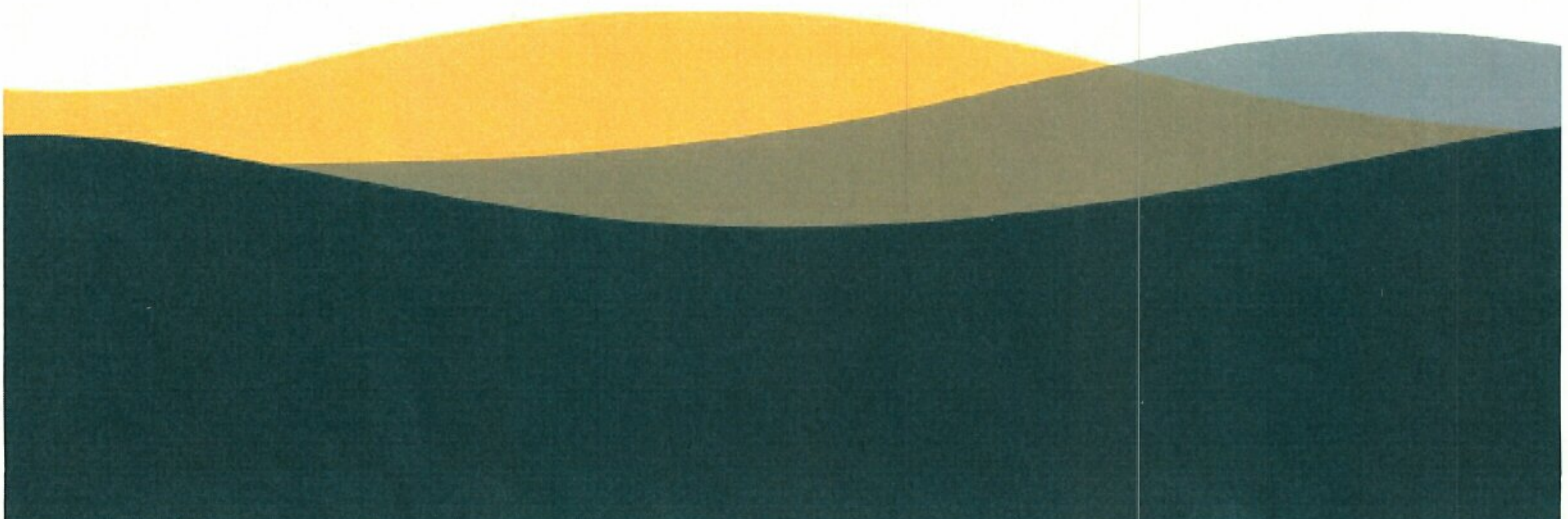


NDCS Prison Proposal

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Submitted by:
Director Scott R. Frakes

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The Problem:

Nebraska's prison system has been underbuilt for more than 40 years. A new population forecast indicates a need to increase capacity into the foreseeable future.¹ A number of factors lend themselves to the state having a low number of incarcerated individuals:

- The rate of incarceration is 283 per 100,000, 39th in the nation²
- The state has a robust parole and post-release supervision system
- NDCS and Parole utilize evidence-based practices, ensuring opportunities for inmates to return to the community as early as possible
- The number of people past their parole date has dropped over 20% in the last 18 months

Addressing current and future bed space needs is an important part of the justification for committing to new construction, but it is not the only factor. Additional considerations include:

- Meeting work force needs
- Improving reentry outcomes for incarcerated individuals
- Addressing existing physical plant issues

Recent Investment & Ongoing Need:

Over the past six years, the legislature has approved requests for more than \$170 million in capital construction projects. Decisions about where to add capacity have been guided by the 2014 Master Plan.³ Projects have included:

- 100-bed dormitory at CCC-L, opened in September 2017
- 160-bed female living unit at CCC-L, opened in April 2019
- Major improvements to core support space at CCC-L, currently under completion
- 100-bed, minimum custody dormitory at the Nebraska State Penitentiary (NSP), to be completed December 2020
- 32-behavioral health beds at the RTC, to be completed in January 2022
- Major improvements to core support space at LCC/DEC (RTC), to be completed in June 2022
- 384 high-security beds at the RTC, to be completed by June of 2022

Those projects have added 776 new beds. While current construction will meet bed space needs through June of 2022, it will not be sufficient beyond that.

NSP Expansion Limitations:

Continuing to add beds and making improvements to existing facilities is no longer an appropriate remedy. While a significant investment in NSP is a potential option to building a new facility, the agency

¹ The JFA Institute, *Nebraska Department of Correctional Services Ten-Year Population Projections FY2020-2030*

² The Vera Institute: Jacob Kang-Brown, Eital Schattner-Elmaleh and Oliver Hinds, *People in Prison 2018*

³ Dewberry Architects Inc., *Nebraska Department of Correctional Services 2014 Master Plan Report October 27, 2014*

does not have alternative housing space for the existing population during construction. Among the barriers:

- Total rehabilitation of NSP will not increase agency bed capacity
- Rehabilitation while the facility continues to house high-security inmates is unsafe, extremely difficult, and will add at least 25% to the cost of the work
- The overall cost of the rehabilitation project could exceed (\$170,000,000)⁴
- The cost of operating the facility will go up due to further staffing inefficiencies

Other Expansion Alternatives:

- Expansion at TSCI is not viable due to inability to staff the facility
- Expansion at OCC/CCC-O is limited due to lack of space, and not recommended due to proximity to the Missouri river
- Workforce challenges make further expansion of existing facilities inadvisable

The 3rd phase of the 2014 Master Plan (10 years and beyond) acknowledges the need to build a new prison at or after 2024.

Capacity:

Based on the current 10-year population forecast, NDCS will continue to experience a growing number of inmates into the system. Without a commitment to build additional capacity, by the end of 2025 NDCS could be forced to use gymnasiums to house inmates. That fact could open the state to costly litigation and judicial oversight, as conditions of confinement are impacted by crowding.

Prison system capacity is measured by the overall incarceration number and the custody (security) level of the beds. The current classification breakdown in NDCS:

1X (MAX)	21%/1,100
2X (MED)	32%/1,700
3A/B (MIN)	30%/1,600
4A/B (Community)	17%/ 900
Population total	5,300 (Statutory Operational Capacity 4,544)

Using the same custody classification ratios, this would be the breakdown based on the projected population (6,438) in June 2025:

1X (Max)	21%/1,352
2X (MED)	32%/2,060
3A/B (MIN)	30%/1,931
4A/B (Community)	17%/1,094
Population Total	6,438 (Statutory Operational Capacity 5,064)

Over the years, NDCS has built beds with a flexible custody classification at design, and then utilized the beds to house the population incarcerated at any given time. Although inefficient, this approach can work if the majority of the beds are constructed for higher-level security inmates. This has not been the

⁴ DLR Group, *Nebraska State Penitentiary (NSP), Expansion and Security Modifications – in progress*

case within NDCS. Instead, medium/minimum security beds have been repurposed for maximum custody inmates.

Proposed Solution:

The recommended solution is to build a new facility on a site that can meet current and future needs. The initial target size is a combination of 1,512 beds (400 maximum, 512 medium and 600 minimum), with the site and core support space designed to facilitate future expansion.

The construction of a new facility using modern security and operational designs brings several benefits:

- Efficient layouts and tested technology provide improved staff and inmate safety, while reducing staffing needs
- Having adequate programming and core support space further enhances staff and inmate safety and helps provide the best reentry outcomes
- Overall operating costs (per inmate) will be less than similar existing facilities due to staffing efficiencies and lower utility costs
- Located to ensure a readily available workforce
- Staged building schedule allows for quicker occupancy
- Create opportunities for repurposing existing facilities

Repurposing Existing facilities:

Operating costs for the proposed new facility could be substantially offset by repurposing existing facilities and reducing their operating costs.

- Repurposing NSP to a full 950 bed (+200) minimum custody facility can be done with minimal capital investment
- The \$17 million reduction in operating costs at NSP can be used to offset operating costs
- Repurposing WEC could provide 200 community custody beds on the west side of Nebraska, with significantly lower operating costs, and no capital investment
- The \$2.5 million reduction in operating costs at WEC can also be used to offset operating costs

Taking into consideration the construction of a new 1,512 bed facility and the options for repurposing NSP and WEC, the total capacity for the agency broken out by facility and classification level would be:

OCC	350 MED, 350 MIN
NSP	950 MIN
TSCI	960 MED
RTC	800 MAX, 300 MED
NCCW	180 MAX, 180 MED
CCCL	600 Community
CCCO	180 Community
WEC	200 Community
NEW	400 MAX, 512 MED, 600 MIN
Total beds	6,562 (MAX 1,380, MED 2,302, MIN 1,900, CC 980)

Design capacity would increase to 5,563 and operational capacity would reach 6,954.

Funding:

- Cost \$230 million
- 48-54 months from authorization to occupancy
 - Phased construction could provide bed space as soon as 36 months into the project, at additional cost (security fencing, early operational costs)
- Gives the state direct ownership of the facility, with maximum flexibility for future decisions
- The agency may need to create temporary housing by the close of 2024 in anticipation of permanent beds coming online in 2025

Direct Appropriation: \$230 million + capital maintenance costs over 30 years of approximately \$75 million + potential costs for temporary housing of approximately \$13 million = \$318

Facility annual operating costs (2020) dollars, starting in FY2027: \$34,000,000.

The \$34 million annual operating cost could be mitigated by:

- Repurposing NSP to a 950-bed, minimum-security facility (operating cost reduction \$17 million)
- Repurposing WEC to a 200-bed community custody facility (cost reduction \$2.5 million)
- Overall operating cost increase for the agency (\$34 million - \$19.5 million = \$14.5 million)

Next Step:

In order to meet the proposed timeline for a new facility, drafting a program statement should begin immediately. Typically, such a document takes several months to draft. The goal would be to sign a contract with the final version submitted to NDCS by May 1, 2020. Creation of the program statement will be undertaken concurrent to presenting the budget request to the Appropriations Committee.