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**Capitol View**

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**State Corrections Director Steps Down, Overcrowding Problem Lingers**

The Governor said his new Department of Corrections director was going to turn around Nebraska’s troubled prison system.

Now, seven years later, Director Scott Frakes is stepping down, a few months before Governor Pete Ricketts leaves office. Did he turn the system around or did he just throw some money and bricks and iron at the problem?

I met Frakes shortly after he arrived in 2015. I liked the guy because we shared some values. I thought he might stand a chance at being the guy to champion true prison reform such as alternative sentencing and other ideas that have been tossed around by more progressive members of the Legislature’s Judiciary Committee.

Finally, somebody was going to address the overcrowding problem, which has now left Nebraska in first place as the most overcrowded prison system in the country with 5,322 incarcerated people and facilities running at 158 percent of design capacity.

Nope. I misjudged that one. This guy with years of experience in the Washington state prison system, was just another “lock ‘em up” law and order thinker. He danced only with the people who brought him to the party – the Republican Party. I suspect he did it to keep his $255,000-a-year-job.

Now, those same proud politicians are lauding him for correcting the sentence calculation issue, which had embarrassingly caused the department to release some inmates before their time. Trading pen and paper records managed by a couple people for computer-driven record keeping is apparently a big deal. To his credit, he did reform the state’s use of solitary confinement for inmates.

#### Then came more problems. Deadly riots (including one on Mother’s Day) at the Tecumseh State Prison in 2015 and 2017 left housing units scorched, four inmates dead and four more injured. Frakes also received criticism from state lawmakers for spending more than

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#### $54,000 on foreign-made lethal injection drugs the state never received because the federal government declared them illegal and blocked their importation.

#### The Tecumseh incidents, the Covid pandemic and a total plumbing failure at the ancient Nebraska State Penitentiary in Lincoln left inmates on lockdown with restricted or no visitation for weeks on end during Frakes’ tenure. Staffing problems simply exacerbated the situation as those who showed up were often forced to work double shifts.

But the director did as he was told and threw money at it. Significant salary increases were granted to employees to ease staffing shortages at state prisons in Lincoln and Tecumseh and to help the prison system better compete for workers in Nebraska’s tight labor market. Despite hiring dozens of new workers, staffing emergencies — to permit longer work shifts and restrict inmate activities — remain.

Gary Young, a Lincoln attorney who represents the union for state corrections security employees, told the Nebraska Examiner he was always impressed with Frakes in how he dealt with a very difficult job. “I don’t know anyone who had to confront more alligators from so many directions as he did,” Young said.

Here are a few infrastructure improvements during the Frakes’ era: A new women’s housing unit was built at the Lincoln work release center; a 384-bed addition to the Reception and Treatment Center in Lincoln will house the state’s most difficult inmates and those suffering from mental illnesses; initiation of a project for a new $270 million 1,500-bed prison to replace the state penitentiary.

Ricketts lauded Frakes because the system’s recidivism rate — the percentage of inmates who commit repeat crimes within three years — has fallen in the past three years to 29.8%, and staff turnover is projected to drop to 16% this year from a high of 30%.

But left by the wayside is a comprehensive yearlong study led by the Crime and Justice Institute for modest but meaningful reforms that could address prison problems. Some state senators said anything related to sentencing was off the table.

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Nothing has been done about diversion programs, which can help communities address mental illness, substance abuse disorders and homelessness outside the criminal justice system. More emphasis needs to be placed on these alternatives, which are more cost-effective than mass incarceration.

It’s a shame they were left on the plate, but it’s doubtful that a new administration and new department heads will think any differently and chart a new course. That just doesn’t happen in red states like Nebraska.

And you thought “Go Big Red” was a football term.

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*J.L. Schmidt has been covering Nebraska government and politics since 1979. He has been a registered Independent for more than 20 years*.