashamed of my past. I made my mistakes, and now I am who I am. They denied me, even though I have a job that pays four times as much as the rent. I have plenty of support and all that stuff. I was denied. They told me-- they said there's still a chance if you can get letters of recommendation. So last night, is when they told me that, I reached out to as many people as I could and asked for e-mails. They called me this morning and were blown away by how much support I had because of how involved in the community I am, how involved I am in trying to help people get out of prison, stay out of prison. So even now, not being in prison, I still struggle with housing. It is gonna be a problem nonstop for a lot of time to come. And all the programs that are out there, which do help, still have not offered a bed to anyone. When a guy gets out, he needs a bed, period. It doesn't matter what program it is, what institution it is. It doesn't matter where it comes from. And there's plenty of solutions. There's solutions that

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Corrections can offer. Perfect example is Air Park. They have a facility out there called NCTC. Why is that not a transition? It has beds. I understand staffing is an issue. Well, look, because one man is failing to do his job does not mean 5,000 inmates should suffer because of that. So much money is dumped into programs from the legislation, but not a lot has been seen out of it. OK. The prison system has a facility. The prison system has beds. The prison system has been given money. Let's use the money the right way. Let's put it to good use. Give beds to people who need beds. Offer job training to guys who need job training, not paperwork to fill out for three months, and then they get a certificate that says, good job.

**LATHROP:** OK.

**TY SULLIVAN:** That's all I have.

**LATHROP:** All right. I do not see questions today.

**TY SULLIVAN:** OK.

**LATHROP:** Might be because it's 4:30.

**TY SULLIVAN:** Yeah, get home.

**LATHROP:** Well, thanks for being here, though.

**TY SULLIVAN:** Yep. Thank you.

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**LATHROP:** I appreciate it. Thanks, everyone.

**BRANDT:** I have a question.

**LATHROP:** Oh, wait a minute.

**BRANDT:** Did you get the apartment?

**TY SULLIVAN:** Yes,--

**BRANDT:** OK.

**TY SULLIVAN:** --because of great people helping me out and supporting me.

**BRANDT:** Good.

**TY SULLIVAN:** So, yes, I did. Thank you.

**LATHROP:** All right. Thanks.