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## Tougher approach to good time promised

Corrections officials propose to double the penalty for inmates' misbehavior while behind bars.

By PAUL HAMMEL  
WORLD-HERALD BUREAU

LINCOLN — Amid complaints that the state has released violent offenders too soon, the Department of Correctional Services proposed tougher penalties Monday for

assaults and other misbehavior while behind bars.

The proposals would double the amount of good time that can be taken away from an inmate for minor as well as serious infractions.

For instance, the most serious assaults could result in an

inmate forfeiting as much as two years' worth of good time. The current penalty provides for the loss of up to one year of good time.

The proposed rule changes also would allow prison officials to keep an inmate in disciplinary segregation for up to six months, instead of the current maximum of three months.

The proposed rule change

comes as state officials battle severe overcrowding in state corrections facilities. On Monday, Attorney General Jon Bruning said building a new state prison can't be taken off the table, even though other state leaders are looking to alternatives in hopes of avoiding the expense of a new prison.

A department spokeswoman said the proposed changes to good time rules were sparked

by questions raised in the case of Nikko Jenkins, who is charged with four slayings in Omaha shortly after his release from prison in late July.

Several officials, including Gov. Dave Heineman, have said Jenkins should have lost more good time, and been kept in prison longer, for his behavior while behind bars.

While in prison, Jenkins

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# Good time: Tougher disciplinary measures promised

attacked another inmate, assaulted a corrections officer, was involved in an attack in a shower and was caught with a makeshift weapon — a toilet-brush shank.

Prison officials wrote up Jenkins at least eight times, but it resulted in a loss of only a year and a half of good time. Under current rules, he could have spent another 9½ months behind bars for the misconduct.



Jenkins

said Jen Rae Wang, a spokeswoman for the governor.

Wang said the governor is also seeking a change in state law to require hardened criminals to “earn” good time reductions, instead of getting the reductions automatically. That change, she said, could not be accomplished by the department, but must be adopted by the Legislature.

Under current law, inmates are awarded one day of good time for every day spent in prison, effectively cutting their

sentences in half.

Prison department rules establish how much good time can be taken away for violations of prison rules.

A recent World-Herald analysis of state data showed that corrections officials take away good time in less than 5 percent of cases of inmate misconduct.

The proposed new rules don’t address that issue.

Dawn-Renee Smith, spokeswoman for the Department of Corrections, said the department will continue to take away good time on a “case by case basis” depending on the seriousness of the offense.

The proposed rule changes, Smith said, grew out of a review following the Jenkins case and were signed off on by Corrections Director Michael Kenney, who was named to the post 13 days ago.

She said the changes will give the department more flexibility to deal with serious infractions and change penalties that had been in place for 28 years. A public hearing on the proposal is scheduled for Nov. 7.

“Any time there is a serious incident we look at what happened and what changes, if any, should be made to current

procedures,” Smith said. “We determined one thing we could do is to increase the maximum amount of good time to take for rule infractions.”

The proposed rule change comes as state officials grapple with the problem of prison overcrowding. As of Friday, prisons held about 1,600 more inmates than they were designed to hold and were at 151 percent of capacity.

The last state prison built in Nebraska, at Tecumseh, has a capacity of 960 inmates and opened 12 years ago. Cost estimates to build another prison have ranged from \$130 million to \$150 million.

Two Omaha state senators involved in a working group looking at prison changes praised the proposed rules. State Sens. Brad Ashford and Heath Mello said they represent a good first step by Heineman’s administration to address problems with state corrections.

But Ashford, who chairs the Legislature’s Judiciary Committee, said the changes have to go further and include strategies to deal with nonviolent offenders outside of prison walls and focus more attention on violent criminals and programs that reduce

repeat crimes.

Ashford said he believes the state can overhaul its sentences, bulk up alternatives to prison and avoid the expense of building a new prison. Heineman has also said he wants to avoid that.

Bruning, in an interview, said he’s still digging into statistics but believes Nebraska cannot manage its way out of the prison overcrowding problem without risking public safety.

“I don’t think you’re going to find that huge population of nonviolent offenders in our prison system (to release),” he said. “Most of the people in our prison system have earned their way in there.”

Bruning said that the state’s incarceration rates, compared with other states, are very low, and that he opposes the release of sex offenders, who represented the largest percentage of offenders behind bars, at 18.3 percent.

“My goal is to keep the streets safe,” he said.

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