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**Capitol View**

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**Legislature Moves Toward Building a Prison, Caution Remains**

The Legislature’s Appropriations Committee has signed off on providing the funds to build a $366 million prison in the Lincoln-Omaha area just as the Department of Corrections brings on a new director who appears to favor programming and investing in the humanity of the incarcerated.

That brings some hope to a small but fierce band of senators who don’t think building is the best way out of the problem for the nation’s most overcrowded prison system. The money is a big part of the budget which lawmakers must pass before they adjourn this session for good.

If approved, the budget will transfer $95.8 million to complete the funding of a new, 1,500-bed prison in eastern Nebraska. That would bring the total cost of the facility to nearly $366 million, which would likely set a record for construction of a single state project.

In true Nebraska fashion, by comparison: the new Cornhusker football complex in Lincoln is costing $165 million; the Buffett Cancer Center at the University of Nebraska Medical Center in Omaha cost $323 million; the recently completed Lincoln South Beltway cost $352 million. Initial cost estimates of $270 million for the new prison have risen steadily because of inflation, and the $365.7 million total includes $14.9 million already spent on design and engineering work.

As did former Judiciary Committee Chairman Steve Lathrop, current chair Sen. Justin Wayne of Omaha said he hopes “we find money in the budget for re-entry programs and economic development that prevents people from going to prison.”

Judiciary Committee member Omaha Sen. Terrell McKinney has repeated a familiar Lathrop caution that without reforms in criminal sentencing and development of alternatives to incarceration, the state will be saddled with building two prisons at a total cost of more than $1 billion.

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McKinney and others have said they are encouraged by Governor Jim Pillen’s selection of Rob Jeffreys as the new head of the Nebraska Department of Correctional Services. Jeffreys oversaw a department in Illinois that housed approximately 29,000 inmates in 27 facilities with a $1.6 billion budget. Nebraska, the nation’s most overcrowded system, has about 5,500 inmates at nine prisons.

Jeffreys said he was impressed that Pillen and others seemed to be “individuals who were genuinely invested in the humanity of human beings.”

Let’s hope that means such things as alternative treatment and programming aimed at fighting recidivism. Wayne and McKinney have certainly entertained those ideas.

Elmwood Sen. Robert Clements, who chairs the budget-writing Appropriations Committee, has said it is time to build a replacement for the State Penitentiary in Lincoln, the state’s oldest and largest prison. “It’s falling apart. The cost of rehabilitating it is getting close to the cost of building a new prison.”

Clements has also said there are criminal justice reforms he would support that could hold down the expected growth in inmate numbers and avoid construction of a second, pricey facility.

A master plan for state prison facilities, released earlier this year, projected that Nebraska would need 1,300 additional prison beds by the year 2030, which would be a couple of years after the planned new prison is opened.

State Sen. Anna Wishart of Lincoln, the committee’s vice chairwoman, said the state still needs to undertake criminal justice reforms. But, last year’s efforts to make changes in sentencing and other policies failed. In the meantime, conditions at the penitentiary have deteriorated.

“We’re getting to a point where it’s inhumane for people to be living there,” she said.

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Wayne continues to express hope his colleagues will find money for programs that prevent Nebraskans from landing in prison and help those leaving prison be successful on their reentry into the community.

Given the on-going culture war in the Legislature, it’s doubtful that a discussion of such reforms will happen this year.

In my opinion, prison reform is a much more important issue than the things which have a handful of senators using a rolling filibuster to slow or stop the legislative process.

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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*.