Office of Inspector General
Of the Nebraska Correctional System

2024 Annual Report

The Office of Inspector General of the Nebraska Correctional System (OIG) was established in 2015 to provide accountability and legislative oversight of the state's correctional system. The office investigates complaints and critical incidents, identifies systemic issues, and provides recommendations for improvement. The OIG serves as an extension of the Legislature's oversight and, as such, has no authority or control over the agencies within its jurisdiction. The Nebraska Department of Correctional Services (NDCS) and the Division of Parole Supervision are subject to OIG investigations, reviews, inspections, and audits.

Pursuant to the Office of Inspector General of the Nebraska Correctional System Act (Neb. Rev. Stat. § 47-901 et. seq.), this annual report summarizes the work of the OIG over the past year, and provides updates on various observations and recommendations the office has made in recent years.

As always, we want to acknowledge those who have assisted this office, including the Office of Public Counsel (Ombudsman's office), and the Office of Inspector General of Child Welfare. In particular, we thank the many individuals who have shared their own insights on the Nebraska correctional system, as well as the members of the Nebraska Legislature for their ongoing support.

Doug Koebernick
Inspector General

Zach Pluhacek
Assistant Inspector General

Crystal Jones
Executive Intake Assistant

HOW TO FILE A COMPLAINT

Anyone may file a confidential complaint with the OIG regarding concerns related to the Nebraska correctional system. Complaints should pertain to the Department of Correctional Services, the Division of Parole Supervision, or their employees or contractors, and should allege possible misconduct, misfeasance, malfeasance, or violation of a statute or of rules and regulations. Complaints may be filed by mail, email or phone.

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FROM THE INSPECTOR GENERAL

Dear Reader,

Welcome to the ninth annual report of the Office of Inspector General (OIG) of the Nebraska Correctional System. In many ways, this past year has been one of the most challenging years of the office's existence. This is primarily due to the impact of the Nebraska Attorney General's Opinion issued on August 16, 2023, which questioned the constitutionality of the laws governing the OIG's powers and responsibilities.

Despite the resulting disruption of our office's access to facilities, people, and information related to our work, the OIG continued to gather information and learn of incidents and issues within the correctional system through other means, including increased telephone and written contacts with the incarcerated population. During this time, the OIG implemented internal changes to enhance the functioning of the office and address a backlog of work.

On February 14, 2024, representatives of the Legislature and Executive Branch signed a memorandum of understanding (MOU) which reinstated some of the OIG's access. As the two branches work toward a resolution of this dispute, our office has continued its work to the best of its ability. We are visiting facilities, conducting investigations, furthering our understanding of the correctional system, and sharing our findings and recommendations with those in a position to enact changes.

An overriding goal of this annual report is to inform policymakers and the public, not only about the work of the OIG, but also about the state's correctional system as a whole and the challenges which face this complex component of Nebraska's justice system. This report also includes information about steps the system has taken to address these various challenges, as well as updates on new efforts, such as the expansion of the Vocational and Life Skills Program. Throughout the report, you will also find some recommendations to the Legislature which relate to our findings.

As the Inspector General of Corrections, I am proud of the work of our office, especially during the past year. I am also grateful for the ongoing support and interest shown by the

Legislature and the many other people engaged in issues related to the correctional system.

If you have any questions regarding this report or the correctional system, please reach out to our office. Your interest and insights are always appreciated.

Sincerely,

Doug Koebernick
Inspector General of Corrections

EXECUTIVE SUMMARY

This report contains general information and data about the correctional system, broken down by subject matter. These subject-specific sections are bookended by sections with information and updates on the Office of Inspector General, as well as summaries of specific investigations the office has undertaken in the past year. The report concludes with two appendices containing additional data and a list of past OIG recommendations.

The following contents of this report merit special attention:

1. **The state's correctional facilities remain significantly overcrowded.** There is no indication this will change in the near future, including with the planned opening of a new prison in 2028. (See "Correctional Population," pages 16-24.)
2. **The prison population is getting older.** This presents its own set of challenges for correctional facilities as well as the community at large. (See "Demographics," page 20.)
3. **Staffing shortages remain a significant challenge for the Nebraska Department of Correctional Services (NDCS), particularly at its largest facilities.** While the agency saw some improvement in this regard in previous years, this appears to have plateaued. Shortages of medical and behavioral health staff are specific areas of concern. (See "Staffing," pages 29-36.)
4. **NDCS recently assumed control of the Division of Parole Supervision.** This change was mandated by the Legislature and took effect in July 2024. (See "Parole Changes," pages 64-65.)
5. **Clinical treatment programs aimed at limiting violence and aggression have been indefinitely suspended, and NDCS has indicated no plans to replace them.** The decision to suspend these programs followed concerns about their effectiveness, given the manner in which NDCS was providing them. (See "Termination of Violence Reduction Program" and "Suspension of Anger Management Programming," pages 54-55.)
6. **Reentry success remains an area of focus for NDCS and for the Legislature.** This may require a commitment to continued funding for community-based efforts. (See "Reentry and Community Supervision," pages 64-71.)
7. **The state lacks a standard measure of recidivism.** (See "Recidivism," pages 21-22.)
8. **NDCS has reduced its use of restrictive housing, but expanded its use of other highly secure settings.** This includes special management units and secure mental health units. (See "Restrictive Housing," pages 37-42.)
9. **Native American women and Black men continue to be the most overrepresented groups in the prisons.** (See "Demographics," page 20.)

10. **The OIG provided four separate reports to NDCS in the past year.** These addressed a specific use of force incident involving a mentally ill individual; NDCS drug testing practices; deaths by suicide; and deaths by natural causes. (See "Recent OIG Reports and Investigations," pages 72-78.)

RECOMMENDATIONS TO LEGISLATURE

This report also includes a handful of specific recommendations to the Legislature. These recommendations involve matters which would require statutory changes, or have been recommended to an agency but have not been addressed.

These include (in the order listed in which they appear in this report):

1. Establish a correctional population forecasting tool to assist with future planning. **(See "Population Projections," pages 17-18.)**
2. Consider conducting a legislative audit or funding an outside study of the use of 'good time' sentence reductions by NDCS. **(See "'Good Time' Restoration," pages 17-18.)**
3. Examine the measures of recidivism currently utilized in Nebraska. **(See "Recidivism," pages 21-22.)**
4. Expand reporting requirements related to individuals on parole. **(See "Parole Population," pages 24-25.)**
5. Consider funding program statements for the construction of additional space for classrooms and other indoor space at the Work Ethic Camp (WEC) in McCook and the Nebraska Correctional Center for Women (NCCW) in York. **(See "Vocational Training," pages 62-63.)**
6. Examine funding streams for reentry-related programs and services to ensure these services are maintained at their current level or increased. **(See "Vocational and Life Skills Program," pages 70-71.)**
7. Consider amending statute to provide for confirmatory testing of suspected drug contraband in NDCS disciplinary cases, similar to what is permitted for urine tests. **(See "NDCS Reliance on Drug Field Tests for Discipline of Incarcerated People," pages 74-76.)**
8. Examine the statutory reporting requirement related to WEC. **(See "Work Ethic Camp Report," page 81.)**

ABOUT THE OIG

The OIG was established as a result of the work of the Legislature's Department of Correctional Services Special Investigative Committee, which was created through the adoption of Legislative Resolution 424 in 2014. In its final report, the Committee recommended "that the Legislature establish the 'Office of Inspector General of the Nebraska Correctional System.' The Office should conduct audits, inspections, reviews and other activities as necessary to aid the Legislature in its oversight of the Nebraska correctional system."[1] The Office of Inspector General of the Nebraska Correctional System Act (Neb. Rev. Stat. § 47-901 et. seq.) was enacted in 2015.

Since 2015, the OIG has reviewed a variety of issues within the state's correctional system, including staffing challenges, restrictive housing practices, transitional housing and other reentry needs, classification of incarcerated individuals, and medical and mental health care in state correctional facilities.

Specifically, the OIG has released reports related to the following matters:

- Suspected sexual misconduct by some NDCS staff and questionable investigative and intelligence-gathering practices employed by the Department;[2]
- Significant staffing shortages resulting in dangerous living and working conditions within NDCS facilities;[3]
- Double bunking in restrictive housing and cellmate compatibility issues, following the murder of a man by his cellmate at the Tecumseh State Correctional Institution (TSCI);[4]
- Shortcomings related to preventative medical care and the NDCS's lack of compliance with a statutory requirement that it maintain an electronic health records (EHR) system;[5]
- "Walkaways" from community corrections centers and the NDCS's efforts to improve success at this critical point of a person's incarceration;[6]
- Shortages of rehabilitative programming and providers at various levels of the correctional system;[7]

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[1] https://nebraskalegislature.gov/pdf/reports/committee/select_special/lr424_2014/lr424_report.pdf.
[2] https://nebraskalegislature.gov/pdf/reports/public_counsel/2021_OIG_Summary_Staff_Arrest_Report.pdf.
[3] https://nebraskalegislature.gov/pdf/reports/public_counsel/2021_OIG_Staffing_Update_Report.pdf.
[4] https://nebraskalegislature.gov/pdf/reports/public_counsel/2017berry.pdf.
[5] https://nebraskalegislature.gov/pdf/reports/public_counsel/2022_oig_niccole_wetherell.pdf.
[6] https://nebraskalegislature.gov/pdf/reports/public_counsel/2022_oig_walkaway_summary.pdf.
[7] https://nebraskalegislature.gov/pdf/reports/public_counsel/2022_annual_report.pdf.

- Concerns about the drug testing process used for discipline of incarcerated people;[8]
- Deaths by suicide of incarcerated people;[9] and
- NDCS's overall response to a variety of serious incidents, including those involving people with serious mental illnesses.[10]

Nebraska's correctional system is not unique in facing many of these challenges. The OIG provides a layer of accountability and feedback to inform the state's efforts when faced with such challenges. As part of its reporting process, under statute, the OIG is expected to issue recommendations for improvement following an investigation. A complete list of past OIG recommendations is included as an attachment to this report.

The Office of Inspector General has two full-time staff – the Inspector General and Assistant Inspector General – as well as an Executive Intake Assistant who splits her time between the OIG for Corrections and the Office of Inspector General of Nebraska Child Welfare.

ATTORNEY GENERAL'S OPINION

On August 16, 2023, the Nebraska Attorney General issued Opinion 23-008 regarding the constitutionality of the laws governing the OIGs. In response to this opinion, though the laws remain unchanged, NDCS restricted the OIG's access to information previously available to this office. This response included eliminating the OIG's access to NDCS's digital case management system, which included records about individual case files, as well as data and reports of serious incidents. NDCS also restricted access to information and records related to deaths of individuals in NDCS custody and the ability of OIG staff to visit and inspect correctional facilities and to speak with departmental employees and incarcerated individuals.

Memorandum of Understanding

In February 2024, a memorandum of understanding (MOU) was signed by representatives of the Legislature and the Executive Branch of state government which set parameters regarding the OIG's access to information, facilities and people. The agreement is effective until the end of the 2025 legislative session. The OIG continues to work to meet its statutory obligations of providing

[8] https://nebraskalegislature.gov/pdf/reports/public_counsel/summary_drug_field_tests.pdf.
[9] https://nebraskalegislature.gov/pdf/reports/public_counsel/deaths_by_suicide_2024-02.pdf.
[10] https://nebraskalegislature.gov/pdf/reports/public_counsel/2022_oig_lcc_fire.pdf and https://nebraskalegislature.gov/pdf/reports/public_counsel/2023_RTC_Use_of_Force_Summary_Report.pdf.

accountability and oversight of Nebraska's correctional facilities. The office is committed to the principles of accountability, transparency, integrity, and good government that form the foundation of the work of inspectors general.

Legislative Oversight Review Special Committee

The MOU took effect upon the Legislature's adoption of Legislative Resolution 298. This resolution established the Legislative Oversight Review Special Committee of the Legislature to study the structure and organization of legislative oversight functions. The committee consists of all members of the Legislature's Executive Board, including the Speaker of the Legislature, as well as the chairperson of the Judiciary Committee, the chairperson of the Health and Human Services Committees, and three at-large members. A report with the committee's findings and recommendations is due no later than December 15, 2024.

OTHER OIG UPDATES

Complaints and Investigations

OIG investigations are typically prompted by reports of deaths or serious injuries, or by complaints by incarcerated people, correctional staff, or others who interact with the prison system. The extent to which each case is investigated depends on the substance of the complaint or report, the allegations (if any), and ongoing review of the information obtained by the OIG. Most cases do not result in a formal report; many are resolved informally or combined with other cases involving similar systemic issues.

As a result of feedback from legislative leadership and the Public Counsel (Ombudsman), and due to the OIG's limited capacity, this office has worked in recent years to reduce the number of complaints it investigates that involve individual concerns. In part because of this effort, the number of cases the office logged in FY2023-24 was down from the previous fiscal year, from 571 to 464.

Facility Visits

For a majority of this past fiscal year (July 2023-June 2024), the OIG was unable to visit correctional facilities. Since February, the OIG has made approximately 40 visits to correctional facilities.

Case Management System

In 2022, the Ombudsman's office and the OIG implemented updates to the digital case management system developed for the offices by the Legislature Technology Center (LTC). The new system improved functionality and eased the ongoing transition away from paper files. In the past year, the LTC has been

working to develop a separate case management system, exclusively for the use of the OIG. This new system will be better tailored to the OIG's specific needs and will greatly assist the office in conducting its work.

Certification

The Inspector General is required by statute to obtain certification by the Association of Inspectors General (AIG), or a similar organization.[11] Inspector General Doug Koebernick received his initial certification from the AIG in 2016 and most recently renewed his certification in 2023. OIG investigators are also expected to maintain AIG certification.

Other Oversight Efforts

During the past year, the OIG has communicated with the John Howard Association regarding its work with the correctional system in Illinois. For over 120 years, the John Howard Association has been an independent citizen correctional oversight organization.[12] The Association monitors conditions within each state correctional facility in Illinois through oversight visits, as well as surveys of staff and the incarcerated population, and recently developed a digital dashboard related to these efforts in order to compare findings from each facility.

In addition to compiling reports on each correctional facility, the John Howard Association releases an annual report. The individual facility reports include findings and recommendations, as well as specific data and information related to the surveys conducted and the operations of each facility. The Association has invited the OIG to participate in future facility visits to be better informed about the association's efforts.

Earlier this year, the United States Congress passed the bipartisan Federal Prison Oversight Act requiring the Department of Justice's Inspector General to "conduct comprehensive, risk-based inspections of the BOP's 122 correctional facilities, provide recommendations to fix problems, and assign each facility a risk score."[13] Reports resulting from these inspections will be provided to Congress. The legislation also

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[11] Neb. Rev. Stat. § 47-904.
[12] https://www.thejha.org/.
[13] https://www.ossoff.senate.gov/press-releases/signed-into-law-sens-ossoff-braun-durbin-reps-mcbath-armstrongs-bipartisan-federal-prison-oversight-act/#:~:text=The%20bipartisan%20Federal%20Prison%20Oversight%20Act%20will%20require%20the%20Department,higher%2Drisk%20facilities%20required%20to.

established an independent Ombudsman to investigate health, safety, and other issues of incarcerated people and correctional staff.

These are just two examples of the changing landscape of correctional oversight at both the state and federal level of government. As the role of the OIG in Nebraska evolves, it is important to be aware of other efforts in the field.

AGENCY OVERVIEWS

As of July 2024, the OIG's oversight is limited to a single state agency, the Department of Correctional Services. This now includes the Division of Parole Supervision, which was previously a separate agency under the direction of the Board of Parole. Because Parole Supervision was a separate agency for the majority of the past year, it is treated as such throughout much of this report.

DEPARTMENT OF CORRECTIONAL SERVICES

NDCS is currently led by Director Rob Jeffreys. Director Jeffreys was appointed to this role in April 2023. The agency employs over 2,200 staff and is responsible for the custody or community supervision of approximately 6,900 people, including more than 5,800 in correctional facilities and 1,100 on parole or under lifetime supervision.

Facilities

NDCS operates nine correctional facilities:

Lincoln	*Omaha*	*Other*
RTC - Reception and Treatment Center	**OCC -** Omaha Correctional Center	**TSCI -** Tecumseh State Correctional Institution (Tecumseh)
NSP - Nebraska State Penitentiary	**CCCO -** Community Corrections Center-Omaha	**NCCW -** Nebraska Correctional Center for Women (York)
CCCL - Community Corrections Center-Lincoln	**NCYF -** Nebraska Correctional Youth Facility	**WEC -** Work Ethic Camp (McCook)

The following are brief descriptions of each facility, ordered from largest to smallest by population:

Reception and Treatment Center (RTC)

The RTC in west Lincoln is the largest facility within NDCS by population, with more than 1,400 occupants. It is a medium- and maximum-security prison, with units designated for mental health services, substance abuse treatment, protective management, restrictive housing, and general population. It also serves as the intake facility for adult men entering NDCS custody. The RTC intake units are the most overcrowded living units within NDCS, with men regularly sleeping on floor cots.

Nebraska State Penitentiary (NSP)

NSP in Lincoln is a multi-custody-level men's facility and is the state's oldest prison. It consists of an "internal" side with four maximum- and medium-security housing units, including restrictive housing and mission-specific housing; and an "external" side with four minimum-security units. One other stand-alone and smaller unit, which used to be a restrictive housing unit, was recently reopened to house men who work in the workshops. In total, the facility houses approximately 1,200 people.

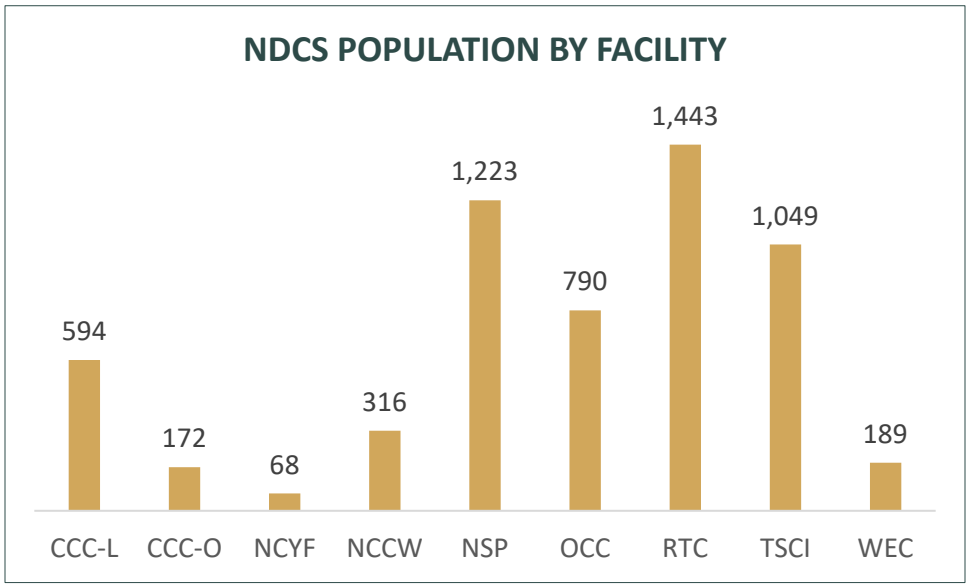

Figure 1. Source: NDCS Bed Reports, August 2024.

Tecumseh State Correctional Institution (TSCI)

TSCI is the system's third-largest facility, with about 1,000 men in maximum and medium security. It consists of a large high-security unit for restrictive housing and special management individuals, including those sentenced to the death penalty (also known as "death row"). The other three TSCI living units house general population and protective management individuals.

Omaha Correctional Center (OCC)

OCC holds about 800 men in a medium- to minimum-security environment near Eppley Airfield. It consists of four housing units for people in general population or sex offender treatment, as well as a small restrictive housing unit.

Community Corrections Center-Lincoln (CCCL)

CCCL houses roughly 500 men and 100 women who have been approved for work detail or work release, the lowest levels of security within NDCS. People on work detail may receive approval to leave the center for specific purposes, including jobs for government entities. Those on work release are expected to obtain private employment and/or attend school, and regularly leave the center for those and other purposes. CCCL is located near the RTC, across from Pioneer's Park. Most of its men's units are at double their capacity, while more than a third of women's beds are empty.

Nebraska Correctional Center for Women (NCCW)

NCCW in York is a women's prison with two general population housing units for women classified for maximum, medium, and minimum security, including a nursery for new mothers and their children and a substance abuse unit. A separate unit houses women in protective custody, as well as those with special mental health or disciplinary issues. NCCW also serves as the intake facility for all women entering NDCS custody. It currently houses over 300 women.

Worth Ethic Camp (WEC)

WEC is a minimum-security facility in the McCook area and houses close to 200 men. Many of these men later transfer to a community corrections center after a stay of six to 12 months.

Community Corrections Center-Omaha (CCCO)

CCCO is a smaller community corrections center which houses men only. It is designed to house 90 individuals but typically holds 170 to 180 men on work detail or work release. It is located across the street from OCC.

Nebraska Correctional Youth Facility (NCYF)

NCYF, located in Omaha near OCC and CCCO, is the smallest NDCS facility. It houses mostly teenagers and young men who were adjudicated as adults, as well as a small number of older men who are peer support mentors for the younger people at the facility. It is a multi-custody-level facility with less than 100 occupants.

Budget

NDCS has an authorized general fund budget of $363 million for FY2024-25. Over the past 21 years, the general fund appropriation for NDCS has increased by over 170 percent. The agency's authorized general fund budget for FY 2024-25 exceeds its general fund budget for FY 2022-23 ($290 million) by over $70 million. This does not include funding for capital construction projects, but does include a shift in funds from the Board of Parole to NDCS in July 2024 (approximately $10 million) as a result of NDCS

assuming control of the Division of Parole Supervision. In the most recent fiscal year, NDCS had total expenditures of over $400 million due to expending funds in addition to state general funds. More than $236 million of this amount was expended on salaries and benefits of staff.

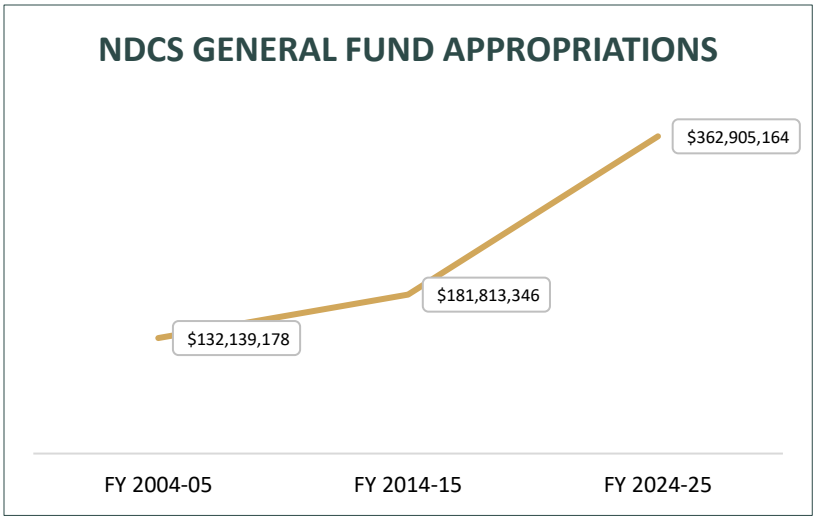

Figure 2. Source: Legislative Fiscal Office.

Capital Construction

New Correctional Facility

The Legislature authorized the construction of a new prison in 2023. In total, the project will be a multi-custody-level correctional facility that will house over 1,500 people and is estimated to cost over $350 million. It will be located just northeast of Lincoln, at North 70th Street and Interstate 80. NDCS previously indicated plans for construction to begin in 2024. As of this report, the project remains in the design stage, with bidding for construction now expected to take place in early 2025. The anticipated completion date has been extended from 2026 to 2028. The state's executive branch has stated its intent is to close NSP, at 14th Street and Nebraska Parkway in Lincoln, when the new prison opens. The new prison will be larger than NSP, which houses approximately 1,200 to 1,300 people.

RTC Expansion, Phase 3

The RTC has undergone significant expansion in recent years. Construction began in 2024 on three additional units at the facility, consisting of a total of 96 beds for geriatric individuals and those with special needs. The budget for the project is $18 million. It has an anticipated completion date of 2025.

NCCW Water Project

During the 2024 legislative session, the Legislature earmarked $2.5 million to address issues with the water system at NCCW. In the past few years, concerns have been expressed by women residing at the facility about the color, odor, and appearance of the water, as well as alleged negative health issues as a result of using the current water supply.[14] NDCS has said it is developing a plan to utilize the funds and that a program statement will be presented to the Legislature during the 2025 session to more precisely direct the expenditure of these funds.

DIVISION OF PAROLE SUPERVISION

The OIG's oversight includes the Division of Parole Supervision, but not the Board of Parole. As such, the OIG may investigate incidents or complaints regarding people under parole supervision, but not actions of the Board itself. The OIG's oversight responsibilities related to the Division of Parole Supervision did not change with the passage of Legislative Bill 631 (2024), which placed the Division back within NDCS. (Parole Supervision had previously been within NDCS until 2015, when it was removed following work by the Department of Correctional Services Special Investigative Committee.)

As of this report, NDCS was in the process of hiring an assistant deputy director – community supervision who will oversee the Division of Parole Supervision. The Division has staff and offices across the state, and is responsible for the supervision of approximately 1,000 people under active parole and several dozen others who are under lifetime community supervision due to sexual offense convictions.

Budget

The Board of Parole's general fund budget appropriation, which included the Division of Parole Supervision, had increased during the past few years. This was primarily a result of adding more staff and

[14] https://yorknewstimes.com/news/local/crime-courts/nebraska-legislature-york-prison-water-repairs/article_5be5c040-c3d8-5138-9bdc-e668ce809ddb.html.

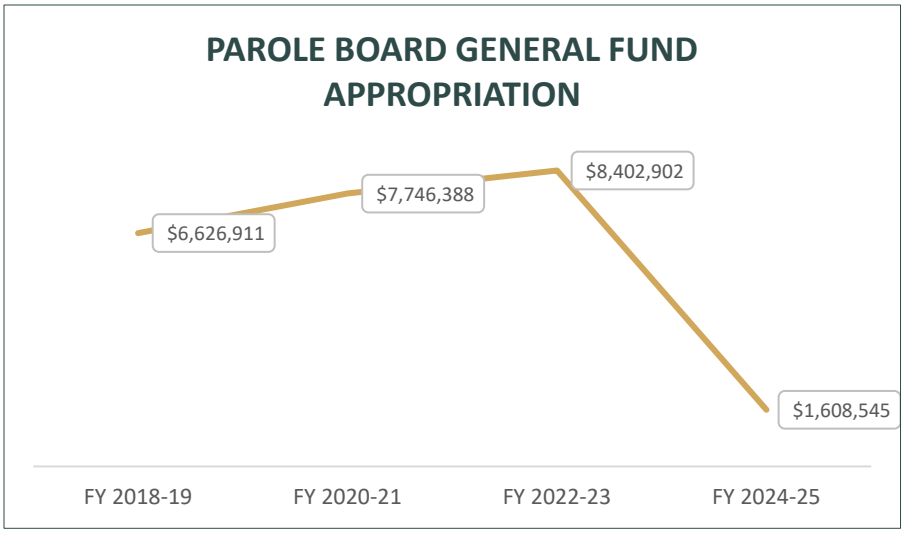

Figure 3. Source: Legislative Fiscal Office.

providing more services to parolees. As a result of the Division of Parole Supervision being moved under NDCS, a substantial portion of the Board's budget was transferred to NDCS.

CORRECTIONAL POPULATION

Nebraska's prison population is growing. In spring 2020, just prior to the COVID-19 pandemic arriving in Nebraska, the total population in NDCS custody reached approximately 5,700 people. As a result of the pandemic and its impact on the justice system, the incarcerated population declined to under 5,300 by the end of 2020. This decline was only temporary. The population returned to its pre-pandemic level in 2023, and there are now more than 5,800 people spread across Nebraska's nine correctional facilities.

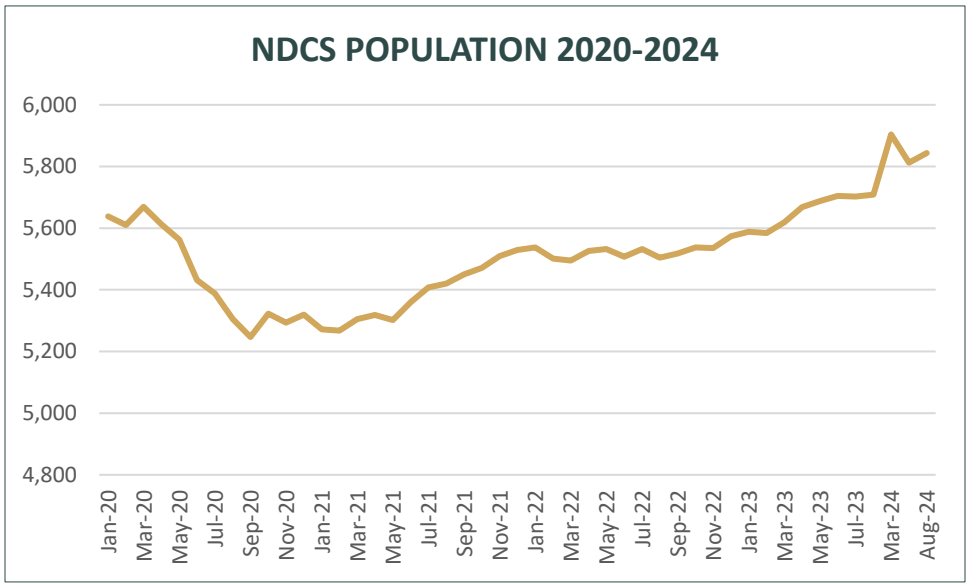

Figure 4. Source: NDCS Dashboard Reports from August 2024.

SYSTEM CAPACITY

Design capacity is the total designed bed space in facilities operated by NDCS, as certified by the agency director.[15] Currently, NDCS as a whole remains under an overcrowding emergency due to the incarcerated population exceeding 140% of the system's design capacity as of July 1, 2020, a date specified in statute. This emergency remains in effect until the population decreases or capacity increases to the point where it matches the system's "operational capacity," which is 125% of design capacity.

After peaking at slightly over 165% of design capacity in 2015, crowding within Nebraska's prisons has decreased due to the building of additional capacity. The 2022 OIG Annual Report projected the population would drop to 137% of design capacity when the 384-bed, high-security unit opened at the

[15] Correctional System Overcrowding Emergency Act, Neb. Rev. Stat. §§ 83-960 et. seq.

RTC in Lincoln. This proved true for a brief period, but the population has since increased and is now at approximately 147% of design capacity.

In 2025, 96 new specialized beds are expected to open at the RTC. More significantly, a new correctional facility in Lincoln is projected to open in 2028, adding another 1,500 beds to the system. (This new facility has been described as a replacement for the Nebraska State Penitentiary, however, meaning it will not increase the NDCS design capacity by a full 1,500 beds.)

Legislative Bill 631, which passed during the 2024 legislative session, created another opportunity for NDCS to boost its capacity, albeit indirectly. The bill allows the Department to contract with one or more private providers to operate "community work release and reentry centers" to house and supervise people who might otherwise be in NDCS facilities. While these private centers would not directly add to NDCS' design capacity, they have the potential to reduce the prison population to an unknown extent.

It is unclear what impact these changes will have on overcrowding within the correctional system. The most recent NDCS population projection model was completed in 2019 and provided to NDCS in January 2020 by the JFA Institute, prior to the COVID-19 pandemic.[16] JFA projected that Nebraska's prison population would reach 6,321 in 2024 and 6,914 in 2028 when the new correctional facility is to be opened. However, as the data previously shared indicates, this projection is not accurate and is off by over 400. Because of this and other developments related to the correctional system, the OIG has consistently emphasized the need for updated and ongoing population projections.

Related Past OIG Recommendations

Population Projections

As shared previously, the OIG has recommended that NDCS contract for an update of the 2019 population projection report. With the construction of a new correctional facility and other efforts, a new population projection report would offer much needed data and insight for the Department and other stakeholders.

'Good Time' Restoration

In 2020, the OIG recommended that NDCS implement a program to provide incarcerated people with an opportunity to have "good time" sentence reductions restored, even if those reductions were deemed "non-restorable" by NDCS, based on conditions such as good behavior. This has yet to be accepted or

[16] http://news.legislature.ne.gov/jud/files/2022/03/JFA-Projections-2020.pdf.

RECOMMENDATIONS

The Legislature may wish to consider providing for a correctional population forecasting tool to assist with future system planning.

The Legislature may also wish to consider conducting a legislative audit or funding an outside study of the use of 'good time' sentence reductions by NDCS.

implemented by NDCS. A program of this kind could potentially reduce the population, and encourage better behavior. The OIG also recommended in 2020 that NDCS or the Legislature should contract for an updated report assessing the use of good time in the correctional system. The Nebraska Center for Justice Research issued a report titled "Examining the Effects of Nebraska's Good Time Laws" in 2014.[17]

CUSTODY LEVELS

Each person who is committed to NDCS custody is assigned a custody level, which is used to determine where they should live within the correctional system in terms of the level of security provided. Custody levels within NDCS include Maximum (1X), Maximum A (1A), Maximum B (1B), Medium (2X), Minimum A (3A), Minimum B (3B), Community A (4A, or "work detail"), and Community B (4B, also known as "work release).

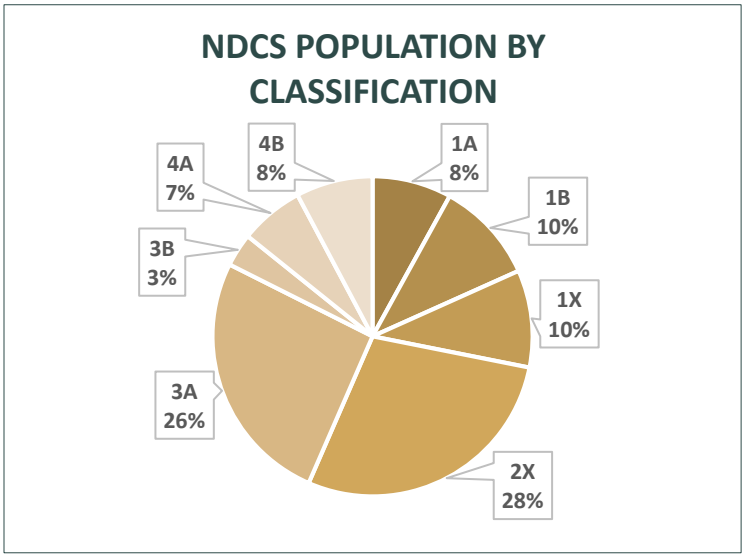

Figure 5. Source: NDCS Dashboard Reports from August 2024.

[17] https://www.unomaha.edu/college-of-public-affairs-and-community-service/nebraska-center-for-justice-research/documents/examining-the-effects-of-nebraska-good-time-laws.pdf.

The addition of the 1A and 1B custody levels is a recent change by NDCS. These are used to distinguish those in general population maximum-security units (1B) with those in "special management units" (1A), which are more restrictive. Previously, all people in maximum security were considered 1X. The 1X designation is still used for people who are newly committed to the Department and have yet to be transferred to a longer-term facility.

Since 2021, the overall number of people assigned to maximum custody has increased by more than 400. By comparison, the population of the entire system has increased by less than 500 people during that time. This means a greater percentage of the NDCS population is considered maximum security compared with three years ago.

In addition to these custody levels, NDCS uses restrictive housing for people who are considered a risk to safety or institutional security, or who may be at risk themselves. People assigned to restrictive housing typically live in single-person cells (although some are "double-bunked"). They have little to no direct contact with other incarcerated people and receive approximately one hour per day of out-of-cell time. More information on restrictive housing within NDCS is included elsewhere in this report.

The process used to determine a person's custody level is called classification. Generally speaking, each committed offender undergoes an initial classification soon after they arrive in NDCS custody, then again every six months to a year, depending on their anticipated release date. As a result, a person's custody level will often change numerous times over the course of their incarceration.

Most facilities provide at least two different security levels, with the exception of the WEC, which only houses those assigned to Minimum B custody. In many cases, people of different security levels have been housed together in the same units. This has emerged as an area of concern for NDCS leadership, and efforts to limit "mixed custody" settings have resulted in significant population movements within these facilities in recent months.

NCJR Report

In 2021, the Legislature included funding in the biennial budget to conduct a study of the NDCS classification system. The study was conducted by the Nebraska Center for Justice Research (NCJR) at the University of Nebraska at Omaha, with oversight by NDCS.

NCJR released its resulting report in January 2024. The report goes beyond classification specifically, covering issues such as crowding as well as topics selected by NDCS and the research team.

The report is available on the NCJR web page.

DEMOGRAPHICS

While the majority of those incarcerated in the state system are between ages 21 and 40, the population is beginning to skew older. In the past three years, the number who are over age 30 has steadily grown, while the number who are 30 or younger has decreased.

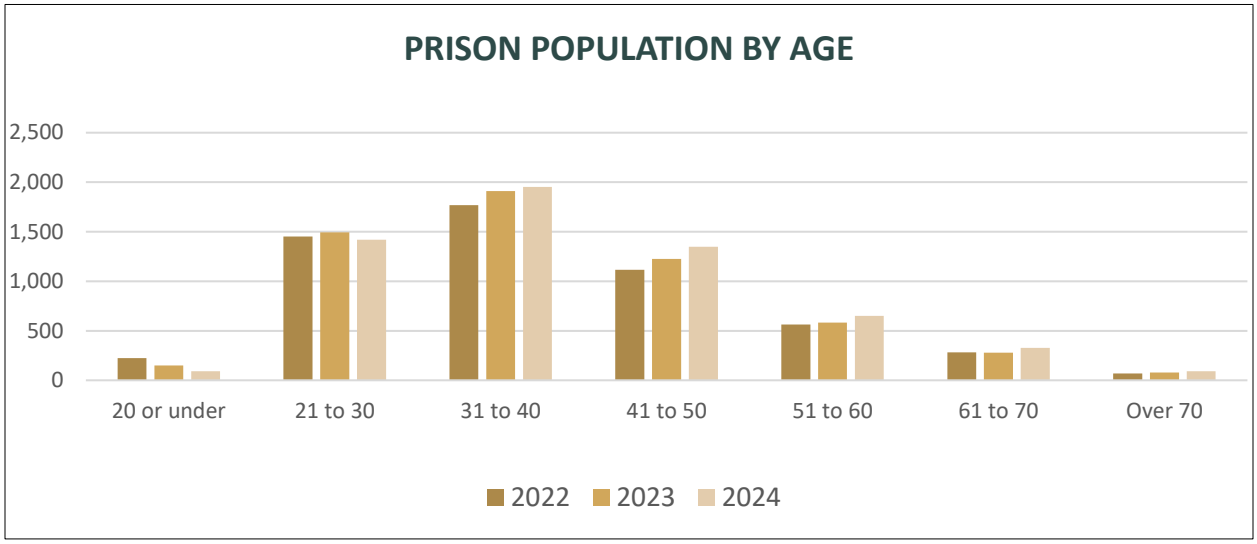

Figure 6. Source: NDCS Dashboard Reports from August 2024.

Within the system, there are approximately 5,450 incarcerated men and over 400 incarcerated women.

There are differences in the racial makeup of these two populations and, as in the past, there are differences in the representation of racial groups when compared to the entire population of the state. White males and females are underrepresented in NDCS facilities, while most other groups, other than the Asian population,[18] are overrepresented. The most overrepresented group within the correctional system are Native American females, who make up 11.2% of the incarcerated female population despite Native Americans making up less than 2% of the state population. Black males are the second most overrepresented racial group, as they make up 29.9% of the incarcerated population despite Blacks making up approximately 5% of the state population. Data on the racial makeup of the population is included in this report's Data Appendix.

[18] Asian is the term used by NDCS in their population breakdowns by race. Hawaiian/Pacific Islander would be covered in the "Other" category.

RECIDIVISM

Recidivism is the measurement of a previously incarcerated individual's return to criminal activity. It can be measured in a number of ways, including an individual returning to prison during a specific number of years (three years is the general practice) or even the rearrest or reconviction of someone who does not return to prison.[19] NDCS measures recidivism by the number of people who return to NDCS custody within three years of being released. This does not include people who were arrested or convicted within three years but did not return to NDCS custody.

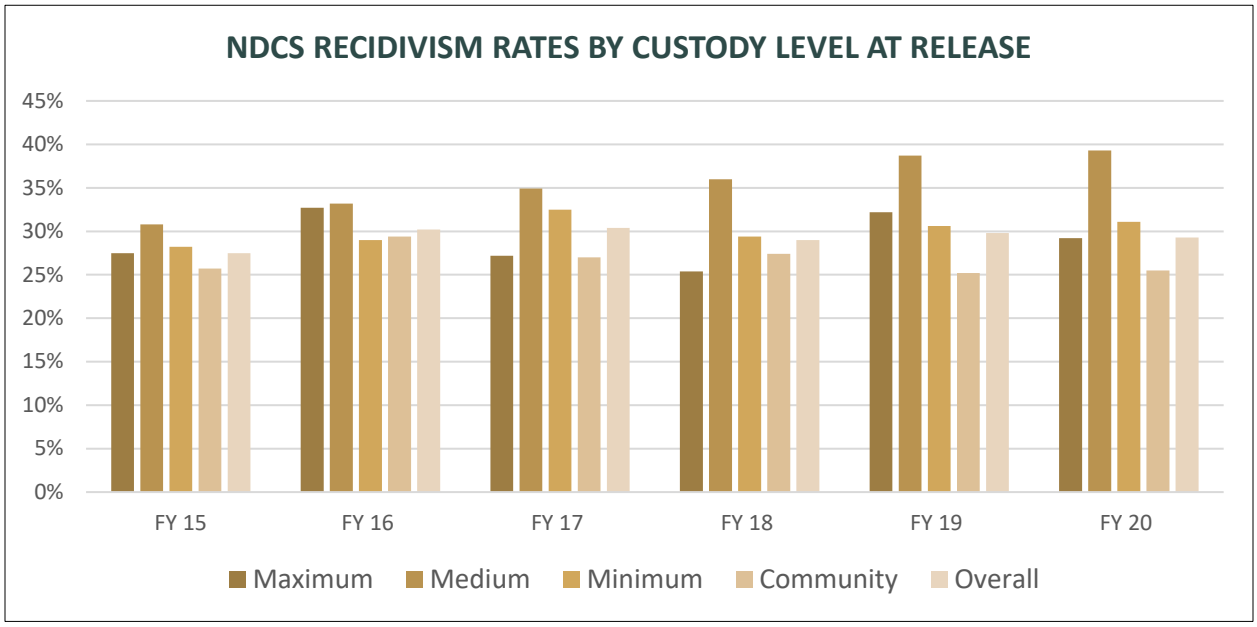

Figure 7. Source: Nebraska Commission on Law Enforcement and Criminal Justice.

By comparison, the Nebraska Supreme Court definition is as follows:

> *As applied to adults, recidivism shall mean a final conviction of a Class I or II misdemeanor, a Class IV felony or above, or a Class W misdemeanor based on a violation of state law or an ordinance of any city or village enacted in conformance with state law, within 3 years of being successfully released.* [20]

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[19] https://nij.ojp.gov/topics/corrections/recidivism.

[20] https://supremecourt.nebraska.gov/supreme-court-rules/chapter-1-administrative-operations/article-10-uniform-definitions-recidivism-nebraska-state-probation-and-nebraska-problem-solving/%C2%A7-1-1001-uniform-definitions-recidivism-nebraska-state-probation-and-nebraska-problem-solving-courts#:~:text=As%20applied%20to%20adults%2C%20recidivism,years%20of%20being%20successfully%20released.

The research paper prepared for the Supreme Court found a recidivism rate of 28% for the 2,525 post-release supervision (PRS) participants between February 2016 and December 2020 reviewed as part of the project. Of those who successfully completed regular probation, the recidivism rate was 21%. This does not include people who started but did not successfully complete probation.

Since there is a three year delay, the most recent year measuring recidivism was 2020, when it was at 28.4% according to NDCS data. Since 2008, it has ranged from 26% to 32%.

In an annual report by the Nebraska Crime Commission on community corrections, NDCS recidivism rates were reported over a period of years based on the custody level of each individual upon their release.[21] In other words, if someone was classified as maximum custody prior to their release this person's success or lack of success is utilized to measure the rate of recidivism for the maximum custody level. This data shows that those released from medium custody had the highest recidivism rates during this period of time. Additional charts which compare each custody level's recidivism rate with the overall recidivism rate are included in the Data Appendix. The next version of the Crime Commission report is expected to be released later this year.

RELEASES

Generally, people are released from NDCS correctional facilities on one of three different paths. One is to mandatorily discharge or "jam," which takes place when someone has no more time on their sentence and must be released. The other two paths for release provide for supervision after a person leaves a correctional facility. If an individual is paroled, which requires a vote by the Board of Parole, they will be supervised for a period of time by the Division of Parole Supervision, which is now under the jurisdiction

RECOMMENDATION

The Legislature may wish to consider studying the various measurements of recidivism used in Nebraska. The study might also include reviewing the recidivism rates of those who were released from NDCS custody but reentered the criminal justice system without returning to prison.

[21] https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Crime_Commission/518_20231013-124057.pdf.

of NDCS. Under the third path, individuals may receive flat or "determinate" sentences, followed by a period of post-release supervision (PRS) by the Office of Probation Administration for a period of time determined at the time of their sentencing.

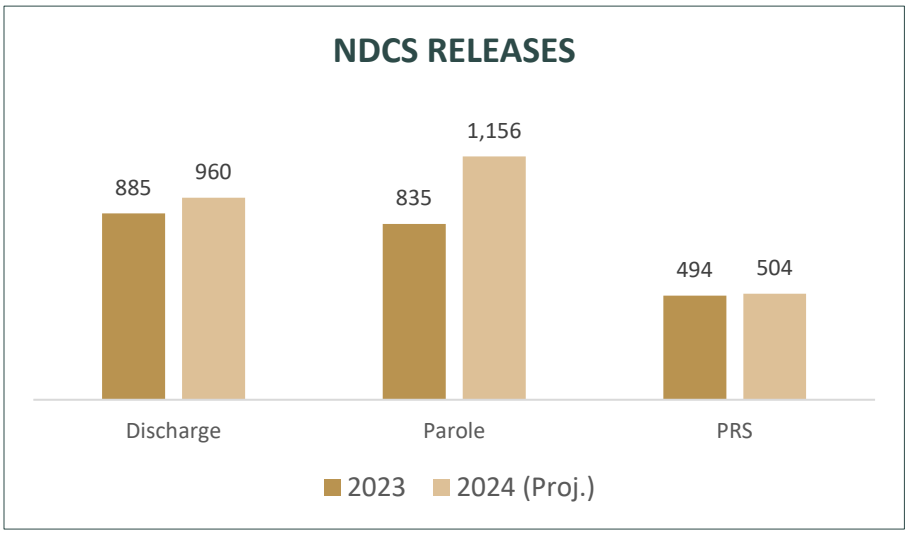

Figure 8. Source: NDCS Dashboard Reports from August 2024.

There is projected to be an increase in the number of discharges by NDCS in 2024 versus 2023. There is also a significant increase in the number of paroles granted so far in 2024. Monthly release data since January 2023 is found in the Data Appendix.[22]

COUNTY JAIL PROGRAM AND COUNTY 'SAFEKEEPERS'

In the past, NDCS contracted with county jails to house state prisoners. The original purpose of this program was to help ease crowding in the state prisons. At one point, approximately 200 men who were committed to NDCS were being housed in county jails. In February 2023, NDCS ended all placements at county jails, specifically due to not requesting any funding for this program.

However, NDCS does accept "safekeepers" from county jails. Safekeepers are county jail inmates who are still awaiting sentencing or have been sentenced to jail, but whom those counties have determined are unable to be held in a local jail. As a result, they are housed in a state correctional facility and the state is

[22] The release data in this report comes from an NDCS dashboard made available to the OIG. However, the numbers do not match data from the most recent Mandatory Discharge Report submitted to the Legislature. The OIG has sought clarification or reconciliation of these numbers.

paid a daily rate, plus other expenses, for their care. In August 2024, there were 28 male safekeepers at the RTC and four female safekeepers at NCCW.

PAROLE POPULATION

The number of people on parole has continued to decrease during the past four years, for both men and women.[23]

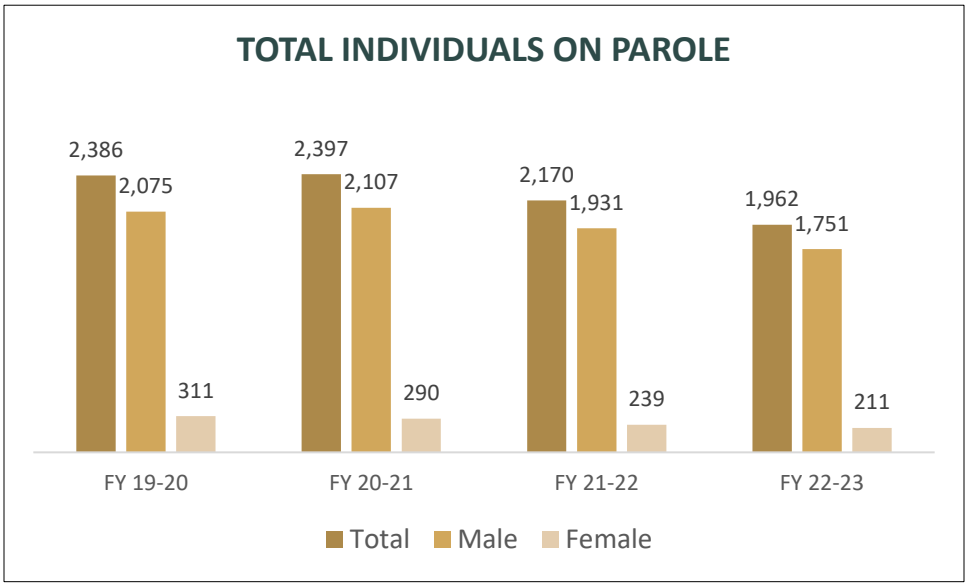

Figure 9. Source: Nebraska Crime Commission. This chart includes all people who were on parole at any point during each fiscal year.

The Division of Parole Supervision is required by statute to submit an annual report on parole revocations. The most recent such report was submitted in December 2023 and provides extensive detail on the revocation process, results and data.[24] The report found since 2017, there has been a continual decrease in the number of individuals returned to prison by the Board of Parole. As mentioned previously, the overall number of individuals on parole has also decreased during this period of time.

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[23] While the Board of Parole has released its own annual report in the past, the parole data in this report is from the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) Community Corrections Division Annual Report. The report is required under Neb. Rev. Stat. § 47-624, which also tasks the Crime Commission with a variety of duties related to coordination of the state's community corrections system. The full report can be found at https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Crime_Commission/518_20231013-124057.pdf.

[24] https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Parole_Board/627_20240102-085721.pdf.

RECOMMENDATION

NDCS and the Board of Parole are required by statute to submit a mandatory discharge report each year. Now that the Division of Parole Supervision is administered by NDCS, the Legislature may wish to consider expanding this report to include additional parole-related data and information.

Another statutorily required report is the Overcrowding Emergency Act Report.[25] Nev. Rev. Stat. § 83-963 states: "The department (NDCS) shall prepare an annual report on committed offenders who are paroled or granted controlled release pursuant to the Correctional System Overcrowding Emergency Act." These reports have contained no specific information indicating any individuals were actually paroled pursuant to the Overcrowding Emergency Act. The report did find from July 1, 2020 to November 30, 2023 there were 2,859 individuals who were released on parole. Of those, 2,327 were paroled for the first time. Of the 2,859 individuals, 1,399 individuals (48.9%) successfully completed or discharged their term of supervision. During this time, 769 individuals (26.9%) had their parole revoked. According to NDCS, as of March 31, 2024, there are approximately 1,100 people in custody who are past their parole eligibility date.

The Board of Parole has typically issued a report each year that provides additional information and data on parole revocations. The last such report completed covered fiscal year 2022.[26] No report is currently required under state law.

[25] https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Correctional_Services__Department_of/241_20240102-162214.pdf.

[26] The 2022 report can be found at https://parole.nebraska.gov/sites/parole.nebraska.gov/files/doc/Annual%20Report%20FY%202022_4.pdf.

POST-RELEASE SUPERVISION

Neb. Rev. Stat. § 6-1904 established a process that includes a period of post-release supervision (PRS) by the Office of Probation Administration as part of a determinate sentence for certain felonies.[27] As part of this process, the court receives a PRS plan no later than 45 days prior to the individual's anticipated date of release from NDCS. The plan is to be collaboratively prepared by the Office of Probation Administration and NDCS. This sets a process in place that results in the release of an individual from NDCS custody and the eventual oversight by the Office of Probation Administration for a set period of time. In fiscal year 2023, there were a total of 1,295 individuals on PRS.

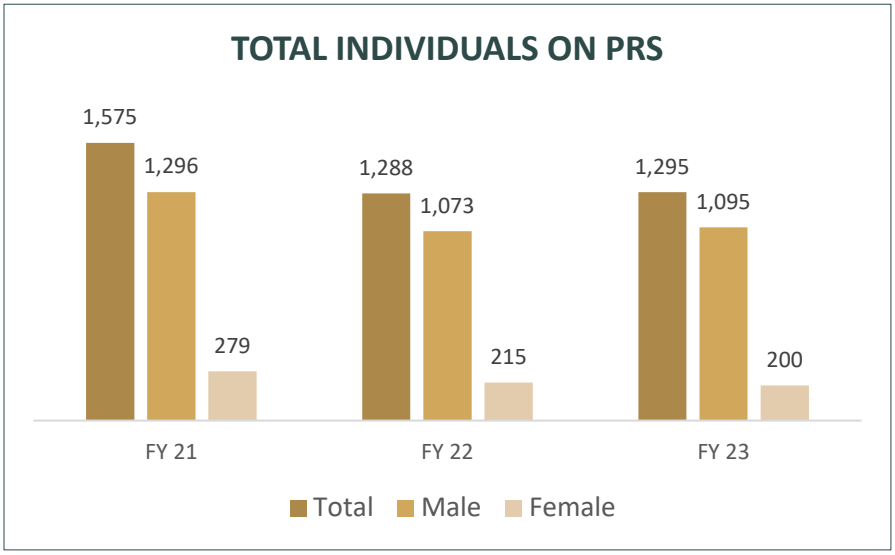

Figure 10. Source: Office of Probation Administration.

RECENT LEGISLATIVE EFFORTS

Nebraska Criminal Justice Reinvestment Working Group

In April 2021, leaders from the three branches of state government convened a work group to "develop comprehensive recidivism-reduction strategies and shift resources toward more cost effective public

[27] According to the FY2022 Adult Probation Annual Report, PRS probation is required any time a term of incarceration is imposed by the Court, regardless of the duration, in any Class III or IIIA felony. The passage of LB 686 in 2019 modified the minimum PRS term of nine-months for Class IV Felonies. The maximum PRS terms of up to 12 months is allowed in Class IV Felonies, 18 months in Class IIIA Felonies, and up to 24 months on Class III felonies.

safety strategies."[28] Technical assistance for their work was provided by the Justice Reinvestment Initiative (JRI). This followed a similar effort in 2015 between the state and the Council of State Governments Justice Center.[29] Their 2022 report and a later report in 2023 by JRI provide a significant amount of detail regarding their efforts, including data and recommendations.[30]

The report included the following regarding population of the correctional system:

- Prior to the COVID-19 pandemic, admissions to the state correctional system had been increasing by 11 percent;
- The length of stay for the NDCS incarcerated population had increased by 38 percent in the previous decade, which also included a higher usage of mandatory minimum sentence terms and an increase in the use of consecutive sentencing;
- Parole grant rates had decreased from 2018 to 2020;
- Probation was being used more as an alternative to placement in the correctional system;
- Technical violations of parole and probation were also a factor in increased admissions to the correctional system; and,
- Between 2010 and 2020, the state's violent crime rate increased by 17 percent which contrasted to a 2 percent decrease nationally.

Their work resulted in the recommendation of multiple policy options, some of which have been addressed in some manner via legislation. A task force related to this work was established in 2023 and is described in the following section.

Nebraska Sentencing Reform Task Force

In 2023, the Legislature passed Legislative Bill 50 which included the creating of the Sentencing Reform Task Force. The task force consists of 11 members representing various interests. The chairperson of the task force is Attorney General Mike Hilgers and the vice-chairperson is Senator Terrell McKinney. The task force met in October 2023 and established four subcommittees: Sentencing Reform, Criminal Justice

[28] The work group's full report from 2022 can be found at https://www.cjinstitute.org/assets/sites/2/2022/05/NECJR-WG-Final-Report.pdf.
[29] https://csgjusticecenter.org/projects/justice-reinvestment/past-states/nebraska/.
[30] The 2023 report by JRI can be found at https://www.cjinstitute.org/assets/sites/2/2023/05/Nebraska-Criminal-Justice-System.pdf.

System Resource Allocation and Recidivism Reduction, Public Safety, and Data Collection.[31] The task force is required to submit a report by November 15, 2024, and will terminate on December 31, 2024.

[31] https://ago.nebraska.gov/sentencing-reform-task-force-meeting-minutes.

STAFFING

In 2016, the OIG reported NDCS was in a staffing crisis. This continued over the next several years. Three years ago, some NDCS salaries were increased substantially in order to help NDCS attract new staff and retain existing staff, particularly for security positions. This followed heightened staffing challenges due to COVID and steps not being taken to address the ongoing crisis. In 2021, the OIG shared the following assessment:

> *A system which was already struggling to recruit and retain staff is now grappling with a mass exodus. The prison system's primary goal is to protect public safety. Some days, at some facilities, this mission is in jeopardy.*[32]

Despite the targeted raises, as well as the use of bonuses and other incentives, significant staffing concerns remain in various parts of the correctional system. Staffing emergencies remain in effect at the RTC and TSCI. Both facilities operate near or below their minimum staffing levels on a regular basis, which impacts the operations of those facilities in a variety of ways.[33] Recently, a group of staff from one of the facilities shared with the OIG many specific examples of how the shortage of staff has made them feel unsafe and less secure.

STAFFING DATA

In past reports, data in this section was accessed from three sources: NDCS Human Resources, NDCS quarterly data sheets,[34] and the Personnel Almanac[35] and other reports from the Nebraska Department of Administrative Services (DAS).

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[32] https://nebraskalegislature.gov/FloorDocs/107/PDF/Agencies/Inspector_General_of_the_Nebraska_Correctional_System/600_20210914-140850.pdf.

[33] Prior to the NDCS response to the 2023 Attorney General's opinion, the OIG was able to review staffing reports and other documents regarding significant events and compare the staffing levels during those events to the various pre-determined levels of staffing. Since August 2023, the OIG no longer has digital access to such reports or documents. The OIG requested more specific information related to staffing and staffing plans for each facility on August 1, 2024, but that information was not provided as of September 10, 2024.

[34] https://www.corrections.nebraska.gov/sites/default/files/wysiwyg/fy_24_q3_qds_final.pdf.

[35] All DAS personnel almanacs can be found at http://govdocs.nebraska.gov/epubs/P2000/B004.html.

Vacancies

Overall vacancies within NDCS peaked in 2021. They decreased from there but have increased again.

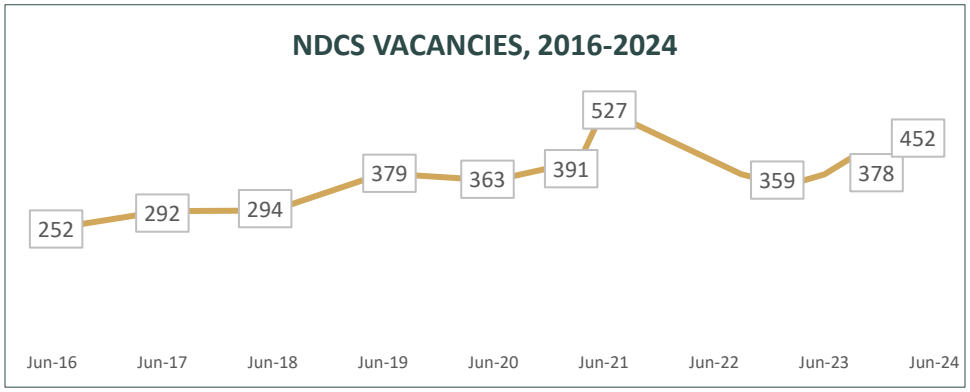

Figure 11. Source: Department of Administrative Services.

A look at protective services vacancies over the past two years shows that these have gradually increased of late. While a total of 354 individuals started pre-service training in FY2023-24, this is the second lowest total in the past 11 years and is down from 592 two years ago in the midst of salary increases and bonus programs intended to attract and retain more staff. In FY2022-23, 415 individuals started pre-service training.

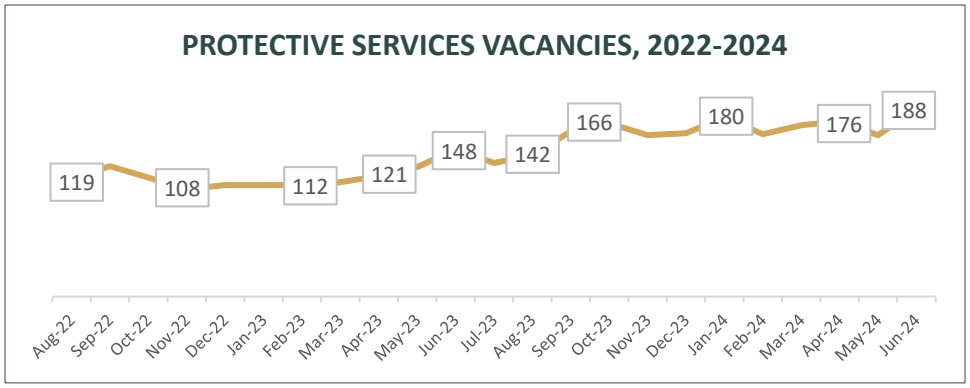

Figure 12. Source: NDCS Human Resources.

Medical and behavioral health staffing continues to be a significant challenge for NDCS, and is examined in detail later in this report.

Turnover

While overall turnover within NDCS is projected to increase this calendar year, the total is still on track to be lower than the years from 2015 to 2021. However, the slight uptick reported last year has continued into 2024.

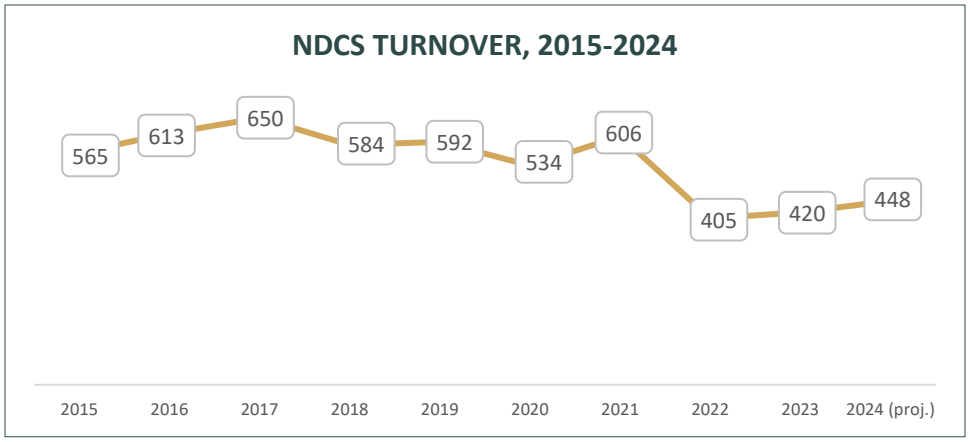

Figure 13. Source: NDCS Human Resources.

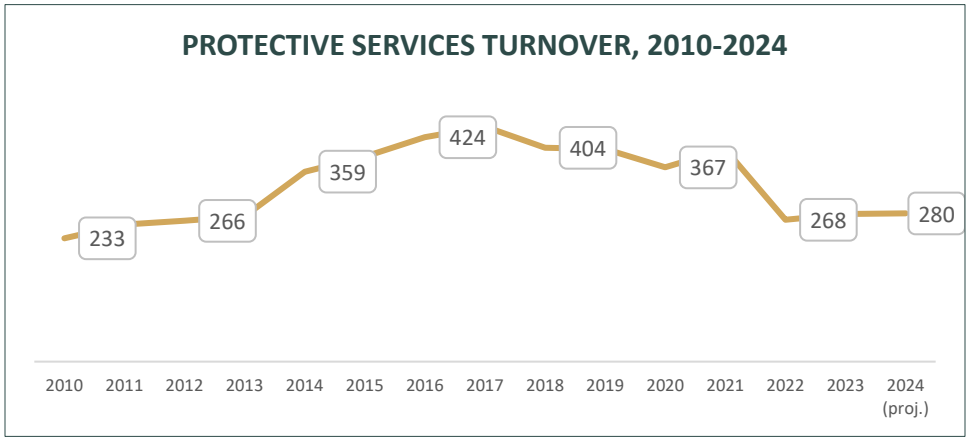

Figure 14. Source: NDCS Human Resources.

Overtime Costs

Overtime costs continue to be significant, with NDCS expending nearly $19 million in FY2023-24. This is a decrease from the previous two fiscal years. A recent report from the Nebraska Auditor of Public Accounts noted concerns about the amount of overtime worked by NDCS staff, including:

- NDCS expending $21,911,002 on 477,183 hours of overtime worked during 2023;
- 251 employees having overtime worked and compensatory time that exceeded 500 hours;

- RTC expending $7,540,327 on overtime, and NSP and TSCI each expanding over $4.5 million on overtime during 2023;
- The top 25 employees who worked overtime being paid overtime and compensatory time ranging from 1,026 and 2,173 hours during 2023; and
- Six NDCS corporals, which is an entry level security position, earning between $160,330 and $197,505 during 2023 due to their high usage of overtime.

The Auditor was not able to calculate an estimate of any potential savings if NDCS were staffed at various levels, but it was suggested to NDCS to consider "performing such an analysis."[36]

An examination of actual overtime hours worked by NDCS employees, and particularly protective services staff, paints a complicated picture of the Department's circumstances over the past several years. During the COVID-19 pandemic, the overall number of overtime hours worked by NDCS protective services staff actually declined. It appears this was due to the increase in overall vacancies during this period, which left fewer employees available to work overtime.

More recently, despite the decrease in overtime expenditures in FY2023-24, the number of overtime hours worked by protective services staff has actually increased. This coincides with the expiration of

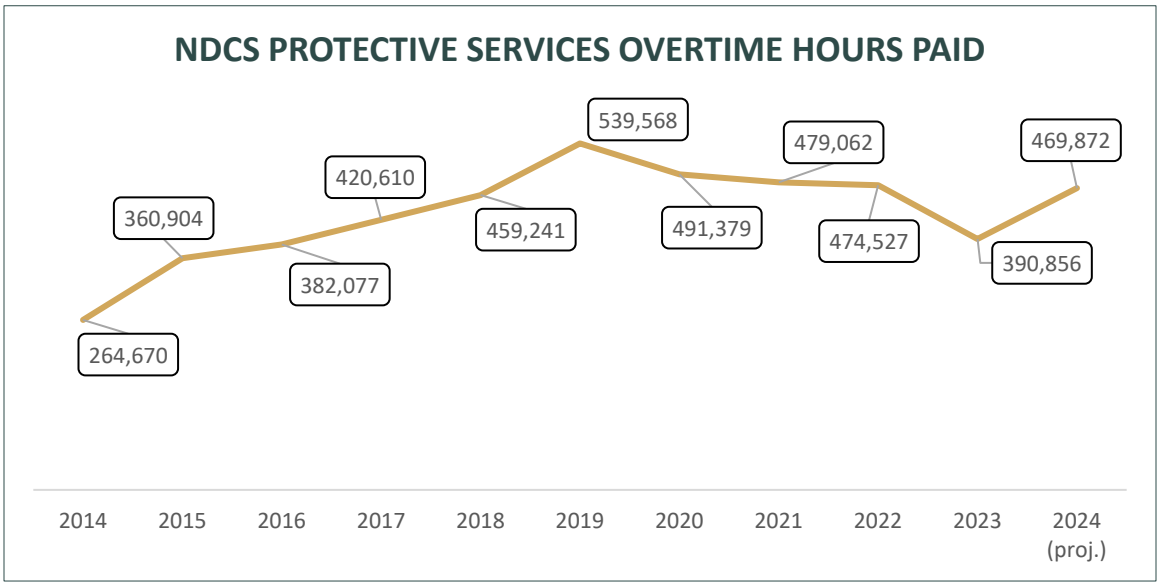

Figure 15. Source: NDCS Human Resources.

[36] https://auditors.nebraska.gov/APA_Reports/2024/SA46-08262024-January_1_2023_Through_December_31_2023_Attestation_Report.pdf.

double overtime pay, which was included in the previous labor contract for Fraternal Order of Police-represented staff but expired on June 30, 2023.

Racial Demographics

The DAS Personnel Almanac reported new increases in the employees of color who work for NDCS. This past year, 19% of NDCS employees were from a minority population. In the past decade, this percentage has basically doubled.

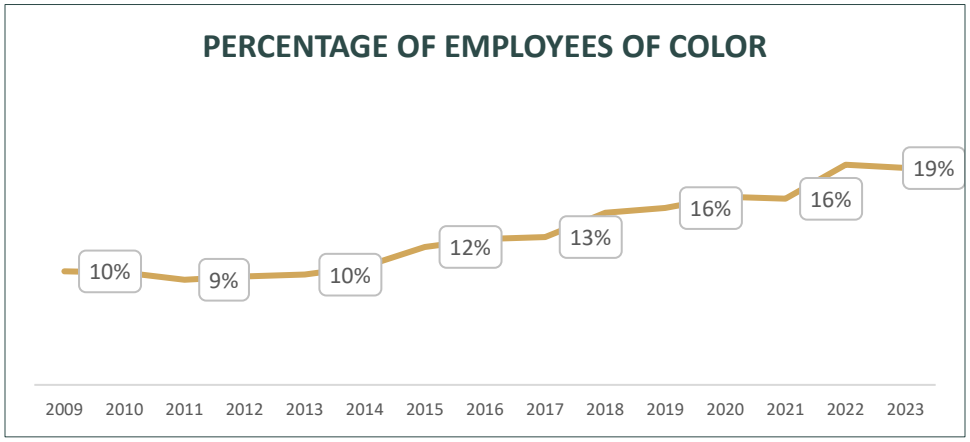

Figure 16. Source: Department of Administrative Services.

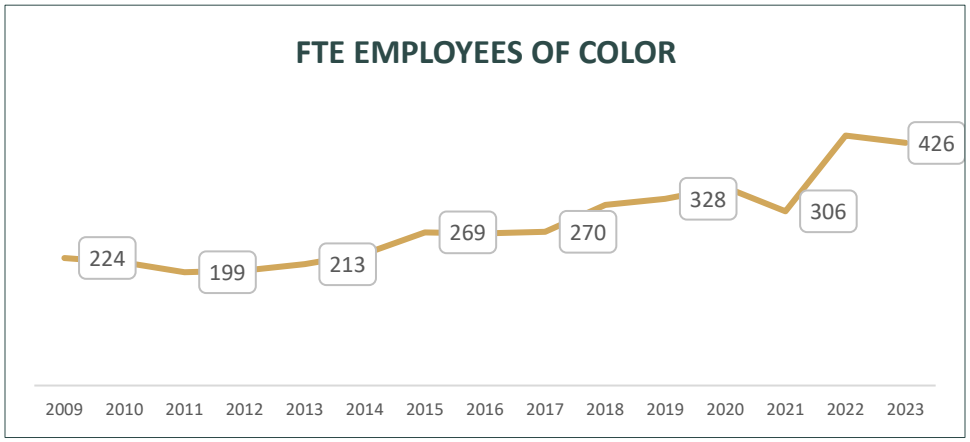

Figure 17. Department of Administrative Services.

BONUS PROGRAMS AND OTHER INCENTIVES

For several years, NDCS has tried using bonuses to attract more staff, with varying degrees of success. Past OIG reports provided additional information on these incentives. At the time of this report, there are

no bonus programs being advertised by NDCS. The OIG is unaware of any new recruitment or retention incentives.

NDCS increased its hiring bonus to $10,000 for specific protective service positions at facilities in need of those staff in 2019. A portion of the bonus was paid every quarter with the entire bonus being paid out at the end of three years.

In July 2021, the bonus was increased to $15,000 for corporals at the RTC, TSCI, and NSP. This bonus ended on December 15, 2022. A $20,000 bonus plus reimbursement for moving expenses was also enacted for staff relocating to Nebraska who would be working at those same three facilities. The Data Appendix includes more information related to success of these programs.

Tuition Reimbursement

Like all state agencies, NDCS is able to provide some level of college tuition reimbursement for its employees. After experiencing a decrease in most years since 2014, NDCS provided its second highest level of reimbursement to its employees in the past 15 years in 2023.

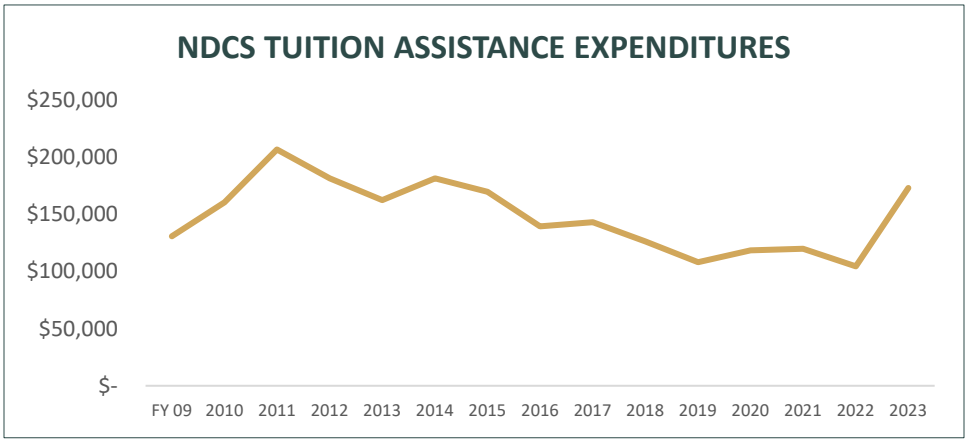

Figure 18. Source: Department of Administrative Services.

STAFF TRAINING ACADEMY CHANGES

NDCS holds the initial training for most staff at the Staff Training Academy (STA), a former school building on the Whitehall Campus in Lincoln. NDCS has used the facility since 2001. The STA has six full-time trainers, a training coordinator and an office specialist. There are multiple training rooms at the STA, including classrooms, a multipurpose room, a gymnasium, and specialized rooms including ones that are similar to a cell.

Recently, STA has managed a pilot project at the Nebraska State Penitentiary (NSP) where new cadets are placed at the facility as early and as much as possible during their training, in addition to time at the

Figure 19. OIG photos of training "cells" at the NDCS Staff Training Academy.

STA facility. This is referred to as a "blended model." This approach resulted from gathering information from new staff, who indicated they would have benefitted from more time in the facilities along with more on-the-job training. Under this model, NDCS utilizes on-the-job mentors who are shadowed by the cadets. The cadets also do more online training on computers at NSP, which results in those sessions taking less time and frees up more time for other training within the facility. As a result, these cadets are spending twice as many days in the facility during their training. NDCS' current goal is to expand this training model beyond NSP in 2025.

STAFFING SUMMARY

The 2022 OIG Annual Report included the following:

> *While the recent pay raises have greatly improved recruitment and retention in the short term, the OIG remains concerned about the Department's ability to continue this momentum, fill a sufficient number of remaining vacancies throughout the Department, and maintain safe staffing levels in the long term.*

It also shared numerous recommendations made by the OIG in reports during 2021, including:

- Engage with staff impacted by wage compression to gain a better understanding of their concerns and demonstrate a commitment to addressing this issue;

- Examine the efficacy of the state's $15,000 bonus program for corporals to determine whether it should be retained, modified or replaced and whether or not it impacts the hiring and retention of other key positions within NDCS; and
- Examine statistics related to incarcerated individuals conduct and rehabilitative outcomes at NSP and TSCI and report to the Legislature whether the staffing emergencies impacted those performance measures.

These recommendations remain relevant for the future as upticks in vacancies and turnovers should cause concern from NDCS and state policy makers. There is a need for safe staffing levels, not only for the staff, but also for the incarcerated population and the public. This is specifically a concern at the RTC and TSCI.

Restrictive Housing and Other Special Secure Settings

A majority of people in NDCS custody are housed in general population settings, which departmental rules and regulations define as "housing areas that allow out-of-cell movement without the use of restraints, a minimum of six (6) hours per day of out-of-cell time, and regular access to programming areas outside of the living unit."[37]

One set of exceptions to this includes skilled nursing facilities, acute/subacute and chronic care mental health units, and units used for inpatient treatment programs. These settings are addressed in other sections of this annual report. Another set of exceptions are highly secure settings such as restrictive housing units, special management units, and protective management units. This section examines the use of these settings within NDCS.

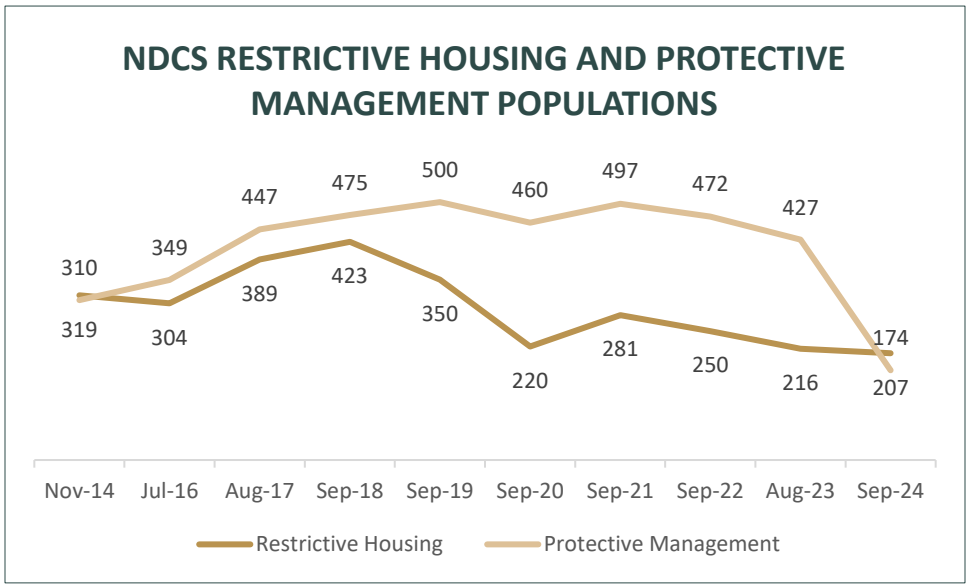

Figure 20. Source: NDCS Dashboard Reports.

RESTRICTIVE HOUSING

Restrictive housing is defined as conditions of confinement that provide limited contact with other offenders. It includes strictly controlled movement while out of cell and the out-of-cell time is less than

[37] Title 72, Nebraska Administrative Code, Chapter 2.

24 hours per week.[38] Currently, the primary restrictive housing unit is at TSCI. OCC and the RTC also have smaller restrictive housing settings. The use and conditions of restrictive housing has been discussed extensively in previous OIG reports.

In 2015 and 2016, statutory and operational changes were made to decrease the number of, and improve conditions for, people placed in restrictive housing, particularly those in long-term placements. The number of people in restrictive housing increased until late 2018 before decreasing. It then experienced an increase before slowly decreasing since late 2021. NDCS has shared that the new, 384-bed high security area or special management unit (SMU) at the RTC has provided the Department with additional strategies for managing its higher-risk population which has assisted with this latest decrease. This has also impacted to some degree the number of people in a protective management unit as described later in this section.

SPECIAL MANAGEMENT UNITS

People who are classified for Maximum A custody are housed in special management units (SMUs). These units are a step down from restrictive housing in terms of restrictions. People living in these units are allowed out of their cells in small groups for limited amounts of time. They generally receive more than 24 hours per week of out-of-cell time. Similar to those in restrictive housing, they do not have access to the same programs or shared services as other incarcerated people. The Maximum A custody level and the Department's SMU policy were adopted on July 1, 2023.

Despite the new name, this type of setting is not entirely new to NDCS. The gallery for individuals sentenced to the death penalty is now considered an SMU but has operated similarly for many years. Other examples included the former controlled movement unit in Housing Unit 2C at

Individuals Sentenced to the Death Penalty

There are currently 11 people awaiting the death penalty in Nebraska. All are housed in the same gallery in the restrictive housing unit at TSCI, in single-person cells. However, this gallery is not operated as restrictive housing and is instead considered an SMU. While this is a separate unit, those who reside there have daily access to the outside yard and the day room. They also have access to some jobs, law library, visitation, showers and are also allowed to eat outside of their cell within the unit.

[38] Neb. Rev. Stat. § 83-170.

TSCI, the former limited movement unit at NSP, and the Behavior Intervention and Programming Unit (BIPU) at NCCW.[39] The two most prominent current examples of an SMU are units at the RTC and TSCI.

In 2023, NDCS opened a new, 384-bed, high-security unit (technically two separate units) at the RTC. This essentially replaced and expanded upon the concept of the former controlled movement unit at TSCI, which was converted back to a general population unit. "The 384," as it is known, consists of newly built Housing Units F and G at the RTC. The units house people who had been in restrictive housing or controlled movement units, as well as a large number of people who were previously in general population settings but were effectively demoted to the 384 based on the criteria for the new units. The two galleries on each unit operate the same, although one gallery on one unit is for those on protective custody status. Each gallery consists of slightly less than 100 people who are divided into three groups. The two unit galleries share a concrete outside yard, and the schedules are set so no group interacts with another group. Each group receives a minimum of three and a half hours per day of out-of-cell time, which barely exceeds the out-of-cell hours that are in the definition of restrictive housing.[40]

Earlier this year, a smaller SMU at TSCI was established using a gallery formerly used for restrictive housing placements. It holds approximately 40 people and has a schedule which provides for limited out of cell activity, including shower time, yard time and some dayroom time. One thing different from the 384 unit is these men are restrained whenever they leave their cell. Some of the men in this unit had previously been in restrictive housing in a nearby gallery for a number of years.

In both of these SMU settings, concerns have been raised by the population regarding their out-of-cell time, limited program opportunities, and access to other activities or amenities which general population units receive. Some complaints have been received regarding the belief by some that they lost certain privileges after moving from a restrictive housing setting to the new SMU setting at TSCI. However, the primary concern expressed by people in these units is their perceived lack of a clear and timely pathway out of their respective placement.

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[39] More information about controlled movement units can be found in a 2022 OIG report. The report is found at https://nebraskalegislature.gov/pdf/reports/public_counsel/2022_NDCS_controlled_movement_units.pdf.

[40] Neb. Rev. Stat. § 83-170 defines restrictive housing as "conditions of confinement that provide limited contact with other offenders, strictly controlled movement while out of cell, and out-of-cell time of less than twenty-four hours per week." If there are no disruptions or staffing issues, an individual in RTC Housing Units F or G would receive 24.5 hours of out-of-cell time under the current schedule.

NDCS policy 210.02 provides specific information related to placement and removal of those who reside in an SMU. This policy is available to the population in each facility's law library. Under the policy, a Unit Classification Committee conducts formal reviews of the status of each person in the SMU every seven days for the first 60 days they are in this setting. Additional formal reviews are completed at least every 30 days after the first 60 days. The review by the committee is forwarded to the respective warden who then makes the final decision. In order to be released from the SMU, a person has to be deemed as a "non-threat to the safety and security of the department."

The policy also requires a qualified mental health professional to conduct an interview with anyone who is in the SMU for more than 30 days and prepare a written report. If someone stays in an SMU beyond 30 days, a mental health assessment is required at least every three months. However, if an individual has been identified as having a mental health need then a mental health assessment is to be completed every 30 days.

NDCS Restrictive Housing Report and SMUs

Each year, NDCS produces a report to the Governor and the Legislature with information and data about the NDCS's use of restrictive housing. Under statute, this annual report is due September 15. Due to legislative changes in 2023, the report must also include the following information regarding SMUs:

> *A description of all inmate housing areas that hold inmates in a setting that is neither general population nor restrictive housing, including the purpose of each setting, data on how many inmates were held in such settings, the average length of stay in such settings, information on programs provided in each setting, data on program completions in each setting, staffing levels and types of staff in each setting, and any other information or data relevant to the operation of such settings. For the purposes of this subdivision, general population means an inmate housing area that allows out-of-cell movement without the use of restraints, a minimum of six hours per day of out-of-cell time, regular access to programming areas outside the living unit, and access to services available to the broader population.*

The upcoming report by NDCS should include more detailed information regarding the use and functioning of the various units described in this section.

'GROUP VIOLENCE REDUCTION STRATEGY'

In 2023, NDCS adopted a new policy which it refers to as its Group Violence Reduction Strategy. This policy describes a process whereby facilities or housing units are placed under modified operations following a "prohibited violent act" so staff can investigate and identify "close associates" of the people

involved. While under modified operations, those in the affected units/facilities are confined to their cells with limited exceptions, such as for showers every few days.

This policy has resulted in a large number of contacts to the OIG from incarcerated people, particularly when the modified operations have lasted longer than a few days or weeks.

The policy also provides for restrictions to be imposed on the people responsible for the prohibited violent act as well those identified as close associates. These restrictions have prompted OIG contacts from people who feel they are applied too broadly.

The OIG is required to investigate all serious injury incidents and deaths with NDCS facilities, including those which are the result of violent acts covered under this policy. The OIG anticipates that future investigative reports will include more about this policy and its enforcement across NDCS facilities.

PROTECTIVE MANAGEMENT

Protective management units are used to house people who cannot be safely housed in the general prison population, such as former law enforcement or correctional officers, those who have served as informants or witnesses against others, or those who might be targeted due to the nature of their crimes.

Recently, NDCS has taken steps to reduce the number of people in its protective management units, including converting protective management housing at the RTC and TSCI into general population housing. As a result, the number of people in a protective management unit is now less than 200. One year ago, there were more than 400 people in protective management, with the majority at TSCI. The conversion of protective management housing to general population housing at TSCI is primarily due to the movement of a high number of individuals to the new high-security unit at the RTC. This has resulted in a change to the environment at TSCI, which has allowed for the conversion of some protective management galleries there into general population galleries. Currently, there are two housing galleries which house this population at TSCI with plans to limit it to one housing gallery in the near future.

In the Ombudsman's office report about the 2015 riot at TSCI, it was recommended that NDCS restructure TSCI and "significantly reconfigure its population, so that it is composed of a much more manageable assortment of inmates."[41] This recommendation was made as a way to retain staff and to more easily manage the facility due to its staffing limitations. The Ombudsman's office also stressed the

[41] https://www.nebraskalegislature.gov/pdf/reports/public_counsel/2015ombud_tsc_riot.pdf.

need to make TSCI a more desirable place to reside at and this could be done by providing more self-betterment activities such as hobby and craft programs, additional and more vibrant clubs, and additional programming. By changing the population in the past year, a positive step has been taken to alter the environment at TSCI.

However, concerns about the use of protective management remain. The NDCS definition of protective management unit notes, "Whenever possible, protective management units are operated similarly to general population units in out-of-cell time, access to programming, work, and recreation, etc."[42] The protective management gallery at the RTC does not meet this definition as currently structured.

As TSCI moves to having just one protective management gallery, consideration should be given to not establishing restrictions similar to the gallery at the RTC so that NDCS follow its own policy. People in these galleries are placed there after going through a protective custody process which resulted in a finding that no other placements were available for this individual and they could not be "safely housed in other general population units." The goal of these units is to safely house them, not to punish them further or to make the units so undesirable that people who truly need protective custody do not request it in the future.

[42] NDCS Policy 210.02.

MEDICAL CARE

On any given day, the state prison system serves as the primary health care provider for approximately 5,800 people, including a significant percentage who have chronic medical conditions. State statute requires NDCS to provide all inmates with a community standard of health care, meaning the care provided must be "of the type, quality, and amount that any individual residing within the community in question could expect to receive in that community." This and other requirements are established under the Nebraska Correctional Health Care Services Act.[43] The Act covers medical, surgical, pharmaceutical, nursing, dental, optometric, and audiological care, as well as physical therapy, mental health care, and substance use counseling and treatment.

NDCS has full-time medical staff assigned to all but two of its facilities. CCC-O and NCYF do not have full-time medical staff, but are each within walking distance of OCC, which has a full-time medical clinic. State law requires the NDCS medical director to "ensure that each facility has at least one designated medical doctor on call at all times and that each facility housing more than five hundred inmates has at least one full-time medical doctor assigned to that facility as his or her primary employment location."[44] However, the Community Corrections Center-Lincoln, which houses more than 500 people, does not have a doctor based primarily at the facility.

Three facilities – the RTC, TSCI, and NCCW – have skilled nursing facilities which are licensed to provide a nursing home level of care. NDCS also sends patients to outside providers for specialist visits, surgical procedures, and critical emergent care.

NDCS generally covers the costs of health care services through its own budget, with some exceptions:

- Medicaid will cover a percentage of the cost when a person has been admitted to an outside medical facility for 24 hours or more. (The process is explained in greater detail later in this section.)
- Patients must pay all expenses for approved elective procedures, including the costs of security and transportation. NDCS policy states that a medical or dental procedure is considered elective if it is provided for cosmetic reasons or is not necessary to maintain a patient's basic physical health.

[43] Neb. Rev. Stat. §§ 83-4,154 et seq.
[44] Neb. Rev. Stat. § 83-4,159.

- People on work release who receive outside treatment for work-related injuries are generally covered by the employer's workers' compensation insurance.

People under community supervision (parole) are generally reliant upon community-based providers for care.

DEATHS AND COMPLAINTS

The OIG is required to investigate all deaths in NDCS facilities, for the purposes of systemic oversight. A significant majority of these deaths are the result of natural causes and involve people who have been under the care of NDCS health services staff, sometimes for years or decades.

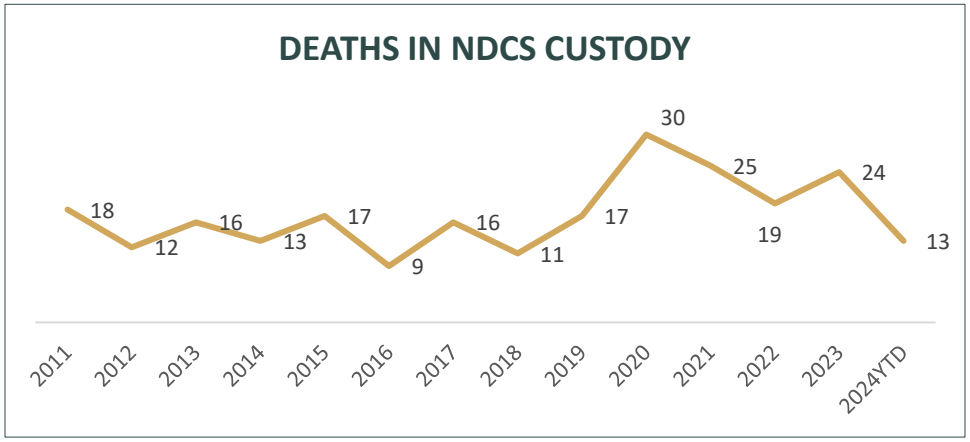


Figure 21. Source: NDCS reports to OIG, as of August 2024.

The OIG also investigates certain complaints related to health care within the state prisons. In these cases, a living patient might provide their written consent for the OIG to access their medical records and to make inquiries regarding their care.

The following two cases, from 2023 and early 2024, provide examples of such complaints. The OIG was unable to conduct full investigations into these complaints at the time due to the Attorney General's opinion and resulting limitations. However, the OIG shared concerns related to these complaints with the NDCS Director and Medical Director.

Complaint 1

The first case involved an incarcerated person who experienced a serious medical episode. During the medical episode, a licensed practical nurse made her own decision to call 911 and have him transported to a local hospital. This took place after the on-call medical doctor did not approve the transport due to the

individual having a do-not-resuscitate (DNR) order. Prior to calling 911, the nurse took steps to clarify with the hospital that his DNR would not impact the type of care she believed he required, and the nurse also visited with the individual who confirmed he wanted to be treated. He was treated and released a few days later. While at the hospital, he was provided specific medical directions, yet he advised the OIG he had not been seen by any medical staff or sent to any outside appointments in the months after the incident. This incident raised concerns about the type of medical care being provided at the facility, and it was not known if the questionable decision made by the on-call medical director as it relates to the DNR had been reviewed by NDCS.

Complaint 2

The second case involved an incarcerated individual who was denied medical assistance for hours by security staff at the facility despite having severe pain and showing other signs of medical distress. Eventually, he was taken to the facility's medical unit where he received medical tests. The same day he was transported to a local hospital for evaluation, but only after additional delays. It was found he had a significant medical emergency which could have been fatal if not treated. There were multiple areas of concerns regarding this incident which were identified by the OIG and shared with NDCS.

Death Investigations

While the OIG investigates each death within NDCS to the best of its ability, the office's access to information about the medical care these individuals received is limited. This is because, due to its interpretation of state statute, NDCS will not share information about a deceased person's medical care with the OIG without written authorization from the person's estate, even if the deceased provided authorization themselves prior to their death. The OIG continues to pursue a legislative remedy to address this issue.

STAFFING

In past OIG reports, concerns have been raised regarding the challenges NDCS has faced to attract and retain healthcare professionals. NDCS has a new Medical Director and Mental Health Director, along with a part-time Chief Psychiatrist. Together, one of their primary challenges will be to find and keep quality health care staff.

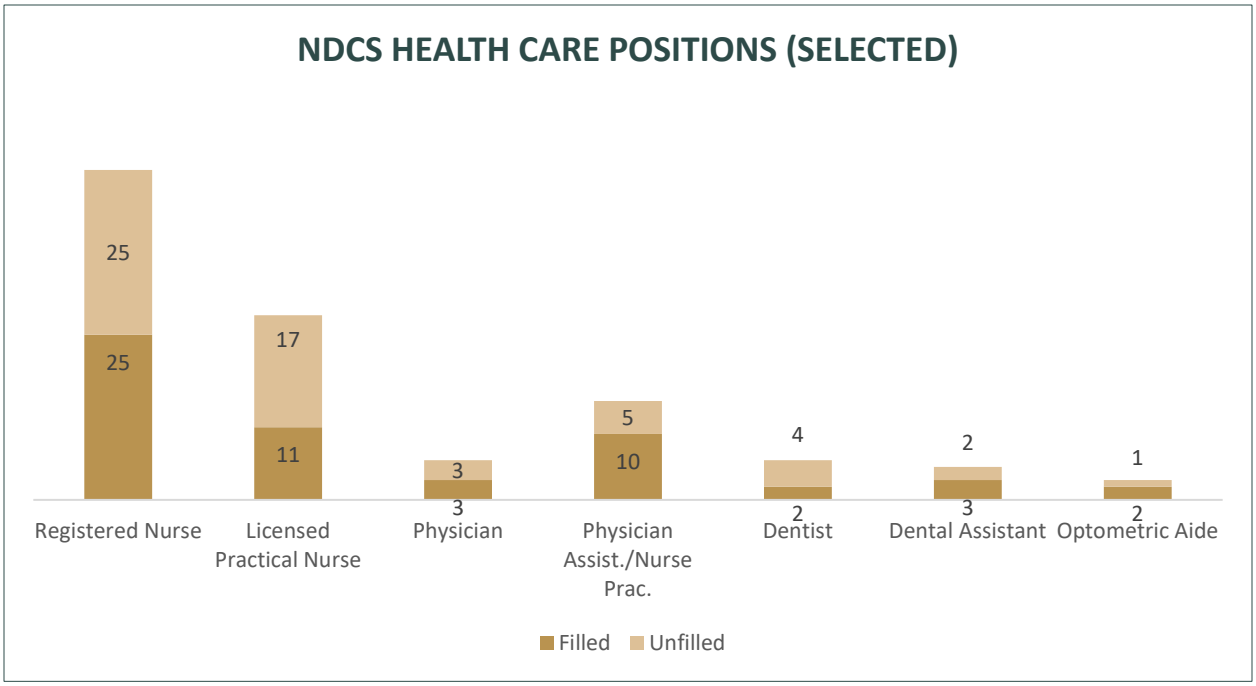


Figure 22. Source: NDCS Human Resources, August 2024.

ELECTRONIC HEALTH RECORDS

State statute requires the NDCS Director to establish and administer policies that ensure complete and up-to-date electronic records are maintained for each person committed to the Department.[45] This requirement – which includes electronic medical, mental, and behavioral health records – has been in place since 2015.

In 2022, the OIG released a report about a woman who died of cervical cancer at the Nebraska Correctional Center for Women after going approximately nine years without a Pap smear.[46] The OIG's investigation found that NDCS did not track when patients were due for preventative care, and that delays in implementing an electronic health records (EHR) system had left the Department in violation of state statute. Following the OIG report and a meeting between the OIG and the NDCS Interim Director, NDCS ceased its implementation of an EHR system that was being developed "in house" and purchased an EHR system from an outside vendor. Implementation of this system began in 2023.

[45] Neb. Rev. Stat. § 83-173.
[46] https://nebraskalegislature.gov/pdf/reports/public_counsel/2022_oig_niccole_wetherell.pdf.

The EHR system went live on March 26, 2024. In May 2024, the OIG met with the NDCS medical director, Dr. Jerry Lovelace, and the Department's health services administrator to receive an update on the system. Dr. Lovelace described the current state of the EHR as "Phase I" and said additional features would be added in "Phase II." One example of something that had yet to be implemented was the ability to connect with EHR systems used by outside medical providers. As of August 2024, it was anticipated that this feature would take an additional two to three months to implement.

Paper files are still being used for at least some individuals, because NDCS did not include scanning of existing medical records in its EHR agreement. Dr. Lovelace anticipated that paper files would remain in use for at least another year, and that many medical records would never be digitized.

MEDICAID ENROLLMENT

Legislative Bill 605 (2015) provided for suspension of people's Medicaid coverage while they are incarcerated. This allows for their coverage to resume upon release. LB921 (2022) established a process for people incarcerated in state prisons and larger county jails to be enrolled in Medicaid so their coverage becomes effective by the date they are released. This law took effect July 1, 2023. Ensuring all eligible people in its custody are enrolled in Medicaid is also a goal identified by NDCS as part of the Reentry 2030 initiative.

Additionally, NDCS has made efforts recently to have Medicaid cover some costs of care for people who are in the Department's custody but spend more than 24 hours receiving treatment at an outside medical facility. This process was discussed in a recent report from the State Auditor, which found that NDCS was paying for millions of dollars in care that could have been covered by Medicaid.[47] As noted in the Auditor's report:

> *Medicaid regulations require the applications for eligibility to be completed and signed by the individual for whom eligibility would be determined; therefore, the Department is unable to submit applications for incarcerated individuals. Incarcerated individuals cannot be required or forced to complete the applications, and unless the Department has obtained a proper power-of-attorney or other legal authority to act on the behalf of the incarcerated individual, the Department would not be allowed to submit an application for the incarcerated individual.*

[47] https://auditors.nebraska.gov/APA_Reports/2024/SA46-08262024-January_1_2023_Through_December_31_2023_Attestation_Report.pdf.

The current reimbursement process was implemented in 2023, and NDCS has since started asking people who are newly committed to the Department's custody to sign Medicaid applications upon initial intake, rather than waiting until they require care.

As of mid-July 2024, according to NDCS, 1,526 people in NDCS custody at that point in time were enrolled in Medicaid. The Department noted that some people could not be enrolled for financial reasons or because they refused to sign the application.

AGING POPULATION

As noted earlier in this report, about 4 percent of the NDCS population is 65 or older. There has been some increase in the older population of NDCS.

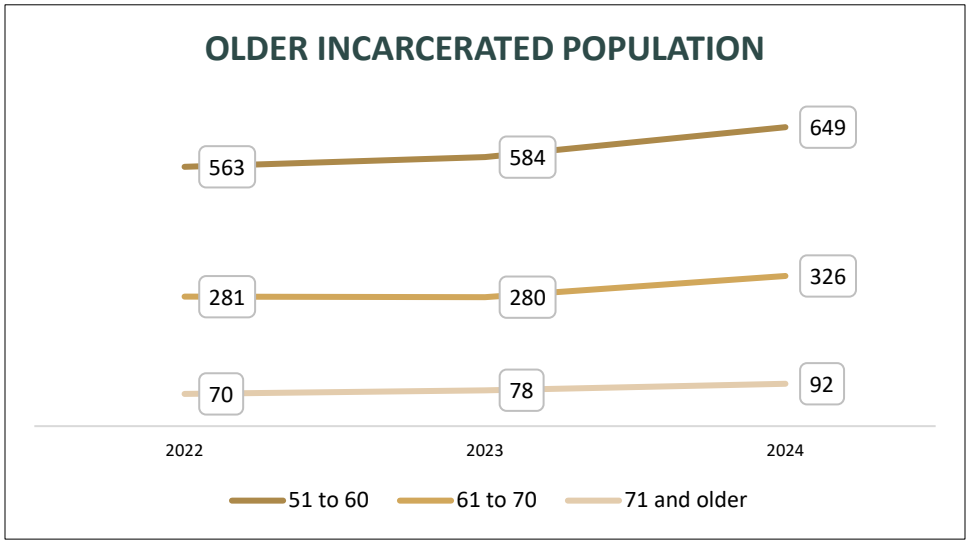


Figure 23. Source: NDCS Dashboard Reports, August 2024.

Special Units

While adults of any age might live in the general prison population, NDCS has a few units which specifically house those who are older or require age-related or other accommodations. At TSCI, a gallery in Housing Unit 2 has long been dedicated to "active seniors." The former geriatric unit at NSP, Housing Unit 1, was closed in November 2022 due to a water main break. However, the opening of a new skilled nursing facility (SNF) at the RTC allowed NDCS to repurpose two former SNFs – one at NSP and another in an older part of the RTC – into "accommodation units." At this time, NCCW does not have any setting specifically for older women.

NDCS recently began construction of three specialty units at the RTC, one of which is intended for geriatric offenders. The other two units are intended for people with other special needs. Each unit is designed for 32 beds. The Legislature provided $18 million in funding for these new units in the FY22/FY23 biennial budget. These units are only for male individuals.

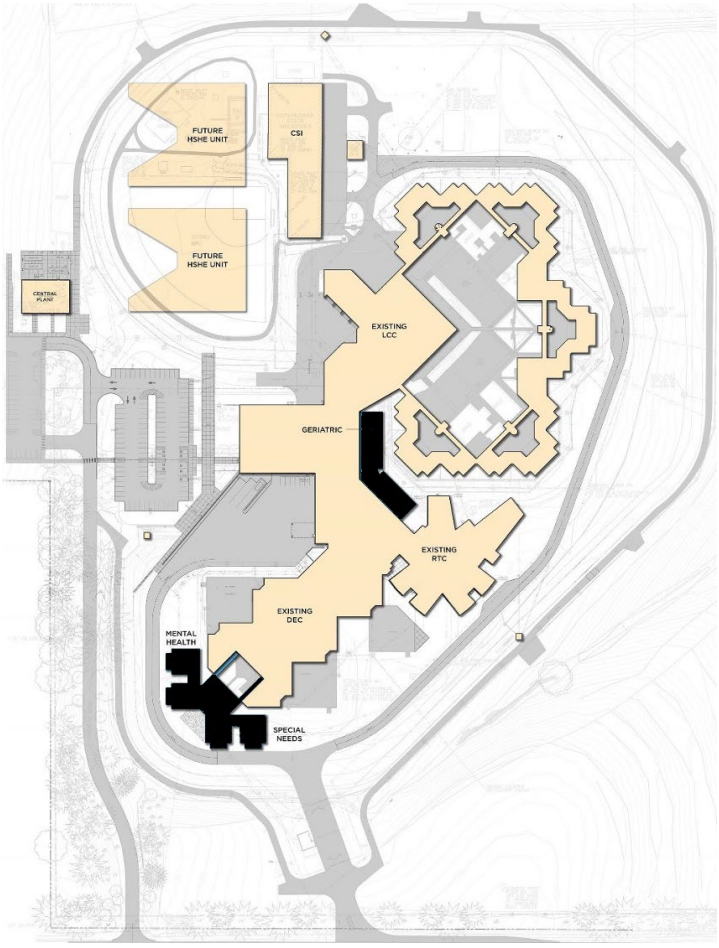


Figure 24. This diagram shows the RTC prison complex, which is directly north of West Van Dorn Street and the Pioneers Golf Course in Lincoln. The black highlighted areas show the locations of the geriatric unit (center) and special needs units (near bottom), which are under construction.

These beds all exist in settings with relatively high levels of security. This allows the beds to serve a larger percentage of the population, because minimum-security individuals can be housed in maximum security, but maximum-security individuals cannot be housed in minimum security. However, this keeps some individuals in a higher-security environment than is necessary for them and may limit their opportunities to prepare for release to the community.

Similarly, NDCS struggles to find community-based facilities that are appropriate for people with chronic illnesses or mobility issues and are willing to accept people coming out of prison. This includes people who are terminally ill but are eligible for parole or medical parole, or have completed their sentences and can no longer be legally detained by the Department. The options are particularly limited for those with convictions for violent offenses or sexual offenses, which accounts for a large percentage of the older incarcerated population.

For example, one individual who died in NDCS custody in 2023 had appeared before the Board of Parole three times and was deferred three times in the year leading up to his death. While other factors may have contributed to these decisions, NDCS clearly struggled to find a home in the community that would accept him and meet his needs. For similar reasons, he was unable to transfer to a less restrictive environment within NDCS.

Another individual who died in 2023 had been returned to prison after sexually assaulting a fellow resident at an assisted-living facility after his release on parole. This provides an example of why many community-based facilities are reluctant to accept people from NDCS, especially with certain convictions. The outcome may have been different had this individual been paroled to a male-only facility with a level of security somewhere between that of a correctional facility and a community-based assisted-living center.

Hospice Program

The RTC has the largest nursing facility within NDCS. Because of this, and its relative proximity to outside medical services, incarcerated people often end up at the RTC when they are terminally ill or require significant medical treatment. The RTC also has two designated hospice rooms.

In 2024, the RTC launched a program in which approved facility residents can volunteer to provide hospice-type services for fellow incarcerated people who are terminally ill. In July 2024, the OIG and the Ombudsman's office met with RTC staff, administrators, and volunteers to learn more about the program and related changes. At the time, volunteers had been able to provide companionship and assistance for four or five people with terminal illnesses at the facility. No one who was offered volunteer hospice had refused. The program was still being implemented, and organizers were still identifying additional training and procedures, but the volunteers were able to be present for a majority of the day, from 0800 hours to 2200 hours. Organizers said they hoped to make the program a 24/7 "vigil" for those who are dying at the RTC.

One administrator described the hospice program as part of an agency-wide culture change regarding preparations for end of life. This includes talking with incarcerated people about designating a power of attorney upon intake, in case something unexpected happens. RTC staff also have these discussions with everyone who is admitted to the SNF. Once a person is preparing to enter hospice, RTC staff try to engage family members early so as to avoid surprises when an individual ultimately passes, and to help bring families together and possibly mend broken relationships. For those without family or who are estranged from their loved ones, one goal of the hospice program is to replicate a family care setting.

Those involved in the program spoke positively about the supportive environment that surrounds it, not only for those who are dying but also for the volunteers and facility staff. One volunteer said he had known two of the men who died for 10 to 15 years, and that the process was very emotionally draining for him, so he appreciated the team support. Volunteers can also step back at any time if they feel overwhelmed.

Facility administrators have also worked to make visitation easier for those in hospice, including exempting these visitors from the normal visitation policies and procedures. They are able to visit in the actual hospice rooms, and staff will also facilitate video visits.

Clinical Programs and Mental/Behavioral Health

NDCS offers general mental health care as well as specific clinical treatment programs to address behavioral health issues such as substance use disorders and sexual misconduct. The Department also provides nonclinical programs derived from evidence-based models and other programming which may or may not be informed by research.

State statute requires that NDCS "shall provide a community standard of health care to all inmates," which includes mental health care and substance abuse counseling and treatment.[48] NDCS has reported that approximately one-third of the people incarcerated in its facilities have serious mental illnesses, including 30.6% of males and 44.8% of females as of 2021.[49]

General mental health services are offered in special units as well as on an outpatient basis for the general population. At the RTC, acute/subacute and chronic care mental health units housed approximately 85 people as of early August 2024. There are also two "plan rooms" on a restrictive housing gallery at TSCI for those on suicide watch at that facility. NCCW houses people requiring acute, subacute, or chronic mental health care within units that are also used for protective custody or behavior-related confinement. These units have enough beds for 42 people, but held 15 people as of early August 2024.

Clinical programming is also offered on an inpatient and outpatient basis, depending on the specific program. While participation is optional for people in NDCS custody, it has traditionally been an expectation for many people in order to obtain release on parole, and the Department regularly requires people to complete clinical or nonclinical programs in order to leave restrictive housing, advance to lower levels

Parole Implications

Neb. Rev. Stat. § 83-1,100.03 requires the Board of Parole to consider an offender's program completion in making release decisions. However, LB631 (2024) specifies that committed offenders may not be denied parole "solely because (NDCS) did not offer or delayed programming due to operational issues, including staffing shortages, maintenance issues, or lack of funding." The provisions of LB631 took effect in July 2024, and the impacts of this statutory change remain unclear.

[48] Neb. Rev. Stat. §§ 83-4,154 to 83-4,155.
[49] https://law.yale.edu/sites/default/files/area/center/liman/document/time_in_cell_2021.pdf.

of security within the prisons, or be approved for community custody/work release. People might also be instructed to participate in programming or receive other mental or behavioral health services in the community as a condition of their parole.

STAFFING

A shortage of mental and behavioral health providers is one of the most significant challenges for Nebraska's correctional system. NDCS has a large number of vacancies in this area.

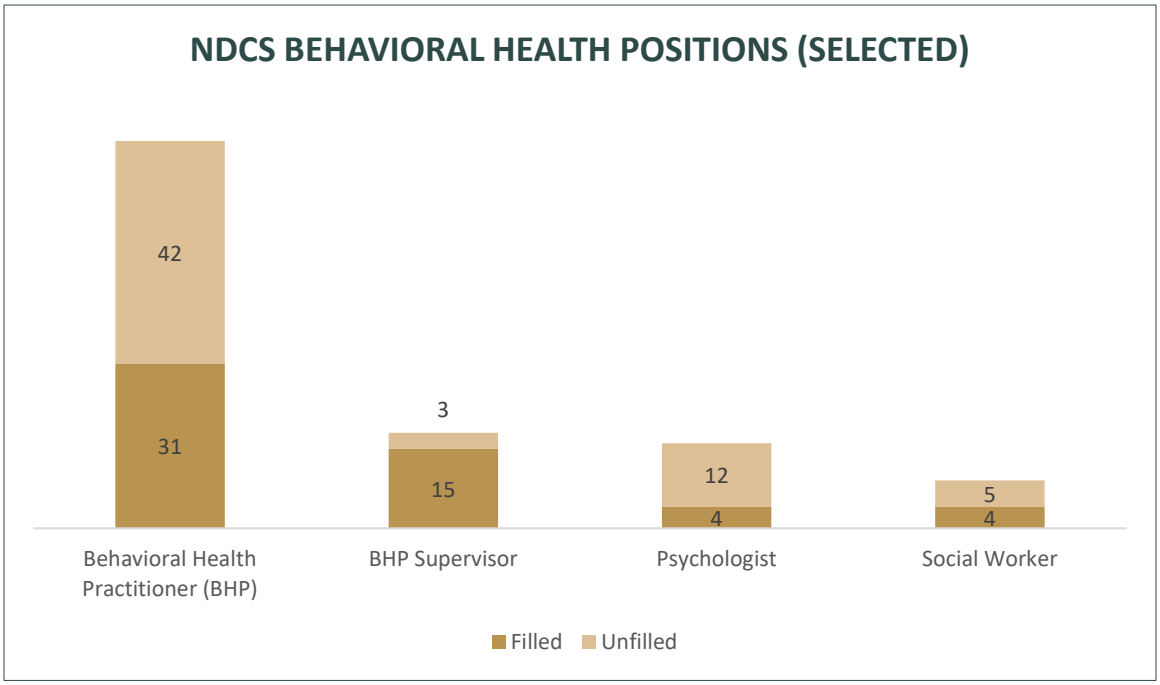


Figure 25. Source: NDCS Human Resources, August 2024.

In July 2024, the OIG met with NDCS behavioral health officials to gain more information about the state of mental and behavioral health services within the Department. One significant change they highlighted was the addition of contracted behavioral health staff.

While NDCS has for years employed many of its nurses on a contractual basis through private staffing agencies, it has not used this approach for staff in behavioral health. Recently, however, the Department began working with two different private staffing agencies to employ behavioral health practitioners, to supplement those who remain on the state payroll. This includes a contract with a provider that is new to

NDCS, Cell Staff LLC.[50] Unlike private nurses, behavioral health providers from private agencies must complete essentially the same training as those who are NDCS employees.

This was viewed as a positive development insofar as it increased the number of providers working within the state's prison facilities. However, administrators noted they would still prefer to have positions filled by providers who are NDCS employees.

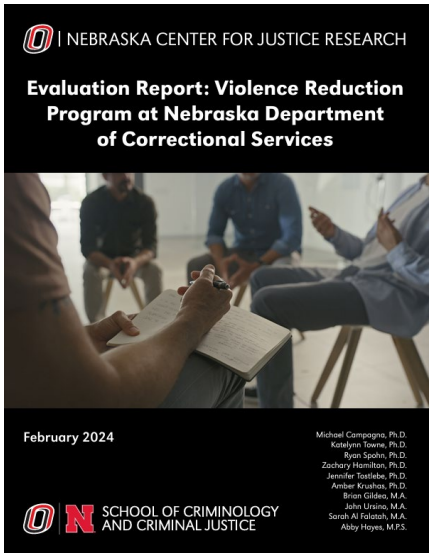
OTHER SIGNIFICANT DEVELOPMENTS

In addition to the expanded use of contracted staff, there have been several significant developments in the areas of mental and behavioral health services within the correctional system in the past year.

Termination of Violence Reduction Program

In March 2024, NDCS formally announced that it was discontinuing a program commonly referred to as the Violence Reduction Program (VRP). As noted in previous OIG Reports, this was one of the most significant clinical programs offered within NDCS and was targeted at individuals who were considered to be at high risk for violence. As of this annual report, no replacement program has been announced.

In its original form, VRP was an evidence-based, three-phase model which included a residential component. However, over time, NDCS had cut the length of the program approximately in half, from 12 to six months, and did not house participants in a common unit. As a result, the Department's iteration of the program became known as "Violence Reduction Treatment - Informed." The OIG has previously raised concerns about these changes to the VRP model.



The full NCJR report on VRP, as well as other Nebraska-related criminal justice research, is available on the Center's website.

In 2022, largely in response to these concerns, the Legislature passed LB896, which requires the Department to conduct regular evaluations of all of its clinical treatment programs. NDCS contracted with the Nebraska Center for Justice Research (NCJR) at the University of Nebraska at Omaha to conduct the evaluations, and NCJR released its first evaluation report, about the Violence

[50] The NDCS/Cell Staff contract can be found online at https://statecontracts.nebraska.gov/Search/ViewDocument?D=6oYQ2j3e45KxTMzne4EDag%3D%3D.

Reduction Program, in February 2024. The NCJR report concluded that VRP, in the altered form provided by NDCS, did not provide its intended effects, and that for every dollar invested in VRP, the state lost 93 cents.

Due to preliminary feedback as part of the evaluation, NDCS had already suspended VRP at the beginning of 2024. The decision to terminate the program was announced on March 21, 2024, in memos to departmental staff and incarcerated people. NDCS indicated at the time that it would be working with behavioral health organizations across the state for input and that it had formed a short-term committee of community experts to review its behavioral health services.

To give a sense of the scale of the impact of this decision, as of March 2023, more than 400 people in NDCS custody had outstanding recommendations for VRP. This accounted for more than 7 percent of the incarcerated population. These recommendations have since been eliminated.

Suspension of Anger Management Programming

Around the same time it suspended VRP, NDCS also suspended its Anger Management High Risk/Need program (AHRN). AHRN had previously been recommended for individuals who had been assessed and determined to need a level of anger or violence programming but did not fit the criteria for those recommended for VRP. The Department has made no announcements regarding its plans for the program, which is the subject of the second program evaluation being conducted by NCJR pursuant to LB896.

As of August 2024, there were at least 145 people in NDCS facilities with AHRN recommendations. Screening records indicate there have been no new recommendations for the program since January 2024.

Mental Health Units and Organizational Changes

In January 2024, NDCS made significant changes to its housing for men with serious mental illness. This included closing a gallery in the restrictive housing unit at TSCI that had been used for those requiring acute- and subacute-level care, and reconfiguring two mental health units at the RTC. The RTC's chronic care mental health unit was repurposed into a general population incentive unit, although it continues to house some men with chronic mental illness. Many men from the chronic care unit and from TSCI were moved into three galleries in the RTC's Housing Unit C. This unit also serves as the RTC's restrictive housing unit.

The moves, which prompted a large number of complaints to the OIG from incarcerated people and staff, consolidated nearly all of the Department's specialized housing for seriously mentally ill men at the RTC. (TSCI still has "plan" rooms for men on suicide watch in one of its restrictive housing units.)

NDCS has also made organizational changes related to the management of its mental health units and the provision of general mental health services. This includes the formation of "behavioral health interdisciplinary teams" (BHITs), which consist of mental health providers, housing unit staff, social workers, and nursing staff. The teams coordinate services for one or more entire facilities, or in some cases for individual units within facilities where people have greater behavioral health needs.

In June 2024, the Dr. Lovelace announced the hiring of a new mental health director to oversee NDCS psychologists, licensed mental health professions, and behavioral health operations staff. The mental health director reports directly to the medical director.

CURRENT CLINICAL PROGRAMS

As noted previously, NDCS has terminated its clinical violence reduction treatment program and suspended its anger management program. The remaining clinical treatment programs offered by NDCS are those related to substance use disorders and sexual misconduct. NDCS clinicians also recommend domestic violence-related programming, but the programming itself is conducted by nonclinical staff or by community providers.

Substance Use Treatment Programs

Substance abuse treatment is by far the most common form of structured clinical programming within NDCS. For example, about one-quarter of people in NDCS custody have outstanding recommendations for the intensive outpatient (IOP) substance program. The other main substance use treatment programs currently offered by NDCS include outpatient (OP) and a 90-day residential substance use program (RSU-90).

IOP and OP are each offered at several NDCS facilities, particularly those with individuals in lower custody levels. RSU-90 is an inpatient program which is offered only at the RTC, TSCI, and NCCW.

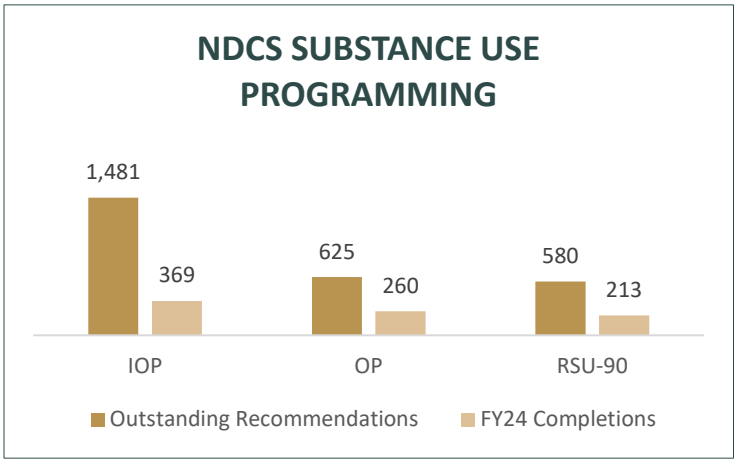


Figure 26. Source: NDCS Dashboard Reports, 8/12/24.

Although NCJR has yet to conduct an evaluation of substance use treatment programs, it is anticipated this will take place in the near future due to this being

the most utilized clinical treatment programming within NDCS facilities. One area NCJR may wish to explore is the difference in the share of men versus women with RSU-90 recommendations and completions. For example, of the 213 people who completed RSU-90 in FY24, 105 were women, according to NDCS dashboards. This is despite women making up a much smaller percentage of the population. Women are also recommended for this program at a higher rate. (See Data Appendix for more information.)

Sexual Offense-Related Programs

Two clinical programs offered within NDCS are aimed at people who are assessed to be at risk of sexual violence or sexual misconduct. Inpatient Healthy Lives Program (iHeLP) is an inpatient program for high-risk individuals that is offered exclusively on a particular unit at OCC. Outpatient Healthy Lives Program (oHeLP) is an outpatient program for more moderate risk individuals and is available primarily at OCC as well, although the Department periodically has cohorts in other facilities.

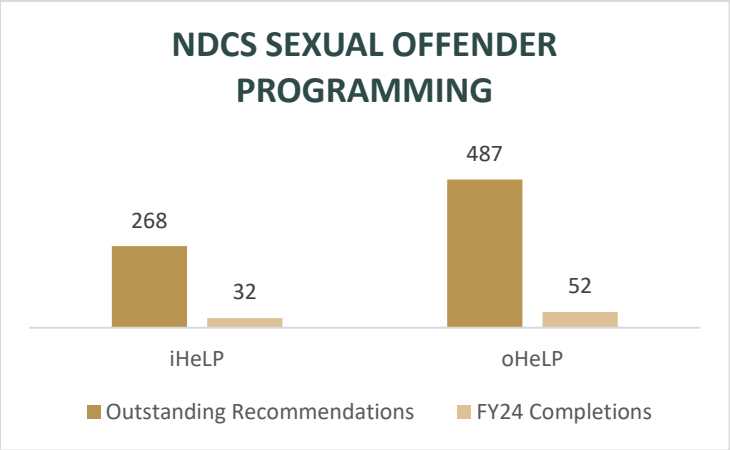


Figure 27. Source: NDCS Dashboard Reports, 8/12/24.

Although NDCS does not force anyone to take clinical programming, a significant majority of those who are recommended for these programs ultimately agree to participate. Nebraska's Sex Offender Registration Act notes that anyone convicted of a registerable offense and committed to NDCS "shall attend appropriate sex offender treatment and counseling programming offered by the department" or risk being civilly committed after prison.

LRC Program

People convicted of certain sex offenses are screened by the Lincoln Regional Center (LRC) upon admission to NDCS. Those who are open to treatment and otherwise meet the Regional Center's criteria are placed on a list to be offered LRC's sex offender treatment program when they get closer to their release date. The Department treats this as an alternative to iHeLP and/or oHeLP. In other words, some current NDCS incarcerated individuals are able to reside at LRC and undergo the LRC clinical program instead of taking the programming offered within the prison system. This is separate from any civil

commitment to the Lincoln or Norfolk regional centers a person might receive following their prison sentence.

In May 2022, the OIG received a complaint from someone who was concerned that men in NDCS' custody were being sent to the Regional Center against their will and without due process. The OIG interviewed men at LRC and treatment providers, and found the complaint to be unfounded. The men said the environment at LRC was more regimented in many ways but was also much more conducive to treatment, and each said they had taken the program voluntarily despite it being a longer program than what is offered at NDCS. After this investigation, the OIG offered two suggestions to the previous Director of NDCS for how the Department might make more effective and efficient use of the LRC program. [51] He did not respond.

Since then, the number of NDCS participants in the LRC program has increased from a small handful to 18 people as of mid-August 2024. The OIG was told this was due to LRC accepting more people from NDCS into the program.

Domestic Violence-Related Programs

NDCS has long recommended people for domestic violence programming based on their criminal histories or other indicators. However, for many years, the Department did not actually offer any such program. People with this recommendation were expected to complete the program through a community-based provider once they reached a work release facility or were released on community supervision.

In 2023, NDCS began offering a program "in-house" called Achieving Change Through Values-Based Behavior. The program (abbreviated ACTV-NE in this state) is based on a model developed by an assistant professor at Iowa State University, and is facilitated by nonclinical staff.[52] The ACTV-NE program is available within the Department's secure facilities. A different program called Choice, Change, Consequences (CCC) remains available for those who are in community corrections centers or under community supervision.

NCS reported that 53 people had completed ACTV-NE from July 1, 2023 to July 31, 2024. The Department did not have a full accounting of CCC participants due to that program being offered by a private provider under contract with the Division of Parole Supervision when it was not within NDCS.

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[51] These suggestions included reclassifying individuals in the LRC program before they return to NDCS, and providing more information to those being offered the program so they might be more inclined to accept it.
[52] More information about the Iowa ACTV program can be found on the Iowa State University website.

Other Programs

Although clinical programs receive special emphasis, people in NDCS custody might also be encouraged to take other programs while incarcerated. In some cases, progression to a lower level of custody, access to special living units, or other privileges are contingent upon completing these programs. Often, however, program participation is completely voluntary.

These programs do not need to be provided by trained clinicians. However, facilitators often receive special training. Some programs are facilitated by NDCS staff; others are entirely volunteer-led.

NDCS-RECOMMENDED NONCLINICAL PROGRAMS

In past years, NDCS prioritized implementation of evidence-based cognitive behavioral programs that are generally aimed at assisting individuals in making better decisions. These programs included Moral Reconation Therapy (MRT), Thinking for a Change (T4C), Getting it Right (GIR), and 7 Habits on the Inside. People received recommendations to participate in these programs based on assessment results from the STRONG-R, a risk-needs assessment tool utilized by NDCS. While these programs were not required for a person's release on parole or to complete their sentence, having a recommendation for one or more of these programs have often impacted custody classification decisions, therefore preventing people from accessing work release opportunities, for example, until they complete the recommended program(s).

Because of the way these programs have impacted facility placement decisions within NDCS, they have sometimes prompted high volumes of contacts to the OIG from incarcerated people. For example, in 2022, a large number of people received recommendations for the GIR and 7 Habits programs. This included people who had been in NDCS custody for several years and were anticipating having the opportunity to transfer to community corrections for work release. Instead, they were expected to complete one or more new programs at a different facility, delaying their transition by several months or more.

In November 2023, NDCS announced it would be launching "a new phase of evidence-based programming aimed at providing strengths-based reentry support services." NDCS prioritized a different program model called the 5-Key Model, and stopped utilizing MRT and T4C. The 5-Key Model regimen adopted by NDCS consists of four programs, each four weeks long, making them shorter than 7 Habits and GIR. This is a relatively new model with limited studies available regarding its use and impact, but according to NDCS policy research and evaluation will be conducted in Nebraska to learn the

effectiveness of the programs on those individuals who complete them. Nebraska's adoption of the 5-Key Model was described as a three-year initiative, which began in earnest in 2024. Information was shared with the OIG from NDCS which indicated failure to take a recommended 5-Key program will not impact future reclassifications.

As with other nonclinical programs, NDCS uses a combination of departmental staff and trained peer facilitators to operate these programs. The use of program specialists whose primary responsibility is to deliver nonclinical programming provides for more consistency and quality in the delivery of these programs. These positions were added by NDCS in 2022. The OIG raised concerns about the use of other staff to deliver these programs in the 2018 OIG Annual Report after staff expressed concerns about the challenges of having a dual role. The use of program specialists has been a positive one which should continue for the delivery of nonclinical programs in the future.

EDUCATIONAL PROGRAMS

According to NDCS policy, the educational program includes "educational philosophy and goals, communication skills, English as a Second Language (ESL), Adult Basic Education (ABE), Adult Secondary Education (ASE), High School Equivalency and the Nebraska High School diploma through the General Education Development (GED) preparation, special education, employment preparation, vocational education, referral for post-secondary education, and/or other education

Coding Classes

Two of the most recent, significant programs at NDCS facilities involve computer coding. These programs are available at NCCW and WEC.

The NCCW program is provided by a national nonprofit called Persevere. The class meets six hours per day, five days per week, for a full year, and is held in a converted storage room due to a lack of classroom space at the facility. In July, two women who recently completed the program described their experiences. One was released shortly after the visit and is back in the community looking to apply her new skills. She said the program had changed her outlook and perspective on who she could be. The other woman is not scheduled to be released soon but planned to assist with the next class. Persevere also was working with her teenage daughter, who received a computer and was taking a coding class in her community, which provided for a new connection between the mother and the daughter.

The WEC program is offered through Midland University. Both programs are funded through Vocational and Life Skills (VLS) Program grants. More information on VLS is included in the Reentry section of this report.

programs as dictated by the needs of the facility population."[53] According to state law, if an incarcerated person has not received their high school diploma, educational programs need to be offered to them through the age of 21. According to recent NDCS data, 103 students completed their general education development coursework (GED) and 39 students received their high school diploma in the past 12 months.

NDCS School District

NDCS has its own school board and employs teachers and administrative staff. The NDCS school board, which consists of NDCS staff, publicizes its notice of meetings on the NDCS website. In 2021, the OIG found these public notices were not being done and NDCS agreed to provide notice at least 72 hours prior to such a meeting. At that time, NDCS policy also required the board to post its meeting minutes. This was not being done and was brought to the Department's attention. Instead of adhering to policy and posting them, NDCS changed its policy to eliminate this requirement. As a result, school board meeting minutes are only available upon request.

Community Colleges

Other key educational opportunities provided by NDCS include the efforts of Metro Community College (MCC) and Southeast Community College (SCC).

MCC's 180 Re-entry Assistance Program has been involved with assisting previously and current incarcerated people for a number of years. Credit and non-credit courses are provided on-site at three correctional facilities and anyone on work release status at a community corrections center is eligible to register for online or campus classes with proper approval. They also have a re-entry career readiness center which assists people with obtaining employment, resume writing, interview preparation and assistance with job referrals. They recently started the Jump Start Culinary Program in which people leaving NDCS receive culinary and hospitality training to assist with long-term employment. This program is working with Ooh de Lally, a non-profit restaurant in Omaha, to provide employment and training opportunities for students.[54]

In the past year, SCC has established a partnership with NDCS to provide educational opportunities at five correctional facilities. During the 2024 spring semester, over 200 students were enrolled in classes. SCC started with offering a degree in associate of arts in academic transfer, but starting in the 2024 fall

[53] NDCS Policy 106.01.
[54] More information on the MCC programs can be found at https://www.mccneb.edu/Student-Resources/Re-Entry.

semester their offerings will be expanded to include an associate of applied science in business along with other career and technical education programs.[55]

Nationally, access to Pell Grants for incarcerated students was reinstated last year. As a result, more colleges are being approved to provide prison education programs (PEP) and their students can then access Pell Grants to help pay for the classes. MCC was one of the limited colleges who have been able to access Pell Grants prior to this wholesale change in federal policy. SCC launched its program using alternative funding while it awaited PEP approval.

Vocational Training

In 2017, the Nebraska Justice System Special Oversight Committee of the Legislature (also known as the LR127 Committee) issued a recommendation that opportunities for people to receive vocational skills during incarceration should be increased and enhanced. This was similar to a recommendation made by the Vera Institute of Justice in 2015. Since then, some funding from the Vocational and Life Skills Program has been used to increase these programs within NDCS facilities, including the providing of the computer coding classes at NCCW and WEC. Efforts by MCC and SCC have also allowed for some additional opportunities in these areas which are beneficial.

One of the challenges in expanding these opportunities is space. For instance, WEC is a small facility where men go for a short time prior to moving to a community corrections center. The previous and current wardens have indicated they would like to offer additional vocational training by utilizing the local community college, but the facility has no room to do this. In 2022, the OIG recommended adding educational and job training space, as well as an indoor recreation area, at the facility. During a recent visit to WEC, it was learned there is an empty facility across the highway from WEC which could

RECOMMENDATION

The Legislature may wish to consider funding program statements for the construction of more space for classrooms and other indoor space at WEC and NCCW.

[55] https://www.corrections.nebraska.gov/ndcs-and-southeast-community-college-launch-prison-education-program-partnership.

possibly be leased for this purpose. Another facility with extra land is NCCW. Currently, women at the facility can work at a sewing shop to learn a trade, or take the coding course, but there are no other vocational opportunities available to them. At other facilities, men have many more opportunities to receive vocational skills training. The OIG has suggested in the past that a new building could be constructed at NCCW to provide for additional classroom and training space, as well as a much needed indoor recreational space.

RELIGIOUS SERVICES AND PROGRAMS

According to NDCS, there are 21 religions accommodated within its correctional facilities.[56] While most facilities have religious coordinators, clergy and religious volunteers from the community help provide specific worship opportunities to people at each facility. [57] Some people who reside at the community corrections centers may qualify to attend religious services by receiving a pass. In fact, there are some churches who pick up and drop off people from those centers so they can attend worship services in the community. Religious opportunities are also available through the GTL tablets each person uses within the facility via numerous apps.

Concerns have been repeatedly shared with the OIG regarding lack of access to religious opportunities for those in special management units and restrictive housing units, including being able to attend services outside of their unit which would include clergy or other religious leaders. This is due to NDCS policy which does not allow someone to attend group worship if their "attendance threatens the safety or good order of the facility."[58] The policy also does not allow for anyone in a restrictive housing setting to attend group religious programming. For those who are not allowed to attend these opportunities, they are directed to request study material which they can utilize in their own cell.

OTHER NONCLINICAL PROGRAMS

Additional non-clinical programs are offered in various facilities within NDCS, including the RISE Academy, Restorative Justice, Intentional Peer Support, Second Chance Pups, Domesti-PUPS, Common Sense Parenting and the Prison Fellowship Academy.

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[56] The 21 religions include: Asatru, Buddhism, Catholic, House of Yahweh, Islam, Individual Religious Practitioner, Jehovah's Witness, Judaism, LDS, Ma'at, Messianic Judaism, Moorish Science Temple of America, Nation of Islam, Native American Practices, Protestant, Rastafarian, Satanism, Seventh-day Adventist, Thelema, Theodism, Wicca.
[57] https://www.corrections.nebraska.gov/religious-services-ndcs.
[58] NDCS Policy 208.01.

REENTRY AND COMMUNITY SUPERVISION

A significant majority of the people who are imprisoned in Nebraska will eventually be released back into the community. Because of this, the reentry and community supervision systems have received significant attention in recent years, including from the OIG.

During the 2024 legislative session, the Legislature approved a significant measure aimed at revamping many aspects of the state's reentry system. Legislative Bill 631 included a variety of changes and additions to statute, which will be explored in greater detail in this section of this report. The bill took effect in July 2024. The OIG will provide information on its implementation in future years.

PAROLE CHANGES

LB631 grants NDCS control of the Division of Parole Supervision, which was previously overseen by the Board of Parole. As a result, NDCS assumed responsibility for the supervision of approximately 1,100 people on parole as well as more than 50 people under lifetime community supervision for sexual offenses.

Most employees who had worked for Parole now work for NDCS, although the Board of Parole retained a small staff. NDCS also assumed control of the PREP House, a residential program in Omaha for people on parole. As of late August, NDCS was still in the process of hiring an assistant deputy director for community supervision, to replace the former director of parole supervision.[59]

Parole release decisions are still made by the Board of Parole, per the Nebraska State Constitution. LB631 made several changes to statutes governing the Parole Board, clarifying the reasons people may be denied parole and establishing new expectations for how the Board conducts its business. These changes include:

- Board members are expected to not miss 12 or more hearings in a calendar year, with some exceptions;

OIG Oversight

The OIG may investigate complaints and serious incidents involving people who have been released on parole. However, the OIG does not have oversight over the Board of Parole or its decisions.

[59] Neb. Rev. Stat. § 83-1,102 refers to this position as Director of Supervision and Services. If NDCS wishes to use a different title, it may be appropriate to request a statutory change.

- Parole may not be denied solely because NDCS did not offer or delayed programming due to operations issues, including staffing shortages, maintenance issues, or lack of funding;
- If it denies someone parole or defers its decision, the Board shall select a single primary reason for doing so;
- The Board shall adopt rules and regulations regarding its mission and strategic plans, notification of victims, and training and conduct of Board members;
- The Board "shall serve as an impartial, neutral, and objective decision maker and shall be insulated from undue influences of specific ideological views and positions and from predetermined conceptions of the desired outcomes of proceedings before the board";
- The Board shall not recommend programming not included in a person's NDCS-approved personalized treatment plan and shall not make recommendations regarding specific custody levels; and
- The Board shall conduct 'Parole School' sessions at each NDCS facility on a regular basis to prepare people for success on parole.

As before, the OIG retains oversight of parole supervision. This means the OIG may investigate complaints and serious incidents involving people who have been released on parole. However, the OIG does not have oversight over the Board of Parole or its decisions.

WORK RELEASE AND TRANSITIONAL HOUSING

For many years, the OIG has emphasized the need for more work release opportunities for people nearing release from NDCS, and the need for more appropriate housing for these individuals once they return to the community.

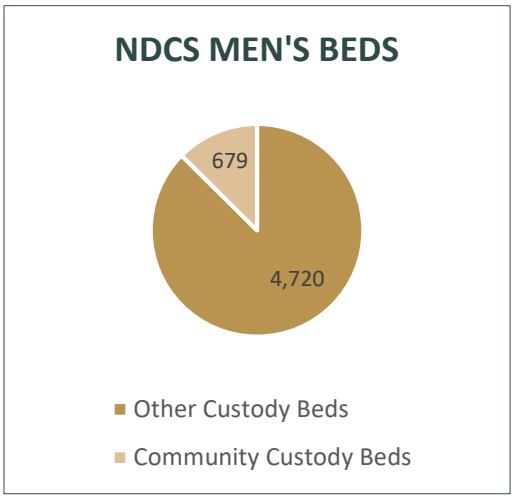
Another significant component of LB631, the Community Work Release and Reentry Centers Act, seeks to address these two needs.

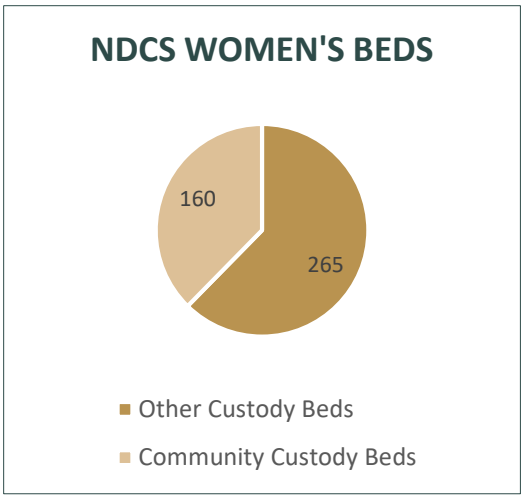
Work Release

One part of the Community Work Release and Reentry Centers Act allows NDCS to contract with community-based facilities to house people who are still serving their sentences but are eligible for parole or are within three years of being released onto post-release supervision. The stated intent of the Act is:

> *(a) To increase the number of committed offenders in the Nebraska correctional system who are exposed to work release prior to discharge from custody; and*
> *(b) To do so in settings that also offer therapy, programming, treatment, vocational training, and educational classes.*

Depending on how this program is implemented and the extent to which it is leveraged, it has the potential to address at least some of the need for more work release opportunities. The Act directs NDCS to develop a strategic plan for the program and procedures to accept private bids by July 1, 2026. In the meantime, the Legislature allocated $1 million each year for the program beginning in FY2024-25. NDCS said it would require three new staff positions costing an estimated $266,628 to administer, leaving $733,000 each year for the program itself. The bill also allows NDCS to assess an annual fee of no more than $1,000 on each transitional (reentry) housing facility in the state to help fund this program, and establishes a state Reentry Housing Fund to include these fees as well as any grants, federal funds, and other money NDCS receives for administering the program.





Figures 28&29. Source: NDCS Bed Reports.

The 2020 OIG Annual Report included data which indicated high demand for community corrections beds for the male population within NDCS. At one point in 2020, there were over 250 men awaiting transfer to a community corrections facility. The OIG also shared this information with senators during a legislative hearing. In 2021, the Legislature provided $500,000 to NDCS to prepare a program statement for a new "halfway-back" community corrections center in the Omaha area. The program statement was completed in 2022 and provided information about the construction and operating costs of such a facility. However, it was focused on being a transitional housing facility for parolees rather than an addition to the community corrections capacity for NDCS. It was also estimated to cost $30 million to construct. No action was taken to fund the project.

There are approximately 425 women in the correctional system and 160 community corrections beds for women. This indicates 37.6% of the beds for women in the system are located in a community corrections facility. There are approximately 5,400 men in the correctional system and 679 community corrections

beds for men. This indicates 12.6% of the beds for men in the system are located in a community corrections facility. An additional factor to take into account is that all but one of the male housing units in these community facilities was designed to hold about half of the men who currently live there. (The one unit for women was designed to hold 160 women. As of July 2024, approximately 100 women lived there, leaving approximately 60 empty beds.)

Transitional/Reentry Housing

There are dozens of privately owned transitional housing facilities operating in communities across Nebraska, and many of these facilities receive a significant amount of state funds. However, they have lacked consistent regulation and oversight.

In 2022, the OIG issued a memo to members of the Judiciary Committee expressing the following concerns about transitional housing in Nebraska:

- A lack of full accounting for the Legislature and taxpayers regarding the number and location of these houses and the dollars spent;
- A lack of consistent verification that these facilities maintain basic standards (health, safety, liability protections) as well as comply with state and local laws;
- Duplication of effort among various agencies in enforcing what standards do exist;
- A lack of verification that these facilities actually offer the conditions, programming, and level of supervision they claim to provide; and
- An overall lack of accounting for the state's current and projected transitional housing needs.

The OIG encouraged the committee to consider the following:

- That the state create an independent clearinghouse for information related to verified transitional houses, including cost and usage data, and adherence to core standards;
- That this entity be tasked with improving communication and coordination among the various providers, state agencies and other entities with interests in transitional housing;
- That this entity provide or facilitate routine assessments of the conditions, supervision, amenities, and rehabilitative programs offered by these facilities; and
- That this entity provide an annual report to the Legislature summarizing this information and its activities.

These recommendations are reflected in many provisions of the Community Work Release and Reentry Centers Act. Specifically, the Act:

- Tasks NDCS, with assistance from the Board of Parole, with overseeing efforts to encourage development of reentry housing, provide standards for reentry housing, monitor compliance, and coordinate reentry services; and
- Establishes an entity called the Reentry Continuity Advisory Board to provide input and evaluations of the state's reentry-related efforts. This advisory board will include the Inspector General and leaders from NDCS, the Board of Parole, and Probation, as well as other stakeholders.

NDCS and the advisory board are each expected to issue reports each year, with the advisory board's first report due on October 1, 2025.

Separately, a privately-funded effort called the Coordinated Re-Entry Initiative (CRI) has been working with stakeholders to develop suggested standards and other recommendations related to transitional housing in Nebraska, as well as a housing inventory and transitional housing database. This information should be of great value to the Reentry Continuity Advisory Board and to the state.

OTHER LEGISLATIVE CHANGES

Grants for Parolees, Probationers

People who are on probation or parole, or have previously been on probation or parole, cannot be categorically excluded from receiving grants from state agencies or political subdivisions, with some exceptions, under a provision of LB631. The bill does not apply in cases where it would jeopardize federal funding, and agencies and subdivisions can still require an undersigner or co-grantee who has not previously been convicted of a crime.

Performance Metrics for NDCS, Parole, Probation

LB631 requires NDCS and the Office of Probation Administration to establish performance metrics for their staff, with ongoing input by the Reentry Continuity Advisory Board.

Risk and Needs Assessments

For many years, NDCS, Parole, and the Office of Probation Administration have used different risk and needs assessment tools to help make individualized decisions regarding supervision, programming, and other services. NDCS uses a tool called the Static Risk and Offender Needs Guide - Revised (STRONG-R); the Division of Parole Supervision has used the Ohio Risk Assessment System (ORAS); and Probation uses the Level of Service/Case Management Inventory (LS/CMI).

LB631 directed NDCS to complete a study examining these risk assessment tools, and to "evaluate the feasibility of establishing a unified risk assessment framework across all criminal justice agencies." This study is to be completed by October 1, 2025.

National Career Readiness Certificate Pilot Program

The National Career Readiness Certificate (NCRC) is a series of credentials offered by ACT Education Corp., better known for its standardized college-readiness test, for people who are entering the workforce. The certificate may be awarded after a person completes three tests covering workplace documents, applied math, and graphic literacy. These credentials can then be used when applying for work, and are accepted by some institutions for college credit.

LB631 established a two-year NCRC pilot project within NDCS, and directed the Department to evaluate the program. The Legislature allocated $500,000 to the Department for FY2024-25 and again for FY2025-26 for the program. Evaluation reports are due June 30, 2025, and June 30, 2026.

At the legislative hearing on this proposal, a representative of Metro Community College shared that the college has offered the NCRC assessment at four different correctional facilities since March 2017, including Omaha Correctional Center, Nebraska Correctional Center for Women, Tecumseh State Correctional Institution and Community Correctional Center-Omaha. The MCC representative reported that, from their experience, having the NCRC can be key to acquiring family-sustaining employment upon release.

State ID Requirement

For several years, state statute has required NDCS to provide each person in its custody with an opportunity to obtain a state identification card or renew their driver's license prior to discharge from prison. This requirement was originally included in LB258 (2018). LB631 allows the Office of Probation Administration to assist, and directs NDCS to cooperate with Probation in the process. Helping incarcerated people obtain IDs is also a goal for NDCS as part of Reentry 2030, a national effort which the state joined in 2024.

Required Reports

The following are required to be submitted to the Judiciary and Appropriations committees of the Legislature under LB631:

- Quarterly reports from the Office of Probation Administration with data and other information about individuals on post-release supervision;

- Quarterly reports from NDCS describing any "reentry service center pilot programs" being conducted by the Department, with information about residential substance abuse pilot programs, parolees who are receiving financial assistance for transitional housing, and parolees who submit more than one reentry transitional living plan to the Board of Parole.

VOCATIONAL AND LIFE SKILLS PROGRAM

The Vocational and Life Skills (VLS) Program was created by the Legislature in 2014 to provide funding for community-based vocational training and life skills training for people in the criminal justice system. The program is overseen by NDCS, in consultation with the Board of Parole. The core component of VLS comes in the form of three-year grants to community-based organizations and other entities.[60]

Prior to 2022, the Legislature provided $3.5 million per year for the VLS program. In the 2022 biennial budget, the Legislature included language increasing this amount by $5 million per year, and expanding the scope of the program to include transitional housing, wrap-around services, family support, and restorative justice programming. The extra funding was provided for three years, meaning it is scheduled to end following the 2024-25 fiscal year.

Additional providers who received funds following the program's expansion include Black Men United, Community Justice Center, Community Alliance Rehabilitation Services, Midland University, and

RECOMMENDATION

The Legislature may wish to examine funding streams for reentry-related programs and services to ensure these are maintained at their current level or increased.

[60] The list of VLS recipients and descriptions of the programs they provide can be found at https://www.corrections.nebraska.gov/about/rehabilitation/vocational/life-skills-programs.

Persevere, according to a quarterly report submitted to the Legislature by NDCS in March 2024.[61] This report covers the period from October to December 2023 and is the most recent one submitted to the Legislature as of late August 2024.

REENTRY 2030

In February, the State of Nebraska joined Reentry 2030, a national effort led by the Council of State Governments (CSG) aimed at improving reentry success for people in the criminal justice system. The goals of Reentry 2030 are to increase success in a number of areas related to a successful reentry, including education, programming, health, employment, and access to critical documents such as birth certificates and state identification cards. The lead goal put forward in this effort is to increase reentry success by 15 percent which would reduce recidivism by the same percentage. It also includes a goal to develop a "systemic approach to reentry through the creation of a statewide Nebraska reentry council comprised of public, private, and service provider entities." CSG will be providing technical assistance to Nebraska as part of this effort.

61 https://www.nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Correctional_Services__Department_of/490_20240312-084126.pdf.

RECENT OIG REPORTS AND INVESTIGATIONS

The Office of Inspector General of the Nebraska Correctional System Act (the "Act") requires the OIG to produce an annual summary of its reports and investigations, including recommendations made by the office.

These annual summaries are in addition to summarized final reports which may be issued throughout the year in consultation with the chairperson of the Judiciary Committee. In the past year, the OIG has publicly released three such reports. These lengthier summaries can be found on the Legislature's website.

The summaries in this section include shortened versions of the three summary reports which were already issued this past year, as well as a summary of a fourth report about a number of recent deaths of people in NDCS custody which were attributed to natural causes.

Note on Recommendations

In the past, these summarized final reports have included feedback from NDCS, including formal responses to the OIG's recommendations. Pursuant to the Act, when the OIG submits a report to the NDCS Director, within 15 days, the Director shall determine whether to accept, reject, or request modifications to the recommendations. This process also allows the agency to challenge any possible factual or logical errors in the report.

This past year, for the first time, the OIG received no substantive responses to its reports or recommendations. This followed the August 16, 2023, Attorney General's opinion related to the Act. A temporary agreement reached by the Legislature and the Executive Branch, in the form of a memorandum of understanding (MOU) does not address the recommendation process, and the NDCS Director has yet to provide a substantive response to any of the following reports.

REPORT SUMMARIES

RTC Use of Force Complaint, May 23, 2023

The OIG received a complaint in May 2023 alleging excessive and unnecessary use of force on a man incarcerated at the Reception and Treatment Center (RTC) in Lincoln. The OIG reviewed the incident and found the use of force to be justifiable, yet unfortunate and likely avoidable. The May 23 incident was one

of three in the same month in which force was used on this individual, starting two weeks earlier when staff used force on him to administer a monthly shot with psychiatric medication.

The incarcerated man at the center of these incidents is seriously mentally ill and has an extensive history of negative interactions with correctional staff. At the time, whenever he left his housing unit, he was usually accompanied by a fellow incarcerated person who served as a health porter, but he did not have a porter with him at the time of the May 23 use of force or either of the other use of force incidents that month.

While the OIG did not find any wrongdoing on the part of staff involved in the May 23 incident, the incident provided insight into the RTC's role as the main mental health and nursing facility within NDCS.

At the conclusion of its investigation, the OIG found as follows:

1. The May 23 use of force and another one on May 26 may have been avoided if this individual had been accompanied by a health porter, as he usually was.
2. The health porter program at the RTC was hindered by a lack of direction and communication.
3. Off-unit distribution of medications for people living on the chronic care mental health unit raised concerns.
4. Chronic staffing shortages, including in the areas of security and mental health staff, present a continued challenge.

The OIG made the following recommendations to NDCS:

1. Maintain a list of individuals at each facility who, per mental health and/or medical staff, require a health porter escort when they are away from their housing unit, and ensure this information is shared with other facility staff.
2. Revamp the health porter program at RTC.
3. Return to on-unit distribution of medications for people residing in the RTC's chronic care mental health unit.
4. Develop a plan to improve recruitment and retention of licensed mental and behavioral health staff, in cooperation with the Behavioral Health Education Center of Nebraska (BEHCN) and other stakeholder groups.

NDCS Reliance on Drug Field Tests for Discipline of Incarcerated People

Synthetic cannabinoids and other "designer drugs" present an incredible challenge to correctional systems. These drugs – which can be distributed via pieces of liquid-soaked paper smaller than a pinky finger – undermine rehabilitation and threaten the health of the prison population and correctional staff. In Nebraska, these drugs also burden outside resources the Nebraska Department of Correctional Services (NDCS, or Department) relies upon for assistance.

In response to this relatively new challenge, since 2018, when disciplining those accused of having drugs in prison, NDCS has relied on field tests that are intended only for initial screening purposes. Results from these tests are not definitive but form the basis for significant sanctions, including the following:

- Lost "good time";
- Removal from work release or work detail;
- Removal from clinical programming;
- Demotion to a more secure/restrictive facility;
- Confinement to one's room or cell for a period of weeks, with limited out-of-cell time;
- Loss of canteen and other privileges; and
- Confiscation of property.

These sanctions are determined by NDCS employees but also appear on records available to the Board of Parole, therefore impacting parole decisions, as well.

Prompted by complaints about these tests, the OIG conducted an investigation into the Department's use of these unconfirmed results from field tests in its administrative proceedings. The purpose of the investigation was to determine the veracity of the complaints, to assess the Department's drug testing practices, and ultimately to provide recommendations to the Department.

The OIG recognizes and appreciates the efforts of NDCS and its staff to limit the flow of contraband in state prisons. At the same time, the complainants in this case raised an issue of fundamental fairness and procedural justice. They contended that, in its zeal for keeping drugs out of its facilities, NDCS has become over-reliant upon an imperfect tool and has limited individuals' ability to defend themselves against unwarranted sanctions. Many of these sanctions result in individuals spending additional months or more in prison. Furthermore, the lack of more robust testing may prevent some legitimate seizures from being pursued as criminal cases.

As a result of this investigation, the OIG found:

1. Like any field test, the drug tests used by NDCS can and do sometimes yield inaccurate results.[62]
2. While field tests are not conclusive, they remain a useful tool in screening for possible drug contraband.
3. Despite the potential for false positives and false negatives with field tests, NDCS generally does not obtain or allow for confirmatory testing in disciplinary cases. This raises fairness concerns and is contrary to the user manual for these field tests.
4. Without confirmatory testing, potential criminal activity in state correctional facilities is not being addressed to the fullest extent possible.
5. A state statute which gives incarcerated people the right to confirmatory testing is specific to urine tests, not other types of tests.
6. Significant penalties exist for those who are caught in possession of suspected drug contraband, but the collateral consequences for these individuals can be even greater.
7. While there is no formal process for incarcerated people to request further testing of suspected contraband, some have pursued such testing through alternative channels, which resulted in dismissal of their misconduct reports. This promotes inequity in the disciplinary process.

The OIG recommended NDCS take the following actions:

1. Revise the Department's disciplinary policy to explain the limitations of drug field tests and that misconduct reports should include "other context which establishes substantial evidence of the offense."

RECOMMENDATION

The Legislature may wish to consider amending statute to provide for confirmatory testing of suspected drug contraband in NDCS disciplinary cases, similar to what is permitted for urine tests.

[62] The use of these tests in other jurisdictions has been the subject of reports by the State of New York Offices of the Inspector General, and by the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania.

2. Ensure that all staff are trained regarding the aforementioned policy change and made aware of the limitations of drug field tests.
3. Revise departmental rules and regulations to provide access to confirmatory testing of suspected drug contraband, similar to what is permitted for urine tests.
4. Identify a provider of affordable and credible confirmatory testing for administrative disciplinary cases.
5. Present, in writing, information about the limitations of field testing and the option to request confirmatory testing to each incarcerated person who faces potential discipline following a field test.
6. Consult independent experts in forensic analysis or forensic toxicology before adopting new field testing technologies or revising policies related to these technologies.

Deaths by Suicide: An Investigation of the Deaths of Three Individuals in NDCS Custody

The OIG investigated the deaths by suicide of three incarcerated individuals between December 2021 and June 2023. As a result of these investigations, the OIG found:

1. Two of the individuals hanged themselves by tying a bed sheet to the upper bunk. In 2016, an internal critical incident review (ICIR) completed by the NDCS staff recommended that the Tecumseh State Correctional Institution (TSCI) should remove the second bunk and cabinet from all special management unit (SMU) cells.
2. One person died by suicide 16 days after a different attempt to die by suicide. After his first attempt, he was placed on Plan A status (suicide watch), then Plan B status, and placed back in his regular gallery approximately one week later.
3. NDCS Policy 115.30 states the "Chief Psychologist for Mental Health Services will designate a Mental Health team member who is not assigned to the affected institution to complete a Psychological Autopsy for all suicides and, as he/she deems appropriate, for attempted suicides." The OIG requested the psychological autopsies for two individuals but did not receive them from NDCS.
4. NDCS staff appeared to respond appropriately and expediently to all three incidents. In reviewing these responses, the recording of audio and video from the body cameras at one facility was especially helpful and informative. At the current time, body cameras are only

provided to some staff at two facilities. They are not provided to any staff at the RTC despite it being the home of mental health and high security units.

5. Two of the incidents resulted in recommendations in the ICIRs that staff should know the nature of the emergency to which they are responding.
6. In all three ICIRs for these deaths, none of the ICIR teams interviewed incarcerated individuals who may have either witnessed the death or had information regarding the individual who died. According to NDCS policy, "The ICIR shall be comprehensive and meticulous in detail specific to the incident encompassing all relevant policy, procedure and practices/actions with the primary focus being to identify things done well and things to improve." The policy does not state incarcerated individuals should or should not be interviewed as part of this process. In these cases, interviewing other incarcerated individuals would have provided additional information which would have allowed for a more comprehensive review.
7. A review of past investigations found NDCS established a work group in 2018 to look at suicides. It was led by staff from the NDCS health services division. They met several times and made multiple recommendations but only one was enacted. The enacted recommendation was eventually ended by NDCS.

The OIG recommended NDCS consider taking the following actions:

1. Review the past work of the 2018 suicide work group and determine whether a special team should be established to focus on deaths by suicide and attempted deaths by suicide.
2. Review the requirement regarding psychological autopsies found in Policy 115.30 and determine whether these have been done in the past and whether this requirement should continue to be in NDCS policy.
3. Revisit the past NDCS recommendation regarding the removal of the second bunk and cabinet in all SMU cells.
4. Review the need to have staff wear body cameras in facilities other than TSCI and the Nebraska State Penitentiary and consider providing them to staff assigned to each shift's emergency response team.
5. Review the ICIR process and determine whether interviews with individuals other than NDCS staff should be conducted in order to gather additional information related to this "comprehensive and meticulous" review. If they determine such interviews would provide for a more complete review, Policy 203.02 should be changed to reflect this determination.

Deaths of Natural Causes in NDCS Custody, 2020-2023

From January 1, 2020, to December 31, 2023, 101 people died while in NDCS custody. This report documented 20 of these deaths which were attributed to natural causes. (Other natural-causes deaths from this time period were examined in previous OIG reports, or are subject to ongoing investigation.) Many deaths included in this report were anticipated due to long-standing illnesses, and a majority of the individuals had do-not-resuscitate (DNR) orders or similar documents on file, indicating their desire to limit the medical interventions they received.

The OIG's ability to fully investigate many of these deaths was limited by the office's lack of detailed information about the medical care the individuals received while in NDCS custody. This is due to language in state statute which, according to the Department's interpretation, prevents NDCS from sharing this information with the OIG without written consent from the personal representative of the deceased person's estate, even if the deceased provided written consent themselves prior to their death. In some cases, the OIG obtained medical records from law enforcement or already possessed some records due to investigations which took place prior to a person's death.

Most of these investigations resulted in no critical findings or systemic recommendations. However, at least two of the deaths involved people who could have been housed at a lower custody level or released from prison, based on their sentence structure and institutional behavior. Their medical needs resulted in them being kept in higher-security prisons, where medical facilities are able to provide a higher level of care. This is due to a lack of options in the community and in lower-security settings.

As a result of this finding, the OIG recommended that NDCS consider taking the following action:

1. Engage with community partners and the Reentry Continuity Advisory Board to identify appropriate community-based housing for formerly incarcerated people who are terminally ill or require significant ongoing medical care. The passage of the Community Work Release and Reentry Centers Act in 2024 may expand the options available to the Department in this regard.

AGENCY REPORTS

NDCS and the Division of Parole Supervision are required to issue a number of regular reports pursuant to state statute. The section contains a review of these required reports.

DEPARTMENT OF CORRECTIONAL SERVICES

There are a number of reports which NDCS is statutorily required to submit to the Legislature. These can be found on the "Reports" page of the Legislature's website. [63]

Strategic Plan

In 2023, the Legislature amended Neb. Rev. Stat. § 83-918 to reinstate a requirement that NDCS produce biennial strategic plans, as well as provide progress reports to the Judiciary Committee and the Appropriations Committee by September 15 of each year.

Neb. Rev. Stat. § 83-918 specifically requires:

> *(1) For each biennium, the Department of Correctional Services shall, as part of the appropriations request process pursuant to subsection (1) of section 81-132, include a strategic plan that identifies the main purpose or purposes of each program, verifiable and auditable key goals that the department believes are fair measures of its progress in meeting each program's main purpose or purposes, and benchmarks for improving performance on the key goals. The department shall also report whether the benchmarks are being met and, if not, the expected timeframes for meeting them.*
>
> *(2) On or before September 15 of each year, the Department of Correctional Services shall report electronically to the Judiciary Committee of the Legislature and the Appropriations Committee of the Legislature on the progress towards the key goals identified pursuant to this section that occurred in the previous twelve months. Upon request, the department shall appear at a joint hearing of the Judiciary Committee and Appropriations Committee and present the report.*

In 2023, NDCS issued a new strategic plan.[64] The strategic plan is a document with four separate categories: People, Programs, Policies and Physical Plant. It includes a six-page list of 20 goals and accompanying strategies for achieving each goal. The plan's introduction states:

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[63] While NDCS also has a "Legislative Reports" page on its website, this page includes only two of the required reports mentioned in this section.

[64] The NDCS Strategic Plan can be found at https://www.corrections.nebraska.gov/sites/default/files/files/1183/2023-2024_strategic_plan.pdf.

> *The purpose of the strategic plan is to provide a road map for where we need to go and how we will get there. This plan encompasses work started in June of 2023 and will take us through the remainder of 2023 and all of 2024.*
>
> *The goals in the strategic plan align with our vision of safe prisons, transformed lives and safe communities. They are realized by investing in our resources, taking ownership of the things we do best, and leading by example.*
>
> *At the end of this year and next, we will report out on our progress and the milestones we have completed toward the goals.*

NDCS did not issue a progress report at the end of 2023, despite its indication that this would take place. As stated above, a progress report is due by September 15, 2024, pursuant to statute.

Correctional System Overcrowding Report

Neb. Rev. Stat. § 83-963 requires NDCS to prepare an annual report on those paroled or released pursuant to the Correctional System Overcrowding Emergency Act. The report has to be submitted by December 31 of each year and "shall summarize each such former committed offender's behavior since parole and generally evaluate his or her success or lack of success in becoming a law-abiding member of society."[65] The 2023 report is available online.

Vocational and Life Skills Program Report

Neb. Rev. Stat. § 83-904 requires the reentry administrator of NDCS to report quarterly "on the distribution and use of the aid distributed under the Vocational and Life Skills Program, including how many individuals received programming, the types of programming, the cost per individual for each program, service, or training provided, how many individuals successfully completed their programming, and information on any funds that have not been used."

In reviewing the reports section of the legislative website, only two of the four reports from 2022 were located. Three of the four reports from 2023 were all filed on March 12, 2024. No reports with 2024 data had been posted to the site as of mid-September 2024.

[65] The most recent such report is available here: https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Correctional_Services__Department_of/241_20240102-162214.pdf.

Work Ethic Camp Report

Neb. Rev. Stat. § 83-4,147 requires NDCS to provide an annual report on the Work Ethic Camp (WEC) which is located in McCook. The most recent report was filed on December 29, 2023. The report is to be an annual progress report which will ensure "that all programmatic objectives are being met." The report shall also include "an evaluation of the impact of the multi-treatment programs, including program costs, educational achievement, inmate disciplinary activity, probation release decision making, and community reintegration on November 1 of the year following implementation." The most recent report has an extensive amount of information regarding the population of WEC, including population data, programming and education information and more.[66] The report was first required in state law in 1997 when WEC was under the direction of the Office of Probation Administration, which is why there is a report requirement regarding "probation release decision making" still in state law. Administration of this facility was transferred to NDCS in 2009.

Restitution Report

Neb. Rev. Stat. § 83-184.01 requires NDCS to provide an annual report on the collection of restitution from wage funds. According to state law, the report will include "the total number of inmates with restitution judgments, the total number of inmates with wage funds, the total number of inmates with both, the number of payments made to either victims or clerks of the court, the average amount of payments, and the total amount of restitution collected." This report was first required in state law in 2015 and the report was last filed with the Legislature on August 1, 2018.[67]

RECOMMENDATION

The Legislature may wish to consider either amending statute to reflect that WEC is now administered by NDCS, or to eliminate the WEC reporting requirement entirely since there is not a similar requirement for the other eight NDCS facilities.

[66] https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Correctional_Services__Department_of/239_20231229-082800.pdf.

[67] https://nebraskalegislature.gov/FloorDocs/105/PDF/Agencies/Correctional_Services__Department_of/676_20180801-164628.pdf.

Mandatory Discharge Report

Neb. Rev. Stat. § 83-1,100.03 requires the Board of Parole and NDCS to provide an annual report regarding those who are released from NDCS facilities without any supervision. Specifically, the report must document "characteristics of the individuals released without supervision, including the highest felony class of conviction, offense type of conviction, most recent risk assessment, status of the individualized release or reentry plan, and reasons for the release without supervision." The most recent report was filed on February 1, 2024 and includes extensive information and data, as well as recommendations and other information regarding how to impact the mandatory release of individuals.[68] This report was first required under state law in 2015 and has been consistently provided to the Legislature.

Restrictive Housing Report

Neb. Rev. Stat. § 83-4,114 requires NDCS to provide an annual report regarding the use of restrictive housing within the correctional system on or before September 15 of each year. Specific guidance is provided to NDCS regarding what is to be included in the report, including data and information about the utilization of restrictive housing. The most recent report was filed on September 25, 2023.[69] This report was first required under state law in 2015 and has been consistently provided to the Legislature.

Staffing Analysis Report

Neb. Rev. Stat. § 83-906 required NDCS to provide a staffing analysis report no later than September 15, 2020. In 2020, NDCS provided a security staffing analysis which was conducted during 2015-16 and a non-custody staffing study which was completed in 2020. Under the law, additional staffing analysis reports are to be completed and submitted at least every six years, including one on or before September 15, 2026. After 2026, they are to be provided "at least every six years thereafter or more frequently at the discretion of the department."

Other Reports

LB631 (2024) included several new reporting requirements for NDCS. Information about these required reports is included in the Reentry section of this annual report.

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[68] https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Correctional_Services__Department_of/577_20240201-174512.pdf.

[69] https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Correctional_Services__Department_of/602_20230925-201800.pdf.

DIVISION OF PAROLE SUPERVISION

Parole Housing Program Report

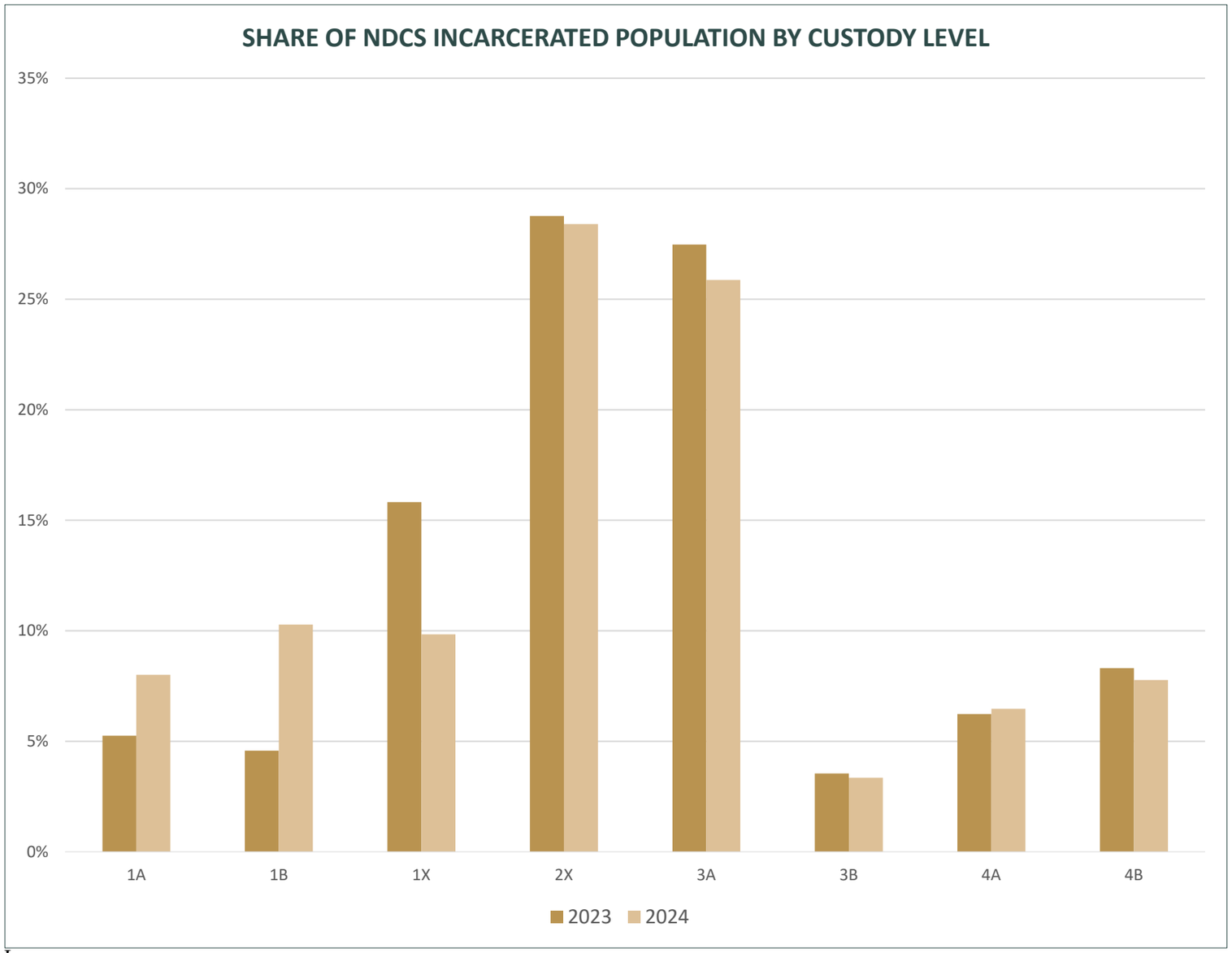
Neb. Rev. Stat. § 83-1,122.02 required the Division of Parole Supervision to submit a report to the Judiciary Committee of the Legislature regarding the establishment of a technical parole violation housing program. The report was filed on May 31, 2024 and provided detailed information and data regarding the Parole Reset Program (PREP).[70] The PREP house is located in Omaha and first opened on July 31, 2023.

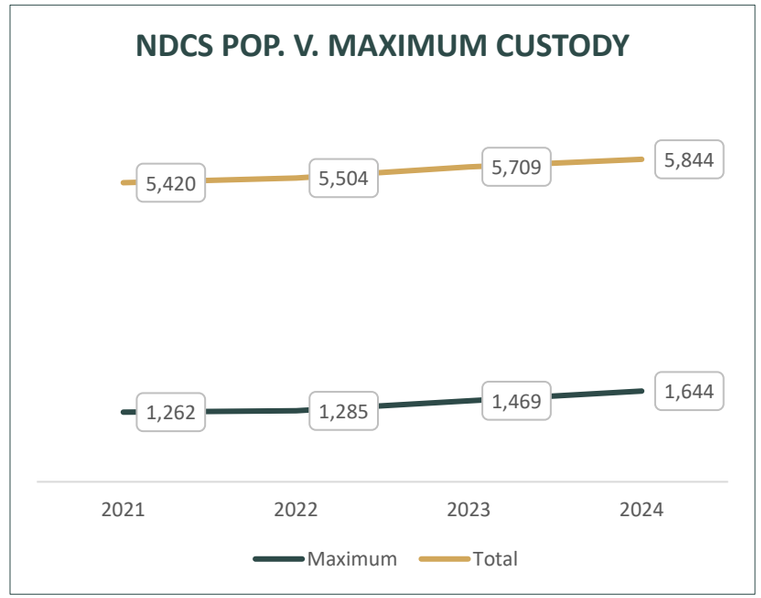
Parole Revocation Report

Neb. Rev. Stat. § 83-1,102 required the Division of Parole Supervision to provide a report on the number of parole revocations and the number of technical violations of parole each year. The most recent report was filed on January 2, 2024.[71]

[70] https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Parole_Board/838_20240531-104325.pdf.
[71] https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Parole_Board/627_20240102-085721.pdf.

Data Appendix



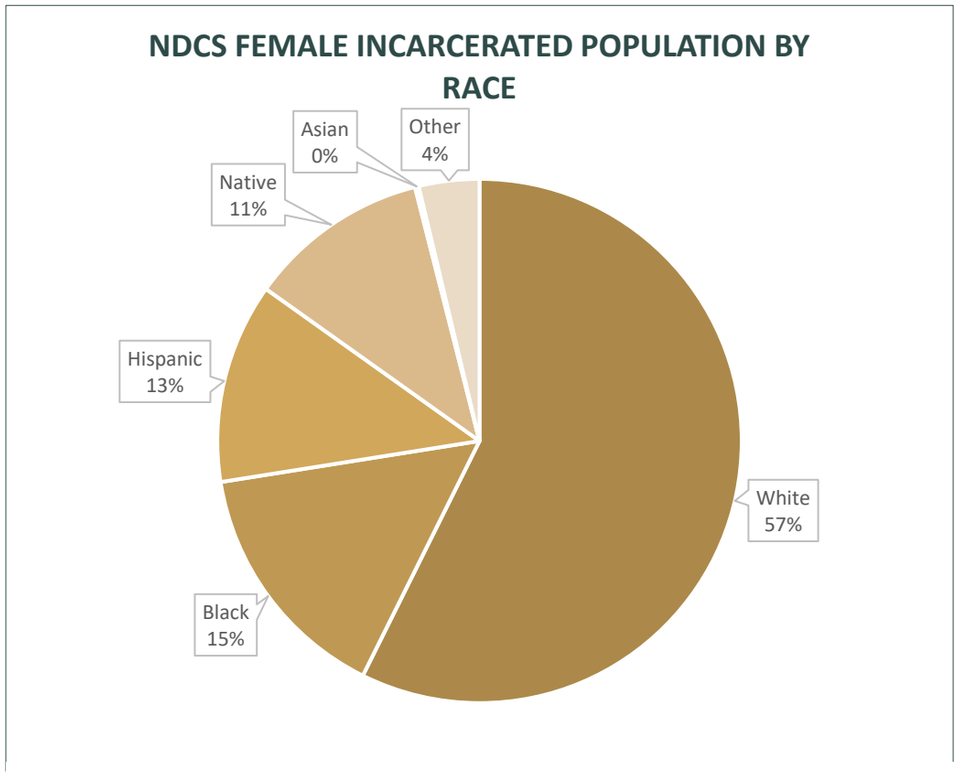


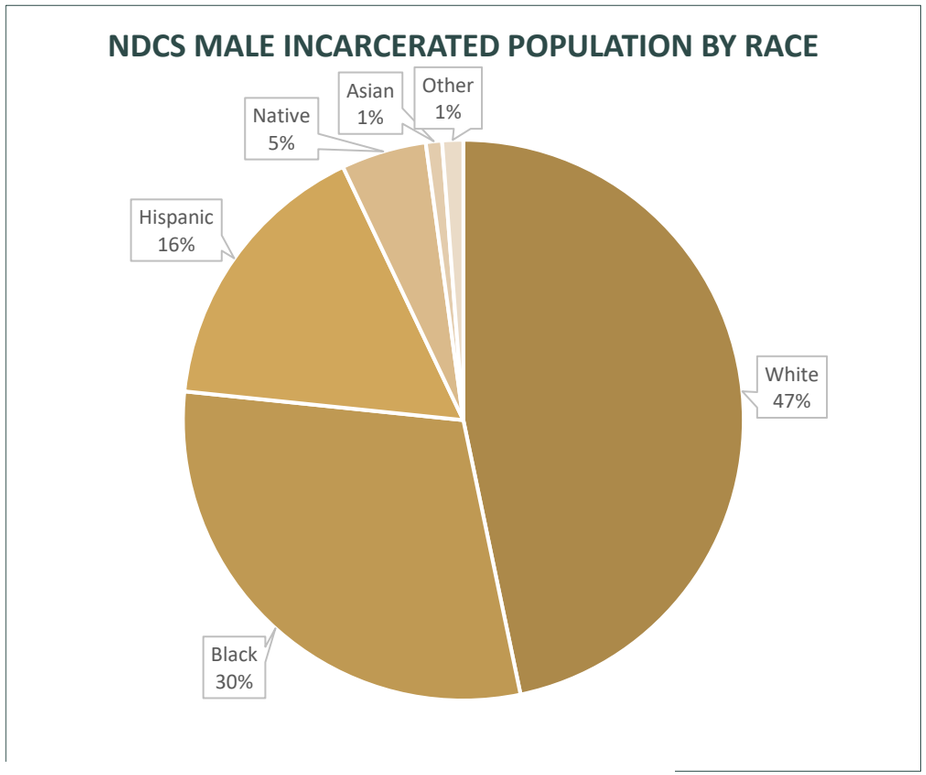
Left: This chart shows the percentage of the NDCS population at each custody level as of August 2024, according to departmental data. 1A, 1B, and 1X are each considered maximum security levels. 2X is medium security. 3A and 3B are minimum. 4A and 4B are community-level custody (work detail or work release).

Above: Snapshot counts of the overall NDCS incarcerated population, and those within NDCS who are in maximum custody.

Sources: NDCS dashboards.

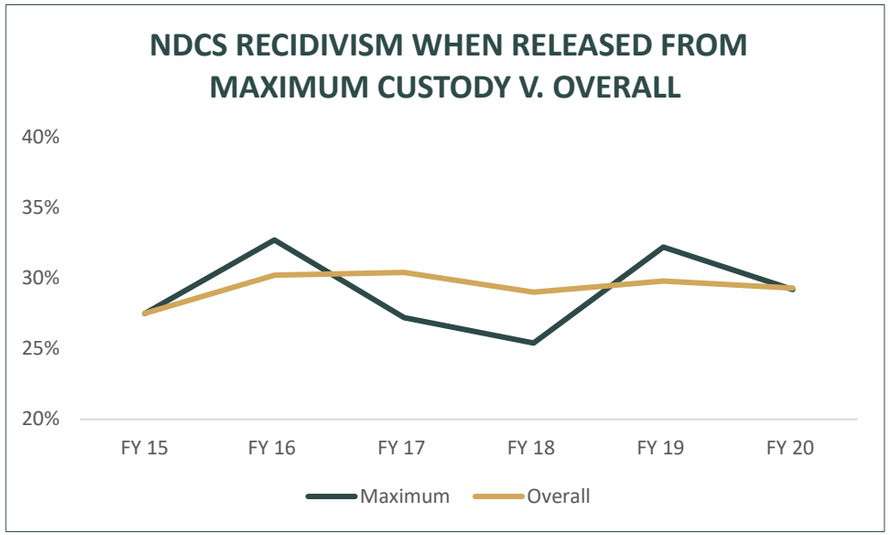
Data Appendix | Correctional Population (Demographics)

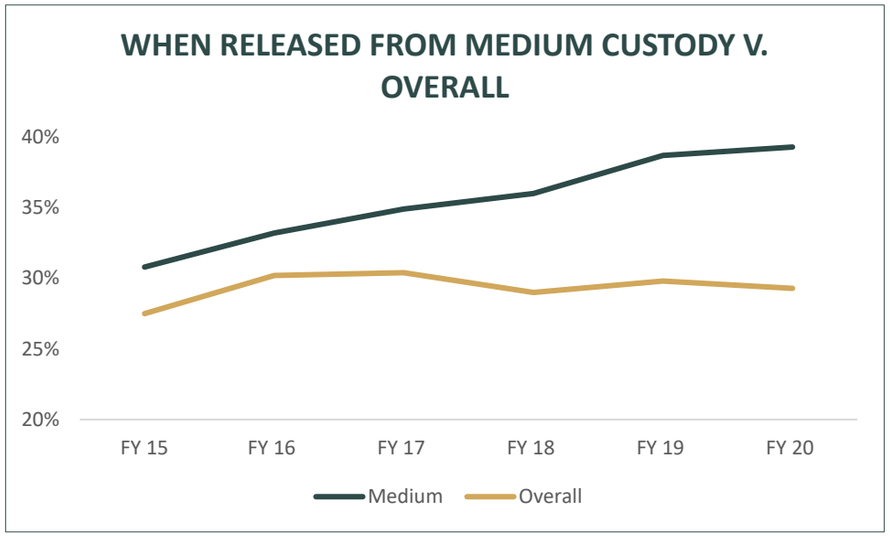


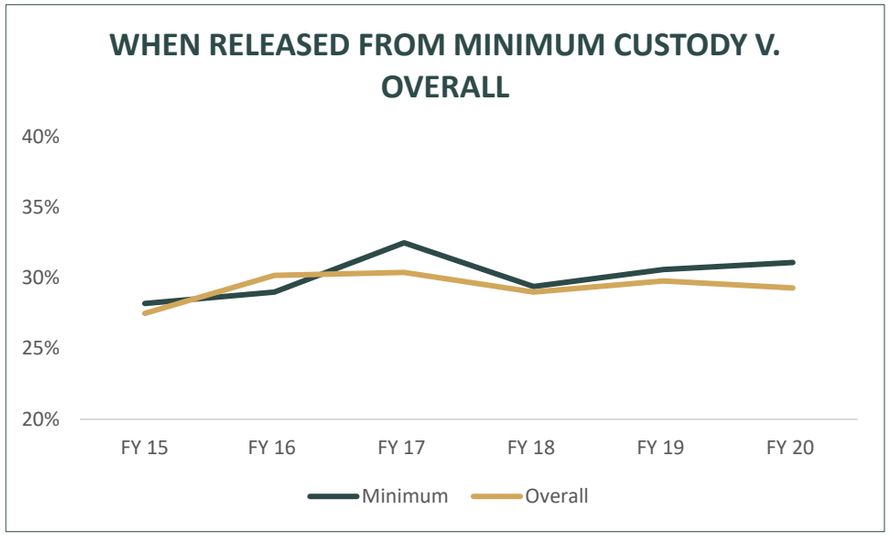


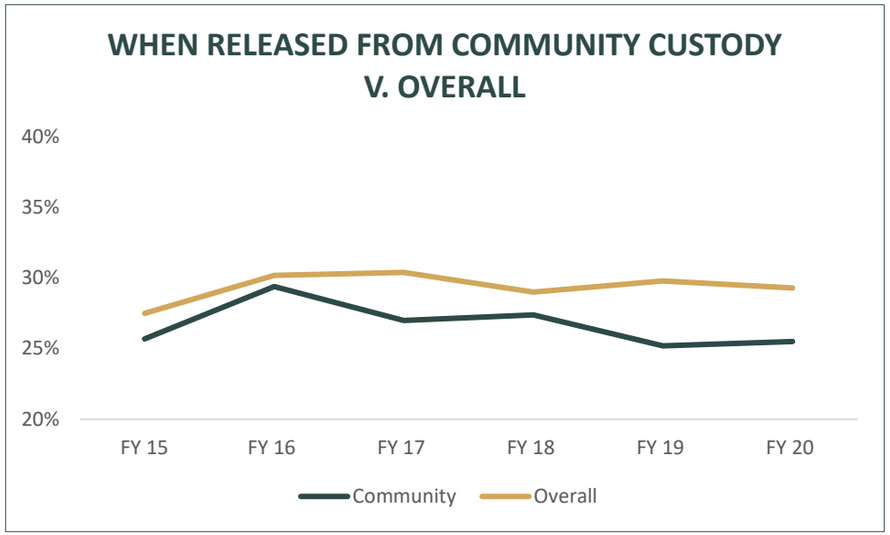
Source: NDCS.

Data Appendix | Correctional Population (Recidivism)







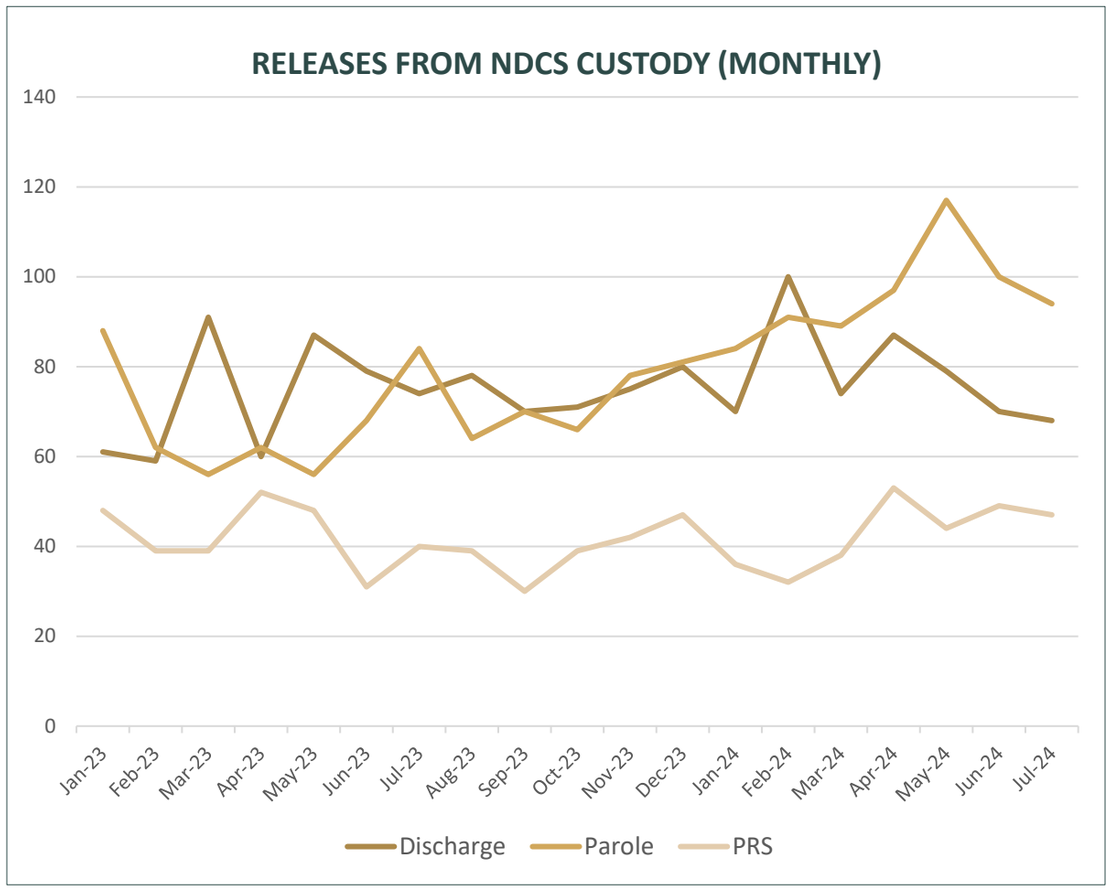


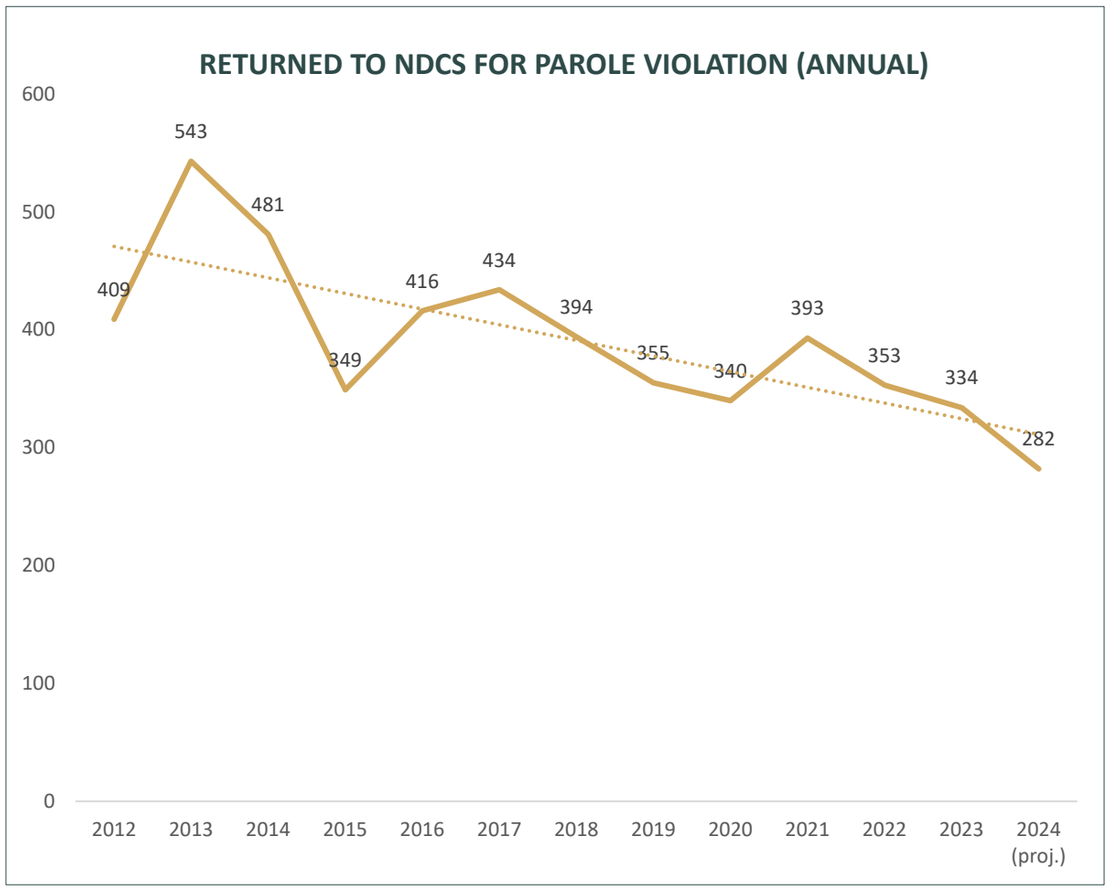
The charts at left each show NDCS' overall three-year recidivism rate, compared with the recidivism rate for individuals released from each custody level within the system. The data is reported based on the year of release, resulting in a lag of three years.

Recidivism is highest among those released from Medium custody, and lowest from Community custody (work release or work detail). Interestingly, rates are comparable for those released from Maximum and Minimum custody. It is worth noting the Maximum custody figure includes individuals who are released directly from an NDCS intake facility.

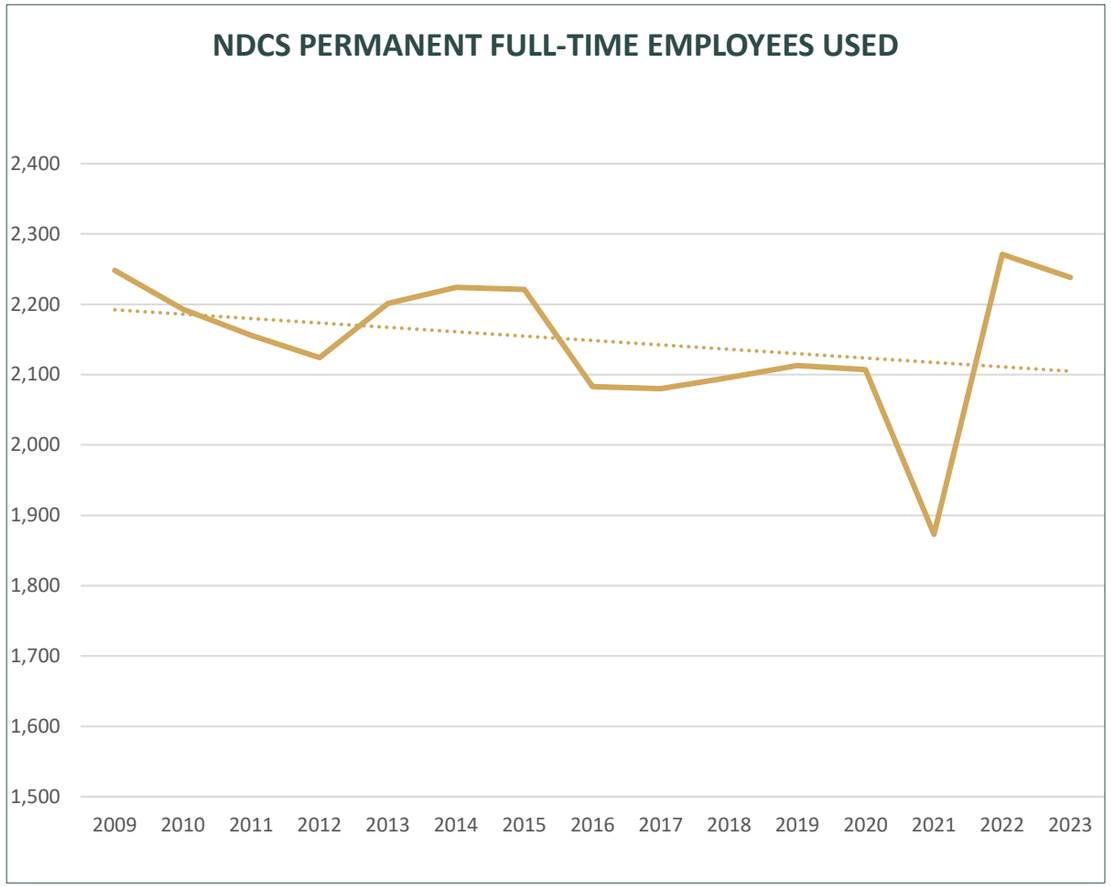
Source: Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission).

Data Appendix | Correctional Population (Releases/Parole Violations)



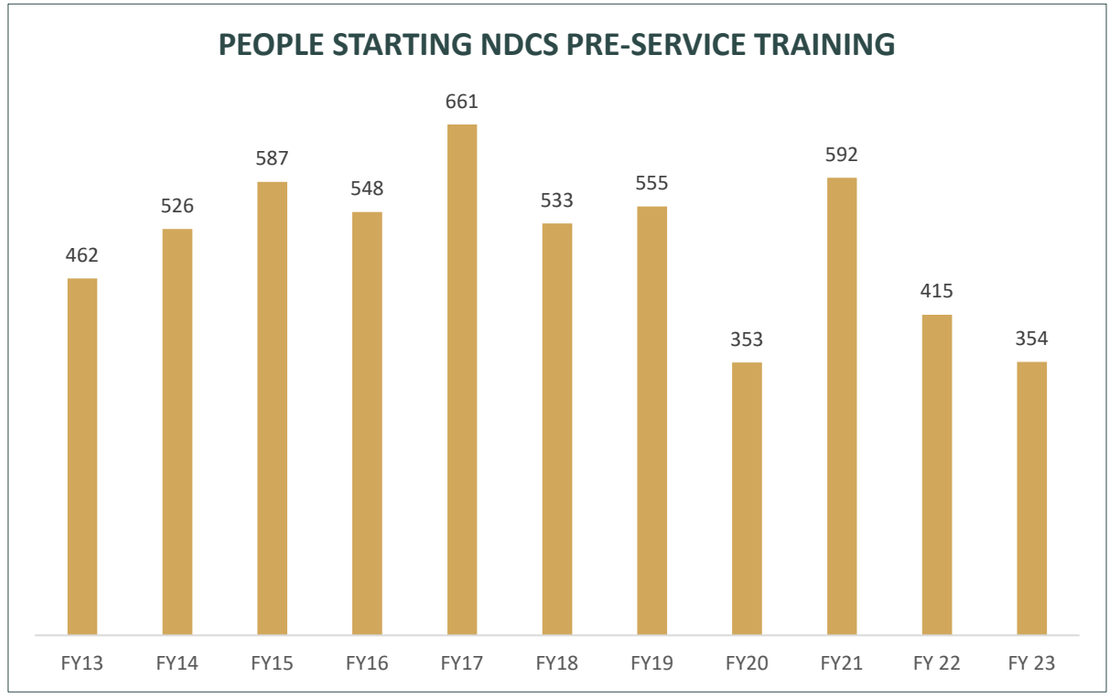


Data Appendix | Staffing

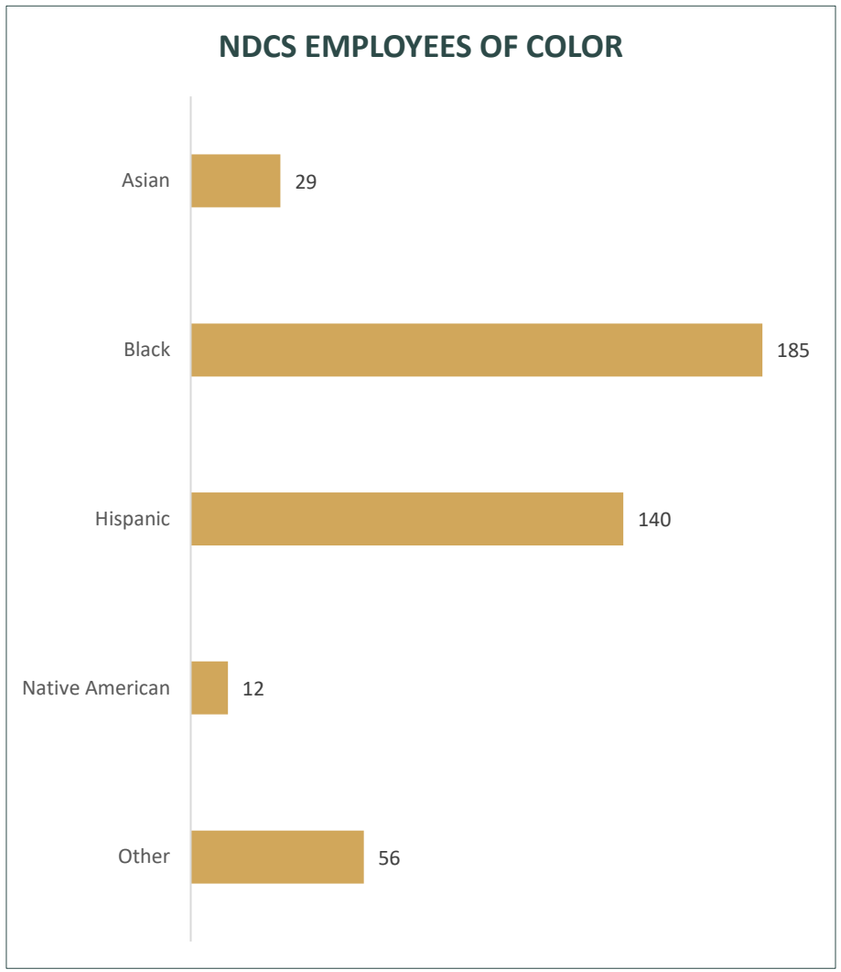


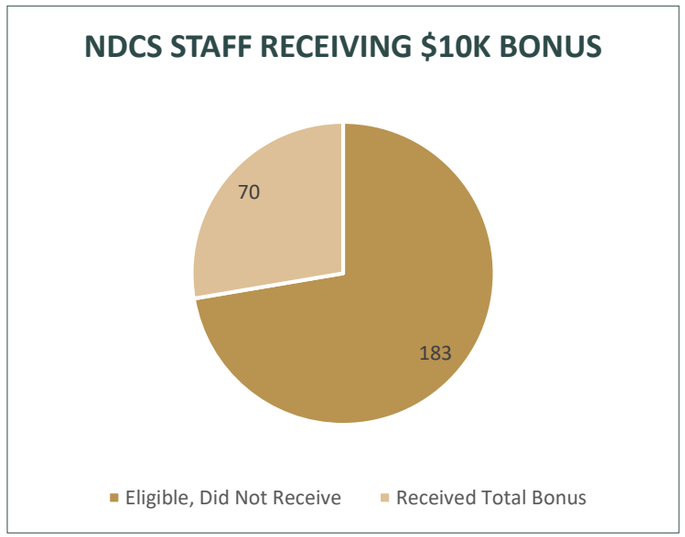
Left source: Department of Administrative Services.

Below source: NDCS Human Resources.



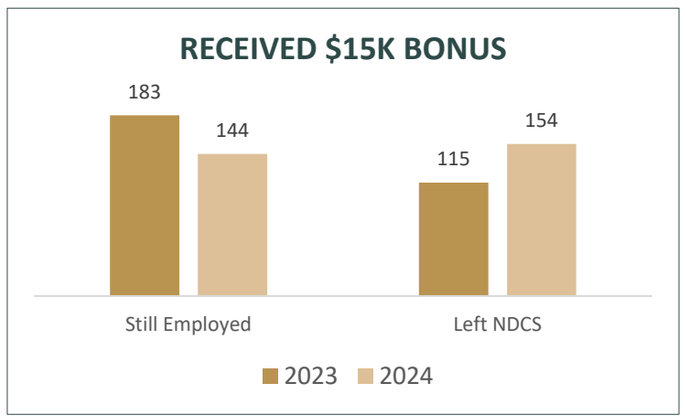
Data Appendix | Staffing

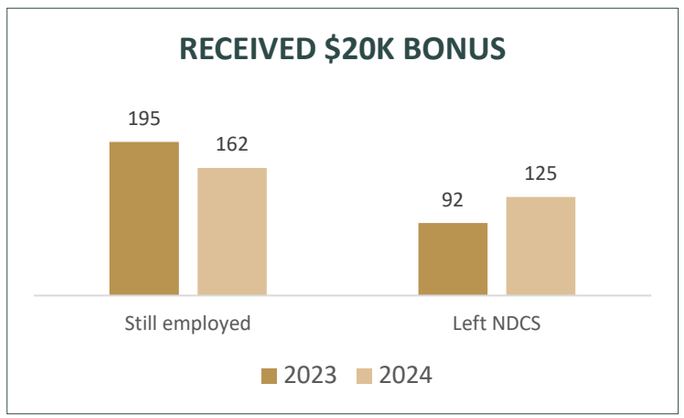




Far Left, Source: Department of Administrative Services.

Other: These charts show the number of people who received various bonuses offered to attract and retain NDCS staff in recent years. This information is from NDCS Human Resources.





Recommendations Appendix

This Appendix contains a list of all past recommendations made by the OIG. Unless otherwise indicated, these recommendations were issued to NDCS.

The agency is not required nor expected to respond in any manner to recommendations made by the OIG in annual reports or in memos to the Legislature. As such, many of these recommendations do not include information regarding their status. The OIG intends to review these recommendations in the near future to prioritize those which remain relevant. Following this review, the OIG will request information from NDCS to better understand the status of priority recommendations, and will include this information in the 2025 OIG Annual Report.

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2024	Deaths of Natural Causes in NDCS Custody, 2020-2023	Engage with community partners and the Reentry Continuity Advisory Board to identify appropriate community-based housing for formerly incarcerated people who are terminally ill or require significant ongoing medical care. The passage of the Community Work Release and Reentry Centers Act in 2024 may expand the options available to the Department in this regard.	N/A	NDCS did not provide a substantial response to this recommendation.
2024	Deaths by Suicide: An Investigation of the Deaths of Three Individuals in NDCS Custody	NDCS should review the past work of the 2018 suicide work group and determine whether a special team should be established to focus on deaths by suicide and attempted deaths by suicide.	N/A	NDCS did not provide a substantial response to this recommendation.
2024	Deaths by Suicide: An Investigation of the Deaths of Three Individuals in NDCS Custody	NDCS should review the requirement regarding psychological autopsies found in Policy 115.30 and determine whether these have been done in the past and whether this requirement should continue to be in NDCS policy.	N/A	NDCS did not provide a substantial response to this recommendation. After this report was submitted, NDCS issued a policy directive, effective immediately, outlining a process for completing psychological autopsies.

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2024	Deaths by Suicide: An Investigation of the Deaths of Three Individuals in NDCS Custody	NDCS should revisit the past NDCS recommendation regarding the removal of the second bunk and cabinet in all SMU cells.	N/A	NDCS did not provide a substantial response to this recommendation.
2024	Deaths by Suicide: An Investigation of the Deaths of Three Individuals in NDCS Custody	NDCS should review the need to have staff wear body cameras in facilities other than the Tecumseh State Correctional Institution and the Nebraska State Penitentiary and consider providing them to staff assigned to each shift's emergency response team.	N/A	NDCS did not provide a substantial response to this recommendation.
2024	Deaths by Suicide: An Investigation of the Deaths of Three Individuals in NDCS Custody	NDCS should review the ICIR process and determine whether interviews with individuals other than NDCS staff should be conducted in order to gather additional information related to this "comprehensive and meticulous" review. If they determine such interviews would provide for a more complete review, Policy 203.02 should be changed to reflect this determination.	N/A	NDCS did not provide a substantial response to this recommendation.
2024	NDCS Reliance on Drug Field Tests for Discipline of Incarcerated People	Revise the Department's disciplinary policy to explain the limitations of drug field tests and that misconduct reports should include "other context which establishes substantial evidence of the offense."	N/A	NDCS did not provide a substantial response to this recommendation.
2024	NDCS Reliance on Drug Field Tests for Discipline of Incarcerated People	Ensure that all staff are trained regarding the aforementioned policy change and made aware of the limitations of drug field tests.	N/A	NDCS did not provide a substantial response to this recommendation.

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2024	NDCS Reliance on Drug Field Tests for Discipline of Incarcerated People	Revise departmental rules and regulations to provide access to confirmatory testing of suspected drug contraband, similar to what is permitted for urine tests.	N/A	NDCS did not provide a substantial response to this recommendation.
2024	NDCS Reliance on Drug Field Tests for Discipline of Incarcerated People	Identify a provider of affordable and credible confirmatory testing for administrative disciplinary cases.	N/A	NDCS did not provide a substantial response to this recommendation.
2024	NDCS Reliance on Drug Field Tests for Discipline of Incarcerated People	Present, in writing, information about the limitations of field testing and the option to request confirmatory testing to each incarcerated person who faces potential discipline following a field test.	N/A	NDCS did not provide a substantial response to this recommendation.
2024	NDCS Reliance on Drug Field Tests for Discipline of Incarcerated People	Consult independent experts in forensic analysis or forensic toxicology before adopting new field testing technologies or revising policies related to those technologies.	N/A	NDCS did not provide a substantial response to this recommendation.
2023	Reception and Treatment Center Use of Force Complaint, May 23, 2023	Maintain a list of individuals at each facility who, per mental health and/or medical staff, require a health porter escort when they are away from their housing unit, and ensure this information is shared with other facility staff.	N/A	NDCS did not provide a substantial response to this recommendation.
2023	Reception and Treatment Center Use of Force Complaint, May 23, 2023	Revamp the health porter program at RTC.	N/A	NDCS did not provide a substantial response to this recommendation.

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2023	Reception and Treatment Center Use of Force Complaint, May 23, 2023	Return to on-unit distribution of medications for people residing in the RTC's chronic care mental health unit.	N/A	NDCS did not provide a substantial response to this recommendation.
2023	Reception and Treatment Center Use of Force Complaint, May 23, 2023	Develop a plan to improve recruitment and retention of licensed mental and behavioral health staff, in cooperation with the Behavioral Health Education Center of Nebraska (BEHCN) and other stakeholder groups.	N/A	NDCS did not provide a substantial response to this recommendation.
2023	Use of Force Incident at Tecumseh State Correctional Institution	Update the Department's use of force policy to include attempts at de-escalation by a licensed mental health professional, when time allows, for incidents involving people with known mental health issues.	Accepted, Completed	
2023	Use of Force Incident at Tecumseh State Correctional Institution	Implement a policy to develop individualized de-escalation plans for people with serious mental illnesses who have histories of volatile interactions with staff.	See note, Not Completed	NDCS requested modification to this recommendation. The modification was not accepted by the OIG.
2023	Use of Force Incident at Tecumseh State Correctional Institution	Implement a reimbursement policy for on-call mental health staff by May 1, 2023.	Rejected	
2023	Use of Force Incident at Tecumseh State Correctional Institution	Contract with an outside entity which specializes in training of first responders who interact with individuals with a serious mental illness to provide additional training for staff.	See note	NDCS requested modification to this recommendation, stating that this recommendation would be forwarded for consideration during its next annual review of the Department's training curriculum. The OIG accepted this modification but requested notification upon completion of the review. This did not take place.

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2022	Use of 'Controlled Movement Units' Within NDCS facilities	Establish a real "yard" adjacent to the BIPU.	See note, Completed	NDCS responded stating it would determine the cost and scope of such a project, then later indicated the project would not be done due to costs of $25,000. However, this project has since been completed.
2022	Use of 'Controlled Movement Units' Within NDCS facilities	Develop clear processes for determining who should be assigned to live in the new RTC unit and when they should be released to the general population.	Rejected, but Completed	NDCS rejected this recommendation, but has since implemented the change. These units are now considered special management units (SMU).
2022	Use of 'Controlled Movement Units' Within NDCS facilities	Move carefully and deliberately in filling the new RTC unit.	Accepted, See Note	Subjective.
2022	Use of 'Controlled Movement Units' Within NDCS facilities	Assign at least one full-time mental health position to the unit.	Rejected	
2022	Use of 'Controlled Movement Units' Within NDCS facilities	Incentivize positive behavior on the unit.	Rejected, but Completed	NDCS rejected this recommendation, but has since implemented incentives for people who maintain positive behavior.
2022	Use of 'Controlled Movement Units' Within NDCS facilities	Provide for an appeal process for placements in the new RTC unit that extend beyond six months.	Rejected	Although this recommendation was rejected and has not been implemented in exact accordance with the recommendation, these placements are now determined by classification processes which may be appealed.

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2022	Use of 'Controlled Movement Units' Within NDCS facilities	Issue body-worn cameras to all floor staff in the new unit.	Rejected	
2022	Use of 'Controlled Movement Units' Within NDCS facilities	Ensure that all staff working the unit have adequate experience.	Rejected	
2022	Use of 'Controlled Movement Units' Within NDCS facilities	Provide information on controlled movement units in reports to the Legislature.	Rejected, but Completed	This is now a requirement under Neb. Rev. Stat. § 83,4,114.
2022	Use of 'Controlled Movement Units' Within NDCS facilities	Clearly define the goals of these units and study their effectiveness in accomplishing these goals.	Rejected	
2022	Death of NCCW Inmate Niccole Wetherell	Promptly ensure all facilities have a method of tracking when patients are due for preventative and chronic care and that the method of tracking follows them should they transfer to a different facility.	Accepted, Completed	
2022	Death of NCCW Inmate Niccole Wetherell	Provide the Legislature's Appropriations, Judiciary, and Health & Human Services committees with a detailed update on the Department's progress in implementing HER.	Rejected	
2022	Death of NCCW Inmate Niccole Wetherell	If EHR is not expected to be fully implemented by July 31, 2025, cease efforts to build an EHR system internally and request funds in the next biennial budget to purchase a system from an outside vendor.	Accepted, In Progress	NDCS has since contracted with an outside vendor to implement an EHR system. Core features of the system went live in 2024.

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2022	Fire at Lincoln Correctional Center Restrictive Housing Unit	Develop a specific plan to ensure all housing units at NDCS facilities are consistently monitored in the event of critically low staffing levels. This plan should be crafted in consultation with the labor unions representing NDCS workers and other stakeholders, and should be completed by July 1, 2023.	Rejected	
2022	Fire at Lincoln Correctional Center Restrictive Housing Unit	Improve fire safety at the RTC.	Accepted, Not Completed	While this recommendation was accepted by NDCS, specific items mentioned as part of the recommendation have not been completed.
2022	Fire at Lincoln Correctional Center Restrictive Housing Unit	Use chronic care mental health housing only for inmates who required that form and level of care.	Rejected	
2022	Fire at Lincoln Correctional Center Restrictive Housing Unit	Update policy to provide better procedural protections for individuals placed on these units.	Rejected	
2022	Report on CCC-L Complaint	NDCS should review how the policy regarding the waiver process and the appeal process is currently being followed at CCC-L and CCC-O and implement any necessary changes so that the actual policy is followed at each facility no later than June 1, 2022. The OIG is only recommending this for the two community facilities because of the unique nature of each of them when compared to the other correctional facilities.	Accepted, Status Unknown	
2022	Report on CCC-L Complaint	NDCS should survey those incarcerated at CCC-L to determine if any other incarcerated individuals had a case similar to MR. X which needs to be fairly addressed no later than June 1, 2022.	Rejected	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2022	Report on CCC-L Complaint	NDCS should review their process for dismissing guilty findings which are found to have been in error outside of the formal appeals process, and determine whether NDCS rules and regulations should be modified to provide for these situations no later than June 1. 2022.	Rejected	
2022	Report on CCC-L Complaint	NDCS should identify and review other cases of TruNarc "inconclusive" test results assisting in the finding of guilt and determine whether any adjustments need to be made to the results of their misconduct reports. If identifying these cases is not possible through NICaMS, surveying the inmate population could result in discovering how many other individuals were potentially impacted by this issue. This effort should be completed no later than June 1, 2022 as this could impact release dates of individuals.	Rejected	
2022	Report on CCC-L Complaint	NDCS should amend its current policy related to the proper use of drug detection devices and the use of the results of tests involving such devices that accurately reflect their proper use no later than June 1, 2022.	See Note, Completed	NDCS requested a modification as it was currently in the process of reviewing this policy. This modification was accepted by the OIG.
2022	Report on CCC-L Complaint	NDCS should review the practices at all correctional facilities to determine if the facility does or does not document non-negative drug detection test results, whether from a TruNarc device or another drug detection device no later than June 1, 2022. If they do not, each facility should be directed to do so.	Accepted, Status Unknown	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2022	"Walkaways" in Community Corrections and Other Related Issues	NDCS should pursue work release housing opportunities outside of Lincoln and Omaha, reduce the population at CCC-L so all units are operating at or below design capacity, and reexamine this facility's role in the system. New opportunities could include housing work release inmates in county jails or supervised community-based placements. The Department should also work with the Legislature as necessary to make this possible. This change would relieve pressure at CCC-L, and would allow portions of the facility to be repurposed for mission-specific housing, such as substance abuse treatment units.	Rejected, Partially In Progress	While NDCS rejected this recommendation, the Department has since engaged with the Legislature on this issue. LB631 (2024) includes the Community Work Release and Treatment Centers Act, which provides for community-based work release placements for some individuals.
2022	"Walkaways" in Community Corrections and Other Related Issues	The Department should provide all community corrections inmates with appropriate and beneficial mental health treatment. In order to achieve this, the Department should develop a plan that includes an analysis of community corrections inmates' mental health needs, a mental health staffing analysis, ways inmates may access mental health services in the community, and timelines for implementation.	See notes, Partially Completed	NDCS requested a modification to this recommendation and ultimately completed a cursory review of this matter which did not fully address the OIG recommendation. Recent observations by the OIG indicate mental health services in these settings need improvement.
2022	"Walkaways" in Community Corrections and Other Related Issues	Devote sufficient staff resources to electronic ankle monitors in order to justify their cost, particularly at CCC-L. This could include one or more full-time positions to facilitate the electronic monitoring programs at CCC-L and possibly CCC-O, and to provide feedback to those facilities as well as to Central Administration. EM staff would work in conjunction with unit staff to input/update personalized inclusion and exclusion zones, identify and diagnose technical issues, and conduct routine checks of individual EM records. Establishing this as a separate position would reduce the impact on existing staff, while not eliminating their EM-related responsibilities.	See notes, Partially Completed	NDCS requested a modification to this recommendation, apparently based on a misunderstanding that the OIG was recommending 24/7 coverage of these devices. This was not the OIG’s intent with the recommendation.

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2022	"Walkaways" in Community Corrections and Other Related Issues	The Department should review the policies and procedures related to these issues (interacting with incarcerated people in public) and provide more specific guidance for situations involving community custody inmates and staff. This process should include direct input from staff at these facilities, as well as local law enforcement.	Accepted, Completed	
2022	"Walkaways" in Community Corrections and Other Related Issues	The NDCS Appeals Board should conduct a review of the Department's disciplinary records, including but not limited to escapes, and use this information to help improve equity in administrative sanctions.	Rejected	
2021	2021 Annual Report	As construction nears completion on the RTC expansion project, NDCS should release a detailed plan for how it will ensure adequate staffing within this merged facility, while retaining necessary staff at other facilities.	No Response Required	
2021	2021 Annual Report	The Department and the Governor should seriously consider utilizing outside resources under the state's control, such as the Nebraska National Guard, to provide relief for correctional staff and help secure facilities.	No Response Required	
2021	2021 Annual Report	Because public safety is an essential service, the State of Nebraska should craft a plan for immediate and long-term recruitment and retention of correctional staff which takes into account the potential for continued workforce shortages.	No Response Required	
2021	2021 Annual Report	Department leaders should engage in significant, ongoing discussions with individuals impacted by wage compression to gain a better understanding of their concerns and demonstrate a commitment to addressing this issue.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2021	2021 Annual Report	The Department should examine the efficacy of its new $15,000 bonus program. This examination should take into account the impact on hiring and retention of other key positions within NDCS. Results should be shared with the Governor and the Legislature.	No Response Required	
2021	2021 Annual Report	Update state statute to provide that the Board of Parole produce the annual overcrowding emergency report.	No Response Required	
2021	2021 Annual Report	Changes in policy and operation of restrictive housing units at NDCS should be transparent and provided to the OIG and the Ombudsman's office. In the recent past, the Department's level of transparency and cooperation has diminished.	No Response Required	
2021	2021 Annual Report	If the legislature decides to extend the life of the external long-term restrictive housing work group, it will be important that the following take place: *The work group should meet at least two times per year, but more often than that should be considered so that the non-NDCS members can stay more informed about the restrictive housing practices within NDCS;*The Director should follow state law and "provide the work group with quarterly updates on the department's policies related to the work group's subject matter and with any other information related to long-term restrictive housing that is requested by members of the work group." This has never taken place in the group's six years, despite continual updates and changes to policy by NDCS and it being a requirement in state law; *All members of the work group should be allowed inside the correctional facilities to witness what takes place within the restrictive housing units. There is currently one member of the work group who is not allowed inside the correctional facilities by Director Frakes.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2021	2021 Annual Report	The legislature should consider clarifying the medical parole statutes to provide for emergency consideration and a shorter public notice period in cases where the applicant is terminally ill and has a short life expectancy, and to specifically allow for a power of attorney to appear in their place if the applicant is unable to participate in the proceedings.	No Response Required	
2021	2021 Annual Report	Additional, the Legislature should examine the medical parole system more broadly to determine if it is functioning as intended and whether additional statutory changes would be beneficial.	No Response Required	
2021	2021 Annual Report	The department should provide a comprehensive progress update of items mentioned in previous strategic plans to the Governor and the Legislature no later than December 31, 2021.	No Response Required	
2021	2021 Annual Report	The Legislature should review Neb. Rev. Stat. § 83-918 and determine whether it needs to be stricken or if it should be amended to apply to years beyond 2021.	No Response Required	
2021	2021 Annual Report	Update state statute to provide that the Board produce the annual overcrowding emergency report.	No Response Required	
2021	Arrest of Staff Member at the Nebraska State Penitentiary	Create one intelligence system with a clear chain of command and mission, but also one that maintains constant and transparent communication with the leaders of each correctional facility. As part of this process all Intelligence staff plus facility leaders should be involved in a review of the current system.	Rejected, Discontinued	NDCS administration has since undergone significant restructuring, including in the area of intelligence and investigations, making this recommendation no longer relevant.
2021	Arrest of Staff Member at the Nebraska State Penitentiary	Establish a written policy for the use of recording devices as well as establish a tracking system for their location and utilization.	Accepted, Completed	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2021	Arrest of Staff Member at the Nebraska State Penitentiary	Verify who has the "loaner" listening device and provide this information to the Inspector General of Corrections and the Nebraska State Patrol as soon as possible.	Accepted, Not Completed	
2021	Arrest of Staff Member at the Nebraska State Penitentiary	Conduct an immediate NDCS investigation into the use of listening devices in the past and provide a written report regarding this review to the OIG and the Nebraska State Patrol.	Rejected	
2021	Arrest of Staff Member at the Nebraska State Penitentiary	Establish a more centralized and coordinated system of tracking when staff attempt to intercede with other staff who they believe may be targets for manipulation, deception or inappropriate relationships. Having a central reporting of these contacts at each facility will allow leadership at the facility to identify a growing concern about various individuals. This will allow for additional interventions that may be positive for the staff member and ultimately the facility. This investigation learned in the interview with the NSP Major that incident reports related to inappropriate activity by a staff member go to there and then she shares those with the Intelligence staff. What happens after that depends on the location of that employee. The NSP Major also shared that NSP and other facilities have a "Team Member Information Sheet/Contact Log" that is filled out. This could be the form that is coordinated in a more formal system.	See Note	NDCS indicated it would be reviewing its practices to determine needed improvements, and would make any necessary changes in policy.
2021	Arrest of Staff Member at the Nebraska State Penitentiary	Review how cases involving employees who have been identified as needing administrative or criminal intervention are handled throughout the system and determine whether or not this needs to be amended to create a better system for handling employee concerns and provide a written report regarding the results of this review to the OIG. As shared in this report, there were two tracks that were followed and this caused confusion and a lack of definitive action. As part of this effort, NDCS should clarify to facility administration and Central Office staff what the process is for suspending and terminating staff.	See Note	NDCS indicated it would be reviewing its practices to determine needed improvements, and would make any necessary changes in policy.

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2021	Arrest of Staff Member at the Nebraska State Penitentiary	Review how criminal investigations, or a belief that a criminal investigation of an employee is needed, impacts possible administrative actions that may need to be taken against an employee and provide a written report regarding the results of this review to the OIG.	See Note	NDCS indicated it would be reviewing its practices to determine needed improvements, and would make any necessary changes in policy.
2021	Arrest of Staff Member at the Nebraska State Penitentiary	Implement a pilot program involving the use of a body scanner at NSP. Should NDCS move forward with this pilot program, there are challenges associated with their use. These challenges include proper training and use of the scanners, privacy concerns, any potential health concerns and several others. As part of this investigation, the OIG discussed the use of body scanners with the Fraternal Order of Police (FPO) and they discussed these challenges and concerns. If body scanners are utilized by NDCS they should incorporate the FOP and other staff into this process so that it can be accomplished in a manner that works for all of those impacted by this decision.	Rejected, Partially Completed	NDCS has since installed a body scanner at the RTC.
2021	Arrest of Staff Member at the Nebraska State Penitentiary	Update the NSP camera plan by the end of the year to include the need for additional video cameras in the kitchen area, including the possibility of higher resolution cameras.	Rejected	
2021	Arrest of Staff Member at the Nebraska State Penitentiary	Establish a system for tracking criminal cases referred to the Nebraska State Patrol and the local County Attorney, including the outcome of those cases. While it does not relate to this specific case it should also provide NDCS staff who are impacted by criminal cases (for example, a staff assault) with information on the outcomes of those referrals and cases.	Rejected, Partially Completed	NDCS indicated that it was already tracking at least some of this information at the time.
2021	Arrest of Staff Member at the Nebraska State Penitentiary	Require Human Resources to maintain all documentation provided to them regarding requests to suspend or terminate an employee.	See Note	NDCS indicated it would be reviewing its practices to determine needed improvements, and would make any necessary changes in policy.

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2021	Arrest of Staff Member at the Nebraska State Penitentiary	Provide data on an annual basis to the Governor, Legislature and the Inspector General of Corrections on the number of NDCS staff who are arrested and/or prosecuted for their activities within NDCS. In addition, data should also be provided to these entities regarding the number of NDCS staff who are asked to leave due to alleged inappropriate or illegal actions.	Rejected	
2021	Staffing Update Report	As the LCC/DEC project moves towards its completion date, NDCS should release a detailed plan for how it will ensure adequate staffing within this merged facility, while retaining necessary staff at other facilities.	No Response Required	Discontinued recommendation.
2021	Staffing Update Report	Department leaders should engage in significant, ongoing discussions with individuals impacted by wage compression to gain a better understanding of their concerns and demonstrated their commitment to addressing this issue.	No Response Required	
2021	Staffing Update Report	The department should examine the efficacy of its current $10,000 bonus program to determine whether that initiative should be retained, modified or replaced. This examination should also take into account the impact on hiring and retention of caseworkers and other comparable positions. The results of this examination should be shared with the Governor and the Legislature so they are able to determine whether or not to continue to fund future bonus efforts.	No Response Required	Discontinued recommendation.
2021	Staffing Update Report	NDCS should engage in significant, ongoing discussions with individuals who work in the behavioral health field to gain a better understanding of their concerns and demonstrate their commitment to addressing the vacancies in this area of NDCS. In addition, NDCS should develop an action plan for addressing these significant vacancies.	No Response Required	
2021	Staffing Update Report	NDCS should determine what action can be taken to decrease the reliance on contracted medical positions such as nurses.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2021	Staffing Update Report	NDCS should examine statistics related to inmate conduct and rehabilitative outcomes at NSP and TSCI, and report to the Legislature on whether ongoing staffing emergencies at those facilities have impacted these performance measures.	No Response Required	
2020	2020 Annual Report	NDCS should establish a goal that the majority of incarcerated individuals receive and complete their clinical programming 12 to 18 months prior to their parole eligibility date or release date.	No Response Required	
2020	2020 Annual Report	The name of the Work Ethic Camp should be changed to reflect its current role in the correctional system.	No Response Required	This would require a statutory change by the Legislature.
2020	2020 Annual Report	The OIG and NDCS should study the role of race as it relates to the transfer list and different custody stages within the system.	No Response Required	No such review has taken place.
2020	2020 Annual Report	Director and his leadership team should hold town halls for each shift of workers at CCCL and the incarcerated individuals at CCCL in order to receive candid and open input on the conditions at the facility.	No Response Required	
2020	2020 Annual Report	NDCS needs to address the issue of wage compression between salary and non-salary staff, as well as the salary structure of wardens, other administrative positions and positions highlighted in the 2020 Report by requesting additional funding.	No Response Required	
2020	2020 Annual Report	The Department and the Legislature should work together to identify the resource needs of the Department in order to increase opportunities for inmates to acquire vocational or other skills during incarceration that will help ensure their success upon reentry to the community.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2020	2020 Annual Report	NDCS should revamp their exit interview process and then set up a system to report the outcomes and action items that result from an enhanced exit interview program.	No Response Required	
2020	2020 Annual Report	As part of the career pathways program at Peru State College, NDCS should initiate a repayment option for students that are not employed at TSCI for a certain number of years and they should also prioritize the recruitment of a diverse population to participate in the program.	No Response Required	
2020	2020 Annual Report	To demonstrate whether or not there was any impact by the reducing of the operational hours of NSP and TSCI in 2019, NDCS should examine the statistics discussed in the Frakes/Chambers exchange at the October 25, 2019 Judiciary Committee hearing and report those findings to the Judiciary Committee.	No Response Required	
2020	2020 Annual Report	NDCS should conduct inmate surveys regarding the conditions in their correctional facilities. This could be started by conducting exit surveys first.	No Response Required	
2020	2020 Annual Report	In 2021, NDCS should contract for an update of the recently completed inmate population projection report due to the number of changes in 2020.	No Response Required	
2020	2020 Annual Report	NDCS should implement a program to provide inmates with an opportunity to have good time that was designed “non-restorable” restored should they exhibit certain behaviors.	No Response Required	
2020	2020 Annual Report	NDCS or the Legislature should contract with the Nebraska Center for Justice Research for an updated report that assesses the use of good time in the correctional system.	No Response Required	
2020	2020 Annual Report	NDCS should provide a plan for addressing the maintenance backlog of over $60 million in projects to the Governor and the Legislature no later than September 15, 2021.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2020	2020 Annual Report	NDCS and Parole should do the following: 1) Review formerly incarcerated individuals in NDCS who had a domestic violence program recommendation and did not receive any such programming and determine their recidivism rates; 2) Review those formerly incarcerated individuals in NDCS who had a domestic violence program recommendation and did receive any such programming and determine their recidivism rates; and, 3) Review the five programs highlighted by the Institute's report and determine if they could play a part in the programming being offered within NDCS in the future.	No Response Required	
2020	2020 Annual Report	NDCS should reinstate the suicide work group to see if the steps taken in the past two years need to be updated or enhanced.	No Response Required	
2020	2020 Annual Report	NDCS should finish the three-part programming report started by Ada Alvarez and also conduct an analysis of the Alvarez report to determine if any action was taken as a result of that report and the effectiveness of any changes.	No Response Required	
2020	2020 Annual Report	NDCS should review how other state correctional systems provide data and information to the public and policy makers and consider changes to their system.	No Response Required	
2019	2019 Annual Report	NDCS needs to review the issue of wage compression between salary and non-salary staff, as well as the salary structure of wardens and other administrative positions.	No Response Required	
2019	2019 Annual Report	NDCS should develop a long-term plan for addressing and financing their maintenance backlog and for the development of appropriate and needed core support services throughout the system.	No Response Required	
2019	2019 Annual Report	NDCS should expand the use of body cameras, especially at LCC.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2019	2019 Annual Report	NDCS should end the practice of double bunking in a restrictive housing setting in order to comply with ACA standards.	No Response Required	
2019	2019 Annual Report	NDCS should collect data on contraband turned over to the Nebraska State Patrol that is not shared with NDCS or the OIG.	No Response Required	
2019	2019 Annual Report	NDCS should reinstate domestic violence programming.	No Response Required	
2019	2019 Annual Report	NDCS should review the effectiveness of the delivery of the substance abuse treatment programs and consider working jointly with community treatment providers to improve and enhance the program. The review should also examine any issues with attracting and retaining staff for the program.	No Response Required	
2019	2019 Annual Report	Nebraska should take steps to enact state policies that encourage the hiring of previously incarcerated individuals.	No Response Required	
2019	2019 Annual Report	NDCS' next strategic plan should provide detailed information about each of the outcomes, strategies and measurements associated with the strategic goals to provide a more complete picture of what is taking place within NDCS. If goals are shared in the plan then details should be provided on how those goals are going to be achieved by NDCS.	No Response Required	
2018	Nebraska State Penitentiary Supplemental Report	Currently, staff at the Tecumseh State Correctional Institute have the opportunity to be paid more for merit and longevity reasons. This pay program should be provided to staff at NSP in an effort to reduce turnover and vacancies.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2018	Nebraska State Penitentiary Supplemental Report	NDCS should review options related to the conversion of the external housing units into programming space and construct new minimum housing units that are rehabilitative and more efficient.	No Response Required	
2018	Nebraska State Penitentiary Supplemental Report	Review the need to construct a second indoor recreation area for the facility.	No Response Required	
2018	Nebraska State Penitentiary Supplemental Report	Place cameras in identified “blind spots” in the Internal housing units and review security camera needs throughout the facility.	No Response Required	
2018	Nebraska State Penitentiary Supplemental Report	Review the use of the kitchen area in internal housing units and determine whether they can be used as a vending area or a recreation area.	No Response Required	
2018	Nebraska State Penitentiary Supplemental Report	Provide for access to a law library computer in Housing Units 2 and 3.	No Response Required	
2018	Nebraska State Penitentiary Supplemental Report	Develop a plan in the near future to address the nursing shortage. (Review past OIG recommendations if necessary.)	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2018	Nebraska State Penitentiary Supplemental Report	End double bunking in restrictive housing so that the ACA standards will be met.	No Response Required	
2018	Nebraska State Penitentiary Supplemental Report	Convene a short-term work group consisting of unit staff and inmates to discuss other options for creating day room space or out of cell opportunities within a living unit or connected to a living unit.	No Response Required	
2018	Nebraska State Penitentiary Supplemental Report	Establish a goal to “right-size” Housing Units 7 and 8 so that they can function in a safe and productive manner. If these facilities had 100 men in them instead of 200 men the environment would be much better for the staff and the inmates.	No Response Required	
2018	Nebraska State Penitentiary Supplemental Report	NDCS and the OIG should work together to conduct similar assessments of other state correctional facilities.	No Response Required	
2018	2018 Annual Report	Begin to calculate staff turnover rates in the same manner as the Nebraska Department of Administrative Services, but also continue with the current calculation method until a later date.	No Response Required	
2018	2018 Annual Report	Review the ability of NDCS to pay an additional bonus or stipend to staff who speak and utilize a foreign language during their employment.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2018	2018 Annual Report	Revisit the past recommendation of presenting salary proposals to the Department of Administrative Services that would either result in longevity pay or the establishment of a tiered plan system where an employee can be rewarded for reaching certain work goals, achievements or certifications. For example, positions of Corporal I, Corporal II, and Corporal III could be created. To move from one tier to the other the individual would have to be in their position for a certain period of time, take outside classes, gain a special certification or accomplish goals established by NDCS. Health services staff could achieve something similar if they receive a form of health professional certification.	No Response Required	
2018	2018 Annual Report	Revisit the past recommendation of providing additional pay for employees who participate in extra duties that require additional training.	No Response Required	
2018	2018 Annual Report	Meet with the leaders of Nebraska's community college community to discuss the possibility of working with them to establish career tracks and other classes or training programs to recruit, develop and grow the NDCS work force.	No Response Required	
2018	2018 Annual Report	Conduct a follow-up study to the 2016 Culture Study to learn what has changed regarding the culture of NDCS, including making use of employee surveys.	No Response Required	
2018	2018 Annual Report	Provide a plan for improving and expanding core support needs to the Governor and the Legislature no later than December 1, 2018.	No Response Required	
2018	2018 Annual Report	Provide a plan for addressing the maintenance backlog of over $60 million in projects to the Governor and the Legislature no later than December 1, 2018.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2018	2018 Annual Report	Meet with the OIG prior to November 1, 2018 to review Neb. Rev. Stat. § 47-905 and determine if any language in the statute needs to be amended so that the OIG and NDCS have consistency and agreement in the reporting of serious injuries and deaths.	No Response Required	
2018	2018 Annual Report	Contact the Nebraska State Patrol whenever a staff member is assaulted in the line of duty, including any sexual contact or possible offenses.	No Response Required	
2018	2018 Annual Report	Review the numerous suggestions made by the OIG to NDCS in 2018 regarding restrictive housing practices.	No Response Required	
2018	2018 Annual Report	Review statistics related to the racial breakdown of those in restrictive housing, TCP, Protective Management, and living units that are being run under modified operations, and determine if changes need to be made in this area.	No Response Required	
2018	2018 Annual Report	Review the operations of Intel and possibly utilize outside entities to assist with this effort, in order to determine whether changes need to be made to improve this division, so that it more closely adheres to standards of fairness.	No Response Required	
2018	2018 Annual Report	Review the success of the “Blue Room” at NCCW and determine whether or not this could be replicated at other facilities.	No Response Required	
2018	2018 Annual Report	Continue the work being done to review, improve and expand programming in all living units, including restrictive housing units.	No Response Required	
2018	2018 Annual Report	Create methods of tracking contraband in each facility, and in the entire correctional system.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2018	2018 Annual Report	Require the Division of Health Services to produce a report no later than January 1, 2020 that conducts a complete assessment of their present situation, as well as future needs and challenges.	No Response Required	
2018	2018 Annual Report	Support the work of the NDCS Suicide Work Group.	No Response Required	
2018	2018 Annual Report	Continue reviews of the effectiveness and accuracy of the classification tool.	No Response Required	
2018	2018 Annual Report	Request the National Institute of Corrections to visit Nebraska and assess security at DEC, LCC and NSP, as well as provide security audit training for staff at those facilities.	No Response Required	
2018	2018 Annual Report	Issue a Request for Proposal for the risk and needs tool that is currently being provided by Vant4ge this fall.	No Response Required	
2018	2018 Annual Report	Provide overtime pay for facilitators of non-clinical programs in facilities that currently have understaffing issues and consider hiring of staff on a temporary basis to run non-clinical programs in understaffed facilities.	No Response Required	
2018	2018 Annual Report	Review the need for razor wire around the fence at WEC.	No Response Required	
2018	2018 Annual Report	Consider reviving the plan for a qualitative analysis of clinical programming.	No Response Required	

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Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2018	2018 Annual Report	Provide secure opportunities for inmates at the community corrections centers to apply for jobs using the internet.	No Response Required	
2018	2018 Annual Report	Assess the quality of the mental health treatment provided in community corrections centers in order to determine whether changes need to be made in the providing that care.	No Response Required	
2018	2018 Annual Report	Conduct exit interviews of inmates who are released from community corrections centers.	No Response Required	
2018	2018 Annual Report	Review the innovative changes being made at LCC and other facilities to determine whether they can be expanded to other facilities.	No Response Required	
2018	2018 Annual Report	Establish a long-term plan to fund the renovation and right-sizing of the current correctional facilities and present it to the Governor and the Legislature by October 1, 2019.	No Response Required	
2017	2017 Annual Report	Consider the directing of front-line recruiting efforts at staff who are employed at correctional facilities in Kansas and Missouri due to their lower rate of pay for those positions.	No Response Required	
2017	2017 Annual Report	Study whether or not it is feasible and fruitful to provide gender specific training and ongoing supports to female staff.	No Response Required	
2017	2017 Annual Report	Include data on vacancies identified in the 2016 staffing analysis when compiling and sharing data on staff vacancies at each facility.	No Response Required	
2017	2017 Annual Report	Conduct a full staffing analysis of NDCS.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2017	2017 Annual Report	Present a recommendation to the Governor and the Legislature regarding the need to request retention and recruitment funding from Legislature, including a plan on how those funds would be utilized if appropriated.	No Response Required	
2017	2017 Annual Report	Work jointly with the Office of Parole Administration and the Board of Parole to present a plan to the Governor and the Legislature by March 1, 2018 detailing how a correctional system overcrowding emergency would be administered.	No Response Required	
2017	2017 Annual Report	Invite members of the external restrictive housing work group to observe meetings of the internal restrictive housing work group.	No Response Required	
2017	2017 Annual Report	Determine whether or not the membership of the external restrictive housing work group needs to be adjusted, as well as whether or not the role or mission of the work group needs to be changed.	No Response Required	
2017	2017 Annual Report	Request an exception from the Governor's office to allow for the rules and regulations process to move forward regarding the Administrative Regulation for NDCS restrictive housing.	No Response Required	
2017	2017 Annual Report	Report all unit lock downs to the OIG in a timely manner.	No Response Required	
2017	2017 Annual Report	Audit Immediate Segregation and Longer Term Restrictive Housing practices to determine if the regulations and procedures are being followed by staff and the administration, including the timeliness and accuracy of paper work.	No Response Required	
2017	2017 Annual Report	Review restrictive housing practices in other states to determine whether the 24 hour out-of-cell time is still appropriate or needs to be adjusted.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2017	2017 Annual Report	Assess the need for an expansion of family programs for inmates within NDCS.	No Response Required	
2017	2017 Annual Report	Continue to look for ways to expand peer supports throughout NDCS.	No Response Required	
2017	2017 Annual Report	Establish a work group of staff, inmates and outside interests to review the inmate job system, including a review of inmate pay rates, job classifications, and any other issues identified by the work group or NDCS.	No Response Required	
2017	2017 Annual Report	Determine whether additional re-entry specialists are needed now and in the future due to changes being made by NDCS and Parole.	No Response Required	
2017	2017 Annual Report	Provide updates to the OIG and the LR 127 Committee regarding the medical care transition at TSCI in October 2017 and December 2017.	No Response Required	
2017	2017 Annual Report	Establish a long-term plan for higher education and vocational education opportunities and present it to the Governor and the Legislature.	No Response Required	
2017	2017 Annual Report	Request that the Department of Administrative Services review the wage scale for Mental Health Practitioners, Substance Abuse treatment staff, and any other positions identified by NDCS as needing an updated and more accurate wage scale.	No Response Required	
2017	2017 Annual Report	Work with policy makers to determine whether or not the inmate welfare fund state statute should be updated so that the funds are able to provide additional quality of life opportunities for inmates beyond what is currently in state statute.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2017	2017 Annual Report	Review the operation of the inmate councils and determine whether or not a more formalized council should be utilized.	No Response Required	
2017	2017 Annual Report	Prepare a budget request for the Governor and the Legislature that fully addresses the needs of NDCS to carry out their responsibilities, including what is needed to recruit and retain all staff, infrastructure and building needs, programming needs, and any other needs identified by NDCS.	No Response Required	
2017	Death of Terry Berry	Immediately suspend the practice of double bunking in restrictive housing units until the NDCS Restrictive Housing Internal and External Work Groups have had the opportunity to review the policy of double bunking in restrictive housing units and issue a recommendation regarding the policy to the Director of NDCS.	Rejected	Double bunking was ended at TSCI following this report, but the practice continues at NSP.
2017	Death of Terry Berry	Review the Restrictive Housing Assignment of Living Location worksheets that have been done since January 1, 2017 in order to determine if they were completed correctly.	Rejected	
2017	Death of Terry Berry	Continue the efforts by NDCS to reduce the number of individuals in restrictive housing and protective management settings.	Accepted, In Progress	
2017	Death of Terry Berry	Examine the possibility of using peer mentors to work with inmates who choose not to follow orders to move to another cell.	Accepted, Partially Completed	Although peer mentors have been used for this purpose on occasion, it unclear how commonly this happens.
2017	Death of Terry Berry	Conduct a comprehensive review that examines why Mr. Berry was located at TSCI, whether or not he received the services and programming he needed in order to successfully begin to transition into the community, and whether or not a different placement would have been more appropriate for him as a result of his crime, age, behavioral challenges and sentence length.	Rejected	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2017	Death of Terry Berry	Report any action taken on these recommendations to the OIG.	Rejected	
2017	SMU Fire at the Tecumseh State Correctional Institution on May 25, 2017	Review all policies regarding emergency situations where it involves possible dangerous and even deadly actions by an inmate in situations such as the one that Mr. YYYYYYY was involved. Determine whether action against an individual could have been taken in this case and in future cases in which would allow such situations to be handled in a more timely and responsive manner.	Accepted, Status Unknown	
2017	SMU Fire at the Tecumseh State Correctional Institution on May 25, 2017	Review the incident and determine whether or not Mr. YYYYYYY's cell door should have been closed sooner than it was and whether or not the showers should have been turned off earlier than they were.	Accepted, Completed	
2017	SMU Fire at the Tecumseh State Correctional Institution on May 25, 2017	Always contact the fire department and the Nebraska State Fire Marshal in the case of a fire. In this case, review why those two entities were not contacted and address this lack of appropriate action as soon as possible.	Accepted, Completed	
2017	SMU Fire at the Tecumseh State Correctional Institution on May 25, 2017	Continue to improve the Immediate Segregation and Longer-Term Restrictive Housing placement policies, including the use of active STG in placing inmates in those placements.	Rejected	
2017	SMU Fire at the Tecumseh State Correctional Institution on May 25, 2017	Work with NDCS Health Services to determine whether medical staff could be moved closer to the location of a serious health incident so that triaging and more timely medical care could be provided.	Rejected	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2017	SMU Fire at the Tecumseh State Correctional Institution on May 25, 2017	Review an inmate in a restraint chair every 15 minutes in order to determine whether or not he could be safely removed from it rather than placing him or her there automatically for two hours.	Accepted, Completed	
2017	SMU Fire at the Tecumseh State Correctional Institution on May 25, 2017	NDCS, the Nebraska State Patrol, the Office of Inspector General for Corrections, and any other relevant parties should meet within 60 days to discuss the policy for maintaining video of serious incidents that take place at facilities operated by NDCS.	See Note, Completed	NDCS indicated it would accept this recommendation for video specific to an incident and that it would retain all footage requested by the OIG.
2017	SMU Fire at the Tecumseh State Correctional Institution on May 25, 2017	Review the Immediate Segregation and Longer-Term Restrictive Housing policies that allow for bedding and other supplies to be left in a gallery while inmates are allowed to walk through the gallery unattended.	Accepted, Completed	
2017	SMU Fire at the Tecumseh State Correctional Institution on May 25, 2017	Report all actions related to these recommendations to the OIG in a timely manner.	Rejected	
2017	Death of Daelan Lamere	Review the ability to “turn down the volume” as it relates to response buttons.	Accepted, Status Unknown	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2017	Death of Daelan Lamere	Utilize substance abuse treatment staff to initiate a drug awareness campaign to educate inmates and staff regarding the dangers of using illegal drugs.	Accepted, Status Unknown	This OIG is not aware of this having been done.
2017	Death of Daelan Lamere	Increase the frequency and thoroughness of searches of staff as they enter the prisons.	Accepted, Completed	
2017	Death of Daelan Lamere	Utilize drug dogs on a more frequent basis at the entrances of the prisons in order to act as a deterrent and to catch any illegal drugs that are being brought into the prisons.	Accepted, Not Completed	The canine search program has been discontinued.
2017	Death of Daelan Lamere	Consider working with law enforcement agencies to assist with staff searches so that an outside entity is conducting the searches on a random basis.	Accepted, Completed	NDCS has worked with outside law enforcement for mass searches and targeted searches, although this is not common practice.
2017	Death of Daelan Lamere	Review the search policy for visitors in order to determine whether or not it needs to be adjusted to conduct enhanced and appropriate searches of visitors.	Accepted, Completed	
2017	Death of Daelan Lamere	Conduct a review of visitor and staff searches at each prison, including whether or not the searches are being done in the manner prescribed by DCS, whether they are fairly and uniformly administered, and whether the ability to conduct such searches is impacted by staffing levels.	Accepted, Completed	
2017	Death of Daelan Lamere	Report any action taken on these recommendations to the OIG.	Accepted, Not Completed	
2016	2016 Annual Report	Convene a work group on staff retention that includes people in positions throughout NDCS and individuals from outside NDCS.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2016	2016 Annual Report	Present salary proposals to the Department of Administrative Services that would either result in longevity pay or the establishment of a tiered plan system where an employee can be rewarded for reaching certain work goals, achievements or certifications. For example, positions of Corporal I, Corporal II, and Corporal III could be created. To move from one tier to the other the individual would have to be in their position for a certain period of time, take outside classes, gain a special certification or accomplish goals established by NDCS. Health services staff could achieve something similar if they receive a form of health professional certification.	No Response Required	
2016	2016 Annual Report	Provide additional pay for employees who participate in extra duties that require additional training.	No Response Required	
2016	2016 Annual Report	Contact the Department of Administrative Services and begin the process of seeking a reclassification of correctional nurses (including Registered Nurses and Licensed Practical Nurses).	No Response Required	
2016	2016 Annual Report	End the $250 bonus program that is part of the $1.5 million retention plan and use the remaining funds to provide bonuses to employees who did not receive the $500 bonus that was announced in August 2016.	No Response Required	
2016	2016 Annual Report	Place limits on the amount of overtime that an employee can work in one week.	No Response Required	
2016	2016 Annual Report	Consider the banning of back to back 16 hour shifts by employees.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2016	2016 Annual Report	Provide quarterly updates to the Legislature and the Inspector General for Corrections on turnover rates, vacancy rates, and overtime data for all classifications of positions.	No Response Required	
2016	2016 Annual Report	Place a renewed focus on improving communication between behavioral health administration and staff.	No Response Required	
2016	2016 Annual Report	Review attempts in other correctional agencies to bring “new blood” into their agencies and develop short-term and long-term plans to do that for NDCS.	No Response Required	
2016	2016 Annual Report	Continue to develop more program options for inmates that would assist them in being paroled, including the development of programs provided in foreign languages.	No Response Required	
2016	2016 Annual Report	Complete a staffing analysis for the entire Department of Correctional Services.	No Response Required	
2016	2016 Annual Report	Provide regular updates to the Legislature and the Inspector General of Corrections regarding any changes that are made as a result of the Culture Survey.	No Response Required	
2016	2016 Annual Report	Continually review placements of inmates in the county jail program to check that the inmates who are placed there actually are qualified to participate in the program.	No Response Required	
2016	2016 Annual Report	Establish a goal to implement the restrictive housing peer support pilot program no later than October 1, 2017.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2016	2016 Annual Report	Convene a work group on communication that includes people in positions throughout NDCS and individuals from outside NDCS including former inmates. The focus would be to address how NDCS administration can communicate more efficiently and effectively with staff and inmates.	No Response Required	
2016	2016 Annual Report	Provide the Inspector General of Corrections and the members of the Nabarro suicide Critical Incident Review Team with regular updates on the progress of the recommendations made in the Critical Incident Review. NDCS should also do this for all Critical Incident Reviews that are done in the future.	No Response Required	
2016	2016 Annual Report	Provide additional transparency regarding accountability for the conditions that led to the escapes from the Lincoln Correctional Center on June 9, 2016.	No Response Required	
2016	2016 Annual Report	Develop a plan that would allow female inmates to be able to utilize community custody beds in the Omaha area after the female beds at the Community Corrections Center-Omaha cease to exist.	No Response Required	
2016	2016 Annual Report	Review options pertaining to using county jails as work release placements for people who will be transitioning to areas near those county jails.	No Response Required	
2016	2016 Annual Report	Review the necessity and the effectiveness of all work detail contracts.	No Response Required	
2016	2016 Annual Report	Review how inmates in community corrections are determined to be eligible for work detail versus work release in order to determine whether or not changes could be made to make more inmates eligible for work release.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2016	2016 Annual Report	Propose an increase in funding to the Vocational and Life Skills grant program.	No Response Required	
2016	2016 Annual Report	Expand the use of peer support programs by using inmates and people from outside NDCS. For example, consider using trained peers in restrictive housing settings or with individuals who turn down programming opportunities.	No Response Required	
2016	2016 Annual Report	Reconvene the work group on travel orders and present a plan that has short-term and long-term solutions and related plans of action to the NDCS Director and the Medical Director no later than January 1, 2017.	No Response Required	
2016	2016 Annual Report	Work with the Inspector General to update the programming spreadsheet on a quarterly basis.	No Response Required	
2016	2016 Annual Report	Examine the benefits of establishing new positions in medical areas, such as medication aides or medical assistants, that would then allow other health services staff to focus on their more immediate responsibilities.	No Response Required	
2016	2016 Annual Report	Work jointly with the Adult Parole Administration and the Board of Parole to present a plan to the Governor and the Legislature detailing how a correctional system overcrowding emergency would be administered.	No Response Required	
2016	2016 Annual Report	Work with peer facilities in other states to establish video conferences or other communication opportunities for staff from those facilities to interact with comparable NDCS staff. The emphasis would be on communicating with staff who have gone through changes or situations similar to what is taking place in that particular NDCS facility.	No Response Required	

Year	*Report Title/Source*	*Recommendation*	*Status*	*Notes*
2016	2016 Annual Report	Establish a two-year pilot program in order to provide “a specialized program to provide services for individuals with a developmental disability as defined by the Division of Developmental Disabilities.” The program would require that the Department contract with a provider certified by the Division and that they track data related to the program and report it to the Governor and Legislature. An emphasis of the program would be to assist with the successful re-entry of this population into the community.	No Response Required	