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Financing Correctional Services in Nebraska*

This is one of a series of NebGuides on financing state and local government. This publication focuses on correctional services.

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Correctional services include confinement and correction of adults and juveniles convicted of offenses against the law plus probation and parole activities. In Nebraska, both local (mostly county) governments and state government, through the Nebraska Department of Correctional Services, provide such services. The federal government also maintains confinement and correctional facilities for those convicted of federal crimes, but no such facility is located in Nebraska. Sometimes, however, the federal government pays the state, or even counties, to assume custody of federal inmates.

The role of county jails differs from state correctional facilities in several important ways. First, county jails are used to confine those accused of certain crimes prior to trial and sentencing. With some exceptions (such as pre-sentencing evaluations), state facilities confine only those who already have been sentenced. After sentencing, county jails are seldom used to confine inmates with maximum sentences exceeding one year, while state facilities are mostly intended for those with longer sentences. Those serving sentences in county jails generally have been convicted of misdemeanors or low-grade felonies. State facilities are used primarily for those convicted of felonies or multiple misdemeanors.

Most inmates of county and state correctional facilities have been accused of or sentenced for criminal violations. However, a relatively small number of inmates are incarcerated for civil violations. In addition to federal inmates (noted above), a facility also may be asked to assume custody of an inmate from another county or state. This is referred to as safekeeping.

In fiscal year 1991-92 (hereafter FY 1992), expenditures by the Nebraska Department of Correctional Services totaled \$59.9 million. Preliminary estimates for FY 1992 indicate that another \$28 million was spent at the local level. This would bring the total FY 1992 cost of correctional services in the state to about \$88 million. Overall, corrections represented the sixth-ranking functional area of expenditures for state-local governments, trailing education, social services, highways, natural resources and police protection.

Overview of Local Facilities

Seventy-one of Nebraska's 93 counties operate county jails. (Douglas and Lancaster counties have separate confinement facilities for adults and juveniles, bringing the total number of county facilities to 73.) Those counties that have no jail have formal or informal agreements with neighboring counties to provide facilities when needed. In addition, four municipalities--Omaha, McCook, Norfolk and Superior--operate short-term (24 to 96 hours) holding facilities.

Inmate population of county jails in Nebraska averaged about 2,200 per day in 1991. Since many inmates are incarcerated for short periods of time, the average population figures do not begin to represent total movement into and out of confinement facilities. Douglas County, for example, processes 12,000 entries into their facilities annually. Another 15,000 may be admitted to the Omaha police department holding facility for up to 24 hours. On the basis of the average daily population, county jail costs recently have averaged about \$11,900 per inmate per year in Nebraska.

The quality of county facilities varies greatly. A few counties offer new, modern facilities or updated additions to older facilities. Lancaster and Sarpy Counties are notable examples.

However, funding for correctional facilities often is not a high priority for ordinary citizens or county boards. Thus, a number of counties have jails that are a relic of another generation, when a jail meant only a steel cage and food and water from the sheriff or jailer. In order to operate according to current law, it sometimes is necessary to stretch security budgets. For example, inmates now must be allowed to exercise and have access to a telephone and certain library materials. Many old-style jails cannot provide those opportunities within a totally secure area. Some jails also operate with a bare minimum of staffing.

Overview of State Facilities, Centers and Programs

The Nebraska Department of Correctional Services (DCS) is charged with the custody, correctional treatment, training and rehabilitation of persons in state correctional institutions. The DCS also supervises those who are on parole.

On August 4, 1992, the DCS had responsibility for a record 3,793 persons in five adult confinement institutions, two adult community corrections facilities, two juvenile confinement institutions, and adult and juvenile parole programs (*Table I*). The largest number, 2,331, were incarcerated in adult confinement institutions in Lincoln (2), Omaha, Hastings and York. Another 269 adults were being held at community corrections centers in Lincoln and Omaha. Youth development centers at Kearney (for boys) and Geneva (for girls) had populations of 187 and 68, respectively. Finally, 655 adults were on parole or community furlough as were 283 juveniles.

Table I. Inmate capacity and population, Nebraska Department of Correctional Services, August, 1992.

	Design Capacity	Inmate Count	% of Capacity
Adult Institutions	1,487	2,331	157
-----Nebr. State Penitentiary	488	766	157
-----Lincoln Correct. Center	468	846	181
-----Omaha Correct. Center	240	423	176
-----Hastings Correct. Center	152	150	99
-----Nebraska Center for Women	139	146	105
Community Corrections Centers	219	269	123
-----Lincoln	129	157	122
-----Omaha	90	112	124
Youth Development Centers	305	255	84
-----Kearney	227	187	82
-----Geneva	78	68	87
Adult Parole & Community Furlough		655	
Juvenile Parole		283	
Source: Unpublished data, Nebraska Department of Correctional Services.			

Inmate populations incarcerated within DCS institutions and on parole have increased significantly in recent years. From FY 1982 to FY 1992, the average monthly population in all categories increased from 2,244 to 3,698, or 65 percent. For incarcerations alone, the increase was from 1,788 to 2,779 or 55 percent during the same period. By August 1992, the five adult institutions were at 157 percent of capacity. A larger number of sentences and longer sentences, particularly for drug offenders, both figured in higher population totals.

Those sentenced for drug offenses increased from 41 (6.4 percent of the total) in FY 1985 to 310 (24.3 percent of the total) in FY 1992. Nearly twice as many people are now sentenced for drug violations as the second-ranking offense, burglary. In addition, the average sentence for drug offenses has increased to 24-48 months, up from 12-27 months in FY 1985.

By both federal and state law, the DCS is charged with providing a variety of services and programs to those in custody. For example, a 1986 state law mandated treatment for those addicted to drugs. Federal law mandates that inmates have access to law libraries. Also provided are medical, dental and psychological services; educational and religious opportunities; and recreational and hobby activities. The ongoing challenge is to fund all these activities. The drug treatment program is a case point: In FY 1992, only about one-fifth of those eligible could be given appropriate treatment due to inadequate program funding.

Adult Facilities

The *Nebraska State Penitentiary* is the oldest of Nebraska's correctional institutions. Located on the same site south of downtown Lincoln since 1869, the penitentiary is for older, multiple-offender male

inmates who are classified as either maximum- or medium-level custody. About 70 percent are in the former category.

In FY 1992, the average daily population was 768, compared to a design capacity of 488. Average yearly cost was \$19,916 per person, based on FY 1992's average daily population. The latest renovation/construction at the penitentiary was completed in 1981. Another 80-bed housing unit will be ready for occupancy in May 1993.

The *Lincoln Correctional Center* (LCC) actually consists of two facilities: a medium/minimum security institution and a diagnostic and evaluation center, which is maximum security. Both facilities opened in 1979, with the first replacing what had previously been known as the Men's Reformatory. In 1986, the two units were administratively combined and now are collectively referred to as the LCC.

The diagnostic and evaluation unit provides classification and assignment services for all adult male felons. It also provides a protective custody unit which serves all adult male facilities and evaluation assistance to the district courts prior to sentencing.

Within the main part of the institution, those incarcerated typically are first-time offenders and somewhat younger than penitentiary inmates. Special populations are segregated, including those who are sex offenders, chemically dependent, or mentally disabled.

Average daily population in FY 1992 was 828 at a per capita annual cost of \$17,459.

The *Hastings Correctional Center* is the newest facility of the DCS, having received its first inmates in 1987. Located in a remodeled building at the Hastings Regional Center, it serves minimum custody males who are nearing the end of their sentences. Average daily population in FY 1992 was 150 and the per capita cost was \$16,500.

The *Omaha Correctional Center* also houses adult male inmates who are about to complete their sentences. Average daily population of 400 in FY 1992 greatly exceeded the facility's official capacity of 240. This facility emphasizes a variety of self-improvement programs intended to help inmates adjust to their forthcoming release. Annual costs averaged \$16,098 per inmate in FY 1992.

The *Nebraska Center for Women* at York receives, evaluates, and assumes custody of all women committed to the DCS by the courts. Opened in 1920, the facility had an average population of 124 in FY 1992. Unlike most adult men's facilities, this was under its capacity of 139. Because of smaller numbers, the average yearly cost of \$24,031 was the highest in the correctional system.

Community Programs

Community corrections facilities are located in Omaha and Lincoln. They provide what generally is considered the fourth level of adult inmate custody (after maximum, medium and minimum status) to both males and females.

Work release, educational release and community detail assignments are available to inmates who have achieved this custody status. In addition, some community leave privileges may be earned. FY 1992 populations at Lincoln and Omaha averaged 158 and 110, respectively. Average annual costs per inmate of \$11,470 (Lincoln) and \$8,056 (Omaha) were roughly half of those at other adult correctional institutions. In part, this is because work release programs require inmates to pay \$10 per day for incarceration.

Adult Parole

Adult parole is an important part of the mission of the DCS. It is intended to provide supervised re-entry into community living and the work environment for inmates while protecting the public. Parole occurs prior to completion of the sentence. The ultimate objective of parole is to help individuals assume a responsible place in the community.

Closely associated with the concept of parole is the Community Furlough Program. It permits selected inmates to reside at an approved private residence prior to parole release or expiration of a sentence. As of August 1992, this relatively new program still was modest in scope, with only 15 persons in this classification.

Parole and community furlough are much less costly than other corrections programs that involve incarceration. In FY 1992, a daily average of 635 persons were on parole at an average annual cost of \$1,889.

Juvenile Facilities

The state has provided separate correctional facilities for juveniles (youth under 19 years of age) since 1881, when a boy was committed to the newly established "reform school" in Kearney. Eleven years later, in 1892, a separate facility for juvenile girls opened at Geneva.

Known by several different names over the years, the two facilities are now identified as Youth Development Centers. Their purpose is to provide an array of programs that will allow juvenile offenders to return to constructive roles within their communities. Included are basic education, problem-solving, pre-vocational training and social skills development.

In FY 1992 the average daily population at Kearney was 169, and the average annual cost was \$27,609. At Geneva the comparable figures were 71 and \$35,135.

Juvenile Parole

The juvenile parole program provides supervision and control for all persons paroled from Nebraska's juvenile institutions as well as those placed in Nebraska under the jurisdiction of the Interstate Compact on Juveniles. In addition, a limited number of juvenile probationers may be supervised by order of the Nebraska Juvenile Courts.

During FY 1992, a daily average of 284 persons were supervised by the Juvenile Parole Administration at an average annual cost of \$2,675. About one-third of the youth released on parole were placed in foster care.

Revenues for Correctional Services in Nebraska

Revenues for county jails come primarily from local property taxes, while revenues for the Nebraska Department of Correctional Services come primarily from the state General Fund. (The General Fund consists of tax revenues, such as those generated by the individual income tax and the general sales and use tax.)

In FY 1992, the DCS received \$52 million (87 percent of total funding) from the state General Fund. Except for \$144,000 that was distributed as state aid to foster homes to which juveniles had been

paroled, all was spent on operations of the state correctional system.

The next largest sum, \$5.6 million, came from revolving funds which were generated by sales of products and services from Cornhusker State Industries (CSI) and Federal Surplus Property.

Inmates provide the labor for each of two types of CSI programs. The first, known as traditional programs, includes manufacturing of such products as license plates and furniture and data entry, telemarketing and moving services. These products and services are sold to a variety of Nebraska state agencies, county and other local governments, and non-profit organizations. Workers are paid from the revolving fund.

In the second program, CSI acts as a facilitator for Private Venture Projects, which allows inmates to work for a private company within the confines of the institution. Inmates are paid with outside funds, portions of which go to pay their room and board and to make restitution for their crime.

The Federal Surplus Property program is responsible for the equitable distribution of federal surplus property to eligible public and non-profit organizations within the state. Among other things, this program provides employment for inmates, who warehouse and refurbish such property.

Direct federal funding for the DCS amounted to \$1 million in FY 1992, all of which was categorical. For example, federal grants were made to the high school education programs at the Youth Development Centers at Kearney and Geneva. These institutions also received funding for the federal school lunch program. Other federal funds were directed to such items as anti-drug education and library grants.

About \$580,000 came from cash funds. Part of this includes rent from farming operations on land owned by the DCS in the Lincoln and Kearney areas.

Finally, in FY 1992, about \$650,000 was granted to the DCS in capital construction funds as part of \$10.9 million in multi-year construction projects. Supplemented by a portion of the revolving funds noted above, this money is being used for three construction projects that will result in a net gain of 307 beds to the state corrections system in 1993. Included are a 200-bed stand-alone minimum and community corrections facility in Lincoln. In addition, new construction will add 156 beds at the Omaha Corrections Center and 80 beds at the Nebraska State Penitentiary.

Expenditures for Correctional Services in Nebraska

Corrections expenditures by local units of government in Nebraska, estimated at \$28 million for FY 1992, would have accounted for just over 1 percent of all direct local general expenditures. State General Fund Expenditures for corrections amounted to 3.5 percent of the General Fund. While these relative shares seem small, estimated total local and state corrections spending of \$88 million still could not be deemed insignificant. If there were no need for corrections services, the money could have been spent on education, parks and recreation, or any number of other public goods and services that might be more appealing to citizens.

In FY 1990 (the latest year for which comprehensive data are available) spending on correctional services in Nebraska compared favorably with the national average and adjacent states (*Table II*). Per capita correctional expenditures of \$52.65 were just over half as much as the national average. Relative to personal income, Nebraska expenditures were \$3.34 per \$1,000 compared to a national average of \$5.64 per \$1,000.

Among adjacent states, Colorado, Kansas and Wyoming spent considerably more per capita than Nebraska on corrections. Missouri, Iowa and South Dakota spent marginally less.

Table II. Expenditures by state and local governments for correctional programs, Nebraska and adjacent states, FY 1990.		
	Expenditures per capita	Expenditures per \$1,000 personal income
Nebraska	\$52.65	\$3.34
Colorado	112.50	6.37
Iowa	44.86	2.83
Kansas	84.75	5.07
Missouri	51.75	3.15
South Dakota	43.86	3.12
Wyoming	84.36	5.56
----- Seven State Average	67.82	4.20
----- U.S. Average	99.05	5.64
Source: U.S. Department of Commerce, Governmental Finances: 1989-90, GF/90-5, December, 1991.		

Issues in Financing Correctional Services

Providing funding for correctional services often is not a high priority for citizens or policymakers, even though "locking up criminals" can be. Unfortunately, the two objectives pull in opposite directions. Funds for new construction or remodeling outdated facilities are especially difficult to obtain without the actual or implied threat of a court order to improve facilities.

Many county jails do not provide incarceration according to current standards. Short of court intervention, improvements often occur only as a result of unfortunate incidents.

Facilities for the Nebraska Department of Corrections generally could have been described as "good" as recently as 1985, in large part because of an extensive construction program in the late 1970s and early 1980s. However, with the overall inmate population increasing by 100 percent during the decade of the 1980s, capacity has not kept pace. The inmate population in Nebraska's adult institutions now exceeds 150 percent of capacity, compared to 125 percent in the mid-1980s. Nebraska currently has the sixth most crowded adult prison system in the country. Moreover, population projections through 2002 show continued growth, with an additional 1,153 inmates in the adult system.

So far, Nebraska is one of only eight states that has not been ordered by the courts to increase capacity of its state correctional facilities. However, the spread between inmate population and capacity cannot continue to grow without eventual court intervention or a major prison disturbance. In states where the court has intervened, the maximum ratio of inmates to capacity has been set at 95 to 120 percent.

Space is not the only concern as future funding needs for corrections services are contemplated. In particular, security and support programs also have to be considered. Between FY 1986 and FY 1992,

the DCS security staff increased from 694 to 775. More importantly, however, the ratio of security staff to inmates fell from 27 percent to 20 percent during the same period. While optimum staffing may be open to debate, the relative size of the staff cannot continue to decline and assure security and safety.

Program needs may be more difficult to obtain and retain than either increased capacity or security staffing. However, if the objective is to return inmates to productive roles in society, then a variety of programs must be provided during incarceration. "Warehousing" inmates with little or nothing to do does not prepare them for a productive return to society. But when across-the-board cuts are ordered for state agencies, the DCS has little choice but to make cuts in programming. DCS has no control over the number of inmates, and security and safety must be the first priority. Vocational education programs already have been scaled back. Future cuts may affect additional education programs plus a variety of other rehabilitative activities for inmates.

Even though the pace of incarcerations has intensified in the post-1985 period, particularly for drug offenses, alternatives to incarcerations (at an average annual cost of \$19,000 per inmate) might be considered. One alternative is an expanded, intensive probation system. Under this system, which presently involves about 300 persons, those sentenced are under strict reporting requirements to a probation officer. Activities and travel outside the home are narrowly limited and may be monitored electronically. Another alternative is to release inmates earlier than is now the case, placing them on intensive parole. Some also have proposed "boot camps" to "shock" certain offenders, followed by intensive parole.

Finally, some observers believe that corrections spending can be reduced only if there is a fundamental change in society. Recent DCS data indicate that over 20 percent of those discharged from correctional facilities continue to engage in criminal activity and are returned to confinement within three years after being released. Perhaps more equitable access to educational and employment opportunities would reduce violations of the law. Additional targeting of educational and vocational programs might be directed to those who are deemed most vulnerable.

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