

preme Court took a hard line on premature releases. The Supreme Court said it was an Omaha prisoner's duty to inform Corrections officials if he knew he was being released prematurely. The high court said a judge would have to determine whether the prisoner was trying to "game" the system by keeping quiet while wardens opened the prison doors.

In this case, State Sen. Ernie Chambers questioned how inmates were expected to know their proper release date when "Corrections couldn't even calculate it."

Rounding up prisoners who would have finished their sentences by now would be "cruel," Chambers said. He equated it to a mock execution.

"They did not escape," Chambers said. "They stayed as long as they were told they were required to be there.

"They were made to believe that they could go on with their life, and their freedom would not be taken again. They shouldn't be made to pay because Corrections has been derelict in its duties."

A veteran prosecutor disagrees. Douglas County Attorney Don Kleine said he didn't know how the system could be considered fair if one set of prisoners benefits from bad math.

Kleine called the situation urgent. He questioned what kind of liability the state would incur if it didn't do a roundup — and then one of those should-be prisoners victimized someone else.

The families of two murder victims are seeking damages against the state over the 2013 killing spree committed by Nikko Jenkins, who had been released early under different

circumstances.

Another Nebraska family sued the state after an inmate — allowed to drive a prison van on Lincoln streets — crossed the center line, crashed and killed 47-year-old Joyce Meeks.

"The right thing is, you finish your prison sentence just as the judge ordered you to," Kleine said. "That needs to happen as soon as possible."

But Douglas County Public Defender Tom Riley urged state officials to "take a breath" and proceed with caution.

Riley said he anticipates that several inmates will move for a court injunction to prevent the state from corralling them. Monday, Riley immediately assigned his law clerks to research options, setting the stage for what could be lengthy court challenges.

"The (released) prisoners didn't do anything wrong," Riley said. "My thought is, 'Hold on before you just round 'em up.'"

That sentiment wasn't shared by state senators who said they were floored by The World-Herald's investigation.

Several lawmakers said they were particularly dismayed that Corrections didn't follow the Legislature's intent: that inmates serve their full mandatory term before receiving good-time credit that cuts the rest of the sentence in half.

State Sen. Brad Ashford noted that the Legislature has methodically enacted mandatory terms for dangerous criminals, including repeat offenders in 1995, child rapists in 2006 and gun thugs in 2009.

"This put the public in jeopardy," said Ashford, a lawyer who is running for Congress. "It undermines everything we've been

trying to do, quite frankly."

If necessary, Ashford said, he will ask the governor to call a special session.

"This is terribly, terribly troubling. We need to find out who did this, what systems allowed something like this to happen, and why the checks were not there within (Corrections) and the executive branch. ... It's just brutal."

State Sen. Scott Lautenbaugh, also an Omaha lawyer, said he, too, was shocked.

"You don't have a constitutional right to an early release," Lautenbaugh said. "If a mistake was made, you should be put back."

But Lautenbaugh stopped short of calling for a special session or an investigation of Corrections. He said Corrections should be able to handle the math laid out by the Nebraska Supreme Court.

"We don't need a witch hunt at Corrections," he said. "But they're going to have to fix it. And I don't think anybody is going to be taking their word for it."

State Sen. Heath Mello also stopped short of calling for a special session. Mello said he expects a prison reform committee — which begins meeting Wednesday — will conduct a full investigation, using its subpoena powers if necessary to get answers from Corrections.

"This arguably is one of the most shocking mismanagements that people have ever seen in state government," Mello said. "This literally put the public at risk.

"It begs the questions, 'What other problems exist right now in the Department of Corrections? How did this not get

discovered for years? And was this done in part to ease prison overcrowding?'"

Heineman said the mistakes in computing the prison sentences had nothing to do with overcrowding. They were the product of "misinterpretations" and "mistakes," he said, and began long before he took office.

The return of inmates and longer sentences for others are sure to put more pressure on the state prison system, which is growing more overcrowded by the month.

As of May 31, state prisons held 1,900 more inmates than their design capacity of 3,275, 58 percent over capacity.

The burgeoning prison population has forced prison officials to double-bunk more cells, use temporary cots, transfer out federal inmates and consider moving state inmates to county jails to ease the deluge.

With the latest mistakes, Corrections officials were scrambling to recalculate sentences and reclassify prisoners.

Dozens of prisoners — once on the cusp of freedom and in less-restrictive work-release settings — were expected to be moved back to penitentiaries.

And Heineman expects released prisoners to be returned.

Once they are, he said, Nebraska needs to do a better job of telling the public when a prisoner will walk free.

"Everyone involved in this system — from the judge to the county prosecutors, to law enforcement — it all needs to be made clear what those sentences actually mean," Heineman said.

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