

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

OPERATING INSTRUCTION
NUMBER 60-17

~~April 23, 1999~~

Rescinded July 29, 2011

**NOTICE OF FAILURE TO QUALIFY FOR
STATE PRISONER REIMBURSEMENT**

1. **PURPOSE:** To prescribe procedures for (1) determining failure to qualify for state prisoner reimbursement status; and (2) notification of the Department of Correctional Services (D.C.S.) of failure to qualify for state prisoner reimbursement status by the Jail Standards Board (Board) for failure to comply with Minimum Jail Standards.
2. **SCOPE:** Applicable to the Board, the Jail Standards Division Chief and the Facility Examiner/Consultants.
3. **REFERENCE:** Section 83-4, 133 of Nebraska Revised Statutes (N.R.S.).
4. **GENERAL:** State Law provides that counties may be reimbursed for the days that they hold prisoners who fit the definition of >state prisoner=. When a detention facility fails to comply with Standards as prescribed by N.R.S. 83-4, 126., or a governing body fails to initiate corrective action, correct the problem, or close the objectionable portion of the facility, the Board may notify the D.C.S. that the agency does not qualify for reimbursement of these funds. It is the responsibility of the Board to determine when an agency does not qualify. It is the responsibility of the Board and the Jail Standards staff to notify D.C.S. when a County does not qualify for reimbursement.
5. **PROCEDURES:**
 - A. Notice of Non-Compliance
 1. If an inspection discloses that an adult or juvenile detention facility does not meet minimum standards, the Board shall send official notice, along with the inspection report to the governing body responsible for the facility.
 2. A copy of the inspection report shall also be sent to the County Attorney in the county in which the facility is located.
 - B. Corrective Action
 1. The governing body shall promptly meet to consider the inspection report and the inspector shall be available to advise and consult concerning appropriate corrective action.

2. The governing body shall initiate corrective action within six months of receipt of the inspection report or may voluntarily close the facility or the objectionable portion thereof.

C. Denial of Reimbursement Funds

1. The Board may determine that an agency does not qualify for reimbursement of funds if the adult or juvenile detention facility governing body fails to:
 - a. initiate corrective action within six (6) months; or
 - b. correct the deficient conditions; or
 - c. close the facility or the objectionable portion thereof.
2. The Board shall notify D.C.S. when an agency does not qualify for reimbursement of these funds. Notification shall include the date of ineligibility as established by the Board.
3. The governing body shall have thirty days to respond to the Board's actions and shall serve a copy of the response to the Board by certified mail, return receipt requested.
4. The Board shall review the response at the next Board meeting and may alter the reimbursement status if the governing body's response has been deemed appropriate.
5. The status of the qualification for reimbursement shall be reviewed at each successive Board meeting until the issue is resolved.
6. The governing body of said facility may challenge the failure to qualify for reimbursement for state prisoners determination by filing an action in District Court.
7. The Jail Standards Board shall notify D.C.S. if/when the facility again qualifies for reimbursement of funds.

Deborah Gilg, Chair
Jail Standards Board

Allen L. Curtis
Executive Director