

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee April 19, 2023

WAYNE: Good afternoon. Welcome to the Judiciary Committee. My name is Senator Justin Wayne. I represent Legislative District 13, which is Doug-- northeast Omaha, northeast Douglas County, north Omaha and I serve as the Chair of Judiciary Committee. We will start off by having senators do self-introductions, starting with my right, Senator Ibach.

IBACH: Thank you. Teresa Ibach, District 44, which is eight counties in southwest Nebraska.

McKINNEY: Good afternoon. Terrell McKinney, District 11, north Omaha.

JOSH HENNINGSSEN: Josh Henningsen, committee legal counsel.

ANGENITA PIERRE-LOUIS: Angenita Pierre-Louis, committee clerk.

DeBOER: Hi, my name is Wendy DeBoer. I represent District 10 in northwest Omaha.

BLOOD: Senator Carol Blood, representing District 3, which is western Bellevue and eastern Papillion.

HOLDCROFT: Rick Holdcroft, District 36, west and south Sarpy County.

WAYNE: Senator Bosn, you can come up here. I know what they did in Exec, but you're a part of this committee so I invite Senator Bosn to do a self-introduction on the Committee for Judiciary. I might have said your name wrong, so I apologize, but you can correct me.

BOSN: That's OK. Carolyn Bosn. I am the newly appointed senator for District 25, which is southeastern Lincoln-- Lancaster County, I guess I should say.

WAYNE: Thank you. This afternoon we will be hearing from Mr. Rob Jeffreys, who will be-- who has been appointed for the Department of Corrections-- Correctional Services. On the table on the side of the room, you will find a blue testifier sheet. If you are planning to testify, please fill out and hand one to Angenita. She'll come around and grab it. This will help us to make sure we keep accurate records. If you do not wish to testify but want to list your position on this particular individual being appointed, there is a gold testifier sheet. You can fill that out and that will be right by the-- right over here to my right and that will be recorded in the record. Also, I will note for the Legislature's policy that all letters must be recorded-- to be a part of the record must be received by the committee noon the prior day of the hearing. Any handouts testifiers

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee April 19, 2023

submit will also be included-- a part of the record as exhibits. If you have handouts, please provide ten copies. If you don't have ten copies, please let me know before you come testify so I can have somebody from my office go make enough copies for the record and for committee members. Today's testimony will begin with the appointee, Mr. Jeffreys. After his testimony, you will hear-- the committee may or may not ask questions dependent upon individual senators. After that, you will hear any supporters of the appointment and then opposition of the appointment, followed by those speaking in a neutral capacity on the particular appointment. We ask that you begin your testimony by giving us your first and last name, spelling both for the record. We will be using the three-minute light system for testifiers. Not you, Mr. Jeffreys. So beginning your testimony, there is a green light. The red-- a yellow light means there's one minute left and your red light comes on, please wrap up your final thoughts. I would like to remind everyone, including senators, to please turn off or silence your cell phone or put them on vibrate. With that, we will begin today's confirmation hearing with Mr. Jeffreys. Welcome, Mr. Jeffreys, to your Judiciary Committee.

ROB JEFFREYS: All right. Thank you and good morning, Chairman Wayne and members of the Judiciary Committee. My name is Rob Jeffreys. That's R-o-b J-e-f-f-r-e-y-s and I'm the newly appointed Director for the Nebraska Department of Correctional Services. Before I begin, I want to, want to extend my appreciation to Governor Pillen for having the confidence in me to assume this role. I appreciate his support and look forward to me-- to working with him and his administration moving forward, forward. I'll just give you a little background. A majority of my professional career has been with agencies in the Midwest, including Illinois and the Ohio Department of Rehabilitation and Correction. Coming to Nebraska is a natural fit. It's part of the Midwest and I just, I just completed my most recent employment with the department of Illinois-- Illinois Department of Corrections, which is a position I took back in 20-- June of 2019, and the system which held about 28,000 individuals incarcerated, about another 21,000 on parole, and about 12,000 staff members. Operated an annual budget about \$1.6 billion. Some key achievements during my tenure in the Illinois Department of Corrections: created a reentry-- dedicated reentry center-- division for-- to help facilitate individuals going back out to the community so they can be successful. We implemented restrictive housing reform, which we updated some policies, created policy. And of that, we were able to reduce our population in restrictive housing by 40 percent. We created-- one of the things that keeps us on track doing these reform efforts was we created a

data-driven process that was regularly tracked and reviewed for any agency strategic initiatives, priorities, all goals. And one of the most significant things that it was able to do to address some of the staff shortages was the creation of an executive position focused on staff wellness that reported directly to me as the director, which was a critical need at that particular time to make sure that we're investing in our, in our own workforce. But during my time in Illinois, I was-- I worked with legislators, community providers and other state agencies to, to increase access to resources for individuals returning back to their communities. I also delivered numerous presentations and workshops with the American Correctional Association and serve-- and I currently serve on the executive board for the Correctional Leaders Association. And these, these participation is-- for these organizations has been invaluable to me. It's, it allows me to connect with other correction leaders across the nation and share ideas and best practices and share information as to means to address issues regarding staffing challenges and housing, space and resources, programming, medical and mental health, health services. And certainly, it also helped us through the year of 2020 and 2021 when we are all responding to COVID so that we could protect those who are living in the, in the institutions, those working in institutions and those who are visiting as well too. Also serve as a consultant and I provide some training for federal and state and international correctional agencies and issues related to assessing facility and organization operation and program performance and methods to reduce prison violence. I'm a firm believer in using data as well as evidence-based practices for the best outcomes. In fact, my first position in corrections in Ohio Department of Rehabilitation and Corrections was in research and the value of gathering and deciphering, utilizing data to make decisions that inform cannot be emphasized enough. Information analysis has been central to how I make decisions, in particular those in-- related to managing the population. The majority of my career, 24 years, has been spent in Ohio Department of Rehabilitation, where I had key management position with-- as a chief of staff, the regional director, bureau chief. And part of my duties as the bureau chief was, was involved in the classification and population management of over 50,000 individuals incarcerated. My experience in Ohio is-- I also had two stints as a facility warden in two large facilities, 2,300 respectively and another 2,500-bed facility. To this point, I've only had a few, few days on the job as director. I met with the leadership team. I've had, I've had great discussions with them and I try to meet as many staff as possible in my short period of time here. Shortly after my announcement, when I was hired, I had an opportunity to meet with a

lot of you guys and-- can I say guys or-- a lot, a lot of you senators and I look forward to those, those conversations that we had during those con-- during those particular meetings moving forward. So at this time, I'm happy to answer any questions that you have of me and I look forward to working with everybody.

WAYNE: Any questions? Senator Blood.

BLOOD: Thank you, Senator Wayne. I have actually several questions. And so because I know that there will probably be other questions, it's fine to be-- answer them in a concise fashion or any way you want, but just so we can be respectful of other peoples' times. So you touched down on it a little bit in your introduction and you and I spoke about it in my office. It was clear that COVID was really challenging for prisons across the country. And I want to say that it was great that you pushed for guards in Illinois-- at least that was my understanding-- to become vaccinated and that you oversaw a court-mandated release of over 1,000 prisoners, I believe--

ROB JEFFREYS: Yes.

BLOOD: --that were deemed at risk for infection. Can you walk me through what other measures you took to cope with the virus being rampant within the prison?

ROB JEFFREYS: Yes. And just-- this is in response to COVID, it was, it was very difficult for correctional agencies across the nation. And we met every, every Saturday to discuss what are you doing and what is working and what is not working. So it was more of a collaborative effort to try to understand how people were mitigating the risk of COVID exposure. But universal source control, I mean, that was the number one thing that the CDC had wanted us to make sure that we're doing, universal source control, make sure people or masked up, making sure that we are creating space so individuals can't be, you know, on top of-- called for, you know, identifying isolation and-- isolation and can't remember what the other term is. But those who were infected, areas for them to go to so they can go through the-- isolation and quarantine areas, that's-- mentioning. But it-- we did all those efforts to try to mitigate the spread. And then the game-changer, as we all know, was the asymptomatic. And then that's when we had to get very aggressive on testing because it was no longer a symptom. It was more-- it was unknown at that particular time so you-- we had to do mass testing. And we did mitigate mass testing everybody, including staff and the population, weekly in that way because we were able to, you know, get those who were identified

positive, move them out, quarantine them and isolate those and we just kept going that process. But I think one of the things that helped us mostly was that we collaborated with the Department of Health Services. We got involved with CDC locally in Illinois. We got involved with the National Guard to help us respond if we needed staffing or if we needed testing or vaccination. But we definitely stayed in contact with community providers and everything to try to mirror with some of the practices they were doing in the community. But-- and to, to end this, we increased-- we involved vaccination for our population and for our staff at the same time. And we used our community providers to be the conduit to educate the population on the benefits of being vaccinated. So it was very, very collaborative. I can't say it was a success because we still lost lives and it's still-- you're still dealing with this type of response to this day.

BLOOD: But it does sound like a team effort, so.

ROB JEFFREYS: Yes.

BLOOD: So-- and I know that you came in at the tail end of this, in all fairness. I'm going to talk about Lippert v. Jeffreys. So there had been a decades-long class action lawsuit from inmates claiming that the Illinois Department of Corrections did not provide adequate healthcare to inmates. And in 2021, they had said that the, the system was still inadequate in providing those services, that there was a lack of health screenings and plans, leading to preventable deaths, that there was a lack of data and staff plagued the healthcare system when Jeffreys came into this. At times, the independent monitor felt that they were stonewalled when they were trying to create changes. So the question that I had is what would you do in your tenure here to make sure-- and again, I know you walked into that mess. I just want to make sure that that's on record. What would you do in your tenure to make sure inmates here are receiving proper healthcare and that there is an overarching strategy plan for the Department of Corrections when it comes to their healthcare?

WAYNE: Hold on one second. Is that litigation still going on?

ROB JEFFREYS: Yes.

BLOOD: Oh, so you can't-- I didn't ask about the litigation.

WAYNE: No, I understand that, but--

ROB JEFFREYS: I can, I can reference it to the later part of that question is what would I do--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee April 19, 2023

WAYNE: Yeah, you can talk about that. I'm not going to open it up to litigation.

ROB JEFFREYS: Thank you.

WAYNE: So you can just expound-- on ignoring the first part of that, but only talking about how it pertains to the-- you-- in that part there.

BLOOD: Nebraska. All I asked is what would you do in your tenure here to make sure inmates are receiving proper healthcare and is there an overarching strategy plan for the Department of Corrections here in Nebraska?

ROB JEFFREYS: OK. And so I'll, I'll start with what I believe should be happening for all health-- healthcare for every correctional agency. It should be that same quality of healthcare that's provided in the community. It should be not-- it should not be different. And so we need to put measures in place to make sure our policies and making sure QIC is in place to mirror that and make sure we have auditing going on from outside entities, making sure that we are in-- an accreditation agency as well too. That's just something universal that should be happening across the nation to ensure that healthcare is provided, the same healthcare that's provided in the community is provided inside the facility. As far as our--

BLOOD: How would you accommodate that auditor? Because I think that was--

ROB JEFFREYS: Excuse me, again?

BLOOD: You said you would bring in auditors, people to--

ROB JEFFREYS: Yes.

BLOOD: How will you accommodate them in a way that we know that they're getting full disclosure, better access?

ROB JEFFREYS: Yes. So there's two auditing practices that is nationally known and one is the ACA, American Correctional Association, and the other one is NCCHC, which is correctional--

BLOOD: It's all right.

ROB JEFFREYS: --healthcare. They both provide accreditation and that's something that will be looked at. I don't know where we're at right

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee April 19, 2023

now, but I'm-- I know we are an accreditation agency as far as ACA. What I don't know where we're at is where we're with NCCHC accreditation as well too.

BLOOD: So I have one more question for you and I don't want to know about-- if there's still litigation, then I need to know how it applies to Nebraska. So I'm going to talk about the Larry Earvin incident. He was sent to Western Illinois Correctional Facility for discipline. At the end of his transfer, he'd been beaten with 15 broken ribs, a punctured colon, and ruled a homicide. It was implied that guards had been reported for repeatedly abusing prisoners previously and that there were guards knowing-- that know-- knowing about a blind spot in the prison surveillance, surveillance where they would abuse prisoners. So my concern is that we know that there's several lawsuits like this that could cost our state a lot of money. Do you have a plan to make sure that prison infrastructure is up to date? And is there a-- how would you create better accountability for misconduct by corrections staff? And I'm not aware of anything like this happening in Nebraska.

ROB JEFFREYS: OK.

BLOOD: I just want to make sure that--

WAYNE: So I'm going to-- I'm going to preface that and say I am not giving you legal counsel advice, but my understanding is the statutes might have that ran on any lawsuits regarding that. So the overall question can be framed in the, in the-- of going forward or in Nebraska, but I don't want any, any implications on what happened in Illinois just because there's potential litigation right now on that issue, at least dealing with that case. I don't think that's fair to you and I don't think that's fair to the family that could be involved.

ROB JEFFREYS: Thank you.

WAYNE: So if you can limit the question or reframe the question around just Nebraska.

BLOOD: Sure. How are you going to protect Nebraska from federal lawsuits that we potentially have the ability to prevent by creating greater accountability when it comes to misconduct of staff or the environment where the inmates live?

ROB JEFFREYS: OK. So moving forward, I mean--

BLOOD: Right.

ROB JEFFREYS: --I'm not aware of any issues here with Ill-- I mean, with Nebraska so what I--

BLOOD: My concern is how do you prevent things like that from happening in Nebraska? Because as our prison system becomes more and more overcrowded, even building a new facility, we're going to be overcrowded. We know that tensions are high. All we have to do is look at Tecumseh State Prison to know what happens when tensions are high and staff is not up to par when it comes to training and to the amount of staffing that we have. So I, I really want to hear how we prevent things from-- like this from happening in Nebraska.

ROB JEFFREYS: OK.

BLOOD: And again, I'm only worried about my state.

ROB JEFFREYS: Yes, ma'am. And so one of the methodologies in managing the population and to ensure accountability, I would, I would go with things that I've used in the past and that's data. So I would, as I spoke in opening about, violence indicators, you know, identifying in monthly, annually, quarterly and everything, identifying what the trends are as it relates to use of force, fights, assaults, protective management, check-ins and grievances on-- from the population. Those are the things that you, you analyze and see where you see some, some trends and then you dig deeper and then you get into the why and then you start addressing the why. I think those are the first things that you-- how things are brought to you is when you're analyzing the data and then you go deep and to understand why things are happening.

BLOOD: So if I hear you correctly-- and you've pointed this out several times and you know I'm a big data fan.

ROB JEFFREYS: Yes, ma'am.

BLOOD: You're going to observe, collect data, utilize that data to better any issues that you see that we may be having within our correctional system--

ROB JEFFREYS: Yes.

BLOOD: --is that correct?

ROB JEFFREYS: And I believe Nebraska is currently collecting data on all issues related to violence indicators as well too in each facility.

BLOOD: And will you be sharing that data with the Judiciary Committee?

ROB JEFFREYS: I don't, I don't know if that's something that could be shared. I don't-- I can check into that.

BLOOD: Thank you.

ROB JEFFREYS: Yes, ma'am.

WAYNE: Just so-- just to-- Senator DeBoer, but just so there are certain reports that I am privy to, but publicly-- and even actually the committee is not privy to, which I don't know why, but there is things in statute we can do to help do that. But there are some-- there are reports from corrections that, for whatever reason, a long time ago they gave me access to. But we can, we can look into that. Senator DeBoer.

DeBOER: Thank you, Senator Wayne.

WAYNE: And there hasn't been-- there's only been one report since I've been Judiciary so don't-- it hasn't been, like, a whole bunch of reports. That's not true. Senator DeBoer.

DeBOER: Thank you, Senator Wayne. Thank you, Director Jeffreys, for your willingness to serve. Can you talk to me about the restrictive housing reform that you did in your previous work and how you think that might be something you would-- you know, how and any way you might apply that here in Nebraska?

ROB JEFFREYS: Yes, ma'am. And so one of the things that I'm involved with is restrictive-- a national restrictive housing committee that, that uses the Department of Justice guiding principles. There was a report that came out in 2009, I believe it was, and ACA standards to address some of the, the due process, conditions of confinement, presumptive release and how people are released back out into the community or back out into the facility. And also, what are we doing with individuals while they are in restricted housing as well to make sure they are assessed going in to include any mental health or SMI population, make sure that they-- the courts' proceedings, make sure there's an appeal process. Make sure they know what's expected of them, why they're in restrictive housing to address that behavior that put them there. But then once-- the most important thing is to

transition them back out into-- either back into general population or a step-down unit or most-- we do not want to at all cause-- I mean, not at all cause-- if, if we can prevent, release them from restrictive housing back to the community. So those are some of the things that I was able to implement and things that I've been able to train on. And so those are the same principles that will be applied to our current policies here in the state of Nebraska, which I had an opportunity to just, you know, briefly look over them. And they have a lot of those guidelines in your policy as it is right now. So it would be all about, as I spoke to Senator Blood, analyzing the data, and most importantly, find out why people are being placed in restrictive housing and address the root cause.

DeBOER: Thank you. Can you briefly tell me about the reentry division that you created and how that might be something that you can continue to work on here?

ROB JEFFREYS: Yes, ma'am. So this is-- the shift in corrections has been good over the last 10, 15 years regarding addressing the programmatic needs of individuals so we can address their cognitive behavior and make sure that they're getting the right programming to address their, their needs so they can do their time and be more successful when they get out. On the tail end of that is creating pathways for when they are released, which includes, you know, making sure they have stable housing, making sure they have an adequate job or job training, which would include any type of vocational training or vocational services that we can provide to them, making sure they have the documents they needed like state IDs, Medicaid, Social Security card, birth certificates. A lot of those things we were able to accomplish in my last-- with my last employer, with the collaborative efforts of the other state agencies as well too. I worked well with lieutenant governor and the department of human services up there. And then making sure that the things that, that got them in prison, their triggers and everything, were addressed through any type of clinical services as well too, as it relates to substance abuse. And make sure there's a link-- community linkage, linkage for them once they release the facility, that they have the same type of services once they get back out into the community because they need to continue that type of services. Worked well with the parole division in state of Illinois. Parole division would-- reported to the department of corrections so there's a continuity of services that we were able to provide once they leave-- inside institution and out to parole supervision to make sure that the services are continued.

DeBOER: So would that include-- when you talked about having the correct documents, does that include things like helping them get enrolled in Medicaid as they're leaving--

ROB JEFFREYS: Yes.

DeBOER: --and some of those sorts of things. Do you intend to try to do some of those programs here in Nebraska to try and get-- make sure that folks are enrolled in Medicaid, that they have a driver's license or a state ID card, I guess, and those sorts of things?

ROB JEFFREYS: I don't know what we currently do, but it will be the vision for us as a team in Nebraska to ensure that people are successful once they get back out into the community.

DeBOER: OK. And I think you and I talked when we met briefly before about programming. I'm really grateful to you for your emphasis on programming. And one of the questions that I had asked you about is whether or not-- and I-- remember, I've talked to Director Frakes over the years about whether or not the, the data and the, the science says that programming is most helpful early, throughout or late in your incarceration period. Do you have-- are you prepared to answer that question?

ROB JEFFREYS: Well, that's a, that's a national argument. It's different in different states. You know, some people address the programming on the front end and some people address the clinical services program on the back end. So-- but I do know that there's benefits in receiving evidence-based programming throughout their incarceration. Those things that are more clinical driven when you're talking about substance abuse, sex offender programming and what have you, those things go back and forth, you know, on the front end or the back end. I think Illinois, based on the commission, they provide them on the back end within three years of their release or something along the-- I don't know to what detail, but I'll be looking into that as well too. But it's, it's-- depending on what state, where you're at, it goes on both ends.

DeBOER: So that's not something that you control? Whether or not you would do it early on in the, in the process or later on, that's not, that's not something that as a director you would sort of kind of create a vision for when it should happen?

ROB JEFFREYS: Yeah. I mean, we, we do provide programming on the front end, absolutely. There is T for C, there's peer-- peer-to-peer programming. There's anger management.

DeBOER: Sure.

ROB JEFFREYS: There's a lot of things that happen. It's just-- it's a matter of resource on back end like-- it gets into the capacity issue. And I just don't know enough about Nebraska to be able to speak on which direction will be beneficial for us, on the front end, on the back end. But I will look into that and we will have discussions about that moving forward.

DeBOER: OK. Briefly, I just wanted to ask you sometimes when folks come in from other states, they've got folks that they've worked well with. Do you plan to bring other staff with you from other states or, or have you sort of thought about that yet?

ROB JEFFREYS: I have not. I met with the executive team shortly after I had my announcement the last time I was here. I met with the wardens this morning and they, they, they're pretty dedicated in their mission, what they've been doing. They do a lot of good work. So it's just if I could just be part of their team. And when I need to make adjustments, that will be available for me as well too.

DeBOER: And I believe we're still lacking a medical director--

ROB JEFFREYS: Yes.

DeBOER: --and that we are currently in the process of signing some electronic health records system contracts. I was wondering if that was something you thought should go ahead without having a current medical director in place or if that's something that you thought you might want to say, OK, well, we need to get a medical director before that goes forward or if you had an opinion on that?

ROB JEFFREYS: I think the process is in place already for the electronic health records. It's already in place . It's already being worked on right now. I think it was something that the last medical director had recommended and I think he departed, but the process is still in place. But I do-- I am aware of a medical director. I'm speaking with somebody, actually the same person who, who got me here, to try to find me a-- they're doing a national search to try to get a medical director here.

DeBOER: OK. OK. I think-- oh, and my last question is about your-- sort of the interaction with the Legislature. So the Department of Corrections and the Legislature, I think, at least in my tenure, has had a pretty good relationship in terms of working together. The director has appeared before us many times to answer our questions and to kind of think through legislation together. This body has some need to do oversight that's part of our-- I feel our, our mandate from the people. So how do you imagine your relationship with the Legislature and what challenges or opportunities do you see coming in that relationship?

ROB JEFFREYS: I have no, no challenges that I see moving forward. I believe in the same things everybody believes about fairness and I also believe in transparency so I foresee no problems with working well together moving forward.

DeBOER: Well, that's a great, a great thing. I hope that we will all get to work very well together in the, in the future years. Thank you.

ROB JEFFREYS: All right, thank you.

WAYNE: Any other questions from the committee?

McKINNEY: Thank you.

WAYNE: Senator McKinney.

IBACH: I'll go next.

McKINNEY: My bad.

IBACH: You go.

McKINNEY: I'm sorry. In the past, your predecessor would come before us and testify on bills. But during those testimonies, he would also say that it's out of his purview to speak on policy, but he would testify on bills. So I'm just curious what, what is going to be your philosophy? Are you going to come testify on bills? And if so, are you willing to open yourself up to policy conversations?

ROB JEFFREYS: Well, I just want to be clear what my job is, to manage the correction agency. I kind of leave the bill thing and the laws and all that stuff to the legislative body and everything. If I could, if I could improve the efficiency of our agency to the best of my ability to make sure we are given adequate programming and making sure we keep them safe, secure facilities, making sure we get people prepared to go

back out to the reentry and make sure we retain that retention. I think I could, I could fulfill my mission best by doing the role that I'm hired for.

McKINNEY: In Illinois, did they allow senators or inspector generals or ombudsmans to carry phones inside of institutions?

ROB JEFFREYS: I can't-- I don't, I do not know. I, I do not know.

McKINNEY: Did they copy legal mail?

ROB JEFFREYS: Did I-- do not-- who copied?

McKINNEY: Did staff of the facilities in Illinois copy legal mail of incarcerated individuals?

ROB JEFFREYS: So I'll give you some background on that. The, the concern with mail -- and my past agency is moving to some-- more of an electronic mail and some of those pilots are doing some copying of legal mail and just like other states are doing it. It's the, is the whole fentanyl and the K2 thing that's coming through the mail and everything. So electronic mail, copying mail is nothing foreign to correctional agencies.

McKINNEY: No, I understand that. It's just been an issue that some legal mail has been copied and destroyed. And when incarcerated individuals are trying to work themselves through the court systems, they don't have the original copies and it's becoming an issue. So I'm just wondering if the department is going to keep the philosophy of copying legal mail and destroying it.

ROB JEFFREYS: Can, I, can I get back with you on that?

McKINNEY: Yeah.

ROB JEFFREYS: I want to take a look at that myself. I don't want to get too ahead of myself on that response.

McKINNEY: Did Illinois have a diverse book vendor option for incarcerated individuals as far as a vendor that had a diverse selection of books that incarcerated individuals could select from? Because the previous administration switched the vendor and the vendor doesn't have a diverse selection at all and it's been an issue as well.

ROB JEFFREYS: I truly believe in, you know, education, freedom to read, those things that don't jeopardize the safety and security of the agency. So I'm not real versed on what vendor was here and why it was switched. But in my past practice, we allowed individuals to order books and provide books, donate books, what have you. We also had a screening committee too that addressed any concern that-- books that may raise a flag based on things that might be printed, so.

McKINNEY: All right.

ROB JEFFREYS: I don't know if that really answers the question, but I don't know what currently happened.

McKINNEY: And in the past, did you have any experience with the construction or-- of a new prison or anything like that?

ROB JEFFREYS: Yes, I think I spoke about in my time in Ohio, we had a brand new high-tech facility that was being built in Toledo, Ohio, where I was-- my first deputy warden position, I was there and so I was the only deputy warden there and helped-- you know, the construction, writing the policies, the hiring of staff. It's a lot that entails in that. So yeah, I was very familiar with it and it's--

McKINNEY: Have you began to look at alternative models to, to the traditional let's-build-a-big-prison-campus-and-call-it-a-day type of thing? Because there's some good things going on across the country and across the world if anyone is willing to look at those. And my thing is I oppose the prison. My biggest reason for opposing a prison is because I think it-- and what has been proposed to us is not tailored towards rehabilitation. It's only tailored, tailored towards punitive-- a punitive philosophy. I think we should be building things around workforce housing, mental health, substance abuse, reentry, those type of things. Are you going to take that approach or are you going to stick with the traditional philosophy of building a campus, super punitive, not really helping nobody?

ROB JEFFREYS: So I believe-- and I, and I'll just speak on a national level. There are several states who are building prisons currently right now. And the, the thinking moving forward is totally different than how prisons were built back in 50, 60, 70 years ago that centers around the programmatic needs to mental health needs more of the sight of, of outside, using light, natural air, airflow and everything. Those-- and programming. I can't stress that enough. We need to have more direct people on the units to deliver a program as opposed to the centralized programming where people go to a program. So have a lot of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee April 19, 2023

things available to them because our, our number one mission will be to ensure that people go back out into the community better than when they came in. So programming space is crucial and making sure that adequate access to healthcare and mental health is also there as well too because our population is getting older and folks are coming to us with some mental health needs as well too.

McKINNEY: And my last one, how will you manage the correctional officers? Because we've had a few come before this, this, this committee that I would say probably shouldn't be correctional officers. So how will you direct them to be better stewards of the department and also work to, you know, not be an additional burden on incarcerated individuals?

ROB JEFFREYS: Yes. And so one of the things that I think is most important is holding people accountable, but set an expectation like we are expected to act in a professional manner at all times. We are expected to hold ourself in the highest degree of integrity, doing things that should be done. We are expected to make sure that we have a civility about us when we engage with other folks to include the population and those who are visiting the population. And not to mention, we engage in the community and the body right here as well too. So those will be my expectations moving forward. And I hope that this, this issue does not happen before you in the future.

McKINNEY: All right, thank you.

ROB JEFFREYS: Thank you.

WAYNE: Any other questions? Senator Holdcroft.

HOLDCROFT: Thank you, Chairman Wayne, and thank you, Director, for coming before us today. And, and if-- I have a couple of questions about some bills that are-- we're going to Exec on soon here as a Judiciary Committee, probably next week. And if you're not familiar with these bills, I understand. Perhaps you'd get back to us later. But the first one LB557, which is a Senator Vargas bill. It has to do with restricted housing and it's in modification. He talked to me yesterday. He's got an amendment. It's probably just going to work on the definition for mental health. But the Department of Corrections came in against-- opposed to that and I'm just wondering if, if you have an opinion on LB557 today.

ROB JEFFREYS: I'm sorry, Senator. I'm unfamiliar with that bill.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee April 19, 2023

HOLDCROFT: OK, that's fine. Three-- the other one I have is LB348. It's a Senator Wayne bill, correct?

WAYNE: Yeah.

HOLDCROFT: It has to do with moving parole underneath judiciary from corrections and, and again, direction the-- I believe the Department of Corrections came out opposed to that. And you probably are not familiar with that one either, but I would be interested in-- if there's any change in the, in the opposition to those bills because I think we are going to Exec on those next week.

ROB JEFFREYS: And I am unfamiliar with that bill as well too.

HOLDCROFT: Thank you.

ROB JEFFREYS: Yes, sir.

WAYNE: Any other questions? Senator Ibach.

IBACH: Thank you very much. First of all, we've had a lot of discussion this year on-- in our hearings regarding transition, transitional back-- transitioning inmates back into society. And I'm encouraged by your conversation on successfully transitioning folks back. I don't have a political-- I don't have a correctional background. Senator Blood does. She's worked in institutes before and I've kind of leaned on her for some of her comments this year. We have legal brains on the, on the Judiciary Committee and so I've relied on them a little bit. My approach toward this committee is, is from a little bit different angle because I don't have that background. So I'm very encouraged to hear that, that you have a history of successfully transitioning folks back into society. My question-- and I just have a couple very simple ones. When I tour-- because I'm from a very rural district, when I toured some of the facilities in outstate Nebraska, I'd be interested in hearing some of your thoughts on connecting those dots with the more urban setting. And specifically, what I'm hearing more in rural centers-- rural areas is with regard to juvenile justice and mental health. Do you have any thoughts on how to move forward with providing mental health for the juvenile system and maybe some of your thoughts on fast forwarding some more mental health resources and how we will address those not only in urban but in outstate?

ROB JEFFREYS: OK, if I, if I-- that's about three layers of a question.

IBACH: I'm sorry. It's very simple, like I said.

ROB JEFFREYS: So the first was rural versus urban prisons, making sure there is continuity of care?

IBACH: Um-hum.

ROB JEFFREYS: OK and that's, that's-- that could be achieved by ensuring that policies are applicable to both because that should be universal. I don't believe, whether a facility is in the rural or in urban or what have you, it should be ran or-- any differently based on our mission or based on our agency policies. Does that answer that question?

IBACH: Yes. Thank you.

ROB JEFFREYS: All right. And then mental health, more mental health for the juvenile system. I have-- I'm going to have to defer on this one. I don't know what's currently being offered and I don't know how it's being offered to, to answer that one.

IBACH: I feel like in a lot of our hearings, we heard testimony on not only juvenile versus adult circumstances in trying juveniles as adults and adults as-- we don't try adults as juveniles-- juveniles as adults. But we also heard a lot of transitional conversation about how juveniles specifically need more mental health assistance and guidance. And we hear that from a lot of the parole officers as well. So I just wonder if you have any thoughts on your previous employment as to how you would facilitate some of that conversation.

ROB JEFFREYS: All right. I'm going to have to look into that.

IBACH: OK.

ROB JEFFREYS: In my previous employer, the juvenile justice was separate--

IBACH: OK.

ROB JEFFREYS: --from the correction agency.

IBACH: OK.

ROB JEFFREYS: I didn't deal with a lot of juveniles there, but I'm quite sure there's a lot of research and data that supports either,

either/or; either more or, or when it should be administered. I don't have enough information--

IBACH: OK.

ROB JEFFREYS: --before me to answer that.

IBACH: And my only other question was in reference to we're likely to build a new facility and I think you answered my question with a previous comment. So I appreciate your thoughtfulness in being able to move that pendulum forward with the, with the construction of a new facility. I think your experience there will be very valuable so thank you for those comments.

ROB JEFFREYS: Thank you so much.

IBACH: Thank you, Mr. Chair.

WAYNE: Any other questions? So I want to-- it's kind of unfair when you're here because, you know, you may have been interested in the job for a couple of months and trying to become an expert on Nebraska's system versus Illinois's is completely different. What didn't Illinois do? I know they got a mandatory supervision. Well, first let me back up. Is parole under you and it was under you in Illinois?

ROB JEFFREYS: Yes.

WAYNE: Was that separate?

ROB JEFFREYS: It was under me.

WAYNE: So in Illinois, it was a mandatory release, supervision, "postsupervision" release. They called it mandatory release supervision. Walk me through that kind of a big picture of how that works in conjunction with your reentry facility and just big picture kind of how it worked and areas of improvement you think should be made across the system, not necessarily Illinois, but in that space.

ROB JEFFREYS: Yes. So first and foremost, we did an assessment of our current practices and my former employer and we used a national agency by the name of Council of State Government, who came in and did an assessment of the relationship between the prisons, parole, the parole division. And then we had a separate entity which we didn't have a parole board, but it was more of a parole board exec that functioned as your parole board. We had that in Illinois. So they did not report to me. And so the assessment was looking at treatment threefold. They

looked at what we're doing inside, what is our risk to needs assessment, and how is our reentry pathways preparing people to get out. And then we looked at the back end through an assessment. I can't speak enough about the team effort they did there about putting a risk assessment on the back end, folks being out in the community to make sure we're right size sizing that supervision, that we're not oversupervising, that we're providing the adequate case management to them and that we're providing the adequate resources based on their risk need to recidivate. And so with those efforts, we were able to not supervise as many people on high level in that we've been able to reallocate the resources to dedicate it to the high risk-- that's backwards, not able to not have to supervise people on a low level and rededicate those resources to the more at-risk individuals. And so based on not supervising that many people on the low level, we were able to refer them back to early release. And that was very beneficial for the parole division because they reduced their population parole by 20 percent because they didn't have to keep that many people on as long based on what the risk instrument was advising them where they should be, when they should be released.

WAYNE: What-- what risk-- risk instrument were you guys using?

ROB JEFFREYS: Here or?

WAYNE: Illinois on parole.

ROB JEFFREYS: It's the same instrument that was used in the state of Ohio.

WAYNE: You're smiling.

ROB JEFFREYS: Because the folks in Illinois are listening. I thought I wasn't going to say Ohio no more, but it was the Ohio ORAS risk assessment, which is currently being used by-- I met some parole officers yesterday. They're currently using the ORAS here in the state of Nebraska.

WAYNE: So then, was there transitional housing for those? These are transitional housing?

ROB JEFFREYS: Yes, there is.

WAYNE: And so from Ohio, Illinois, how that transitional housing worked and where are, if you could wave a wand, how would you want it to work here if there was a thing?

ROB JEFFREYS: I haven't looked at the tran-- I don't know if there's transitional housing here.

WAYNE: I mean, if based off of your experience, how did it work there-- or not even care how it worked there. If transitional housing is available, was available, you waved a want, what would you like to see? How-- how would you like to see it ran based off of your experience where it was? Yeah.

ROB JEFFREYS: So one of the things that transitional housing provided was opportunities for people who are eligible based on what the statute state is to be released into this housing, transitional housing, gainfully employed but not have to worry about shelter before they hit the ground running. It's just one of those other mechanisms. What was so beneficial was those folks who served a long time. You know, think of somebody who's spent 20 years who don't know nobody or 10, 15 years, don't know nobody or doesn't have the resources out there in the community that they once had when they were locked up. So that was very beneficial for that particular population to transition into a transition housing before they were just straight released out to the community.

WAYNE: Let me ask more direct. What was-- what made it successful? Like, what did those programs have that made it successful in your experience? Or maybe you saw some that didn't-- weren't successful. What would you have liked to see? So what-- the question is, what is your ideal program qualification or requirements that you think makes these kind of things successful?

ROB JEFFREYS: Well, there's different criteria for different transition housing. But I think what makes it more successful is getting people in condition to be back in society. You know, you've got a routine. You got-- you got a routine. You get up, you have to go to work, come back in, do whatever work you have to do, you program in everything, and you got to start it all over. It gets people conditioned to be successful out there. It gives them opportunity to start looking for their own apartment, you know, so when they are out of transition housing, they have that big leeway to be able to go into their own apartment. It gives them an opportunity to start with their banking and everything, start saving money, things that they probably did not know 20 years ago about banking. It gives them opportunity to get immersed into the new technology. You know, so it's a-- it's a-- it's an easy landing spot for folks who've done a long period of time to include those who, you know, unfortunate, who did some violent crimes as well, too. But those are the ones who need the most help

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee April 19, 2023

when they're transitioning back out in the community. The short-timers, they've been in and out or they've-- they probably still have more resources because of, you know, they've been inside and they've been out recently or what happened like that. It's the long-term offender that benefits them as far as a transitional housing.

WAYNE: Senator Bosn, do you want to ask a question?

BOSN: No, sir.

WAYNE: So I ask this because I don't-- another senator couldn't participate and I don't necessarily agree with that so I asked Brandon, he said I could run my committee however I want. I said, OK, sounds good to me. Senator McKinney.

McKINNEY: Thank you. I got one last question. So-- and a lot of your responses to some of the senators, you said you-- you hadn't been here for a while, so you haven't been able to fully assess our state and our department. So is it also fair to say that we probably should wait to build a prison until you're more entrenched into your job?

ROB JEFFREYS: Is that a question?

McKINNEY: Yeah.

ROB JEFFREYS: OK, so I've been here three days. This is my third day. The first day I got here, I went and got my phone, cell phone, laptop, and then I got out to the facility that afternoon. I spent about five hours at NSP, hit every unit.

McKINNEY: Yeah, I have some cousins you talked to.

ROB JEFFREYS: Yeah, because I wanted to put my eyes on it and make an assessment based on the information that was provided for me. And so waiting, I mean, we already know what the conditions are at NSP. Waiting for me to be here longer is not going to have the problem dissipate or go away because the infrastructure is still at need. The conditions of confinement are still at need. The ADA concerns are still at need. The programming space in which we talk about what we need to have programming space for people to-- to get programming to be more successful is still a need. And that's not-- I toured one through five house and there is-- it is not possible to have any programming on that unit and the conditions of confinement. I toured one house who is not occupant-- occupied because of the pipe busted or something that happened and everything. So those problems are not

going to go away. And they've been here longer than when I got here. So there still is that need to replace a facility no matter who's the director.

McKINNEY: And-- and I really ask that question because it's kind of two-sided. It's also true that we can't wait for policy changes either, because if once we do decide, once the Legislature decides to build a prison, it's still overcrowded. And it's going to take us four to five years to have that open, which will probably be overcrowded day one. So it's also-- and it's not really for you. It's kind of for the public and everybody listening that we can't wait to do policy changes as well because it's-- it's bad on both ends, and we have to acknowledge that.

ROB JEFFREYS: Yes. OK.

McKINNEY: Thank you.

ROB JEFFREYS: So-- oh, I thought it was a question.

McKINNEY: You can finish. Sorry.

ROB JEFFREYS: When you reference policy changes, is that in reference--

McKINNEY: Well, in some of your responses, you were like, I hadn't been here long enough to really give a full answer. And-- and I'm hitting at that because in the same token, you haven't been here long enough, but you still are cool with going forward with the prison. But we also had to be cool with policy changes going forward as well, because we can't wait.

ROB JEFFREYS: Yes.

McKINNEY: OK, that's it.

ROB JEFFREYS: You hit it. You hit the nail on the head. We have to move forward building the prison and we have to move forward with policy changes where it can be. We-- I know that I have to address those concerns that I have that I consider controllables, like things that I can do within the agency to address the population. But we can only do that if I have the space to achieve those programming components, which is not currently there at the current facility.

McKINNEY: Yeah, but we need the policy changes because you're going to be in the same predicament if the new facility is overcrowded day one possibly. That's all. That's all I'm saying. But thank you.

ROB JEFFREYS: OK.

WAYNE: Any other questions from the committee? I got just maybe one or two. So I'm more focused on this reentry part and love the fact that she had this reentry center. So during the COVID, public knowledge that you-- you had the authority from the governor to move out a certain number of people, just figure out how to lower the population. And that was your call. Walk me through the process of how you chose people, what tools you used, who was all involved at the table and kind of that process.

ROB JEFFREYS: Yes, sir. So we had mechanisms in the state of Illinois that afforded us the ability to put people back out in the community. One was earned discretionary credit, which was at the director's discretion that awarded folks based on outstanding, exemplary behavior or what have you. When I got there, they might have awarded a handful of people in 2019 of that credit and that credit was up to 180 days, you know, and it could be in an increment. But it was so much criteria that applied, somebody had to fit the criteria to be awarded that credit. So we were able to look at that particular release mechanism. We were able to look at some parole violators. You know, we-- don't bring everybody back. You know, we really scrutinize. And [INAUDIBLE] sometimes if we started looking at our-- our reform on our parole division. We were able to look at some of these mechanisms as it relates to medical furloughs, you know, those who are sick and you're able to send them home for a period of time during COVID. We were able to do that as well, too. And then there was early-- then there was sentence credits given by people who completed sentencing program, I mean, programming. And so all those mechanisms we had before us and everything. And what we were able to do with the assistance of the governor was get executive orders to be able to not be as scrutinizing with the criteria for individuals and expand that pool. But making sure, first and foremost, that they were low risk. They fit the criteria of low risk. They had not had no infractions or a class one or a serious infraction for a period of time.

WAYNE: When you say infraction, you mean in the prison?

ROB JEFFREYS: Yes.

WAYNE: OK.

ROB JEFFREYS: Yeah. Violent infraction, what have you, and to ensure that certain, certain crimes were not eligible for them. And then what we were able to do is based on their behavior, we're able to screen the whole agency and everything and identify who fit that particular criteria. And then we released them early. On the back end of that-- so that reduced the population significantly. But then on the back end of that, we, we had another-- technical assistance from another outside agency that looked at how can we make this something that was-- that could be put into place and that we can use after COVID? And that's when it-- currently, it goes on right now. It's called incentivized population management where you, you, you're able to classify, risk assess someone coming in the door, adequate programming coming in the door, making sure their needs are being met based on their completion of their programming, based on their involvement with the reentry pathway where you're starting to get your, you know, your resources lined up and everything. You are awarded up to 180 days and in some instances, 360, 360 days, I think it was, on the back end of your sentence based on good behavior. And so that's why the population is able to-- we released it. We got it down to 27,000 at one particular time. It was at 38,000 and now I think it is currently at about 28,000 right now. It's still in place. And so that's how they are able to incentivize the population to reward good behavior and early release folks based on their completion of the program in their case plan.

WAYNE: Any other questions? Senator DeBoer.

DeBOER: Sorry.

WAYNE: Are you guys checked in? Is everybody-- did we check-- don't we check back in?

DeBOER: We check in-- back in at lunch so we're all good until we--

WAYNE: So after-- for the public who's here, after Mr. Jeffreys speaks, we're gonna take a five-minute break to let those to check in in case there's a call of the house and they want to vote on it. Otherwise, you can stay checked out, but I would give you the option. And they will resume with the public testimony so ahead.

DeBOER: I just had a quick question. When-- based on what you were talking about with Chair Wayne. What's the good time-- how does the good time work in the situation where you were in last? Is that automatic good time or earned good time?

ROB JEFFREYS: Earned.

DeBOER: OK. So that program where you do the 180 to 360 days on the back end is in addition to that earned good time?

ROB JEFFREYS: No, that will be considered part of their earned good time.

DeBOER: OK. OK. Thank you.

WAYNE: Is your earned good time on mandatory minimums? Was it-- because you got-- you guys have a lot of weird laws. You got a--

ROB JEFFREYS: Yes.

WAYNE: Not you because now you're here. You got accelerators and you got D-- yeah, it's complicated.

ROB JEFFREYS: Yeah.

WAYNE: So I don't know how you-- whatever accounting system you used for that, we need that here.

IBACH: Can you duplicate that?

WAYNE: We'll just leave it at that.

ROB JEFFREYS: And for-- if anybody in Illinois is listening, I did not say anything, Senator Wayne.

WAYNE: But no so wasn't mandatory minimums included or just a variety of different things you could earn?

ROB JEFFREYS: I can't remember.

WAYNE: OK.

ROB JEFFREYS: If can't remember.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here. You don't have to stay for the rest of the confirmation. Normally, we don't call people back up, but we are going to take a five-minute recess to allow people to go--

DeBOER: There might not be anyone else.

WAYNE: Huh?

DeBOER: Ask if there's anyone else to testify.

WAYNE: Well, are you testifying? Well, is anybody testifying? Good call. Paul, you're not testifying? It's the first time in Judiciary you're down here and you're not testifying. All right, well, I've got to go through the-- any proponents? I mean, not proponents. Any supporters of the nomination? Any opponents of the nomination? Anybody testifying in a neutral capacity? Seeing none, that will close to hearing--confirmation hearing on Mr. Jeffreys and that's it for today. Thank you and that will close the hearing today.