

Nebraska

Overall Grade for Nebraska

Total Grade

28
/100

Letter Grade

F

Program Grades

Medical Parole

Total Grade

28/100

Letter Grade

F

Medical Parole

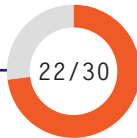
Total Grade

28 /100

Letter Grade

F

Eligibility Criteria



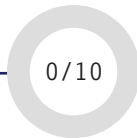
5/10 Clearly set out with understandable and measurable standards.

5/10 Generous or not unduly restrictive.

7/10 No categorical exclusions/everyone is eligible for consideration.

+ Extra credit: Terminal illness time-left-to-live provisions are reasonable and sufficiently long to permit the completion of the review and decision-making processes. **+5**

Procedures

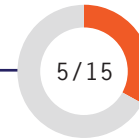


0/5 UTD* Documentation and assessment are straightforward, lacking multiple or redundant reviews and authorizations.

0/5 Time frames for completing review and/or decision-making exist and are designed to keep the process moving along.

x Extra credit: Expedited time frames exist for terminal cases. **0**

Engaging the Process

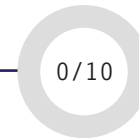


0/5 Clinical and other staff can identify potentially eligible individuals and initiate the process.

0/5 Incarcerated people, their loved ones, and advocates can initiate the process.

5/5 Corrections staff have an affirmative duty to identify incarcerated people eligible for compassionate release and take the steps necessary to begin the process.

Release Planning Support

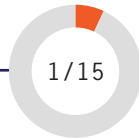


0/5 UTD Agencies provide comprehensive release planning.

x Extra credit: Release planning includes helping the incarcerated person apply for benefits prior to release, including housing, Medicaid, Medicare, and/or veterans benefits. **0**

0/5 Release planning begins early in the process.

Agency Policy Design

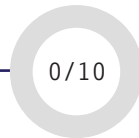


1/5 Agency rules exist for all stages of identification, initiation, assessment, and decision-making.

0/5 Agency rules are consistent with and/or complement the statute, are up to date, and internally consistent.

0/5 Rules provide clear guidance to reviewers and decision-makers about steps to take and standards to apply.

Data Collection and Public Reporting



0/5 Agencies are obliged to gather, compile, and report release data to legislature.

0/5 Reporting is made available to the public via annual reports or other means.

0/10

Right to Counsel and Appeals

0/5 Program allows counsel to represent people before decision-maker (i.e., parole board, commissioner, or court).

✘ **Extra credit:** Denials are appealable. **0**

0/5 UTD Individuals have the right to reapply should conditions change.

✘ **Extra credit:** Revocations are not used to return people to prison because their condition improves or goes into remission or because the individual outlives the prognosis. **0**

The Numbers

The Board of Parole need not report on its decision, does not publish data about Medical Parole, and did not respond to FAMM's request for information on the number of people granted Medical Parole in 2019 and 2020.

High and Low Marks

HIGH MARK

- **Engaging the process:** The Nebraska Department of Correctional Services is directed to identify incarcerated people who may be eligible for Medical Parole based on their medical records. Very few state compassionate release programs include such an affirmative obligation that FAMM thinks is critical to ensuring eligible people receive the consideration they deserve.

LOW MARKS

- **Overall,** Nebraska's Medical Parole program **flunked**, given how little information exists about it and what information exists describes a rather poorly designed and malfunctioning program.
- Two entities play a role in the Nebraska Medical Parole program. The Department identifies people who may be eligible for Medical Parole. FAMM could not find any Department policy that explains how it does that or how it documents, assesses, or refers those individuals to the Board of Parole. While Board rules exist for the program, they contain no information whatsoever about how the Board conducts reviews or makes decisions to grant or deny Medical Parole. Consequently, the program flunked the **agency policy** and **procedures** categories.
- Nebraska also failed with respect to **release planning**. The Board's discussion of Medical Parole does not include any mention of release planning. In fact, the Board's general parole plan rules require people seeking parole to put together the information about where they will live and how they will support themselves. The Board policy requires as a condition of Medical Parole that the individual agree to live in a hospital, hospice, or other housing suitable to their condition. It does not mention how an individual is to secure and pay for the placement. By law, the Department must consult with the state's Health Services Division and develop a protocol to assist individuals eligible for Medical Parole to apply for and receive Medicaid benefits. FAMM could not find information about whether that law has been implemented.