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## Send state inmates to state jail?

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Douglas County Commissioner Mike Boyle wants his county's jail to stop accepting inmates arrested for breaking state laws — and instead drop them off at a state prison in east Omaha.

The county facility in downtown Omaha should continue to open its doors to people accused of city and federal crimes, he said, because those governments pay roughly what it costs to house the inmates.

Boyle admits the drop-off idea sounds radical — even questionable under state law — but he is tired of property tax payers footing the bill for what he sees as a responsibility of state government.

“I don't want to be a sucker and continue paying property tax dollars on something that should be paid by the state,” said Boyle, who represents southeast Omaha. “They ought to step up and do the right thing — pay the bill.”

State jail reimbursement to counties is no new battle.

For more than a decade, Nebraska has paid its counties to house the inmates it defined as state prisoners. But the counties and the state battled over the amounts, with the state never fully covering expenses. Now Boyle is saying the state has abandoned its responsibility altogether by ending all payments, effective in July.

While state law says counties are “required to receive those lawfully committed and to keep them ... until discharged by law,” Boyle said enough ambiguity exists that he is exploring whether his idea can be executed.

This coming fiscal year, Douglas County will be out the \$1.9 million it received in the current fiscal year for holding state inmates, said county finance director Steve Walker.

Lawmakers in Lincoln also cut \$1.1 million in county aid, he said, creating a \$3 million budget gap county commissioners must close.

Larry Dix of the Nebraska Association of County Officials said the loss of state funds to local governments, including jail reimbursement, has put counties statewide in the position of having to reduce services or raise property taxes.

Dix says he recognizes that state government, too, is in tough financial straits.

“But certainly Mike's frustration is shared by a number of counties trying to figure out, ‘What is the proper solution?’ I don't know that anybody has that answer.”

Under the Boyle proposal, law enforcement officers no longer would take people arrested on suspicion of state crimes to the Douglas County Correctional Center at 17th and Leavenworth Streets. Rather, officers would take suspects four miles away, to the state-operated Omaha Correctional Center south of Eppley Airfield.

Boyle said it would be tougher under existing law for the county jail to turn away an offender ordered there by a judge, so he is focusing on people who have been arrested on suspicion of a state crime but not yet sentenced.

The shift would require complex, system-wide changes. Currently, a person arrested in the county is typically booked into the county jail to await a court hearing or trial. If convicted and sentenced to a year or more for a state crime, the county billed the state for each day the suspect spent in jail, back to the moment he arrived, said Jeff Newton, head of county corrections.

About one-third of today's average daily Douglas County jail population of 1,160 potentially could be affected by Boyle's proposal, Newton said. State law defines a state prisoner as someone who has been convicted and sentenced as an adult to a Nebraska Department of Correctional Services facility or who has been placed on probation for a state crime.

Boyle, a Democrat, first floated his drop-off idea during last week's County Board meeting. He said some colleagues sat in disbelief at such a dramatic suggestion.

Board Chairwoman Mary Ann Borgeson said, however, that she is supportive.

“What we've done hasn't worked,” said Borgeson, a Republican. “Maybe this will. Maybe we'll get their attention.”

The Boyle suggestion also piqued the interest of Deb Schorr, chairwoman of the Lancaster County Board, who said: “It's an innovative thought.”

Lancaster County, which is building a new jail to handle overcrowding, “certainly” would be willing to look into ways to recoup the loss of state jail reimbursement funds, said Schorr, a Republican.

Douglas County commissioners have requested that the county's corrections director send a letter outlining Boyle's drop-off proposal to State Corrections Director Bob Houston.

Through a spokesman, Houston said he hadn't yet received the proposal so preferred not to comment. Gov. Dave Heineman, a Republican who endorsed cutting state aid programs to counties and local governments, including jail-related payments, did not respond to a request for comment.

Boyle's idea arrives as the state's prisons, currently at about 140 percent of capacity, struggle with overcrowding. A change in state policy is under way to thin the population by putting 1,000 inmates on supervised parole.

Despite the state's own financial constraints, Boyle said Nebraska is in a better position than counties to pay jail expenses because the state can turn to income and sales taxes.

State Sen. Brad Ashford of Omaha, chairman of the Legislature's Judiciary Committee, said Boyle's idea would be difficult to implement, especially as the state tries to reduce its own prison population.

That doesn't mean the idea shouldn't be explored, Ashford said, along with broader mergers of criminal justice-related services and authorizing other revenue-generating sources for counties.

"Mike usually pushes the envelope," Ashford said, "in a good way."

The notion, Boyle said, was born from irritation with the jail reimbursement method.

In past years, the state paid Douglas County \$35 per day, less than half the \$85 that Walker said it costs to house a state inmate. Even then, the money flow stopped about midway through the year because the pot of state money ran dry.

In 2010, the county received about half of what it billed the state, said Newton, and about 23 percent of what the county spent to house state prisoners.

The Legislature repealed statutes for jail reimbursement in 2009, and the money was redirected to other county aid programs meant to accomplish the same task, said Dawn-Renee Smith, legislative and public information coordinator for the Nebraska Department of Correctional Services. The state later zeroed out jail payments.

By comparison, Iowa doesn't reimburse counties for jail expenses except when a former state prisoner violates conditions of release and winds up at a county jail. In those cases, the state pays up to \$50 a day until the person is released or returned, said Fred Scaletta, spokesman for the Iowa Department of Corrections.

Boyle and Borgeson said they will wait to hear Nebraska's response before planning their next step.

"It's pretty controversial," Boyle said. "But we need help, and we won't get it if we don't ask."

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