

**Overcrowding in Nebraska State Prison System:  
Recommendation Report**

Prepared for: Pete Ricketts, Governor of Nebraska  
Nebraska Judiciary Committee

Prepared by: Lauren Vana, Student – Class of 2020

December 4, 2018

## **Abstract**

### **“The Severity of Overcrowding in Nebraska State Prisons”**

Prepared by: Lauren Vana

As of 2018, the Nebraska state prisons are at 156 percent design capacity, or 1,900 inmates over design capacity. Prisoner population in Nebraska state prisons is projected to continue to increase through the year 2032, and though additional beds are expected to be added, the population will exceed that design capacity by 2024. This demonstrates the need for something more to be done to address the overcrowding issue. The purpose of this report is to examine the severity of overcrowding in Nebraska state prisons, its harmful effects on inmates, employees, and facilities, determine causes for prison overcrowding, and evaluate strategies that have been used to combat this issue based on time, cost, and effectiveness. The information, data, and graphs in this report were gathered from various newspaper articles, scholarly journals, and government reports. From this research, four recommendations are given to address overcrowding: 1) comprehensive sentence reform, 2) increased parole for nonviolent prisoners, 3) investment in resources for released prisoners, and 4) finishing state prison renovation plans. Addressing this problem would lead to a safer and better Nebraska.

Keywords: Prison Overcrowding; Nebraska State Prison; Department of Corrections

## Table of Contents

Executive Summary.....	1
Introduction.....	2
Overcrowding in Nebraska State Prison System.....	4
<i>Severity of</i>	
<i>Overcrowding.....</i>	4
<i>Effects on Inmates, Officers, and Facilities.....</i>	5
<i>Causes of Overcrowding.....</i>	6
<i>Previous Solutions.....</i>	7
Conclusions.....	10
Recommendations.....	11
<i>Step 1: Finish Renovation Plans.....</i>	11
<i>Step 2: Increase Parole for Nonviolent Crimes.....</i>	11
<i>Step 3: Pass Sentencing Reform Laws.....</i>	12
Works Cited.....	14
Bibliography.....	15
Glossary.....	16
Index.....	17

## EXECUTIVE SUMMARY

Overcrowding is a serious issue that has been plaguing the Nebraska state prison system for years. Reports showed that during the second quarter of 2018, Nebraska state prisons were at 156 percent capacity, housing 1,900 more inmates than they were designed to hold (Hammel). The Nebraska state prison system is currently the fourth most overcrowded state prison system in the country, according to the United States Department of Justice (Wiener). Overcrowding can lead to harmful effects to inmates' healthcare, safety, and rehabilitation and contribute to a stressful and unsafe working condition for officers. Though lawmakers have attempted to address this problem with sentence reform and add-ons to current facilities, none of these solutions have been effective. This proves that overcrowding is a severe problem in the Nebraska state prison system.

The purpose of this report is to provide a feasible and effective recommendation to relieve state prisons of overcrowding. My extensive research on prison overcrowding, and my status as a resident of Nebraska qualify me to make an effective recommendation on this issue. In order to gain an understanding of the severity of overcrowding in Nebraska state prisons to provide a suitable recommendation, it was important to conduct thorough research not only on the state of Nebraska prisons, but also prison systems of neighboring states in the region, such as Iowa, Kansas, and Illinois. Additionally, research was conducted on the effect of prison overcrowding on inmates, officers, and the facilities themselves in order to establish the effects of the status quo to motivate people to address this problem. More research was done on causes for overcrowded prisons. Lastly, research was conducted on previous strategies that have been implemented in Nebraska and comparable surrounding states, to address overcrowding. Strategies were analyzed and evaluated based on time, cost, and effectiveness. This ensured the recommendation was not repetitive and would be effective and feasible for Nebraska.

From this research, I conclude that it is not feasible to do nothing to address this problem because the rate of overcrowding in Nebraska state prisons has proven to be detrimental to inmates, officers, and the functionality of the prisons. Additionally, rates of prison population is projected to continue to rise through 2033, according to the Nebraska Department of Correctional Services 2013 Master Plan. I also conclude that Illinois's use of sentence reform is a timely, cost-effective, and useful way to address overcrowding in state prisons, and building more bed space is timely, but not as cost-effective, or long term useful.

My recommendation at the end of the report has 3 parts: 1) finish renovation plans for state prisons, 2) increase parole grants for nonviolent crimes, and 3) pass comprehensive sentencing reform.

## INTRODUCTION

The purpose of this report is to present research on overcrowding in Nebraska state prisons, including the severity of the problem, the harmful effects, the causes, and previous strategies. Resources used include newspaper articles, scholarly journals, and government documents. Prison overcrowding is a prominent issue in the United States, and has become a severe problem in Nebraska state prisons over the last decade. Overcrowding is state of prisons being over capacity. Currently, Nebraska has the fourth most overcrowded state prison system (Wiener) at 156 percent design capacity (Hammel). Design capacity is the capacity of a facility based on its design, that is, in ideal conditions with unlimited resources of power and materials. Though Nebraska has attempted to address this problem, no significant progress has been made and the overcrowding numbers are only projected to increase as far as 2033 (2014).

Overcrowding has many harmful effects on inmates, prison employees and facilities. It can lead to insufficient health and rehabilitation resources for inmates, violence between inmates, and increased suicide rate. For prison employees it leads to an unsafe a stressful work environment. This difficult environment leaves many employment positions vacant, so prisons are understaffed, have high turnover rates, and are inefficiently run. Lastly, overcrowding harms facilities due to overuse or misuse of appliances, equipment, and rooms. This causes reduced lifespan of these materials and facilities.

Overcrowding became a prominent problem in the United States after the “War on Drugs” era due to the strict sentencing laws that were enacted during this time. The War on Drugs era began in the 1970s and was a harsh crackdown on crime. Policies passed during this era include mandatory minimum sentences, which are legally required minimum terms for certain crimes, reduction of inmates granted parole (sometimes total abolishment of parole), and habitual offender sentences. Many of these policies are still in place at the state level and continue to contribute to the overcrowding problem because they increase the number of prisoners sentenced to lengthy terms and decrease the number of prisoners getting released. Another prominent cause for overcrowding in prisons is recidivism. Recidivism is the tendency for those released from prison to commit another crime and return to prison. High recidivism rates lead to higher overcrowding rates because inmates being released do not stay out of prison.

From the key points of research above, I conclude in the report that overcrowding in Nebraska state prisons is a serious issue that must be addressed or it will only worsen. Previous solutions implemented have not been effective and inmate population is only projected to continue to grow in the foreseeable future. Because of the projection and the proven detrimental effects of overcrowding on inmates, employees, and facilities, I conclude it is not feasible to do nothing to address this problem. The problem can only be solved using multiple strategies that have been proven to be feasible and effective. These solutions must address the issue both in the short term and the long term. It is apparent based on the causes of overcrowding that these solutions must accomplish four things: 1) more space needs to be added to prisons, 2) the recidivism rate must be reduced, 3) prisoner intake must reduce, and 4) prisoner release must expedite. I recommend the state of Nebraska follow a three step program to solve the problem of state prison overcrowding: 1) finish renovation plans for state prisons, 2) increase parole grants for

nonviolent crimes, and 3) pass comprehensive sentencing reform. According to my research, these recommendations are effective; they have been implemented in other states in the region that have severe overcrowding problems, such as Illinois and Iowa, and have had positive effects. The cost is also feasible, as all of the larger financial needs have already been passed by lawmakers.

## OVERCROWDING IN NEBRASKA STATE PRISON SYSTEM

Overcrowding in prison systems is a problem across the United States, and the Nebraska state prison system is no exception. State prisons in Nebraska have been overcrowded for over a decade and it has negative effects on both inmates and correctional officers. Previous methods for solving this crisis have done little to relieve state facilities of crowding. In this report, I will discuss the severity of overcrowding in the Nebraska state prison system, the harmful, negative effects overcrowding can have on inmates, employees, and the facilities, the causes of overcrowding in prisons, and what solutions have been implemented in the past to attempt to solve this problem.

### *Severity of Overcrowding*

Though overcrowding in Nebraska state prisons has been a problem for the past decade, it has reached more severe levels recently. According to the Omaha World-Herald, Nebraska state prisons held 5,263 inmates daily, which is 156 percent of capacity, or 1,900 more inmates than the prisons are designed to hold during the second quarter of 2018 (Hammel). Additionally, the inspector general's report on the State Penitentiary facility revealed that two dormitories both hold double their 100 inmate capacity, and the facility as a whole currently holds 600 more inmates than it is designed to hold, making it one of the most overcrowded prisons in the Nebraska state prison system. According to the Nebraska Department of Corrections website, there are multiple state facilities that are currently at more than 180 percent design capacity (NDCS). These statistics demonstrate the severity of the overcrowding problem within Nebraska state prisons.

Additionally, I researched state prison systems in surrounding states in the region, such as Iowa, Kansas, Missouri, Colorado, Minnesota, and Illinois to gain an understanding of how severe the overcrowding crisis is in the Nebraska state prison system in comparison to other similar state prison systems. Iowa, according to the Iowa Department of Corrections website, is currently at just under 124 percent capacity, or 1,114 inmates over capacity (Daily). According to the 2017 annual report issued by the Kansas Department of Corrections, Kansas state prisons at the time were nearly 2,000 inmates under capacity (Norwood). The St. Louis Post-Dispatch has reported that the Missouri state prison system is at 105 percent capacity (Bogan). According to the Illinois Policy Institute, in 2015, Illinois state prisons were at approximately 148 percent capacity (Jackson-Greene). Colorado state prisons are currently 300 inmates under capacity (source). Additionally, as of July 2016, Minnesota state prisons were 100 inmates under capacity. None of the states listed above, Iowa, Kansas, Illinois, Colorado, or Minnesota have as severe of an overcrowding crisis as Nebraska, and several are under or only just above design capacity. To further support this claim, according to the Bureau of Statistics within the United States Department of Justice, Nebraska is the fourth most overcrowded state prison system. These numbers give context to how severe Nebraska's problem is, and show that though this is a national issue, Nebraska's state system is exceptionally bad. Additionally, they give accurate places of comparison when looking at potential solutions to find what other states have tried.

### *Effects on Inmates, Officers, and Facilities*

Overcrowding in prisons has harmful effects on both inmates and officers. For officers, it can contribute to a negative working environment and unsafe conditions, which can lead to prisons not being run effectively, understaffed prisons, and high turnover rates for officers. The inspector general's report on the Nebraska State Penitentiary included "an unscientific survey of staff that indicated that more than half felt unsafe coming to work, and nearly 80 percent would not recommend the job to a friend or family member" (Hammel). The ACLU of Nebraska's lawsuit filed against the Nebraska Department of Corrections alleges that overcrowding in the state prisons has led to unsafe working conditions for the staff. For example there have been two violent riots in Nebraska state prisons that have resulted in many employees being injured. These riots were able to occur because of the large amount of inmates and the lack of employees (Sabata v. NDOC). The lack of employees at the state prisons can be attributed to the stressful and sometimes dangerous work environments, part of which is caused by the overcrowding issue.

To further demonstrate how overcrowding harms prison workers, larger-scale studies have been done on the effects of overcrowding on officers. A study conducted by the University of Alabama, the University of North Texas, Coastal Carolina University, and the Tuscaloosa Sheriff's office, surveyed 66 correctional officers at 3 Alabama men's prisons to discover the effects of overcrowding on the officers. All of the officers responded that crowding affected officer safety and led to increased violence. Almost two thirds associated crowding with stressful working conditions. Additional studies note that crowding leads to "frayed tempers, sloppy work, and inability to handle inmates [calmly]" (Martin). All of this research demonstrates how overcrowding negatively affects officers and makes it difficult for them to do their jobs efficiently. The effect of overcrowding on officers is severe and leads to low morale, high turnover rate, and understaffed facilities.

Overcrowding has also been shown to have negative effects on the inmates, harming their health, safety, and rehabilitation. The ACLU of Nebraska's lawsuit claims that overcrowding has caused substandard health and mental health care for inmates and "needless suffering and death" of inmates. According to the ACLU, overcrowding has directly caused multiple inmate deaths and suicides. Their lawsuit alleges that overcrowding has resulted in a state prison suicide rate that is 30 percent higher than the national average and two violent riots in the state prisons that left four inmates dead. Additionally, double bunking solitary confinement cells allegedly contributed to the murder of an inmate by his cellmate (Sabata v. NDOC). These specific examples demonstrate how overcrowding is an issue that must be taken seriously because it seriously harms and sometimes can kill inmates.

Additionally, research focused on the effects of overcrowding in prisons on inmates has been done across the United States. According to Meredith P. Huey and Thomas L. McNulty from the University of Georgia, studies reveal "deficient medical attention, diminished security, lack of access to rehabilitation programs, and relentless idleness as primary correlates of overcrowding" (Huey). Because of the large numbers, there are not enough resources to medically treat all inmates or rehabilitate them properly. They also write that research "[supports] the hypothesis



that the stress of crowding—and the accompanying struggles for resources, space, and autonomy—create atmospheres that impede inmate adaptation to prison life and increase the likelihood of suicide” (Huey). Further studies show that crowding also causes cramped sleeping quarters, loss of inmate privacy, elimination and violation of recreational and personal spaces. According to the survey of the 66 officers working in Alabama men’s prisons mentioned earlier, nearly three fourths responded that overcrowding was stressful for inmates as well (Martin). These studies prove how severely inmates are affected by overcrowding and how detrimental it can be to their healthcare, safety, and rehabilitation.

The facilities themselves are also harmed because of overcrowding and the stress it puts on the building and its operations. Some of these stresses include overuse of equipment (which leads to faster breakdown of equipment), higher level of incidents, volume based problems (such as humidity), and overlapping needs for multipurpose spaces (2014). The Nebraska Department of Correctional Services conducted tours and interviews to reveal the severity of this operational stress and found the following examples: Inmates sleeping on moveable cots at the Diagnostic and Evaluation Center facility, very long meal periods and/or very short meal periods (lunch that last from 10 am to 2 pm, or lunch which only lasts 15 minutes per group), HVAC systems which cannot keep up and are run constantly or run at uncomfortable levels to maintain required air circulation, the shower fan in Housing Unit K of Omaha Correctional Center constantly in use to combat humidity, housing intake inmates in infirmary or other special housing areas long term due to lack of general population bedspace, breakdown of equipment (water heaters, dishwashers, ovens) quicker than anticipated due to overuse, and lack of meeting and group spaces due to overutilization of all spaces (2014). The harmful effects on the facilities not only lead to discomfort and health risks for inmates and officers, they are also costly for the state. When equipment is constantly in use or overused, it needs to be replaced or repaired more often than it should be. These are just some of the examples that demonstrate the problems that overcrowding in Nebraska state prisons is causing, and demonstrates why this is a severe issue that can not be ignored.

### *Causes of Overcrowding*

Prison overcrowding has become a prominent issue in the United States over the past few decades. Many of the alleged causes of overcrowding consist of sentencing reform laws that were enacted during the beginning of the “War on Drugs” era in the mid 1970s, when politicians and authorities were trying to curb illegal drug use. These outdated laws flood the prison system with people serving extremely long, mandatory sentences for often nonviolent crimes.

According to the ACLU, one of the common policies at fault is harsh mandatory minimum sentencing laws. These laws require minimum prison terms for certain crimes, usually drug related, and are “inflexible” and “often extremely lengthy” (Overcrowding). They make it impossible for judges to adjust the sentencing to fit the crime or the defendant, depending on the seriousness, their role in the crime, their criminal history, or the likelihood that they would commit another crime. In Nebraska specifically, mandatory minimum sentences are applied to certain felonies as follows: three years imprisonment for a Class ID felony and five years

imprisonment for a Class IC felony, some of which include nonviolent, drug related crimes, as mentioned before.

Another policy causing overcrowding in prisons is habitual offender laws. These laws require extremely long sentences for offenders after committing their third or fourth crime. In Nebraska, a habitual offender is defined as anyone who has committed, been convicted, and sent to prison for two crimes, serving at least one year for each crime. If an individual is deemed a habitual offender in Nebraska, the law requires the individual to be sentenced to a mandatory minimum of ten years.

While some policies created harsh, mandatory sentences, others placed restrictions on parole and release, which has also led to an increase in the amount of time spent in prison. According to the Pew Center on the States, prisoners released in 2009 spent an average of 36 percent more time in prison than those released in 1990 (Overcrowding). Almost all states parole rates are low, and some have abolished parole completely. In Nebraska, prisoners must serve at least have of their original sentence in order to be eligible for parole.

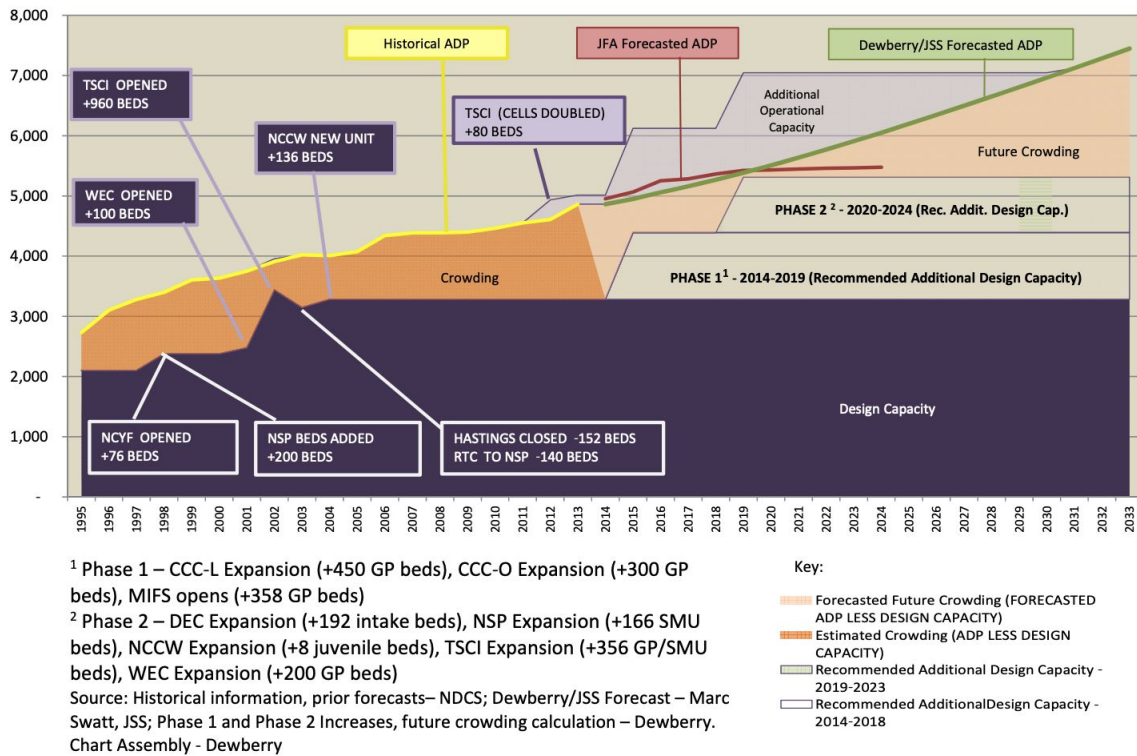
The last major cause of overcrowding in prison is the difficulty that prisoners have in returning to normal life, which usually leads to recidivism, or prisoners returning to prison after they have been released. Former prisoners have a hard time receiving help, attending higher education, or gaining employment due to their absence from the outside world for an extended amount of time and their status as an ex-convict. According to the Nebraska Department of Corrections 2016 Annual Report, of the 7,356 prisoners released from 2013 to 2015, 2,216 returned to prison, giving Nebraska approximately a 30 percent recidivism rate. According to the Nebraska Judicial Branch's report on recidivism, this number is cut in half if the prisoner was released early on parole; those individuals have a 14.2 percent recidivism rate (Wiener).

### *Previous Solutions*

Iowa, Illinois, and Nebraska prison systems, at 123, 148, and 156 percent design capacity respectively, are three of the most overcrowded prison systems in the United States. For the purpose of this report, their past solutions in response to severe overcrowding are evaluated based on time (how long between implementation of solution and observable effect), cost, and overall effectiveness (reduction of numbers in state prison populations).

One way Nebraska has attempted to address this problem is by increasing the design capacity of its facilities. In early 2018, Nebraska lawmakers allocated more money to the department of corrections to allow for bed space expansions and additional special housing spaces for elderly and mentally inmates to be built. Though this solution is timely, lawmakers were in talks in March of 2018 and construction began in September 2018, it is also very costly and not very effective long term. Lawmakers set aside over 100 million dollars to complete the project, and according to the Nebraska Department of Correctional Services 2014 Master Plan, it is only a temporary solution.

Figure 1-7 – Shortfall Chart 1995-2033, with Phase 1 and 2 Expansion



The graph above shows how prison population is projected to increase through 2033, and the additional design capacity will be exceeded almost as soon as it is completed and future crowding will continue (NDOC). While additional space is a good solution for short term relief because it is quickly effective, other measures must be taken to address this issue long term.

Iowa addressed this issue similarly to Nebraska by constructing more bed space in its existing facilities, but Iowa also constructed a new prison to replace one of its older prisons. Iowa added on about 200 beds in 2013 and completed a new facility, Mitchellville women’s prison, to replace Fort Madison prison, a facility that was hundreds of years old. The new prison also has 350 additional beds. This solution was timely, construction was underway in 2011 and finished up in 2013. It was ultimately cost effective because the new facility costs 53% of the \$1.5 million annual cost it took to keep the old prison running, while providing 350 more spaces. Though the solution, much like Nebraska’s was initially effective in relieving overcrowding, it is not a long term strategy. The new facility and addition were completed in 2013, and by 2018, Iowa state prisons were at 124% capacity (IDOC). Iowa lawmakers also attempted to resolve this issue by passing laws that altered sentencing. One such law, proposed in early 2017, reduced disparity of sentencing for possession of crack and powder cocaine (previously 10 to 1). This solution is cost effective; passing this law requires no expense and if it reduces prison population it saves the 95 dollars a day it costs to house those prisoners. Over a year later, this solution has not been proven to be timely or effective. Prison overcrowding in Iowa in 2018 is still a major issue.

Illinois has addressed this problem in different ways. First, Governor Rauner appointed a Commission on Criminal Justice and Sentencing Reform to locally help control prison numbers. One of the first counties to implement a council similar to this model was McLean County in Illinois in 2011. The council was made up of attorneys, law enforcement, community members, and policy makers. At the time it started, McLean had one of the highest rates of Illinois counties of sending drug defendants to state prison. The council introduced a variety of different local level initiatives to work against state prison crowding. One of these was notifying judges when jails were nearing capacity, so low-level defendants may be released at their bond hearings. Some defendants were being held for minor infractions because they were unable to pay 100 dollars. Additionally, being released pre-trial allows defendants to build their case and gives judges options beyond incarceration later. According to the Center for Criminal Research at Loyola University the change to only jailing defendants with serious offenses most likely contributed to the decrease in numbers sent to state prison because according to their research, people who are not detained are less likely to go to prison. The council also shifted from state prison to parole as the primary sentencing for nonviolent criminal cases. This solution proved to be both cost effective, because it required little additional funding to accomplish. It also was effective; state prison admissions from McLean county went from 385 to 296. This solution was not as timely. The council began meeting in 2011 and that drop was not measured until 2016 (Brady-Lunny).

Another solution that Illinois implemented was the Illinois Adult Redeploy, which is a “state program that grants funds to community-based, county-level services, [and] provides financial incentives for counties to divert people from prison by keeping them in the community...the state program returns money to communities to invest in local efforts in exchange for reducing the number of people sent to prison” (Brady-Lunny). This solution has been effective; it contributed to the prison number decrease in McLean county because it incentivizes counties to work locally to reduce their state prison admissions numbers. It is not as cost effect as other solutions, because it does require the state government to provide funds for local services. It is also not as timely, because like other solutions, it takes several years to see a significant effect.

Another way Illinois addressed prison crowding was through a comprehensive sentencing reform law. First, this law allowed defendants who violated their probation to be jailed locally, rather than sent to state prison. Second, the law allows minor offenders who previously spent nine months in state prison, instead remain in their counties on probation supervision. Third, it allows state prison officials to grant an expanded group of inmates “supplemental sentencing credits” that effectively reduce their sentence by participating in rehabilitation programs during their time in prison. Last, the law repealed mandatory sentences for many crimes, specifically drug-related offenses. Though the law just became effective on January 1, 2018, James Austin, a researcher and consultant familiar with the Illinois prison system, believes it will reduce state prison population by 5,000 to 7,000 inmates, and could drop to 35,400, by 2024 from 48,000 in 2015 (Brady-Lunny). This proves that though this solution is quite effective it is not as timely. Additionally, this solution is quite cost effective because it requires no large investments.

## CONCLUSIONS

From my research, I am able to conclude the severity of overcrowding in Nebraska state prisons and the aspects of various strategies that are successful in addressing overcrowding in state prisons.

Nebraska state prisons are currently at 156 percent design capacity, more than any other state prison system in the region. Nebraska is ranked fourth in the United States among most overcrowded state prison systems. This establishes that overcrowding in Nebraska state prisons is a prominent problem.

Overcrowding has been proven, by Nebraska Department of Corrections reports and multiple scholarly journals, to be harmful to inmates, officers, and facilities. It can lead to lack of healthcare, rehabilitation programs, and unsafe conditions for inmates. It contributes to stressful and unsafe working conditions for officers, which in turn leads to understaffed prisons and high turnover rates. It also harms the functionality of prisons through overuse of appliances and lack of space. Additionally, multiple projections have shown that the population in Nebraska state prisons will only increase for the foreseeable future. This establishes that if no action is taken, the prison system will not only continue to be dysfunctional, it will worsen over time.

This research ultimately leads me to the conclusion that overcrowding in Nebraska state prisons is a serious problem that needs to be addressed in both the front end, through sentencing and justice reform, and the back end, through prison reform. Additionally, it establishes that the main causes of overcrowding are policy issues, such as harsh sentencing and parole laws, and high recidivism rates due to lack of resources for former prisoners. Neither of these issues has been successfully addressed in the Nebraska state prisons. Reducing overcrowding will lead to better access to resources to improve inmate health and rehabilitation, less stressful and safer work environment for officers which will decrease turnover rate and improve staff numbers, and less operational stress, which will lead to better use of the existing facilities. Ultimately, addressing overcrowding will make Nebraska a safer and better state.

## RECOMMENDATIONS

From this research, it can be seen multiple solutions must be implemented in order to address the problem of overcrowding in Nebraska state prisons fully. All of the policies must be implemented in full to have a lasting and significant effect; one policy or many partial policies will not completely address this issue. With the research done on previous strategies used to work against overcrowding, the main discrepancy between strategies that worked were their timeliness, some were effective quickly for the short term, while others took many years but resolved the problem for the long term. It would be advantageous then to implement two waves of strategies: 1) short term policies that offer more immediate relief while longer term policies are starting up and 2) long term policies that solve the underlying problems short term policies ignore and better the state prison system for the future. With this information in mind, I recommend the State of Nebraska implement the following steps to reduce state prison overcrowding: 1) finish renovation plans for state prisons, 2) increase parole for nonviolent crimes, and 3) pass comprehensive sentencing reform.

### *Step 1: Finish Renovation Plans*

Currently, Nebraska lawmakers have planned to address the state prison overcrowding problem by adding on to the current design capacity. There are plans to build a new 100 bed dormitory, a separate addition for elderly and mentally ill inmates, and a further nondescript expansion on to the Community Corrections Center in Lincoln. Lawmakers have allocated approximately 100 million dollars to accomplish this (Williams). While this is a large amount of money, I recommend lawmakers follow through with this plan because it will have an impact on the issue relatively quickly. Construction on the new additions has already begun, and according to the 2014 Master Plan, it should be completed in 2019 or 2020 (2014). This will also allow further strategies to be more effective, since the design capacity has increased, less reduction will need to be done.

As can be seen in Figure 1-7, this solution by itself, as is proposed by the State of Nebraska now, is not complete nor long term (2014). The addition will not increase the design capacity enough to eliminate overcrowding entirely; it will only reduce it so that the crisis is not as severe. Also, prison population in Nebraska is expected to continue to increase, so overcrowding will continue to grow to severe levels even after the additions are completed, unless other policies are implemented to curb that rate.

### *Step 2: Increase Parole for Nonviolent Crimes*

In response to the state prison overcrowding crisis, state lawmakers have declared a July 1, 2020 deadline to reduce the overcrowding number to under 140 percent design capacity. If this deadline is not reached, an emergency will be declared, and, the Lincoln Journal Star notes, “officials will have to consider paroling all eligible inmates” (Williams). To avoid reaching this point and to address the overcrowding issue immediately, I recommend officials begin increasing parole for inmates charged with nonviolent crimes as soon as possible.

In 2017, 4,951 inmates' cases were reviewed for parole, and only 1,395 were given a hearing, and 3,552 were deferred (4 had no motion made) (Parole). The most popular reason for deferring inmates' cases was not the seriousness of their offense or their past behavior, but because the board believe continued correctional treatment was needed. If the parole board granted more hearings for inmates eligible for parole, they may be able to hear more cases that are worthy of parole, and reduce inmate numbers. Of the 2,026 parole hearings held, 190 inmates were denied, and 366 were deferred. The most popular reason (besides other) for those decision was "no reason listed" (Parole). Again, if the parole board seriously considered granting more inmates parole, they could avoid an overcrowding emergency in the future that may force them to grant all eligible inmates parole, even those that are dangerous.

Increasing parole for inmates charged with nonviolent crimes would benefit both the short term and the long term in fighting prison overcrowding. In the short term, it would reduce the number of inmates by releasing more on parole. In the long term, studies have shown that parole decreases recidivism. Nebraska, on average, has approximately a 30 percent recidivism rate. According to the Nebraska Judicial Branch, if the prisoner is released early on parole, that number drops to a 14.2 recidivism rate (Wiener). Increasing parole would decrease the overall recidivism rate and mean less individuals are returning to prison, which would decrease inmate population in the future. This recommendation is feasible, because parole board reviews and hearings already occur once an inmate is eligible. The only foreseeable cost is the potential need for an increase in the number of parole officers so they can properly manage their cases. In Nebraska, a parole officer makes 50,000 dollars on average, so the expense is certainly feasible for a long term solution (Salary).

### *Step 3: Pass Sentencing Reform Laws*

In order to solve the overcrowding problem in Nebraska long term, it is necessary to get at the root of what caused the problem. Research suggests the main cause is the harsh sentencing laws enacted during the War on Drugs era. I recommend the state of Nebraska enact new sentencing laws that are more flexible. This would include getting rid of mandatory minimum sentences for nonviolent crimes and mandatory sentences for habitual offenders, allowing judges more flexibility to sentence as it fits the crime and defendant. Doing so would mean inmates are not serving unnecessarily long sentences for their crimes, which would decrease the number of inmates over time. Another aspect of these laws is allowing more lower level defendants to be released at their bond hearings, so they are not spending time in jail because they are unable to pay 100 dollar fees. This additionally will mean less nonviolent defendants end up in state prison because research shows if they are release pretrial and have time to build their case, they are less likely to end up in prison. The law should also allow officials to offer supplemental sentence credits, that allow inmates to reduce their time in prison by participating in rehabilitation and other programs. This would benefit the cause twofold: 1) more inmates can get reduced sentences which would decrease the inmate population, and 2) inmates who receive rehabilitation will be less likely to return to prison in the future, decreasing the population in the future.

The state of Illinois enacted sentencing reform laws, similar to those listed above, including getting rid of mandatory minimum sentences and granting supplemental sentence credits. Research on the effects of these solutions has shown them to be very effective in the long term, reducing state prison population by 25 percent in 9 years. Enacted in Nebraska, in partnership with the other recommended programs and it is reasonable to believe this will be very effective. This solution is also very feasible; it would be no additional cost for the state, since they are just sentencing policy changes.



## WORKS CITED

- Bogan, Jesse, and Kurt Erickson. "Missouri Faces Choice: Improve Prison System or Build Two New Lockups, Task Force Warns." *St. Louis Post-Dispatch*, 4 Jan. 2018.
- Brady-Lunny, Edith, and Ted Gest. "New Law Addresses Need to Reduce Illinois' Prison Numbers." *Herald and Review*, 28 Jan. 2018.
- "Daily Statistics." *Iowa Department of Corrections*, State of Iowa, 30 Oct. 2018, [doc.iowa.gov/daily-statistics](http://doc.iowa.gov/daily-statistics).
- Hammel, Paul. "Inspector General Says State Penitentiary's Problems Now Rival Tecumseh Prison." *Omaha World-Herald*, 11 Oct. 2018.
- Hammel, Paul. "ACLU of Nebraska Files Lawsuit over Prison Overcrowding, Says Conditions Violate Inmates' Rights." *Omaha World-Herald*, 16 Aug. 2017.
- Huey, Meredith P., and Thomas L. McNulty. "Institutional Conditions and Prison Suicide: Conditional Effects of Deprivation and Overcrowding." *The Prison Journal*, vol. 85, no. 4, Dec. 2005, pp. 490–514., doi:10.1177/0032885505282258.
- Jackson-Greene, Bryant. "Illinois Leads Nation in Overcrowded Prisons." *Illinois Policy*, Illinois Policy Institute, 13 Oct. 2015, [www.illinoispolicy.org/illinois-leads-nation-in-overcrowded-prisons/](http://www.illinoispolicy.org/illinois-leads-nation-in-overcrowded-prisons/).
- Martin, Joseph L., et al. "'They Can Take Us Over Any Time They Want': Correctional Officer's Responses to Prison Crowding." *The Prison Journal*, vol. 92, no. 1, 2012, pp. 88–105.
- "NDCS Research Division." *NDCS*, Nebraska Department of Correctional Services, 2017, [corrections.nebraska.gov/public-information/ndcs-research-division](http://corrections.nebraska.gov/public-information/ndcs-research-division).
- Overcrowding and Overuse of Imprisonment in the United States*. ACLU Foundation, 2015, *Overcrowding and Overuse of Imprisonment in the United States*, [www.ohchr.org/Documents/Issues/RuleOfLaw/OverIncarceration/ACLU.pdf](http://www.ohchr.org/Documents/Issues/RuleOfLaw/OverIncarceration/ACLU.pdf).
- Sabata v. Nebraska Department of Corrections. No. 4:17-cv--03107. United States District Court for the District of Nebraska. 16 August 2017.
- Salary.com. "Salary for Parole Officer in Nebraska." *Hyperbaric Technician Salaries by Education, Experience, Location and More - Salary.com*, 1 Dec. 2018, [www1.salary.com/NE/Parole-Officer-Salary.html](http://www1.salary.com/NE/Parole-Officer-Salary.html).
- United States, Congress, "2014 Master Plan Report." *2014 Master Plan Report*, 2014.
- United States, Congress, Norwood, Joe, et al. "Annual Report Fiscal Year 2017." *Annual Report Fiscal Year 2017*, 2017.
- United States, Congress, "Parole Reviews in FY 2017." *Parole Reviews in FY 2017*, 2017.
- Wiener, Richard L. *Recidivism Rates for Nebraska Adult Probationers: 2006 to 2012*. University of Nebraska, 2017, *Recidivism Rates for Nebraska Adult Probationers: 2006 to 2012*.
- Williams, Tess. "Lawmakers Seek Solutions for Nebraska's Overcrowded Prisons." *Lincoln Journal Star*, 25 Mar. 2018.

## BIBLIOGRAPHY

- Bogan, Jesse, and Kurt Erickson. "Missouri Faces Choice: Improve Prison System or Build Two New Lockups, Task Force Warns." *St. Louis Post-Dispatch*, 4 Jan. 2018.
- Brady-Lunny, Edith, and Ted Gest. "New Law Addresses Need to Reduce Illinois' Prison Numbers." *Herald and Review*, 28 Jan. 2018.
- "Daily Statistics." *Iowa Department of Corrections*, State of Iowa, 30 Oct. 2018, [doc.iowa.gov/daily-statistics](http://doc.iowa.gov/daily-statistics).
- Hammel, Paul. "Inspector General Says State Penitentiary's Problems Now Rival Tecumseh Prison." *Omaha World-Herald*, 11 Oct. 2018.
- Hammel, Paul. "ACLU of Nebraska Files Lawsuit over Prison Overcrowding, Says Conditions Violate Inmates' Rights." *Omaha World-Herald*, 16 Aug. 2017.
- Huey, Meredith P., and Thomas L. McNulty. "Institutional Conditions and Prison Suicide: Conditional Effects of Deprivation and Overcrowding." *The Prison Journal*, vol. 85, no. 4, Dec. 2005, pp. 490–514., doi:10.1177/0032885505282258.
- Jackson-Greene, Bryant. "Illinois Leads Nation in Overcrowded Prisons." *Illinois Policy*, Illinois Policy Institute, 13 Oct. 2015, [www.illinoispolicy.org/illinois-leads-nation-in-overcrowded-prisons/](http://www.illinoispolicy.org/illinois-leads-nation-in-overcrowded-prisons/).
- Martin, Joseph L., et al. "'They Can Take Us Over Any Time They Want': Correctional Officer's Responses to Prison Crowding." *The Prison Journal*, vol. 92, no. 1, 2012, pp. 88–105.
- "NDCS Research Division." *NDCS*, Nebraska Department of Correctional Services, 2017, [corrections.nebraska.gov/public-information/ndcs-research-division](http://corrections.nebraska.gov/public-information/ndcs-research-division).
- Overcrowding and Overuse of Imprisonment in the United States*. ACLU Foundation, 2015, *Overcrowding and Overuse of Imprisonment in the United States*, [www.ohchr.org/Documents/Issues/RuleOfLaw/OverIncarceration/ACLU.pdf](http://www.ohchr.org/Documents/Issues/RuleOfLaw/OverIncarceration/ACLU.pdf).
- Sabata v. Nebraska Department of Corrections. No. 4:17-cv--03107. United States District Court for the District of Nebraska. 16 August 2017.
- Salary.com. "Salary for Parole Officer in Nebraska." *Hyperbaric Technician Salaries by Education, Experience, Location and More - Salary.com*, 1 Dec. 2018, [www1.salary.com/NE/Parole-Officer-Salary.html](http://www1.salary.com/NE/Parole-Officer-Salary.html).
- United States, Congress, "2014 Master Plan Report." *2014 Master Plan Report*, 2014.
- United States, Congress, Norwood, Joe, et al. "Annual Report Fiscal Year 2017." *Annual Report Fiscal Year 2017*, 2017.
- United States, Congress, "Parole Reviews in FY 2017." *Parole Reviews in FY 2017*, 2017.
- Wiener, Richard L. *Recidivism Rates for Nebraska Adult Probationers: 2006 to 2012*. University of Nebraska, 2017, *Recidivism Rates for Nebraska Adult Probationers: 2006 to 2012*.
- Williams, Tess. "Lawmakers Seek Solutions for Nebraska's Overcrowded Prisons." *Lincoln Journal Star*, 25 Mar. 2018.

## GLOSSARY

Design capacity: maximum capacity of a facility based on its design, achieved under ideal conditions.

Habitual offender: individual convicted of a crime who was previously convicted of a different crime.

Mandatory minimum sentence: legally requires offenders to serve a minimum term.

Overcrowding: over capacity.

Recidivism: tendency of a convicted criminal to reoffend and return to prison.

Turnover rate: percentage of employees leaving an establishment during a set time.

## INDEX

ACLU, 6, 7

ACLU of Nebraska, 5

Community Corrections Center, 11

Department of Justice, 1, 4

Diagnostic and Evaluation Center, 6

Fort Madison Prison, 8

Illinois Corrections, 1, 3, 4, 8, 9, 13

Iowa Corrections, 4, 8

Lincoln, 11

Nebraska State Penitentiary, 4, 5

Omaha, 4, 6

War on Drugs, 2, 6, 12