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Judiciary Committee  
October 20, 2017

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[LR172 LR173]

The Committee on Judiciary met at 9:30 a.m. on Friday, October 20, 2017, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR173 and LR172. Senators present: Laura Ebke, Chairperson; Patty Pansing Brooks, Vice Chairperson; Roy Baker; Matt Hansen; and Bob Krist. Senators absent: Ernie Chambers; Steve Halloran; and Adam Morfeld.

SENATOR EBKE: Thank you all for being here this morning. We're going to go ahead and get started. We have one senator who is unaccounted for, one who will be late, and a couple who are not able to make it today. So my name is Laura Ebke. I chair the Judiciary Committee. This is an interim study. I will let my two colleagues who are here introduce themselves.

SENATOR BAKER: Senator Roy Baker, District 30.

SENATOR KRIST: Senator Bob Krist. I represent District 10. And I'd like to introduce a young man who is shadowing me today, Aden Whipple. Please stand up and say hi to the crowd, put you on the spot, interested in politics and obviously wants to see what the Nebraska Legislature is about. So thank you.

SENATOR EBKE: Okay. Well, welcome to the Judiciary Committee. If you're planning on testifying today, you might go ahead and fill out the yellow sheet over there. We will be taking invited testimony that Senator Wishart has lined up. And then if we have time, we will allow others to say a few words if they want to. We're going to start with LR173 and then proceed to LR172 which is also Senator Wishart's bill...resolution. And my goal is to be done by 11:30, so we'll see if that's possible. But if you find that you are repeating somebody else, maybe don't. (Laughter) You know, let's try to keep things moving as much as possible. So, Senator Wishart. [LR173]

SENATOR WISHART: (Exhibit 1) Well, thank you. Good morning, Chairwoman Ebke and members of the Judiciary Committee. My name is Senator Anna Wishart, A-n-n-a W-i-s-h-a-r-t, and I represent the great 27th District in west Lincoln. I'm here today to introduce LR173, an

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interim study to review work detail and work release efforts at our community corrections centers. My goal is to expand work release in our state and, in doing so, reduce recidivism and the cost of incarceration. District 27 has four correctional institutions residing in its boundaries and over 51 percent of the inmate population lives in them. It is important to me for the staff who work in these facilities, for the constituents who live near them, and for the inmates who live within them that our system is working. I also introduce this interim study mainly because it makes sense that we would have as many people as we believe are safe in work release programs or, at the very least, on work detail. Most people in this state, we wake up every morning and contribute to society every day. We go to work, many having two jobs. We take care of our families. We pay taxes, our mortgage, our rent, and what we have left we save for a rainy day. Why wouldn't we expect the same from those who have committed a crime? To me it is common sense that a person who is serving time and is classified as low risk would be on work release. They would wake up and go to work. They would pay for part of their stay at the corrections facility. They would pay their child support and taxes. They would pay victim restitution, and the rest they would put into savings for when they are released. I had a chance to tour the new 100-bed work release dorm and I thank Director Frakes for his work on making this a reality. We need more and we need more creative ideas and collaborations. I think we should look into other potential community facilities, like county jails, to add additional work release space where offenders can work closer to the place where they plan on being released and living afterwards. I think we should better utilize the Work Ethic Camp in McCook. I had hoped that Dean Ron Rosati of the College of Technical Agriculture would be able to be here today to speak to you. We've had many conversations about a collaboration with his college and the McCook facility. He is interested in training inmates for careers in agriculture and utilizing the five acres of land at the facility as both training and income-generating operations. The final reason I've introduced this interim study is purely budgetary. It costs far less to house someone in work release. With our budget shortfalls, we should be looking at every way possible to find smart efficiencies. So I want to preface this by saying I am absolutely not a policy expert in the area of Corrections. I consider all of you here in front of me to be the policy experts since you serve on the Judiciary Committee. But I have a lineup of people here to testify today who are experts and can speak in more detail about current programs that could be expanded and potential ways in which we can expand work release in our state. Thank you so much and I'd be happy to take any questions.

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SENATOR EBKE: Questions for Senator Wishart at this point? I guess not. [LR173]

SENATOR WISHART: And I'll waive closing. [LR173]

SENATOR EBKE: Okay. I've got a list of people. I'll go ahead and call them in that order and then if there's others that want to come up. Doug Koebernick, our Inspector General. I'm not going to put you on a timer so...but use some discretion. [LR173]

DOUG KOEBERNICK: No, I always like to get right to the point. [LR173]

SENATOR EBKE: Okay. [LR173]

DOUG KOEBERNICK: (Exhibits 2, 3, and 4) Good morning, Senator Ebke and members of the Judiciary Committee. I just handed her a tree I think. My name is Doug Koebernick, spelled K-o-e-b-e-r-n-i-c-k, and I work for the Legislature as the Inspector General of Corrections. I want to thank Senator Wishart for introducing this legislative resolution which is on a key correctional topic, the employment of those who are incarcerated. She has a number of people, like she said, that are going to be here to share on this topic, so I'd just like to focus on a couple of relevant issues related to it. Once an inmate is classified as a community custody offender, they are eligible to go to a community correction center in either Lincoln or Omaha. While there, they engage in either a work detail or work release opportunity. To save you some time, I've shared an excerpt from my 2016 report that provides additional details on how that works for you. A key part of my position is I am independent of the department and can look at issues from a different perspective. In the area of community corrections, I've tried to do that. And in 2016 I presented a memo on this topic to the LR34 Committee and I provided a copy of that to you today too. At that time, I shared that some states have utilized smaller work release centers in several communities within their state. By establishing smaller facilities throughout the state, offenders are able to pursue transitional and employment opportunities closer to their home communities. They also receive a more individualized level of support, and these local opportunities can increase their chances of a more successful transition. I believe that this is something that can be attempted in Nebraska. Currently there are only two facilities and they are in Lincoln and Omaha. In addition, the facility in Omaha will soon no longer serve any women. I believe

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Nebraska should look at having these smaller programs in communities such as Norfolk or South Sioux City, Grand Island, Alliance, wherever since not every offender comes from either Lincoln or Omaha. I also think that a combined effort between Probation, Parole, and Corrections would also be an innovative and likely successful model. While this would add beds to the system, this would also allow our current centers to serve a population that they were intended to serve by actually decreasing their overcrowded conditions. Right now you have six or eight people in a room that was designed for possibly four or so. And if we have these additional beds, maybe we can get back to having those community corrections centers serve the actual number that they're intended to serve. And that will only, I think, make those centers much more effective. Since I have the opportunity to talk about community corrections center, I also want to share an example of how sometimes the department can have good intentions but also impede the ability of individuals to successfully transition back into the communities. During recent weeks, the Ombudsman's Office has had offenders contact them who are eligible to begin work release. However, they are now being told that they have to take a program called Thinking for a Change even though they had not been informed about that in the past. While there's nothing wrong with this program and I believe the Council of State Governments is a strong advocate of this program, the problem is that it is offered on two weekday afternoons each week for about three months. Due to space and staffing issues, the Community Corrections Center in Lincoln is unable to offer the class in the evening or on the weekend. This means that the men now have to take that program and aren't able to go out and have a full-time work release job in the community. The one...I think the best example that I was provided is a man who is eligible for parole or will be paroled in January. He's eligible for work release right now, so he's got about three months to get ready and go back in the community. But he can't do a work release position, so he has to do a work detail position. The difference between that is maybe he's making a few dollars a day versus, you know, at least ten bucks an hour or so in a work release position. So this means he is not going to be able to save up the money that he really needs to transition back in the community; he doesn't build those ties in the community, and this impacts him. I'm not saying he doesn't need the programming, but there's other ways of going about it, including I contacted the State Parole Administrator and she said that they're requiring some men and women to take that class while on parole. However, they are offering it on weekends and in the evenings. In these cases, it would appear to make a lot more sense to allow these individuals to take that program once they are paroled and let them get out and work where they can make and

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save actual money and begin that transition. Finally, I want to share some materials that were provided to me by Gary Hill, an international corrections consultant who resides in Lincoln. He put this proposal together last year in order to hopefully begin a discussion on interesting alternatives to traditional correctional facilities. I referenced it in my report this year and just wanted to share that with you. Again, I want to thank Senator Wishart for introducing this resolution and I am open to answering any questions. [LR173]

SENATOR EBKE: Senator Krist. [LR173]

SENATOR KRIST: Thanks, Doug, for all your hard work. It should be noted and put on the record that these suggestions and the package that we have in front of us we saw as an LR34 Committee; we talked about as LR424 Committee, of which both I've been a member of. And hopefully the new oversight committee will see the same information or get the same information this afternoon in some way. But for the record, the example that you gave is from Washington State, which is where Director Frakes came from. These ideas were given to him over two years ago and we've seen very little effort in trying to move these things forward. And particularly the question that is bothersome to me is that we really have no place where women can go in a setting. Now the new twist is we enter another barrier to getting our prison population on the road and helping them to not recidivate by getting them out there in the corrections. Again, two years, too long. Some of my colleagues have been quoted as saying it took us ten years to get here. Well, no, it took us better than ten years to get here... [LR173]

DOUG KOEBERNICK: That's true. [LR173]

SENATOR KRIST: ...and we don't have time to waste. So I'm not sure...is there anybody from the department here to testify today? [LR173]

\_\_\_\_\_: Corrections administration or (inaudible)? [LR173]

SENATOR KRIST: Representing the Corrections, Director Frakes. No. And that is indicative of the lack of support and the lack of cooperation between the legislative branch and the executive branch. So thank you, Doug, for all your hard work. You're welcome to comment on anything

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that I said. I really don't have a question other than maybe why not? Why haven't we taken those steps? [LR173]

DOUG KOEBERNICK: I think that's a good question. There are a couple of things I would just throw out there real quick. One is last year I sent out a survey to all the county jails and asked them if they were interested or had the ability to provide work release opportunities for state inmates. I came up with that idea after being out at Hall County and they actually have a work release unit that was pretty much empty, and they said they would love to have inmates that are from Hall County or Adams County and come out there and finish their sentences there and everything. I gave that information to the department. They have not done anything on that as far as I know. Director Frakes has shared that they are trying to do something with Scotts Bluff County. I've asked for the details on that but have not received any details whatsoever. [LR173]

SENATOR KRIST: And, Madam Chair, maybe you could ask those questions directly of the director again either as your function on this committee or LR127. Thank you. Thank you, Doug. [LR173]

SENATOR EBKE: Questions? Thanks for being here. [LR173]

DOUG KOEBERNICK: All right. [LR173]

SENATOR EBKE: Jerall Moreland. [LR173]

JERALL MORELAND: (Exhibit 5) Senator Ebke, members of the Judiciary Committee, good morning. My name is Jerall Moreland, J-e-r-a-l-l, Moreland, M-o-r-e-l-a-n-d. I am here today representing the State Ombudsman's Office in the capacity as Deputy Ombudsman for Institutions. I would like to thank Senator Anna Wishart for the invitation to offer our views on the possible subjects the committee might be interested in as it relates to the Nebraska Community Corrections Centers. Much of what I will offer today in written testimony, I will also make a few couple...or a couple remarks on as well. I think I could frame it in three questions: One is, how to obtain key job skills? How do inmates obtain key job skills? How do we increase work release opportunities? And third, review the function of the Work Ethic Camp in McCook.

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When we look at obtaining key job skills, we're looking at increasing CSI opportunities and also reviewing how do we expand employability skills to the inmate population? While we are pleased to see the continued implementation of services such as reentry, vocational life skills, and nonclinical programs provided to the inmate population, we would also stress the need to expand these programs' offering throughout the department. In particular, we would urge the department to enhance job skills training that can be transferred between different jobs and employment sectors. Essentially, we would encourage movement and focusing on those soft skills that are necessary for acquiring, maintaining, and resulting in the success of a job. Additionally, we would encourage the department to provide worthwhile employability skills earlier in an inmate's sentence structure. We believe this would put soft skills in an inmate's toolbox before being transferred to a community center. We also would support and believe it to be beneficial to explore what type of programs are being offered to the inmate population. To assure that program offerings cover employability skills such as teamwork building, interpersonal skills, communication skills and foundational skills, an examination of the programs would identify any deficiencies in curriculum that may need to be addressed. Our office for some time has been interested in the department's correctional industries program. The program also known as Cornhusker State Industries is a work program that attempts to prepare and equip inmates to enter the work force upon release and become productive employees. It is a self-sustaining operation as required in state statute that utilizes a business model that offers inmates experience such as going through a job interview to obtain employment and providing a final product or service to a customer. Cornhusker State Industries operates under three basic type of programs with different cost centers: traditional, which are cost centers that typically produce a product or service for state agencies to include tax-supported entities; Private Venture, which is commonly referred to as "PIE" programs which is a federal program designed to encourage states and units of local government to establish employment opportunities for prisoners that approximate private sector work opportunities; and, thirdly, apprenticeship opportunities in which specific areas such as association of builders and contractors, OSHA certifications are obtained by the inmate. Many states operate such correctional industry models. In fact, there are studies that validate released inmates having correctional industries experience secure better paying jobs, obtain work more quickly, and retain jobs longer than inmates without this experience. It is our belief that raising the public awareness and support for correctional industries has real-life value, in particular for those who work in the Private Venture model as

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they become not only taxpaying citizens but are required to maintain a savings as well. However, at this time, it appears that the department employs about 7-9 percent of the inmate population; and this number is drastically reduced to an estimated 2 percent when we look at the PIE program only. Based on this information, we would suggest an examination of Cornhusker State Industries be performed to determine if the program is being used in the most optimum levels. If you look at the bottom of page 2, you will notice data concerning the Community Corrections Center. The below information taken from the department records depicts the census of each Community Center, the percentage of the census actually on work release or in the community, and the percentage of those within release from the department jurisdiction. If we look at Community Corrections Center of Lincoln, we have approximately a census of 410. Out of that 410, 165 inmates are participating in the work release program. That's less than half the inmates at the Community Corrections Center in Lincoln that are participating in a work release program that would better transition and prepare inmates for success out in the community. If we go to CCCO, Community Corrections Omaha, we have an inmate census of 181 with a census of 74 inmates participating in work release. So again, I think those are questions that this committee may be interested in and those are areas that we may want to explore to determine why less than half of the inmates are participating in a work release program at Community Center. In addition, some of the information that the department collects has to do with those release date of inmates prior to...while at Community Corrections Lincoln. So if we go to Community Corrections-Lincoln, we will see that out of 410 inmates, 291 inmates or 71 percent will be released from Corrections in 1.99 years or less. I believe we need to dig into that number and determine which one is closer to one year, six months to one year, versus which one is closer to two years. I would suggest that we would do the same with CCCO as well. Based on the information above, additional information that the department could be interested in is to review and determine the need for more community work center beds in Omaha and other areas around the state; a review to determine why less than half the inmates housed at the Community Centers participate in work release; obtain additional data as to who is being released from Corrections within six months, year, year and a half snapshots; and request a review of minimum custody inmates for reclassification to determine who could be reclassified to Community Centers. Finally, one of the areas that the committee is interested in is the function of the Work Ethic Camp. I would just go into our recommendation. As we know, the previous committee, oversight committee has visited all the state programs within Nebraska. One of the common themes we heard at Work Ethic



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Camp was a very strong problem with idleness within the inmate population as well as limited space for the inmates--overcrowding. So in closing, I would suggest that we look at ways to reduce idleness at Work Ethic Camp as well as we consider looking at repurposing the facility at Work Ethic Camp to become a true community corrections center. Thank you and I am prepared to answer any questions. [LR173]

SENATOR EBKE: Are there any questions? I have a couple that I'd like to get on the record at least. What is--and you're not with the Department of Corrections, we'll preface it with that--but what is the generally understood view or mission of the community corrections? I mean, is it just a place to put low-security people or, you know, what's the purpose? [LR173]

JERALL MORELAND: In general, I think if you look at Corrections, you have several different custody levels. You have max, medium, minimum, to community centers. When an individual comes into Corrections, the goal should be to move or transition that inmate to each step prior to going into community, either through community center or through parole. And so on community center, those should be inmates that are already prepared and have tools in their box to use when going out to obtain jobs in the community. Those individuals should be already prepared with programming, such as how to keep a job, such as how to pay bills, such as how to become successful and remain successful in the community. So with that said, Senator, I would just say that that is a critical piece. Community corrections is a critical piece on assuring successful transition to the community. [LR173]

SENATOR EBKE: So if somebody is transitioned to community corrections, I mean, the assumption in an ideal world is that they've already transitioned through a lot of the other programming that they need, that they should be truly ready to transition out. And so I guess I'm concerned about why we have 245 people out of 410 that are sitting...that aren't actually transitioning out at this point. [LR173]

JERALL MORELAND: Yes. [LR173]

SENATOR EBKE: I mean to my way of thinking most of them ought to be. We ought to have those numbers reversed perhaps. [LR173]

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JERALL MORELAND: Yes, and that's what we would say, Senator, that we believe those numbers are reversed. We do realize there is an amount of inmates that you need to operate the facility. But true community correction center, we should be getting the individuals out in the community. [LR173]

SENATOR EBKE: Okay. Any other questions? Thanks. [LR173]

JERALL MORELAND: All right, thanks. [LR173]

SENATOR EBKE: Next on my list is Mike Steadman with NAPE. [LR173]

MICHAEL STEADMAN: I believe I should be on the next one (inaudible). [LR173]

SENATOR WISHART: Yes. (Inaudible). [LR173]

SENATOR EBKE: You're not supposed to be on this one? [LR173]

MICHAEL STEADMAN: LR173, I don't believe so, ma'am. [LR173]

SENATOR EBKE: Oh, okay. You're on my list but that's okay. Is there anybody else that you had for this one? [LR173]

SENATOR WISHART: Yes, we have Dwite Pedersen, former senator. [LR173]

SENATOR EBKE: Okay. Okay. Some of them got switched on our list. [LR173]

DWITE PEDERSEN: LR173. [LR173]

SENATOR EBKE: LR173, okay. [LR173]

DWITE PEDERSEN: Good morning. [LR173]

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SENATOR EBKE: Good morning, how are you today? [LR173]

DWITE PEDERSEN: (Exhibit 6) My name is Dwite Pedersen. I live at 21440 Shamrock Circle, Elkhorn, Nebraska. First of all, I'm going to tell you a little bit about myself so you don't think I'm just up here jibbering as an old man. I sat in that seat right there for 16 years on the Judiciary Committee. My 16 years in the Legislature, all of them 16 years, I spent, every three weeks, five hours in one of the state institutions, prisons--LCC, NSP, Tecumseh, OCC (inaudible), the entire bunch. I understand prisons. I understand inmates more because I've worked with them most of my life. When we built Tecumseh, I and Ernie Chambers and there was a couple others fought it very hard. We built a third maximum, supermaximum facility when we did not have enough maximum security prisoners to fill one, and we already had two. So we had...we built a third facility. And the department wanted it and it convinced the Governor that everybody out there--I give you these sheets that you probably get from Corrections anyway and they don't follow their own numbers. And I was very pleased with your statement that if they were really concerned, where are they. We've got a mess. The amendments that I've put on the Tecumseh prison was to build more work release center. I'm a drug and alcohol counselor. I'm one of the few left that's a recovering alcohol/drug counselor. I have no problem telling you the only difference between at least 50 percent--and I don't want people laughing at this, I want them to take it serious--at least 50 percent of the people that we lock up and those of us in this room is they got caught. And are any of you that dangerous? No, (inaudible). We need work release centers. My amendments were to...let's go out to Chadron--20 beds. The people who are there--our current numbers says that at least 2,000 of the inmates are eligible, minimum security prisoners. Build a 20-bed facility in Chadron--economic development for them, few employees. The number one therapist in the world is not anybody like myself as a drug and alcohol counselor, it's a therapist by the name of j-o-b. And when you put these people in maximum security facilities, they have to live like they're in a maximum security facility. I don't care if you put a potty-training facility in Tecumseh, them two-year-olds are going to have to live in a maximum security facility and it will be run like a maximum security prison. And we're spending big money on it, big, big money. And you people are going to have to make the move to change it because the department is not. Look what's happened in Tecumseh. As far as I'm concerned and what I know is there was a man murdered in his cell down there who had a short sentence structure, Mr. Hill (sic--Berry). First of all, what was he doing in a maximum security facility, a supermaximum security facility,

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let alone with somebody who was a known murderer? Now I don't believe the murderer had anything to do with it. He would have murdered anybody in his cell if he wanted to or needed to. Somebody set that up, people. There's dirt. We've had three employees of the Department of Corrections fired in the last year. You only got the little fish, let me tell you, and now they're taking up beds. You've done a wonderful thing by having what you call the Inspector Generals. Both of them are good people. I've known them. They were here when I was here. They know what they're doing. Listen to them. We are in a mess, and all we have to do is financially. But finances isn't the big thing. People, people are the big thing. The people we lock up are sons and daughters of us on the streets, brothers and sisters, parents; they're human beings. And don't think for a minute I don't believe that there are people who don't belong there. We need prisons. We just don't need what we have. We need work release centers. The numbers show if they have a job--and another important thing is transportation, we don't have real good transportation in the state, public transportation--that they don't come back. They get started and get some help. Don't be sold on all the fancy, well, we've got this counseling program, we've got this counseling program. Again, I've been a counselor for 35 years of my life. That's putting a gun to your head and say, hey, I'll let you out in two weeks if you get this program done. That's a hoop. Now there are some programs and some people who do well in them, not very many. The last two inmates that I've worked with, they came out of Corrections, that had been through treatment. One of them had been through treatment four times in Department of Corrections, super treatment. SAP I think they called it, nine-month training. This guy has turned into a treatment junkie. He's high on treatment programs. He can't stay out. And he's been through the WEC. WEC, is that what is the...the program out at... [LR173]

SENATOR EBKE: Oh, Work Ethic Camp. Got you. [LR173]

DWITE PEDERSEN: Yeah. Yeah, McCook, in a relapse program. And the programs, when you set them up for people that are behind bars, are hoops. And some of it rubs off on some but others it just (inaudible). The program that won't rub off is a work program. We need more jobs in the maximum security facilities. I don't know if anybody is working on that anymore. And we definitely need a system where they come out and know how to work and have some kind of structure and maybe learn something, as the Ombudsman just said--tools. We don't have to give them a college education. We don't have to give them a journeyman's card. We have to give them

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some structure and some help in getting started or they're going to come right straight back. And from the hard-core maximum security facility, I can guarantee you the biggest share will come back because they only know how to live one way and that's putting a bunch of sardines in a can. You can save this state a lot of money by building work release centers and build them all over the state. The families that live out in the Chadron area, for instance, they could visit their family more. They could be closer to it and they would go back into the community easier. You don't have to build 200-bed dormitories. The self-help groups have halfway houses and three-quarter way houses all over the place. Them inmates can live in them same type of places. If they're minimum security, they don't need all that wire, cement (inaudible). If they don't make it, then you send them back. And I guarantee you, if you build work release centers you're going to help a lot of people. And they won't come back to the system and they're going to know a little bit more about how to live in society. And you will save the state a lot of money. If any of you have any questions, I'd try and answer them for you. [LR173]

SENATOR EBKE: Senator Krist. [LR173]

SENATOR KRIST: Thanks for coming. That's for your service to the state. I've been looking for other reasons, because of juvenile justice and some other things that I'm involved with. And I find that there's an incredible number--you say build them and some of our colleagues are allergic to the word "build" because it has a price tag with it--but I have found that there are so many facilities that have ten beds here, ten beds there, a county jail that has no residents in it right now. I'm not sure we have to have new brick and mortar. I'm sure that what you're suggesting is that there are places out there where we can expand our community services and keep them in the community that they're going to go back to. Can you talk to that for a just a minute for me, please? [LR173]

DWITE PEDERSEN: Well, my own dream is some day if I won the lottery the first thing I'd do is go down and buy the old Lutheran Hospital in Omaha. It was one of the first hospitals ever built with private rooms. And I'd open up a work release center. And that's actually a dream that I have. And it's an older building... [LR173]

SENATOR KRIST: Right. [LR173]

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DWITE PEDERSEN: ...now, and I remember when it was built. And it's sitting empty. Again, we're just talking about work programs,... [LR173]

SENATOR KRIST: Right. [LR173]

DWITE PEDERSEN: ...do much, yeah. You're on the right track. (Laugh) That's, I think, what you want me to say. [LR173]

SENATOR KRIST: I hope. Yeah. Thank you. Thank you, Senator. [LR173]

DWITE PEDERSEN: You bet. [LR173]

SENATOR EBKE: Any other... [LR173]

DWITE PEDERSEN: We've got a mess. [LR173]

SENATOR EBKE: You know there are--I've got several in my district--nursing homes that have shut down all over the state that have rooms that would be, you know, with relatively minor modifications, could be converted into something like that as well, so. [LR173]

DWITE PEDERSEN: If I were God, I would close Tecumseh and turn it into a grain bin and put them people out that are in the lower half, the minimum security people, into them type of places. [LR173]

SENATOR EBKE: Uh-huh. [LR173]

DWITE PEDERSEN: And they can do some of the work while they're there. [LR173]

SENATOR EBKE: Sure. Let them build their own place. [LR173]

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DWITE PEDERSEN: It's (inaudible), very (inaudible). This pop., you're putting two to a cell is a problem in itself. I mean you're...there's nothing else to do. You could open up that whole thing. This population thing doesn't have to cost that much. Don't let them push that on you. [LR173]

SENATOR EBKE: Any other questions? Thanks for coming today. [LR173]

DWITE PEDERSEN: Thank you all for what you do. [LR173]

SENATOR EBKE: Okay. I may have the list correct now. Is Ron Rosati...? [LR173]

SENATOR WISHART: He's not here today. [LR173]

SENATOR EBKE: He's not here today. Okay. Is it Diane Good-Collins? [LR173]

DIANE GOOD-COLLINS: Good morning. [LR173]

SENATOR EBKE: Good morning. Spending a lot of time with us, huh? [LR173]

DIANE GOOD-COLLINS: Yes, I am. Thank you. My name is Diane Good-Collins, spelling D-i-a-n-e G-o-o-d C-o-l-l-i-n-s. I am the director of the 180 Re-Entry Assistance Program at Metropolitan Community College in Omaha. Metropolitan Community College current partners with the Nebraska Department of Correctional Services. We provide service and support to individuals incarcerated at six Nebraska prisons, including Omaha Correctional Center, Tecumseh State Correctional Institution, Nebraska Correctional Youth Facility, Nebraska Correctional Center for Women, Nebraska State Penitentiary, and Community Correctional Center-Omaha. MCC offers both credit and noncredit class offerings. First, all program participants inside the Nebraska prisons are enrolled in noncredit life skill workshops. These prepare the population for their eventual reintegration to the community and help address gaps to financial and digital literacy. Inmates also receive credit work-readiness classes to build competencies and employability skills in preparation to successfully reenter the work force. Finally, MCC provides credit coursework that includes targeted short-term training leading to industry recognized certifications. These certifications qualify the population to attain gainful

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employment which dramatically increases the likelihood of their success. For example, at some sites we currently offer training toward a certified production technician where plentiful jobs exist within the state. We also offer digital electronics trainings, OSHA, welding, and national career readiness certification. Offering college credit classes to the incarcerated population is an essential route to help individuals realize success, gain confidence, and, most importantly, learn skills that lean to gainful employment, and research studies indicate positive results from the time and money spent on this effort. When individuals participate in education while incarcerated, it reduces the likelihood of recidivating by 43 percent. In addition, studies show that every dollar spent on education inside a prison setting reduces taxpayers'...or increases their savings to \$4 to \$5 from costs that would be incurred from continued policing, incarcerating individuals, and increasing public safety. Metropolitan Community College has received national recognition for our on-campus support to individuals as they transition back to society. Other universities and colleges are seeking to duplicate our reentry service. While MCC is willing and capable of expanding our efforts to the Nebraska Department of Correctional Services, most of the future expansion must be done inside the Nebraska prisons. For example, with greater access to technology, the Internet, and classrooms inside of the Nebraska prisons, MCC could introduce Web-based instruction to NDCS through secure platforms. This instruction would quickly enable more of the incarcerated population to become a...to complete a much broader range of industry-recognized credentials and certifications that would link them to immediate employment in high-need areas, like construction and manufacturing. Other states are utilizing the Internet for training purposes securely and successfully, and NDCS and MCC could explore replicating these opportunities in Nebraska. The incarcerated population is truly a hidden work force that we need to groom and prepare for their successful transition back into society and the state labor market. Thank you. Do you have any questions? [LR173]

SENATOR EBKE: Thank you for being here. Any questions? Senator Pansing Brooks. [LR173]

SENATOR PANSING BROOKS: How do you...what's the process that you receive...thank you for coming. What's the process for receiving inmates or having people sign up or do you know how that works? [LR173]



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DIANE GOOD-COLLINS: Yes. We are actually inside the Nebraska prisons and the state work release centers on a regular basis, so we currently have a staff of about nine and we are getting ready to double that capacity. So we are boots on the ground in the trenches in the population and they know, obviously, who we are. We post flyers in housing units so we have a lot of one-on-one contact with the population. And then at the state work release center, which is Omaha, we are there three to four times a week. We actually partner very well with that facility with providing workshops on campus. We personally bus them to the campus to take workshops and to participate in training so that when they are placed on the work release status that they can attain employment. And then on top of that, we also serve as employment support and we connect them to employers in the community who are willing to hire people with a criminal history. [LR173]

SENATOR PANSING BROOKS: Okay. I want to go back a step and just...does somebody deal with the prison to...I mean who is talking to whom to say these prisoners are coming to you and that made you realize, oh, well, we can double our staffing because we are accessing more people? Who is it that talks to whom? Somebody in the group at Metro or your group is talking to the prison to know who's coming, how many people are coming. [LR173]

DIANE GOOD-COLLINS: That would be me. [LR173]

SENATOR PANSING BROOKS: Okay. [LR173]

DIANE GOOD-COLLINS: So I... [LR173]

SENATOR PANSING BROOKS: So who do you talk to in the prisons? [LR173]

DIANE GOOD-COLLINS: At the various prisons, it depends. So at Tecumseh, I'm working directly with the warden and the associate warden and the individuals in education, and we also partner with CSI. At, for instance, the work release center in Omaha, we work with the case managers and the warden and the assistant warden. At OCC it's primarily education and then when we need permission to bring in equipment or things like that we partner with the warden and the deputy warden. So it depends at each facility. [LR173]

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SENATOR PANSING BROOKS: Okay. So how...did one of the wardens then with whom you're dealing say, we are going to allow twice as many people to come so you need twice as many employees? I mean I heard you say something about (inaudible). [LR173]

DIANE GOOD-COLLINS: Okay. How we...why are we building capacity? [LR173]

SENATOR PANSING BROOKS: Yes. [LR173]

DIANE GOOD-COLLINS: Okay. We are building capacity because recently we received a significant increase from NDCS through one of the other grantees, who was no longer going to be providing service at NSP and NCCW, so we...and then in addition to that we built capacity with private funders that we spoke to about what we had been doing and our efforts and they have invested in us to the point that we can increase our staffing. [LR173]

SENATOR PANSING BROOKS: So is the main problem from dealing with more people the fact that you don't have enough capacity? I think we talked about this a little bit yesterday. Or is it that they don't have enough prisoners that they think are sufficiently ready to take the courses? Where's the roadblock here? [LR173]

DIANE GOOD-COLLINS: I think the...we definitely have the capacity to build and grow and the college. We do. [LR173]

SENATOR PANSING BROOKS: You do have the capacity. [LR173]

DIANE GOOD-COLLINS: We do have the capacity to build and grow. However, I think one of the biggest barriers is space inside the facility. So we are competing with several other organizations for that space and sometimes I think that it is not being looked at strategically to ensure that we are not having the population duplicate their efforts by taking, you know, ten different employability skills program. One thing that I do is go into each facility and determine what is there and then not do that so we are not duplicating services. When MCC goes in and somebody else is providing financial literacy, we will not do that but we will find another vein to help the population succeed and grow. [LR173]

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SENATOR PANSING BROOKS: Okay. So...but you are busing people. [LR173]

DIANE GOOD-COLLINS: We are doing that and that's very unique. I know it is. But we had to figure out a way to get them to campus. And so rather than hear the nos, we said what if we will offer to do it? So we actually drive to the facility, pick up people. We take as many as we can in our car and we bring them to campus and we do that weekly. The other thing is the warden at the work release center in Omaha has recently agreed for them to provide transportation to bring the individuals to campus for forklift training. We've been providing forklift training to that population for over two years and this is the first time that we have had them invest in putting them in a van and bringing them. It makes sense but it took two years to get there. [LR173]

SENATOR PANSING BROOKS: Could you increase that capacity if you had another bus?  
[LR173]

DIANE GOOD-COLLINS: Yes. [LR173]

SENATOR PANSING BROOKS: Okay. And has there been any effort to work with the other community colleges around the state? [LR173]

DIANE GOOD-COLLINS: With Metro, we have shared some best practices with other community colleges. We have...we were invited to the University of Iowa to speak to the area colleges and universities nationwide and also in Houston to share about our practices and how we partner inside the facility and offer support to the population as they're released. So, yes, we have provided support and are willing to do that. [LR173]

SENATOR PANSING BROOKS: If you're busing people, are you busing just from Omaha?  
[LR173]

DIANE GOOD-COLLINS: We are, only from the local work release center, yes. [LR173]

SENATOR PANSING BROOKS: Okay. That helps. Thank you very much. I appreciate it.  
[LR173]

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DIANE GOOD-COLLINS: Yes. Yes. [LR173]

SENATOR EBKE: Other questions? Thanks for being here again. [LR173]

DIANE GOOD-COLLINS: Yes. Thank you. [LR173]

SENATOR EBKE: Angela? [LR173]

SENATOR WISHART: Yes. I think that really we just have one more person. Angela. [LR173]

SENATOR EBKE: Okay. And then are there others who wish to speak on LR173, the community corrections? Okay. Hi again. [LR173]

ANGELA LABOUCHARDIERE: Good morning, everybody. My name is Angela LaBouchardiere, L-a-B-o-u-c-h-a-r-d-i-e-r-e. I am the executive director at Western Alternative Corrections in Hastings, Nebraska. And I was invited by Senator Wishart to talk about our program that we have. Currently we have a residential reentry center called Bristol Station in Hastings and have been providing residential reentry services since 2009. We began using the federal reentry model, had a contract with the Federal Bureau of Prisons, and we're serving that population. And in 2014 we were one of the first vocational and life skills grantees to then provide services to state probationers and parolees (inaudible) transitioning out of correctional facilities. We currently have a 65-bed facility in Hastings and the Vocational and Life Skills Grant funds only 25 of those beds. We do have a contract with State Probation and they utilize some of those other beds for transitional housing, but we typically have about 40 of those that are empty. Our program is based on a risk needs responsivity principle, which essentially we do a validated risk assessment for all of our participants coming in to identify specific needs that impact recidivism. Their program plan that they establish with their case manager or their probation officer, parole officer, family support is designed to target those specific needs. We use the Ohio Risk Assessment System for that assessment. We also use a quality of life inventory that they are given when they come into the program and when they are released from the program. And we have been gathering data on that to show outcomes, to see if what we're doing is actually working, and the numbers we're seeing is showing that what we're doing is actually

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reducing that risk to recidivate with our participants. We've partnered with several organizations in the Hastings community, mainly Central Community College. They have been offered...they've been able to offer some programming for our participants, forklift certifications, weekend workshops for concrete that they've been...our participants, have been able to utilize and fill in some of those skill gaps that they might not have as far as employability skills and translate those into employment. Our average employment rate for our participants is about 95 percent. We do expect all of our participants to work. They usually gain employment about within the first two weeks of coming in after they receive their assessment, and the average wage--we've done a little research with that--is about \$12.41. So they're earning a livable wage and not necessarily all just earning minimum wage. Some of the evidence-based programs that we use, that we offer in the facility are Moral Reconciliation Therapy, a transition skills groups. We have offender work force development, which was we sent two of our staff members to a training actually in Kansas. It's developed by National Institute of Corrections and they do an employment readiness group twice a week. That group really allows the individuals that have received programming from other vocational and life skills grantees while they're incarcerated to translate some of those skills to our program and then utilize them while they are working. We offer anger management, communication skills, and basic money management to our individuals. Our average length of stay in our program is about 102 days. We do ask for the participants to give a minimum of a 90-day commitment when they come into the program. There's a short interview process. I interview every person that applies to the program to discuss what they want to get out of the program, to see if they're suited for the program, because not everybody gets to come to the program. Like I said, we're funded for 25 of those 65 beds and over the past several months I've had to deny about 60 people participation in the program due to that constraint. So, happy to answer any questions. [LR173]

SENATOR EBKE: Senator Krist. [LR173]

SENATOR KRIST: Thanks for coming. [LR173]

ANGELA LABOUCHARDIERE: Thank you. [LR173]

SENATOR KRIST: Do I...so I understand that this is a federal contract? [LR173]

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ANGELA LABOUCHARDIERE: We right now no longer work with the Federal Bureau of Prisons. We work strictly right now with the Vocational and Life Skills Grant and serve parolees and individuals on postrelease supervision. We also are working with State Probation for transitional housing funds. [LR173]

SENATOR KRIST: And where does the vocational grant come from? [LR173]

ANGELA LABOUCHARDIERE: Department of Corrections. [LR173]

SENATOR KRIST: From our Department of Corrections. [LR173]

ANGELA LABOUCHARDIERE: Yes, Department of Corrections. I'm one of the seven grantees. [LR173]

SENATOR KRIST: And so what is your average number of vacant beds or open beds in the facility? [LR173]

ANGELA LABOUCHARDIERE: We're funded for the vocational and life skills through '20 for 25. We are always at 25. I've got a waiting list that goes into December. And we have the other 40 beds that are vacant unless they're utilized through Probation. [LR173]

SENATOR KRIST: So just to make the point for the record, we have a potential of another 40 beds that could be used for... [LR173]

ANGELA LABOUCHARDIERE: Yes. [LR173]

SENATOR KRIST: ...these release programs and they're ready to go. [LR173]

ANGELA LABOUCHARDIERE: Yes. [LR173]

SENATOR KRIST: Thank you. [LR173]

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SENATOR EBKE: Any other questions? Senator Pansing Brooks. [LR173]

SENATOR PANSING BROOKS: Thank you for coming two days in a row. [LR173]

ANGELA LABOUCHARDIERE: No problem. [LR173]

SENATOR PANSING BROOKS: Really appreciate it. And it was really helpful yesterday. So where do the bulk of the...of your clients come from? From where do they all come? [LR173]

ANGELA LABOUCHARDIERE: Generally, our referrals are coming from the institutions in Nebraska through the reentry workers there. [LR173]

SENATOR PANSING BROOKS: Is there one institution in particular or how does that work? [LR173]

ANGELA LABOUCHARDIERE: They come from all. We don't...we have not received any referrals from NCWF, but all...we've referrals from all of the other correctional facilities. [LR173]

SENATOR PANSING BROOKS: Okay. Are you receiving them from county jails as well or just from state? [LR173]

ANGELA LABOUCHARDIERE: From county jails, for the inmates that are housed in the county jails we do receive some applications. [LR173]

SENATOR PANSING BROOKS: State inmates that are housed in the county jails. [LR173]

ANGELA LABOUCHARDIERE: Correct. [LR173]

SENATOR PANSING BROOKS: Okay. [LR173]

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ANGELA LABOUCHARDIERE: I've received a couple calls from treatment providers trying to work with individuals on probation that are running the risk of going back to prison. And so they're utilizing us in a great way as an alternative to incarceration. Most of the time we see that through our probation referrals, as in lieu of a custodial sanction, coming to our program and participating for 60 to 90 days to get reestablished, get a job, save money, because the program is free to our participants. [LR173]

SENATOR PANSING BROOKS: So how do they get to you? How? Are they bused to you? I'm just drilling down on specifics. [LR173]

ANGELA LABOUCHARDIERE: When they are released from incarceration, the reentry workers sometimes get them a bus ticket...not a bus ticket, I'm sorry, a train ticket. Some of them have family members that will provide transportation. Others use a transport service. Depends on where they're coming from. Most from Omaha and Lincoln come via the train. [LR173]

SENATOR PANSING BROOKS: Do you think this model could work across the state? [LR173]

ANGELA LABOUCHARDIERE: Absolutely. It's a federal reentry model. It's proven nationwide to work. [LR173]

SENATOR PANSING BROOKS: And is there anyone other than you that you know of that's doing this? [LR173]

ANGELA LABOUCHARDIERE: Utilizing the federal reentry model in the state? [LR173]

SENATOR PANSING BROOKS: Yes. [LR173]

ANGELA LABOUCHARDIERE: On a state level, no. Dismas Charities uses the same but they have a federal contract in Kearney. [LR173]

SENATOR PANSING BROOKS: Okay. Thank you. [LR173]



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ANGELA LABOUCHARDIERE: You're welcome. [LR173]

SENATOR EBKE: Senator Krist. [LR173]

SENATOR KRIST: One follow-up quick clarification: You don't have a problem receiving female population into your facility; they just haven't utilized it? [LR173]

ANGELA LABOUCHARDIERE: Our female population? We are a co-ed facility... [LR173]

SENATOR KRIST: Okay. [LR173]

ANGELA LABOUCHARDIERE: ...so we serve both male and females. The majority of our participants are male but we've had several females that have (inaudible). [LR173]

SENATOR KRIST: But who wasn't using it? You said the CYF is not using it? [LR173]

ANGELA LABOUCHARDIERE: NCYF is not using it. [LR173]

SENATOR KRIST: Oh, NCYF, okay. [LR173]

ANGELA LABOUCHARDIERE: Yeah. [LR173]

SENATOR KRIST: All right. [LR173]

ANGELA LABOUCHARDIERE: NCCW does utilize the program. [LR173]

SENATOR KRIST: Okay. Perfect. Thank you very much. [LR173]

SENATOR EBKE: Anybody? Okay. [LR173]

ANGELA LABOUCHARDIERE: All right. [LR173]

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SENATOR EBKE: Thank you. [LR173]

ANGELA LABOUCHARDIERE: Thank you very much. [LR173]

SENATOR PANSING BROOKS: Thank you. [LR173]

SENATOR EBKE: Any others that you know of? [LR173]

SENATOR WISHART: Well, we have corrections staff officers here today so I mean if we could move on to LR173 that would be amazing...LR172 (inaudible). [LR173]

SENATOR EBKE: Yeah. We're going to take five minutes so that everybody can stand and then we will move on to LR172. So that closes LR173. [LR173]

SENATOR PANSING BROOKS: Does anybody here (inaudible) want to testify? [LR173]

SENATOR EBKE: Huh? I think everybody has testified on LR173 who wants to, correct, the community corrections? Okay. So we're going to take five minutes and let everybody stretch and... [LR173]

BREAK

SENATOR EBKE: (Recorder malfunction)...planning on testifying on this one? Okay. What do we got, about six, seven? Okay. Okay. What we will do, I think we're going to go ahead and move to lights, which doesn't necessarily mean that you're going to be stuck with that, because we may ask you questions and you'll have the opportunity ask more...to say more. But in an effort to try to keep things progressing, we're going to put you on a three-minute light to start with. And we've got quite a few people to go. Ready? Okay, let's open the LR172 resolution. Senator Wishart. [LR173]

SENATOR WISHART: (Exhibits 1 and 2) Well, good morning again, Senator Chairwoman Ebke and members of the Judiciary Committee. My name is Senator Anna Wishart, A-n-n-a W-i-s-h-a-

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r-t, and I represent the great 27th District in west Lincoln. I'm here to introduce LR172, an interim study to review staff recruitment and retention efforts that are currently or could potentially be undertaken by the Department of Correctional Services. I met with many correctional staff members when I was knocking doors on my district. I had several occasions where we would have a brief conversation and then ten minutes later they would have driven to find me a few houses down so they could talk more in-depth about the issues at the Department of Corrections. I distinctly remember two officers I met at their door who had come off of a series of overtime shifts. I have never seen someone look so exhausted. It was as if the weight of their fatigue was making it impossible for them to stand up straight. And yet, they were willing to stand with me at their doors after I had woken them up from the little sleep that they were getting to share with me their experiences working at the department. I have introduced this interim study on their behalf. This summer I took a tour of the Lincoln Correctional Center during their third shift to learn more about a facility that resides in District 27 and to hear from the staff. It was startling for me to learn that we do not have comprehensive merit or longevity pay. It was also eye-opening to hear about staff morale issues and turnover. My office decided to capture staff e-mails and send a survey to the entire department to get more feedback and gain a larger insight into what is working and not working within the department. To me, when you have problems in any department or in any business, it's key to really talk to the people who are the closest to those problems. It's very key to listen to the staff members who are working day in, day out in these facilities. We sent the survey to 1,788 e-mails. Approximately 100 bounced back and as of Thursday we received 623 responses. My staff has provided you with a copy of the survey and I want to thank both of them, Mason and Liz, for their work on this. I just want to quickly go through, since you got the survey, really quickly. We've given you all the responses but just to give you some perspective, should the Legislature focus investment on retaining and training quality staff or hiring more staff? Over 56 percent... [LR172]

SENATOR PANSING BROOKS: What page are you on? I'm sorry. [LR172]

SENATOR WISHART: Oh, Patty, they're right here. It's in your e-mail. [LR172]

SENATOR PANSING BROOKS: Oh. [LR172]

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SENATOR WISHART: You'll have it in your e-mail. Fifty-six percent of the staff, out of the 623 staff, said that we should focus on both, but forty-two percent, we need to focus on retaining quality staff. When we asked how many days in the last month have you worked overtime, 36 percent, over 36 percent have worked over ten-plus days. When we asked, are you currently looking for another job, 55 percent are looking for another job. When we asked, would you recommend this job to a friend or family member, 72 percent said no. When we asked, do you believe the Governor supports your needs as an employee, 82 percent said no. When we asked, do you think the Legislature supports your needs as an employee, 84 percent, almost 85 percent said no. And I would really encourage you to read through. We sent it in e-mail because there's pages and pages. What was amazing is when we sent the survey the amount of staff that were willing, with each of these questions, to add additional comments, and they're very, very insightful so I'd encourage you to go through those. So it is undeniable, after reading through this survey, that we have a pay, morale, and leadership issue. And when I talk about leadership it is not me pointing fingers at one person. It is clear that many of the staff surveyed see the problems in leadership as systemic and include the Legislature and the Governor as part of the problem. One of the number one solutions that rose from the survey was the need for merit and longevity step raises, so I have drafted legislation to do just that. And I believe, Liz, have we handed...we've handed that legislation to you. It's broad. Obviously, we'll need more details in terms of how we will define the step raises in terms of longevity or merit pay, but I want to say today I'm willing, as a member of the Appropriations Committee, to invest the dollars we need for step raises for the entire department. While I commend the intentions of Director Frakes to tackle staff turnover and vacancies at Tecumseh and to pay for it through overtime savings, I believe that our problems with staff retention and recruitment are not confined to one or two facilities. This is a systemic issue that will need a systemwide solution. Competitive salaries and benefits through step raises and merit pay, the need for quality training and to hold staff and inmates accountable for violations, tackling morale and distrust in leadership are all issues we need to address. I believe that creating a step program for merit and longevity across the Department of Corrections is one step in the right direction and I'm looking forward to working with you and our colleagues on tackling all of these other issues to improve the Department of Corrections. I want to end by, again, thanking our correctional staff members for taking the time to voice their thoughts and expertise. It is a thankless job at times and we owe them a deep gratitude and respect for working one of the toughest jobs to keep our communities safe. And I

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would ask, we do have staff members who have taken the time to be here so if there's any way that they would be able to speak first today, that would be fantastic. I'll take any questions. [LR172]

SENATOR EBKE: Senator Pansing Brooks. [LR172]

SENATOR PANSING BROOKS: I found it. [LR172]

SENATOR WISHART: Okay. [LR172]

SENATOR PANSING BROOKS: My staff has prepared me. So I just want...it looks like it was a SurveyMonkey survey. [LR172]

SENATOR WISHART: Yeah. [LR172]

SENATOR PANSING BROOKS: And was there a way, just in case we're later asked, to make sure that somebody didn't answer multiple times? [LR172]

SENATOR WISHART: There is a way for us to go through and look at IP addresses. We promised...and, you know, I want to preface this by saying this is in no way a scientific survey, but anecdotally alone it is eye-opening. [LR172]

SENATOR PANSING BROOKS: Uh-huh. [LR172]

SENATOR WISHART: We do have IP addresses. Again, our office will not be sharing that with anybody. But if that was at all a concern, we can go through and make sure that there wasn't any duplication. [LR172]

SENATOR PANSING BROOKS: So it's over 600 responses. [LR172]

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SENATOR WISHART: Yeah, within 30 minutes...within four days. It was amazing how quickly...how...it was pretty amazing how quickly people were willing to respond and share their concerns. [LR172]

SENATOR PANSING BROOKS: That's awesome. Thank you for making that effort. [LR172]

SENATOR EBKE: Senator Baker. [LR172]

SENATOR BAKER: Thank you. Senator Wishart, you call for merit pay and also a step pay for experience. You know, always the idea of merit pay has a lot of face validity. Are you aware of any place that have done that, have implemented a merit pay plan that works? [LR172]

SENATOR WISHART: Well, I'm not. I'm new to, you know...I'm fairly new to understanding how merit pay would work. I do think that we should be very careful. With the level of distrust that I have gained from this survey and talking to staff, it is very important that leadership is very intentional about wanting to be fair, methodical, and scientific when we do anything, when we make any big decisions. So I would, you know, I would say that when we're looking at merit pay one of the things that I will look into is what are systems that have worked, how can you be fair at making sure that people who are truly going above and beyond are receiving a bonus for that work or a step increase for that work. We don't want to have a system where only the people who stuck up and don't question the system are the ones that are moving through with merit increases. [LR172]

SENATOR BAKER: I would tell you in my former life that was something that was constantly looked at for decades, has rarely been implemented successfully. [LR172]

SENATOR WISHART: Well, here's our chance to do it right. [LR172]

SENATOR BAKER: Good luck. (Laughter) [LR172]

SENATOR EBKE: Senator Krist. [LR172]

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SENATOR KRIST: So, Senator Wishart, and I'm sorry if I'm going to be the dinosaur in the room, but from LR424, when we started looking at Nikko Jenkins and peeled back the onion and saw all the problems within corrections, to LR34, a continuation, and now with LR127, which I am not on but I will have a chance this afternoon to address them, you're not telling me anything new. [LR172]

SENATOR WISHART: Oh, I know that, and I really appreciate your leadership on this issue. [LR172]

SENATOR KRIST: But...and I don't mean that in a condescending or a negative way. The problem is that we are, as that survey has shown you, as we knew with LR424, part of the problem. They don't recognize lack of leadership in one spot. They recognize what they should recognize and that is that the state of Nebraska, the executive branch and the legislative branch, has not taken affirmative, decisive action to solve the problems. Okay? I say that for the record only because I want to make clear, very clear that all of these recommendations, as I told Mr. Koebernick earlier, all these recommendations have been on the record for years. It's sad that we're sitting here and talking about merit pay or some kind of a pay increase and all I've heard over the last six or seven years is: They're part of an array, we can't open up a contract negotiation; we can't do this; we can't. Let's get outside the box. This kind of legislation has to be very carefully looked at and we have to look at the parameters that are forcing us into the box. Potentially, we need to change the array in terms of the comparables and find out where...who's making it work. I am aware of at least a dozen states that have a progressive pay scale, not necessarily merit based but a progressive pay scale, that keeps somebody interested in that profession and holds them there. Why would I work 16-hour shifts when I can go to Kansas, Douglas County, or Lancaster County and work a normal life and have a family? I applaud you for sending out, ah yet, another survey and for getting that input back. Now what are we going to do with it? [LR172]

SENATOR WISHART: Yeah. [LR172]

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SENATOR KRIST: And that's really the question at hand. So thanks for all your work on this and hopefully now you're going to be here for another six years or more maybe, so carry on, please. [LR172]

SENATOR WISHART: Thank you, Senator. [LR172]

SENATOR EBKE: Other questions? Okay. So, at Senator Wishart's request, staff members from Department of Corrections, you want to come up? We'll get you on the timer here. So when the green light goes on, you can keep moving. When the yellow light goes on that means that you've got about a minute left. But if you go beyond, we'll...somebody will ask you a question. [LR172]

BRAD KREIFELS: Ma'am, if I may, I can tell you right now that to cover, to echo what Senator Wishart said, there's no way I can make it in three minutes. However, I do have a lot of statistics that I will not go over because I'm going to submit this and the strategic plans for the Department of Corrections. And so I'm asking for your latitude (inaudible). [LR172]

SENATOR EBKE: Sure. And we're happy to receive anything in writing, too, so that's... [LR172]

BRAD KREIFELS: I also was wishing to ask you questions before I start. [LR172]

SENATOR EBKE: That's a little unusual. (Laugh) You're welcome to, you know, sit down and get started. And if you want to ask us a couple questions, we'll see if anybody wants to answer (inaudible). [LR172]

BRAD KREIFELS: First and foremost, when you think of a correctional officer, what traits do you think need to be there to be one? [LR172]

SENATOR KRIST: Can you make yourself comfortable? [LR172]

SENATOR EBKE: Yeah, you need to sit down, please. [LR172]



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BRAD KREIFELS: (Exhibits 3, 4, and 5) I'm going to give you...actually, I'll start this around. We all know about lies. We all hear lies. Now I want you to touch the lie. Good morning. My name is Brad Kreifels. I'm employed as a sergeant with the Nebraska Department of Corrections for the past 23 years. However, I'm not here representing the Nebraska Department of Corrections. I was employed as a college instructor for eight years, instructing Introduction to Criminal Justice and Introduction to Corrections. I have an associate's degree in sociology, a bachelor's degree in management, and a master's degree in security management. I came here to testify today as I have a deep concern for the future of the Nebraska Department of Corrections. While serious decay began to erode the foundation of corrections many years ago, the last two and a half years have seen significant erosion of the department in staff morale, inmate and staff safety. We are currently at the calm before the storm. Safety is the centerpiece of the problems that are plaguing the Department of Corrections. There are several facets to safety which have failed within the department. The first major problem is the closing of segregation units. In closing the segregation units, this has created an environment of no consequences for the inmates. Inmates have the take an inch...give-an-inch, take-a-mile mentality. Unfortunately, parents will attest to, when discipline waivers in the home children will take advantage of it. The inmates that we are dealing with adult children. Due to that, the Department of Corrections gives an inch, our inmates take ten miles. The inmates know that they've become immune to any real punishment due to the fact they will know they will not go to segregation, even for multiple similar offenses. In addition, several times we have inmates who refuse to lock down. We have seen inmates increase making threats to staff. In many situations, this will result in the inmate being taken to holding, talked to, and then released right back in the same situation in which they threatened staff. Inmates constantly brag when being taken to holding they will be right back. They know when they do return staff will feel demoralized the administration has not stood up and supported them. The sad truth of the matter is inmates no longer understand the word "no." When inmates are told no, they know, and staff know as well, there will be little or no punishment for offenses. This was due to several options, one of them being LB598, which took away many options that DCS once had to control inmate behavior. The Nebraska Department of Corrections' no or little discipline has demoralized staff. Both inmates know the employees' commitment, excuse me, complement is spread so thin and that there are excellent chances that the misconduct report will be dismissed due to due process rights, i.e., not being handled in the correct amount of time. Inmates also know that even if a misconduct report is handled correctly,

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there won't be very severe consequences. The phrase, "I'm not going to do it anyway," is constant. LB598 changed the rules of segregation. And while I'm sure the legislation (sic-- Legislature) had the best intention when it passed LB598, it failed to show how it would apply to situations of certain inmate behavior. For example, there's a current inmate with a life sentence who just killed another inmate. LB598 was in place so no reasonable punishment could be given due to the fact we have gone away from disciplinary segregation and administrative confinement. This individual has no good time to take so his sole punishment under the IDC, the Inmate Disciplinary Committee program, was 30 days' TV restriction. Of course, it's left to the courts to try this individual for his crime, but he's not...but if he does not receive the death penalty this person's sole punishment--excuse me, my pages stuck together--for him will be 30 days' TV restriction for killing another human being. LB598, the administration's lack of support for staff they employ, and many of them are finding employment for other places, this is a major factor why staff are leaving in mass exodus. Wages, mandatory overtime, and administration's lack of support for staff are literally causing major morale issues. Safety has deteriorated to the point where the staff joke, whose turn is it going to get assaulted today? Staff have frequent conversation that it's going to take someone to get killed in our facilities to make the public understand our problems. We have a terrible problem with dirty staff who are bringing things inside our facilities. The mandatory overtime is out of control. Employees are being forced to work mandatory overtime sometimes three or four days in a row. Please understand that working this much mandatory overtime is very tough on morale. Like other jobs, we are...we have a lot of employees who are single parents and have childcare issues. In addition, we have employees who would like to further their education but can't take classes because of the mandatory overtime situation. Management has seen this coming. Thus far, their only real response has been more mandatory overtime. The department has an emergency recall roster which can be activated when disturbances happen in the prison and more staff are needed. Things have deteriorated to the point where administrators are using the emergency recall system to call people in to work due to overtime and staff shortages. This serves as a deterrent for staff, who won't answer their phones or screen their messages so they can't be called in. [LR172]

SENATOR EBKE: Excuse me. Can I ask you about how much more you've got? [LR172]

BRAD KREIFELS: It actually flows pretty quickly, ma'am. [LR172]

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SENATOR EBKE: Well, I mean do you have like multiple pages, multiple minutes or... [LR172]

BRAD KREIFELS: Well, the font is because I broke my glasses the other day. [LR172]

SENATOR EBKE: Oh. Okay. Okay. [LR172]

BRAD KREIFELS: Compare this to the parable of the boy that cried wolf. The department is now crying wolf about real emergencies. A good many employees will not call the facility back. I'm going to skip a little bit because I know we are pressed for time. I can provide you with a list of days and times where we've had severe shortages in staff. In fact, I will submit that as evidence, ma'am. We broke our own policy by trying to pad our shift rosters to make it appear that we had more staff than we actually did. We were short...so short one day that the warden and deputy warden were actually out working the yard. On the weekends there have been days where 75 percent of the people that were on shift, everybody except for two or three, refused to stay for mandatory overtime. These staff are burned out. Some will even abandon their post if they're forced to make mandatory overtime because they simply can't do it for personal reasons. I've seen people, where there are not enough volunteers, I've seen people who refused to work mandatory overtime and were locked in the facility until someone volunteers. When this happens, Central Control officers do not open the door and physically let anybody out of our facility. This practice concerns me from a legal point of view. And I'm not going to put...I've got that here in record what the requirements for that is, ma'am. [LR172]

SENATOR EBKE: When you're done, if you're willing--I know you've skipped a lot of stuff--if you're willing, we'll have one of the pages make a copy and we'll just hand it to all the members of the committee. Would that work? [LR172]

BRAD KREIFELS: Absolutely, ma'am. You can have this copy. [LR172]

SENATOR EBKE: Okay. Thank you. [LR172]

BRAD KREIFELS: It seems very strange to me that the Department of Corrections is charged with keeping felons, including the crime of false imprisonment, in a legal confinement facility,

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yet the Department of Corrections is doing the exact same thing. I've spoken to Senator Bolz about this and she has confirmed it by another source that this is the practice of NDCS. As far as inmate behavior is concerned, I would encourage the committee to look at the inmate deaths and disturbances in the past two and a half years. The inmate homicide rate in our prison has occurred more in the last 2 years than the previous 23 years. Management will tell you that this is because inmates are behaving more badly. While this is true, responsible government should look at the precipitating factors of tactical management, the lack of experienced staff, and the results of having an inexperienced staff and the vacancies that created that situation. Management cannot blame, yet they shift and blame to line staff. Riots are bad publicity. Mutinous actions defined by the DCS rule book says, mutiny: inciting a riot, insurrection, taking hostages, or arson. This committee must come to the realization these incidents are, by definition, a riot. Disturbance is a politically correct word for a riot. A riot is a media buzzword which captivates your attention on the five o'clock news; disturbances rarely do. It makes people think that it's not a serious matter but an unfortunate setback. I'm going to summarize the solutions to these problems maybe just to cut down on time. I'm sorry. [LR172]

SENATOR PANSING BROOKS: I'd like to hear what you have to say. [LR172]

BRAD KREIFELS: Yes, ma'am. While I admit the department has overused segregation in the past, this environment is almost intolerable. Forcing senior management to reopen these units and even double bunking, as we're doing now in some situations, in some cases will reaffirm the administration's commitment to support staff. Inmates who threaten staff should not be in general population. Placing them back with the employee has threatened to cause serious litigation issues to the inmate if they were to make good on these threats. The solution to fixing the contraband coming into our facility when employees are caught bringing contraband into the institution, they should be given at least one year in prison--incarceration, the best defense. Wages: The job of correctional employee is a tough one. Staff are regularly verbally abused, physically abused, and in some cases sexually abused. I have personally been physically assaulted three times and on countless occasions had human waste thrown at me. Wages are another problem. Security staff were promised step increases in a contract in the late-nineties. While security received one, everyone under the contract lost a very good sick leave package that management still enjoys. Those step raises lasted one contract. Step raises were suspended and we never did get our sick

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leave package back. The cost of living and insurance premiums go up every year and we are not covered by our meager pay raise. I also find it strange that when I started in 1993, we have had three different insurance companies to choose from. Currently, we are only offered one. You take whatever you get or you don't have insurance. The state contracts with Blue Cross and Blue Shield for the healthcare of its inmates, yet its employees are stuck with United HealthCare. Why do our inmates have a better healthcare plan than its employees? In fact, everyone who's bargaining in the bargaining unit uses money...loses money every year they stay with the state. The Department of Corrections has started hiring corporals off the street where this is usually promoted to...promoted position. Ironically, even a starting corporal, an applicant, will still make less than a starting employee at the Lancaster County jail. The haves and the have-nots: Management has tried different methods to retain staff. At one time the department was given money to retain staff. Some of this money was given to select job classifications and other times it went into on-line correctional classes that the department deemed relevant. The Department of Corrections has deemed itself to be a statistic-driven organization, yet another, excuse me, another incident when senior management voiced to the Legislature on television that it was gambling by giving \$500 bonuses to officers, corporals, caseworkers if they would stay till the end of the month, and they were deemed to have the highest turnover rate. Yet the Inspector General's report clearly showed that sergeants had a higher turnover rate, yet sergeants were not given this bonus. The merit and longevity raises at TSCI: Last week senior management announced merit and longevity raises at the TSCI. While this is good in theory, the department said that NSP also has severe vacancy problem as well. These bonuses were only given to TSCI staff. While these actions are a step in the right direction, senior management essentially pissed on the department employees at every other institution. The new hire bonuses given to people hired on in the month of October is \$2,500, or \$650 per quarter for the next 12 months. The department motto "one team one vision" is a farce with treating some members of the team with the same rank and classification differently. In some cases a person of equal rank may even make less money than the equivocal rank with less time in service. The truth is "one vision one team" is a figment of the department's delusional thinking. The Department of Corrections has published a 19-page "Strategic Plan Progress Report," which I will submit to you as evidence. Its pages entail the following tenets as far as staff safety. There's 2 of the 19 pages. I'm not going to read this. I will give you guys a copy of this. I'm just going to skip. Do you mind, ma'am, if I skip down past that? [LR172]

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SENATOR PANSING BROOKS: That would be fine. [LR172]

BRAD KREIFELS: Thank you. At no time there's no revelation by our management to keep us safe. The department can say it (acted on) suggested (sic--suggestions) on the investigations of the Tecumseh riot with some of these improvements. Senator Wishart talked about the leadership of the department and I wish to address that because, unlike her, I believe that it's a bigger problem than people think. Leadership training is a joke. When people become the leader it's far different than being a manager. Leaders know the fundamental leadership traits the department uses are not consistent with true leadership. Therefore, even tenured employees are leaving in record number. Engaged teammates are a joke. The staff that haven't left are demoralized by the lack of responsible management of corrections. How do you account for a caliber of vacancy if this department is doing a good job? Staff haven't left are spread so thin and demoralized to the point that they question why they should do anything when their own management doesn't care or appreciate about them. If anyone is telling you things different they are lying to you. Prior to this, the administration announced that senior management will try to do exit interviews with those people leaving the department. I asked senior management why they weren't talking to current employees. The administrator I spoke to said, I'm working 10 to 20 hours overtime every week and I don't have time for everyone. I reminded him that there are a lot of people at NSP working overtime, more overtime than 15 or 20 hours a week, and only making about \$27 an hour. Yet another example of no appreciation of our staff that carry on our department functions. Experience in a prison is coveted. It's not something you can teach in a classroom, nor is it knowledge engrained in a monthlong training course. Solutions to this are emplace step raises or merit employees with better (than) average evaluations. The example of step retention raise could give employees step raises if they've been here for three years and then give them a raise every year after that for three years. Give employees a raise which is competitive with county corrections. Give all employees a 2 percent raise for every five years' service. This will do wonders for the bitterness of tenured employees. We are so short that we hire anybody that has (sic--doesn't have) a felony conviction and breathes. Thus, we have hired a lot of poor-quality individuals. Making the requirement to be 21 and (sic--to) work there, reinstating physical standards would increase the quality of employees. Offering a higher starting wage would encourage higher quality people to apply. Retirement: It's common to see employees working 40 or 45 years. This reason, because they can't afford medical insurance. While we are all state

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employees, working in corrections is different than working at the Department of Motor Vehicles or other positions. When I go to work I admit my workplace is a dangerous workplace. I have been physically assaulted and had human waste thrown on me multiple times. We also have female staff that have been sexually assaulted at work. We are not typical state employees. It is recognized by our certified law enforcement brothers and sisters that have excellent retirement. There should be no difference between our retirements for correctional officers... [LR172]

SENATOR EBKE: Sergeant, it looks like you got a lot of pages there. And I really want to give everybody that came today an opportunity to talk and if you can let us make a copy... [LR172]

BRAD KREIFELS: Yes, ma'am. [LR172]

SENATOR EBKE: ...we would be happy to...I'll be happy to distribute it to everybody in the...on the committee. [LR172]

BRAD KREIFELS: I would just like... [LR172]

SENATOR EBKE: And I appreciate that. [LR172]

BRAD KREIFELS: ...add just very quickly, ma'am,... [LR172]

SENATOR EBKE: Short. [LR172]

BRAD KREIFELS: ...the problems are senior management. The problems are wages. The problems are benefits. The problems are retirement. Give me the resources, give me two years, put me in charge of hiring and firing, and I will have your department fully staffed in two years, 90 percent fully staffed. It's that simple. [LR172]

SENATOR EBKE: Senator Krist, do you have a question? [LR172]

SENATOR KRIST: I may take you up on that in the future. I have a question for you, though, that's pretty direct. What were those two guys doing in the same cell? What was a man who was

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due to be let out in less than four months I think, if that's the fact, who committed forgery doing in the same cell with a convicted killer? [LR172]

BRAD KREIFELS: Senator Krist, I'm afraid that I can't answer that question as those individuals were housed at the Tecumseh State Correctional Institution. [LR172]

SENATOR KRIST: Okay. [LR172]

BRAD KREIFELS: I can tell you that there is a classification process and that tool does exist, that we look at what inmate can live with what inmate to make sure there's no central monitoring problems. [LR172]

SENATOR KRIST: So I've heard from five other corrections officers who are at Tecumseh that the individual who was...whose life was taken was not necessarily the easiest person to get along with. In fact, they called him obnoxious. Do you think there was any intent to put him in a place where he would be taught a lesson, personally? I'm not talking about professionally. Is there in the corrections system, whether it's long hours, whether it's the safety factor, whether it's anything that you can think of, should that have ever happened? [LR172]

BRAD KREIFELS: Sir, no, sir, it shouldn't. Hopefully I like to believe that our staff is professional enough that we wouldn't do that for personal reasons and that when we do business we do it because we're professionals. [LR172]

SENATOR KRIST: Thanks. Good answer. Thank you. [LR172]

BRAD KREIFELS: Senator, may I ask you a question? [LR172]

SENATOR KRIST: Yep. [LR172]

BRAD KREIFELS: When we hired our senior management you justified \$180,000 raise for him to right the ship. Do you believe he's done that? [LR172]



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SENATOR KRIST: No. No, and given the chance I would replace leadership. As you talked about, from what I've seen and what I've been involved with, that starts at the top but it goes down to a point of those people who are still here who should not be here making the culture very difficult for the people who are on the front line and in the trenches to do their job. [LR172]

BRAD KREIFELS: Sir, I couldn't agree with you more. Thank you, everybody, for giving me the opportunity and more than three minutes. I certainly would submit this as evidence. Thank you. I believe our prison system is fixable but it's going to require some resources that I understand the state is a little short of right now. We have to decide what do we want, public safety or chaos? [LR172]

SENATOR EBKE: Senator Pansing Brooks has another question. [LR172]

BRAD KREIFELS: Yes, ma'am. [LR172]

SENATOR PANSING BROOKS: I don't want chaos. Thank you for coming today. It's very brave of you to come and do this. I know it's very upsetting so we're sorry about that. And I think you were here for the previous hearing on community corrections. [LR172]

BRAD KREIFELS: Yes, ma'am. [LR172]

SENATOR PANSING BROOKS: Do you feel that there are a number of inmates who could be in community corrections rather than being housed in these maximum security? [LR172]

BRAD KREIFELS: Ma'am, I spoke to Warden Cruickshank. It's been a couple years ago because he is currently deployed. And we discussed classification overrides and we also discussed the current criteria for those individuals to go to community. At that time Mr. Cruickshank told me that we overprotect the citizens of Nebraska. I am not in a professional position to tell you whether or not that is true, but I can tell you that work is being done to get people in those correctional facilities as quickly as possible. [LR172]

SENATOR PANSING BROOKS: In the community corrections facilities? [LR172]

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BRAD KREIFELS: Yes, ma'am. [LR172]

SENATOR PANSING BROOKS: Thank you. [LR172]

SENATOR EBKE: Any other questions? Okay. We'll get your (inaudible). [LR172]

BRAD KREIFELS: Thank you. Thank you, everybody. [LR172]

SENATOR EBKE: Yeah, thank you for coming today. [LR172]

SENATOR PANSING BROOKS: Thank you. [LR172]

SENATOR EBKE: Okay. Do we have other corrections staff? [LR172]

SHARON WATERS: Good morning. My name is Sharon Waters, S-h-a-r-o-n W-a-t-e-r-s. I started out my career at corrections in 1996 working at the Hall County Department of Corrections for two years. After that I decided to move my children and myself to Chadron State College and obtained a teaching degree. After obtaining my teaching degree, beyond my wildest dreams, I found myself back in an institution--teaching at NSP. I taught there from 2004 to 2010 when I was...there was a downsize of force during the recession and I was one of five teachers that was let go. I taught adult basic education and prepared inmates to obtain their GED. I also taught parenting, English as a second language. I also taught employabilities and secrets to business success. I also proudly introduced the institution to the Inside Out Dads parenting program. I also founded an organization that is called Change for Nebraska Family of Correctional Services. This organization started after the riot in the Lincoln Correctional Center in August of 2016. After that particular riot, myself and two other former correctional employees decided to have a rally of support for correctional employees. My goal was to bring the attention of inmate assaults on staff to the forefront so the people of our great state would understand how dangerous the situation is for public safety. After the rally in 2016, I received numerous, an astronomical amount of calls and e-mails and messages from current, former staff, and families that had their loved ones incarcerated asking for help. I recently held another rally of support this last month and it disgusts me that yet again former and current staff reach out to me requesting

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another rally. I have had said repeatedly it's only a matter of time before a staff member is killed at one of the facilities. Under the leadership of Frakes, the pleas of a correctional officer by the name of Jayme Biendl, and I will say it again, Jayme Biendl in Washington, her pleas for help with her security concerns were ignored. Unfortunately, she is no longer alive. She was killed by an inmate in a chapel, in the same place she expressed those safety concerns. With your permission, Senators, I would like to ask the people behind me that were or are currently correctional staff in our state to please stand. We, Senators, at your time or currently are the state's only defense against your worst nightmares. Some of these people behind you are looking for leadership in desperation because they are not getting it with the current administration that we have. Senators, I ask that you please step forward and do the things that need to be done to secure their safety that they may be able to go home to their children and that the state can be safe as well. I thank you for listening to me and I will continue to be loud and proud for my brothers and sisters. [LR172]

SENATOR EBKE: Thank you for being here. Hang on, let's see if we've got any questions for you. [LR172]

SHARON WATERS: Oh, I'm sorry. [LR172]

SENATOR EBKE: Any questions? Guess not. Okay. Thank you. Next up. [LR172]

CARLA JORGENS: Good morning. My name is Carla Jorgens, C-a-r-l-a J-o-r-g-e-n-s, and I'm a corporal at the Nebraska State Penitentiary. There's a few things I want you to know about me. I am my parents' daughter and caregiver, my siblings' sister, my nieces' and nephews' aunt, a friend to many people I consider family, and possibly your neighbor. I have a face and I have a name. I am the one that works behind those fences and walls that many of you guys drive by every day. I'm tired and I'm afraid. I'm tired watching my coworkers being taken out of the prison on gurneys. I'm tired of seeing inmates assault my coworkers and sending them to the hospital. I'm tired of having to work ten-hour days just to ensure my safety, only to be told that they're going to require me to work an additional six more hours. I'm tired of seeing many of my coworkers being forced to work a 16-plus-hour day. Prisons are not safe to work in for 8 hours, let alone forcing someone to work 16-plus hours a day. We all have responsibilities outside those walls,

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including caring for our children, our spouses, and our parents, yet we're being forced to choose between our family obligations and our jobs. A lot of times our families come in second. It shows in our faces and it diminishes our spirit. Inmates see how much we're being forced to work and they know we are tired. So I'm afraid. I'm afraid for myself, my coworkers, and the citizens of this state. We are all at risk. Mr. Frakes sent a letter out in May 2015 stating, and I quote, I've got the letter right here: It will get better. Well, it has not. I have been with the department for 20 years and every day of the last 5 years I've said to myself, I have never seen it this bad. And every day it gets worse. Mr. Frakes said give him 120 days to fix the mandatory problems in our institutions. It's almost 1,000 days later and the mandatory has not even slowed down. You can hire all you want off the street, but if you don't address retaining the employees you currently have your efforts to staff your facilities will be futile. You've been told that retention is being addressed. I assure you it is not. These pages here have highlighted names. These are NSP employees only that are no longer in the facility. They were in the facility in December of 2016. They are no longer there. Director Frakes came to NSP for what he called a town hall meeting. He spoke for about ten minutes. Then he opened the floor for questions, so I stood up and introduced myself, making sure to let him know that I had 20 years of service in with NDCS. I asked him why they no longer conducted exit interviews on people that were quitting. Mr. Frakes informed me that the employees leaving the department could conduct an exit interview; it was on-line. I said, Mr. Frakes, in the past the wardens and the majors conducted the exit interviews on the people leaving their institutions. They'd call you in and they'd ask you why you were leaving, and if you were leaving for a better paying job or because you wanted to go back to school to better yourself, they thank you. They wished you well and they thanked you for your service because they cared. If you told them you were having difficulty at work, they wanted to know why so they could fix it and prevent more people from leaving because they cared. Mr. Frakes just looked at me with a blank look on his face and gave me no response. I work in a dangerous, hostile environment and I do what I do for someone who doesn't care. This is obvious when you look at the amount of staff that has left NSP and are still leaving. Again, retention is not being addressed. My rank, my pay, and my seniority has been given away to the new hires off the street. Twenty years of service means nothing. I was fortunate enough to earn one step raise before they were bargained away by NAPE, our current union, back in the nineties, which means that after 20 years of service, I now make \$1.20 more an hour than a new hire off the street. I also had to work as an officer in towers and housing unit

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control centers for a year before I earned the right to take a written test and an oral board to earn the rank of corporal. I studied for weeks and I had to score high to earn those stripes. Now... [LR172]

SENATOR EBKE: We got a red light, but are you about finished? [LR172]

CARLA JORGENS: Pretty close. I...just this here. [LR172]

SENATOR EBKE: Okay. Okay. Go ahead then. [LR172]

CARLA JORGENS: It's very, very brief. [LR172]

SENATOR EBKE: Go ahead. [LR172]

CARLA JORGENS: Now those stripes are given to new hires off the street. Employees that never had the desire to work directly with inmates on the ground in an unsecure environment are now being forced to promote to corporals if they want to keep their jobs. Many of those individuals have more seniority than I do, which means now they're able to out-bid me on posts that I have been doing for years. Trust me, they don't want to promote to corporal. They like the posts that were officers only. I know that hiring is a priority right now, but throwing money and rank to the new hires is like throwing something else in the faces of your long-term, experienced, quality staff. Now that's one way to address retention, isn't it? Giving TSCI employees a 10 percent merit raise based on years of service and job performance is also a slap in the face to those of us with years of service in other NDCS facilities. Implementing a step raise plan for one institution because it has hiring and retention issues is not the answer. I agree that when an institution reaches a below-minimum staffing level and staff are required to work 16-plus-hour shifts to meet daily staffing needs then hazardous duty pay should be implemented. When staffing levels return to normal, the hazardous duty pay should cease. The general consensus amongst many of us that are trying...many of us is that they are trying to force out the people with the most seniority at the penitentiary. This is not just how NSP staff are feeling. I've had many contacts in every institution. They're all angry with the way this administration is going about hiring and not addressing retention at all. Sarpy County just hired 11 people from the three

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Omaha facilities. Many left because they get paid better at the county level and they get treated better at the county level. They value dedication and commitment and they reward longevity; NDCS does not. The senate Appropriations Committee gave NDCS \$1.5 million to address retiring, hiring, and retention. We haven't seen it have any effect on reducing the amount of staff leaving the department. My name is Carla Jorgens. I'm tired and I'm afraid. [LR172]

SENATOR EBKE: Thank you, Ms. Jorgens. Questions? Senator Krist. [LR172]

SENATOR KRIST: Not too long ago...not too long ago in a courtroom in Douglas County one of our judges, after asking a question of an employee, who was put in a very sensitive position, came forward. And thank you for coming forward and having the guts to be here. The judge said, and I quote: I better not hear about reprisals against any of these employees who have the courage to come up, this employee, who had the courage to come up and tell us like it was, and I'll use the court's funds to allow this person or that person to be represented by a lawyer if it ever comes to that. Is this being televised? It is. So on the record and for those of you who are watching, I better not hear about these folks having reprisals against them, because it takes courage. It is our job in the Legislature to legislate, appropriate, and apply oversight, and that's what this is. This is oversight. So I really don't have a question for you. I just want to tell you thank you for coming and both of you for speaking your mind. [LR172]

CARLA JORGENS: Thank you, sir. [LR172]

SENATOR KRIST: We need to hear these things. [LR172]

CARLA JORGENS: Thank you. [LR172]

SENATOR KRIST: Thank you. [LR172]

SENATOR EBKE: Okay. Next up. Thank you for being here today. [LR172]

TED HAYS: Hi. My name is Ted Hays, T-e-d H-a-y-s. I've been with the department 20 years. I hope to leave. I don't want to stay there no more. I'm going back to school, so I need to go right

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now so I can go to class. So there is nothing there for keeping me there. I'm 20 years, no pay increase, nothing, a little bit more money than someone that just started. So I'm gone. I'm going to be leaving here. I'm cutting this short. I'm going back to class. Hopefully I find another job. So that's all I have. [LR172]

SENATOR EBKE: Thank you for your service with the department. Any questions? Thanks again. [LR172]

LAWRENCE BRIER: My name is Lawrence Brier, L-a-w-r-e-n-c-e B-r-i-e-r. I'm a caseworker at the Nebraska State Penitentiary. I'll try to keep this as short as I can. Like to start off by reminding everyone here what the mission statement is: Keep People Safe. We are failing the mission statement. There is...it is severely compromised by systemic, extreme understaffing. As you may...I presume you've all read the report from the Office of Inspector General. On page 14 it says NDCS is in a staffing crisis. That, of course, has not changed. Because of that staffing crisis you have, you know, you have understaffing. That contributes to mandatory overtime. I've had coworkers, more than one, this has happened multiple times, tell me they volunteered to work 72 hours a week, then get written up when they refuse a mandatory overtime for an additional 8. That's per week. They're being told, you volunteer for 72 hours a week but we insist you work 80 hours a week. And they get written up for that. Because of that you have substandard performance, we have lack of professionalism, and extreme job frustration. Those, of course, lead to a lack of retention. That, combined with the low pay, contributes right back again to the understaffing. So you have a vicious circle: understaffing to mandatory overtime to substandard performance, lack of professionalism, job frustration to lack of retention, back to understaffing again. So it's all circling back to itself. That is not a good situation at all. That is not going to allow for people to be safe. That is the mission statement and it's failing. It is failing from (inaudible) from all of us, myself included, by the way. I won't deny that by any means. I'm also one of the people who is trained to be a facilitator for the Thinking for a Change course that you've heard a little bit about. I was just told the other day that they have to have this for a group that are on restrictive housing on Housing Unit Four, B Gallery. Every one of those inmates must complete that class. They need instructors. As of last Monday, would I please help out, and I said absolutely. I will teach overtime two classes a week. They're two hours twice a week. That's eight hours right there, plus time before and after the class. And I said if you get me a (inaudible)

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and take away one day a week of my time in the housing, I'll teach a third class because it needs to be done. That is who I am. I get in there and do what needs to be done because it has to be done. But, quite frankly, you cannot depend on that enough. Part of the problem is that the vast majority of people have an us-them attitude. I've seen this, having worked in psychiatric hospitals, (inaudible) facilities, adult developmentally delayed, detox, youth at risk. People are reluctant to hire on in corrections because they feel that those people are "them" kind of people: We can't relate to them as human beings; I don't want to work with them. Or, sadly, the alternative is I want to work with them because I can be a thug behind a badge. Of course, both kinds are not acceptable, not at all, not at all. So we don't want the kind of people who can't relate to inmates as human beings. I need to have...wrap this up, don't I? You don't want the kind of people who, you know, would go for the job because they can't relate to them. You want the kind of staff who can relate to them as human beings, understand they have problems, that inmates become inmates by making bad choices, in some cases a lifetime of bad choice, a whole pattern. I'll (inaudible). Go ahead. Questions. [LR172]

SENATOR EBKE: Senator Krist. [LR172]

SENATOR KRIST: Is there anybody else that's going to testify on this particular...? [LR172]

SENATOR EBKE: Anybody else? We got... [LR172]

SENATOR KRIST: Okay. [LR172]

SENATOR EBKE: ...a few, yeah. [LR172]

SENATOR KRIST: So I won't take up a lot of time. But I was passed a note here that I think needs to go on the public record, indicative of the lack of cooperation between the executive branch and the legislative branch, and I'm appalled. When you spin things you tell half the truths and you make a case for not taking or assuming any responsibility for what's happening. (At) 10:44 the Governor's Office released: Nebraska Leg. Committee holding hearing on Nebraska corrections staffing; the last two years senators have cut back agency requests for staff funding. That's a third of the story. We can tell you the rest of the story. The Appropriations member that



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put this resolution forward can tell you the rest of the story. Management and leadership created a situation where we had to choose between how much money was in the pot and how much money could be held for later. This is a third of the story and it's pure propaganda. If you'd like to respond, use a few more minutes, go ahead. [LR172]

LAWRENCE BRIER: Any other questions first, please? Let's interact. Any thoughts, comments? Okay. Yes, it is a problem. And again, all of us, myself included, are responsible. We are here to keep people safe. We're here to keep Nebraskans safe. That certainly does include my fellow staff members. That certainly includes the inmates as well, who are underserved by understaffing. It includes the community. When we...the basic idea of the prison system, if you take a person who's made a mistake in the community, take them out of the community, put them someplace else over here, then later on put them back in the community, what have they achieved? They go right back again to what? To cause more problems, because they made a mistake to start with? Granted, there's a number of the inmates who are not going to cause more problems. They made a mistake once in their life; they're not going to do it again. That's great. Many of the inmates I worked with, that's not the case. They have problems in their underlying personality that they're going to make the same kind of mistakes. We need to interrupt those. That requires programming, which I'm a very strong advocate of. That's why I'm a facilitator of Thinking for a Change, and any other program they'll come up with I'll be glad to get in there and volunteer for it as much as I can, as much as it may take time away from my own self, from my own time, from my friends. But when they go back to the community, how are they going to be different human beings? What have we done for them? Basically, for most of the ones that I've seen guys go, I tell the inmates when they're getting released...I work on housing and aid. They tend to be closer to being discharged in that case. My standard line that I give them is, not in all cases but in some of them, I like you and I hope I never see you again. And it so happens just the other week there's an inmate who I...came back. He was...he said he was there in March. He left and now he's back again. He says he's got more learning to do. But what are we doing to assist them so that when they do go back to community they're not just repeating the same mistakes? Having worked in detox, what you find is that if you have the same environment, the same people, you'll also have the same activities. Activities, people, and geographical environment tend to stand and fall together. You want to cut the cycle. You want to have different people and a different place and you're more likely, not guaranteed but more likely, to have

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different activities. That's part of it. It's not all of it but it's a start. A lot of these guys, they don't have the basic skills to simply show up to a job consistently and on time. They say, I don't feel like it. They have a job that works in the kitchen: I'm not in the mood. They don't show up. We got porters that clean up. They don't always feel like it. Some guys, I heard one inmate brag he's never worked a day in his life. What is an alternative other than crime? None. So we need staffing. We need basic correctional staff because, again, working 72 hours a week and being told that's not enough, you have to work 80 or you're getting written up, and I've had coworkers tell me they've been written up, they've gotten what's called B forms, that's unacceptable. I have...I'm a caseworker so I'm mostly shielded from that but not completely. I've worked mandatory overtime. I've volunteered to work a few hours on many nights because I couldn't get the job done in eight. Not a problem. I work two hours overtime. It's not the end of the world. But you know, when you're told...you're unprepared, you don't have a meal, you got commitments, you're told you must work an additional eight hours, that's very draining, especially when it's sprung on you at the last minute. Most nights I hear the calls from the radio: Do we have volunteers to work another eight hours? That's after they've...people have volunteered on the computer, will then put it in on the radio. And then we start hearing: So-and-so, you need to call the lieutenant's office. That's mandatory. You know it's happening. And they go through the list where they will mandatory people. [LR172]

SENATOR EBKE: Okay. [LR172]

LAWRENCE BRIER: And that means you have people who are tired, they're frustrated, and they're not giving it their best. And they're simply not able to do the quality work that needs to be done. When an inmate causes a problem, they're more likely to overreact. [LR172]

SENATOR EBKE: Okay. [LR172]

LAWRENCE BRIER: And that's, you know, that's not keeping people safe. [LR172]

SENATOR EBKE: Right. Thank you. [LR172]

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LAWRENCE BRIER: I need to prepare for my second shift. I will take any questions but, if not, I got to get to my job properly and... [LR172]

SENATOR EBKE: Okay. [LR172]

LAWRENCE BRIER: ...eat a meal. [LR172]

SENATOR EBKE: Okay. Thank you. Next up. Are there...who else? Who do we have? We have...okay. Go ahead, yeah. [LR172]

DOUG KOEBERNICK: Good morning again, Senator Ebke and members of the committee. My name again is Doug Koebernick, spelled K-o-e-b-e-r-n-i-c-k, and I work for you as the Inspector General of Corrections. First, I want to again thank Senator Wishart for introducing this legislative resolution. It's very important because it recognizes that the state needs to do more to recruit and retain employees for the Department of Correctional Services. During the past two years I've visited with numerous staff at all ten correctional facilities and want to thank them publicly for their hard work and dedication. As you've heard today, many of them work long hours and they do it in very stressful conditions. And I really want to thank the people that are here today that have testified and shared their stories. It takes a lot of guts to get up and do that and I really admire them. Like Senator Wishart, I've also surveyed correctional employees during my two years, and my survey findings mirrored many of her findings as well. When I testified in 2016 in support of LB733, the bill that appropriated \$1.5 million to the department to assist with recruiting and retaining staff, I shared in my testimony that in 1989 Nebraska's director of Corrections, Frank Gunter, appeared before the Legislature's Committee on Prison Overcrowding and discussed the impact of crowding on staff. I also want to make a note, too, that when that bill was originally introduced it was for \$2.5 million and the thought behind that when I brought that to Senator Watermeier was there's 1,000...or 2,500 employees, roughly, in the Department of Corrections. That would equate to \$1,000 per employee. I thought it was at least worth a start to do something for the employees. The department did not support that bill and it ended up getting scaled back to \$1.5 million. So in 1989 you had the director of Corrections talk about staffing issues. In 2001 a legislative interim study led by Senator Dwite Pedersen examined another...a number of correctional issues, including staffing, and it went...looked at Tecumseh, looked at a

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lot of different things. And I'll just get right to the point. In other words, staffing problems are not new. However, since that time, the state of Nebraska did end the step pay plan. My survey results clearly show that reinstating the step pay plan was one...was the one item that would assist with retention the most, according to the staff that responded to it. As the Inspector General of Corrections, I am deeply concerned about the safety and security of our correctional facilities but, most importantly, about the safety and security of those who not only work there but also reside there. Without adequate quality staff, these facilities are not as secure or run as efficiently as they should. They are also not as effective as they could be in rehabilitating those who reside. I'll give a couple quick stories here. Yesterday I had a former employee share with me concerns about the safety of his former fellow workers at the State Pen. He and others believe that two or three of the living units are in dire shape and that the chance for a significant incident taking place is quite high. It is clear from my visits to those units that he is correct. He stressed that those units are quite difficult to manage and there's a lot of things that could happen to make them better, but one of them would be to have additional staff and better equipped staff. Even in a facility like Lincoln Correctional Center, where they appear to be nearly fully staffed, just last week a housing administrator sent out an e-mail asking people to volunteer for 42 shifts that had no coverage. And I have one final example I want to share with you. A former correctional employee who worked for the department for over a decade described how she would go to work and be ready to roll and go to work and be fired up, excited to go to work for many years. However, in the last year or so of her employment she would arrive at work and her anxiety level would shoot through the roof, and I think people behind me can understand that. She was scared to go do the job that she loved and she took exceptional pride in doing that. Her and her supervisors even had a plan of action in case their area was taken over by inmates, including having survival kits. When she left, the only person who asked her why she was leaving after all those years was someone named "SurveyMonkey." She even requested to meet with those above her, including the director, and they declined. And she's not the only one who shared that story with me. I'll just say I think it's clear that the staffing needs of the system are not being adequately addressed and that more needs to be done to recruit but, more importantly, retain quality staff. I'm encouraged by the Legislature examining this issue. I want to thank Senator Wishart again, and more than happy to answer any questions. [LR172]

SENATOR EBKE: Any questions for the Inspector General? Senator Hansen. [LR172]

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SENATOR HANSEN: Thank you, Senator Ebke. And thank you, Mr. Koebernick, for coming down. Just to kind of touch upon some of the legislative history you covered, so in recent memory Senator Watermeier carried a bill that started off as \$2.5 million for staff retention. [LR172]

DOUG KOEBERNICK: Correct. [LR172]

SENATOR HANSEN: And the department opposed that bill. [LR172]

DOUG KOEBERNICK: They didn't oppose it but they didn't support it. [LR172]

SENATOR HANSEN: All right. Thank you. [LR172]

SENATOR EBKE: Senator Krist. [LR172]

SENATOR KRIST: And do you recall the rationale behind that? I do if you don't. But go ahead. [LR172]

DOUG KOEBERNICK: About scaling it back or why they didn't? [LR172]

SENATOR KRIST: Why they wouldn't... [LR172]

DOUG KOEBERNICK: Well, because they didn't know what they could do with the money. They said they had no idea what they could do with that money. [LR172]

SENATOR KRIST: Didn't know what they could...didn't know what they could do with the money. [LR172]

DOUG KOEBERNICK: Right. I gave them many examples. Staff weighed in, gave them many examples and everything. We also had an issue where they didn't think that they could provide bonuses and everything like that. Well, we went through that and showed them that they could

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and it took them months to actually accept that they could provide bonuses to their employees. [LR172]

SENATOR KRIST: Had to have a legal opinion from the union to allow us to do what we asked them to do because they couldn't do that. It wasn't in the contract. [LR172]

DOUG KOEBERNICK: Uh-huh. [LR172]

SENATOR KRIST: Just for the record. Thank you. [LR172]

SENATOR EBKE: Any other questions? Thank you for being here. Next. [LR172]

MICHAEL STEADMAN: Good morning. [LR172]

SENATOR EBKE: Good morning. [LR172]

MICHAEL STEADMAN: It's been a long one. [LR172]

SENATOR EBKE: Well, it's still morning yet for another 15 minutes or so. [LR172]

MICHAEL STEADMAN: It is. My name is Michael Steadman, S-t-e-a-d-m-a-n, and I represent the Nebraska Association of Public Employees and AFSCME Local 61. The union that I serve and the people that I've served have been bandied about a lot this morning, especially just recently. Having said that, I worked 23 years in state service. And of those 23 years, 13 years were in corrections. Starting 2001, I worked at LCC, and the latter part of '01 to '02 I worked in the special management unit of the Tecumseh State Correctional Institution. I retired from state service in 2013. Having said that, I've gone through a lot of surveys over the years. Matter of fact, the NAPE/AFSCME and management were part of a survey that was done in 2004 which, strangely enough, mirrors the surveys that have been talked about this morning and including mirrors the one that Senator Wishart was talking about. I think I would like to point out, though, that it's huge, absolutely huge, Senator Krist, that employees that are in harness for the state of Nebraska have the will to come to a chamber like this and testify, because they are told that they

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need permission from the Department of Corrections really to talk to anybody, including the press. So they're actually doing so with that concern and that fear. Having said that, what I'd like to do is to change the conversation and the paradigm for the Department of Corrections around their talking about the need for recruiting and retention. I would hope this morning that the Judiciary Committee would try to look at the question differently and the question that I'd like you to look at is retention and then recruiting. If you cannot save and hold your seasoned staff, the most experienced staff, then the new staff coming in are, for the most part, lost and they don't stay because, you know, the seasoned staff aren't there to train them and to hold them there. So I would ask that the department, as well as the Legislature, turn that whole paradigm around and say, how can we keep and retain the people that we have? To have a corrections officer function at the level of, in my case, 13 years unfortunately takes 13 years. You can't train someone, no matter how good they are, put them on in the special management unit and then expect them to function with those type of inmates right out of the gate. It just doesn't work. It doesn't. You've heard about fear. You've heard about folks that are leaving. And what I'd ask you to do is do what the...and entertain what the director (inaudible) has talked about and actually institute it. The department or, excuse me, the union that I work for has talked about a step raise for years, and the administration, over two administrations, actually three, has said no. A step raise would reward and hopefully retain seasoned employees by years. We've become a training ground for Douglas County, Lancaster County, Hall County. By the way, we're also a training ground for Cooper Nuclear Station and the railroads, believe it or not. They use our employees after we train them and spend the money on them. So what I'd like you to also entertain is something a little different is I would like you to entertain the idea of how to get some of those former employees back. I suggest, and they have had in times past, a recruiter that was assigned at Tecumseh State Correctional Institution. I also believe they had one at NSP. But those positions are no more. What I suggest is, is that you go through the files of all the employees that have left and then...that have left in good standing over the last four years and call them and offer them the following: number one, a step raise that would be commensurate with their time in service; two, that you would bring them back in at the rank that they left at. Currently, if you come back in, for instance, if you're a case manager or a unit manager, you come back in as a caseworker. If you're a sergeant or a lieutenant, you come back as an officer. It's weird. I mean your experience is discounted completely. Finally, I would ask that the training that has to be done in the interim that I've been gone or whoever it is that comes back would be pared down to what has changed

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and not treat him as a brand new employee and send him through six to eight weeks of training all over again. It's not necessary. I'm open to questions if you have any. [LR172]

SENATOR EBKE: Senator Krist. [LR172]

SENATOR KRIST: That's thinking outside the box and I appreciate that. That really is another additive factor. I would point out, and it's a matter of record and a matter of public testimony, the former Chair of this committee was on LR34, Senator Les Seiler, and that question was...the question was posed directly to the director in terms of how do we keep good people. Now Les has been gone for two years and so, again, I would point out the question was asked over two years ago, how do we keep....and it's right on the mark. It's kind of an indicator of what happens with term limits. You're throwing out experience, right, if you want to give an analogy. But we did that in the United States Air Force. We offered people a chance to come back in who had critical experience in flying airplanes and whatever, and they were brought back in, with a very short introduction went right back to work. I think it's a great idea. And it's way out of the box for people around here, so thank you for coming and giving it. [LR172]

MICHAEL STEADMAN: What I've suggested on those lines, Senator, does not violate the union contract at all. It can be done this afternoon. [LR172]

SENATOR KRIST: Thank you. [LR172]

SENATOR EBKE: Thanks. Any other questions? Thank you. Okay. Who else is...we're done. Thank you. Okay, who else? One more? And let me just echo what Senator Krist said a few minutes ago. For those of you who are currently employed by the Department of Corrections, hopefully there will be no reprisals. But if there are, please inform my office, Senator Krist and let us know because that's the last thing we want to have happen. [LR172]

SENATOR PANSING BROOKS: And my office too. [LR172]

SENATOR EBKE: Just tell us all. [LR172]



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SENATOR PANSING BROOKS: Just tell us all, yeah. [LR172]

SENATOR KRIST: Tell us all. [LR172]

SENATOR EBKE: Okay. [LR172]

RICHARD HALVORSEN: Okay. My name is Richard Halvorsen, H-a-l-v-o-r-s-e-n, and I want to tell you, Senator, they have...Department of Corrections can be pretty subtle about how they effect reprisals. They might just change a job assignment, like I...at the pen it was Tower Four, for example. We had a guy, he...Tower Four is in the southwest corner. It overlooks the shops. It overlooks the...it used to be TOME (phonetic) yard. And after 8:00 there's nothing going on (inaudible). That man was assigned there as a reprisal. They just...oh, we're just changing your job assignment. I worked at corrections--well, I don't work now--I worked there about 32 years. It seems like more things change, more they stay the same. Back when I started we still had...we had the problem with overtime back then. Of course, at the time they get paid time and a half, so it's even worse. But the scale has changed because when I started you had all those inmates in two cell houses, well, cell house, hospital, but. So, and those cell houses would be staffed with five officers, sometimes only four. So it was just a matter of replacing you, and didn't have to pay so many people. Of course, now they've grown so the...and the scale has changed. But the problem is, again, I think the culture. It...they, when I started, you can make some changes, they have, like she's a corporal. You had to be there three years before you could go for corporal. I didn't study for the...I didn't have to study. I'd been doing the job for one year, you know? So I didn't have to study for the exam or the...it was an oral exam. But the supervisors, they just want to, at the time, and they still do, they just wanted to fill a slot. They didn't care what shape you were in, how alert you were, what your (inaudible), just fill a slot. I remember one time I had a Guard drill. It was a two and half day Guard drill. Had to come in Friday night, work second shift. I volunteered to show up, saying I have to leave before 6:00. Well, called at 5:30, I was working in a control unit: I got to leave, go to drill. Said, you're not going. We'll get it (inaudible). They had me call down to drill, say I can't come, they won't let me go. They said, they have to let you go, it's a federal law. So, well, guess what? There's two locked gates and three locked doors between me and the front and they say I'm not going. So needless to say, I didn't go. But like...and I...well, get us a freshman supervisor. When you got a shortage of staff,

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it's their job to fill a slot. Again, sometimes unfortunately they don't care. Again, it's despicable people get written up for refusing overtime. It happens. And one thing, in closing, merit pay, at one point in my career we had a contract that called 1 percent merit pay and that, believe it or not, did not really go over that well with the officers and corporals because we knew who was going to get the merit pay, you know, not everybody. We know that guy is going because he wasn't qualifiable. There was no set stand. So again, we weren't really in favor of that because by saying you do, which few people are going to get it that time? So I see my time is up so thank you for your time. Again, you have a...you got your job cut out for you. [LR172]

SENATOR EBKE: Thank you for being here. Any questions? Okay. Last call for testifiers. Senator Wishart. [LR172]

SENATOR WISHART: I would like to close. [LR172]

SENATOR EBKE: Okay. [LR172]

SENATOR WISHART: I did want to, first of all, thank you to everybody who came here today to testify. And thank you for your patience, Chairwoman Ebke. I will be quick. But I did...there was a conversation going on in the Twitter world--I don't tweet much so I thank Senator Pansing Brooks for pointing this out--that I did want to clarify. There was a comment made from the Governor's Office that we're holding a hearing on staffing. The last two years senators have cut back agency requests for staff funding. I can only speak to the year that I've served as an Appropriations Committee member. And one of the other tweets was: Now Appropriations Committee member is issuing a call for money after they cut back on a budget request. I believe what is being spoken to is when the department came with a request for dollars in investing to fill vacancies. And when we had a really honest conversation and dialogue with the department and with our committee, we felt that the amount of money the department was asking for there...it was...they were not going to be able to fill those vacancies. And so we did cut back some dollars with the understanding that if the department was able to fill those vacancies, they can come back with a deficit request. We will be happy to fund that. But to have a really tough budget year when we're cutting child welfare and we're cutting providers and to have a pot of money sitting there when vacancies cannot be filled because we're not addressing the real issue, which is

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retention. And so, you know, I also want to point out that it costs \$5,400 to train a person. If we are not focused on retention and that person leaves that position, again, that is money not well spent. So I want to echo what I heard from the amazing staff today and from the other testifiers that we need to focus our money on retention and I will be introducing a bill to put in place a step increase for longevity and merit. And lastly, I want to say I don't tweet so I don't expect to be getting in a Twitter war, but I will reach out to the Governor's Office and hopefully we can sit down and talk about how we can work together on this. [LR172]

SENATOR EBKE: Senator Krist. [LR172]

SENATOR KRIST: I don't want to have the last word on this. I thank you for bringing this forward and I thank those people who came, at personal risk in some cases. And again echo again what we've talked about, if there are reprisals we need to know about that. However, I can remember hours of discussion with Appropriations staff members and with you in particular, and that's why I said only a third of the information is propaganda; you need to know the whole story. We scientifically, if you will, systematically looked at what they could fill over the last six months to a year and the rate that they could train people, bringing them in, and adjusted their request to properly fund what that expectation was to be filled. That's the rest of the story, as Paul Harvey used to say. You're probably too young to remember Paul Harvey, but that's the rest of the story. So in the Appropriations process, and you guys have a really tough job, and sharing that with the rest of us on the floor and understanding what was asked for and where we could cut back on a very tough budget year, I applaud what you do there as well. So if you want to tweet you better tell the whole story, in my mind, or it becomes propaganda and a lack of willingness to play well with others. Thank you, Senator. [LR172]

SENATOR WISHART: Thank you. [LR172]

SENATOR EBKE: Senator Pansing Brooks. [LR172]

SENATOR PANSING BROOKS: Sorry. Not the last word, but... [LR172]

SENATOR KRIST: No, I said I don't want to have the last word. (Laughter) [LR172]

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SENATOR PANSING BROOKS: Okay, well, you don't. [LR172]

SENATOR KRIST: Okay. Great. [LR172]

SENATOR PANSING BROOKS: So thank you so much for bringing this forward. And again, I'm hoping that that tweet was just some people in his office, in the Governor's Office. That's what it says, it was from the Governor's Office. It isn't directly from the Governor's Twitter account particularly. I am hoping we are not turning this into a war between branches. Because it is quite clear when I led the LR37 Committee when we had the special investigative committee looking at corrections, we begged corrections to tell us what they need, how much money they need, and what was necessary, and continually, time after time, Director Frakes and others said, don't worry, we have it, we don't need the money, we are okay. And so now to come back with this disingenuous tweet, it is not appropriate. It doesn't help the discussion about these important topics to go forward. The topics about safety to our staff who do protect us from a real serious event that could happen even as it breaks out of the prison. It protects the staff. It protects the...they protect the staff. They protect the community. They protect the inmates. And again, it is not appropriate to be in some sort of Twitter war and not deal with this issue straight on, which is we need to sit down and make tough decisions and invest dollars to help these overcrowding issues that relate to staffing and relate to programming and relate to community corrections and relate to the lawsuit by the ACLU. Thank you for your work and they should not be referring to you in this. And I appreciate your bringing it forward. [LR172]

SENATOR WISHART: Well, I appreciate you. Again, I'm not on Twitter much. (Laugh) I don't live in that sphere. [LR172]

SENATOR PANSING BROOKS: Neither am I but... [LR172]

SENATOR WISHART: You know, when I said earlier on that this is not just a pay issue, it is a systemwide leadership issue, I truly do mean that the responsibility is on all of us. And I'm not pointing fingers at one person or one branch of government. This is all of our responsibility. We owe it to the staff to work together and I'm looking forward to doing that. [LR172]

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SENATOR PANSING BROOKS: And our LR34 report said that specifically, that it was on all three branches. And so to all of a sudden be levying the blame at one branch is again disingenuous and wrong. [LR172]

SENATOR WISHART: Well, luckily, with Twitter we can get past that. [LR172]

SENATOR PANSING BROOKS: We can. (Laughter) [LR172]

SENATOR EBKE: Any other questions, comments? Oh, Senator Hansen. He wants to be the last word. (Laughter) [LR172]

SENATOR HANSEN: I'll try and (inaudible) the last word. No. Just...and thank you, Senator Ebke. And thank you, Senator Wishart, for bringing this issue forward. I know this is an issue that we've actually...it's come to my attention in terms of regards of many state employees. Obviously, Corrections has very high profile and very direct and unique challenges, both in terms of their current situation and the safety challenges they face. So I'm just very appreciative that you're stepping up for this. And by all means, consider me, any help I can have, and I know you have many allies here on the committee, to work forward on this. So thank you. [LR172]

SENATOR WISHART: Well, I hope moving forward that we will engage the people who are boots on the ground to be...to help lead us in the right decision making. [LR172]

SENATOR HANSEN: Thank you. [LR172]

SENATOR EBKE: Senator Baker, you want to have a shot at this? [LR172]

SENATOR BAKER: I thought about it. [LR172]

SENATOR EBKE: Okay. (Laughter) I get the last word then. Have a good day. Thank you. [LR172]

SENATOR WISHART: Thank you. [LR172]