**For Release Wednesday, February 15, 2023**

**Capitol View**

**Commentary by J.L. Schmidt**

**Statehouse Correspondent**

**Nebraska Press Association**

**Report Says Build a Prison, Maybe Two While You’re at It!**

*“They're trying to build a prison  
They're trying to build a prison  
For you and me to live in  
Another prison system  
Another prison system  
For you and me.”*

--The Prison Song by System of a Down (2001)

To the surprise of none and the consternation of many, me included, a new report says that before 2030, Nebraska will need another 1,500 prison beds, even after building a $350-million, 1,500-bed replacement for the aging State Penitentiary in Lincoln.

We have been expecting the Facility Master Plan for the Nebraska Department of Corrections to side with the staunch law and order advocates who think it best to just “lock ‘em up.” The ringer is the report says after the new prison is open, the state will be short about 1,300 prison beds, given the expected growth in state inmates.

It recommends decommissioning the 1,023-bed State Pen in Lincoln, the state’s oldest prison, but leaves open the possibility of reusing at least some of its buildings to handle future housing needs.

Prison consultants Dewberry issued the report that affirms what former State Sen. Steve Lathrop of Omaha, then head of the Legislature’s Judiciary Committee, said the state isn’t looking at building just one expensive new prison, but two, unless it is willing to adopt sentencing reforms to slow the tide of inmates entering the system.

Part of the frustration that caused Lathrop to not run for another term was the realization that his colleagues were not willing to adopt such reforms. There’s a glimmer of hope in that new Governor Jim Pillen has included final funding for a new prison in his budget and mentioned some alternatives to incarceration might reduce that spending.

**For Release Wednesday, February 15, 2023 – Page 2**

*“Minor drug offenders fill your prisons, you don't even flinch  
All our taxes paying for your wars against the new non-rich.”*The song continues.

State Sen. Terrell McKinney of Omaha has offered a bill that would block any new prison construction until reforms are adopted to reduce new inmates and improve rehabilitation work. “Building a new prison is not the answer,” he said.

The song lyrics read:

*“All research and successful drug policies show  
that treatment should be increased  
And law enforcement decreased while abolishing  
mandatory minimum sentences.”*

Now you’ve done it. Calling for more treatment and less law enforcement and abolishment of mandatory minimum sentences, you tree hugger!

But wait, have we tried those things? The drug courts seem to be working and a handful of similar approaches show promise. But getting the conservative majority to alter course won’t be an easy ride. That “lock-‘em-up” mentality dies hard.

Corrections spokeswoman Dawn Renee Smith said the need for 1,500 additional beds was not a surprise, but that the agency’s top priority is obtaining approval for the new prison now being planned. Recent flooding in a housing unit at the State Pen, which caused its closure and the transfer of inmates to another prison, illustrates the need for the new prison, she said.

Nebraska has had the most overcrowded prison system in the nation, and now holds, on average, about 1,500 more inmates than its nine prisons were designed to hold. The crowding has meant less space for rehabilitation programs and increased stress on staff that, until recently, was woefully short. Hiring bonuses and salary increases have helped for now.

**For Release Wednesday, February 15, 2023 – Page 3**

When the previous administration proposed the new, 1,512-bed prison somewhere in the Omaha-Lincoln-Fremont area, the goal was to reduce overcrowding, but that morphed into replacing the aging State Penitentiary.

I’m sure that easing the overcrowding is a priority for many lawmakers. Doing it by building more beds without looking at releasing minor offenders, expanding alternative courts and treatment programs makes no sense.

Here’s hoping that lawmakers will finally come to a compromise on this very important issue this session.

--30--

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