



# Justice Reinvestment in Nebraska



## *Fourth Working Group Meeting*

*December 11, 2014*

**Council of State Governments Justice Center**

**Marc Pelka, Program Director**

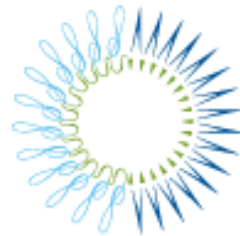
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## Justice Reinvestment

*A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety.*



# Council of State Governments Justice Center

- National nonprofit, nonpartisan membership association of state government officials
- Engages members of all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence



# Two Phases of Justice Reinvestment

## Phase I

### Analyze Data and Develop Policy Options

- Analyze data
  - Look at crime/arrests, courts, corrections, and supervision trends
- Solicit input from stakeholders
- Assess behavioral health treatment capacity
- Develop policy options and estimate cost savings

## Phase 2

### Implement New Policies

- Identify assistance needed to implement policies effectively
- Deploy targeted reinvestment strategies to increase public safety
- Track the impact of enacted policies/programs
- Monitor recidivism rates and other key measures

# Presentation Overview

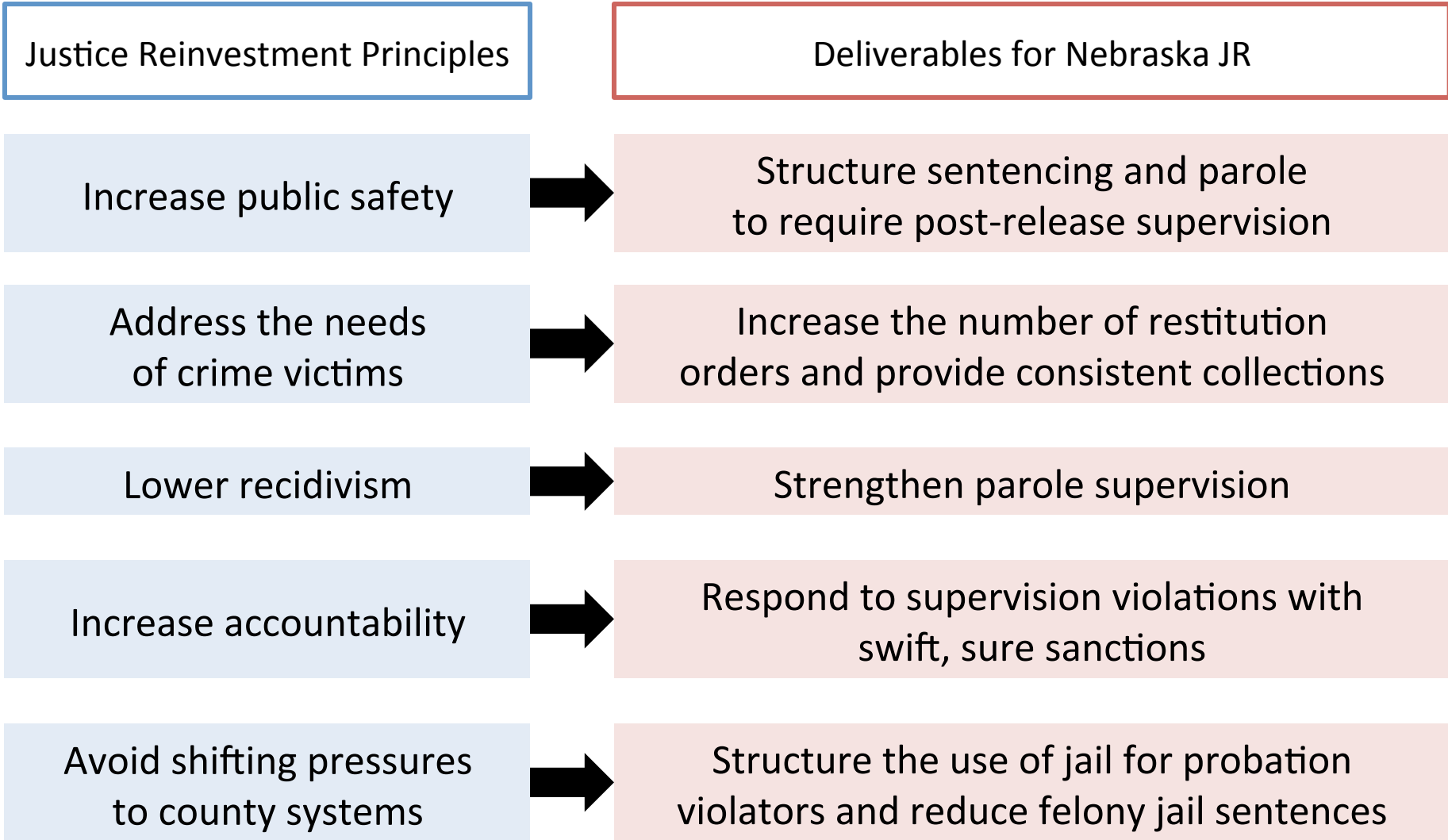


**Criminal justice system challenges**

Justice reinvestment policy framework

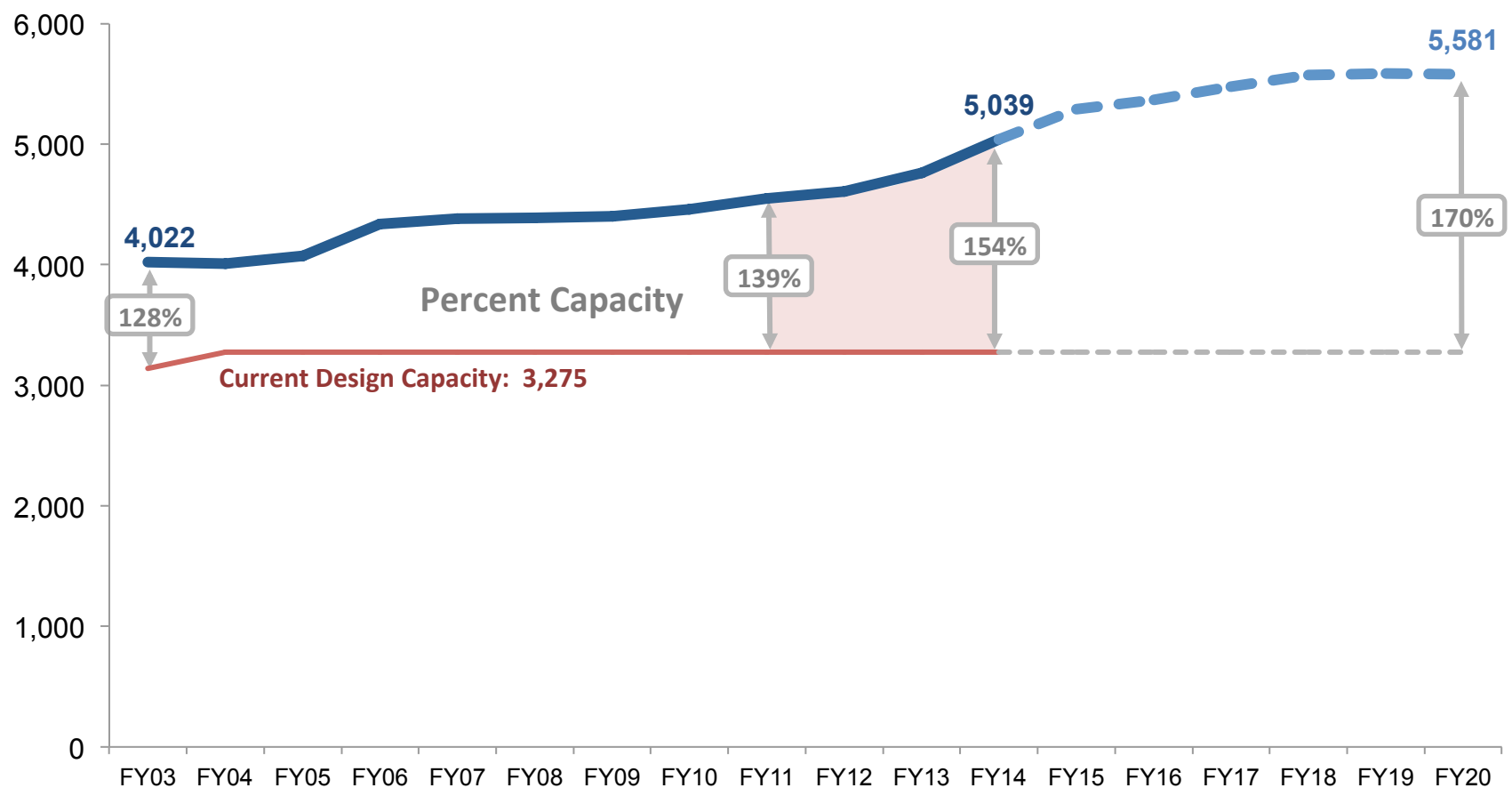
Impact estimates

# Principles Underpinning Justice Reinvestment and Deliverables for Nebraska's JR Project



# Nebraska's prisons are projected to reach 170 percent of capacity if nothing is done to avert growth.

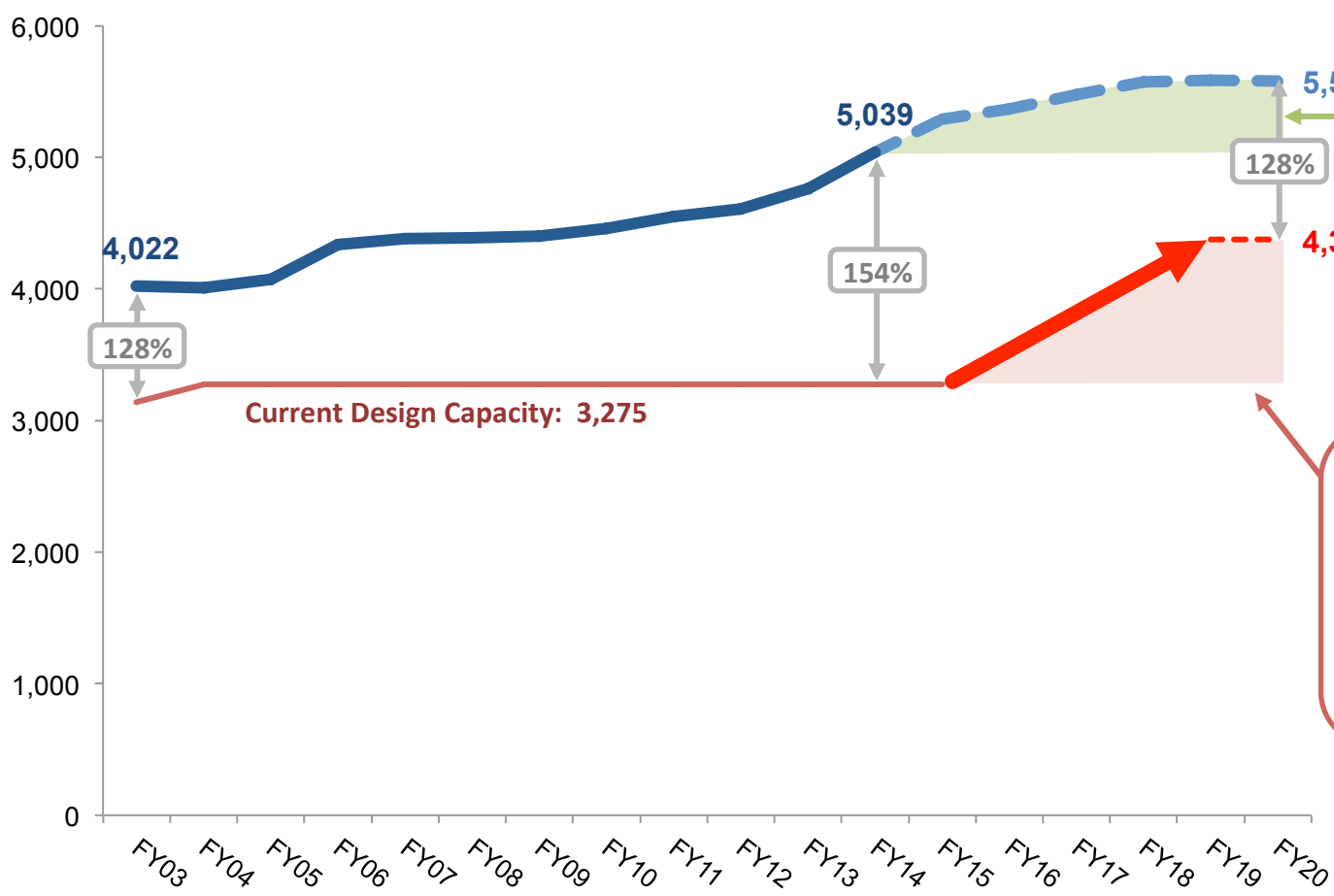
Nebraska Prison Snapshot Populations and Projected Growth, FY2003–FY2020



Source: Revised NDCS Design Capacity and Average Daily Population—FY1982–FY2023 (7/24/2014).

# Nebraska's Master Plan calls for \$261.6 million in construction costs by 2019.

NDCS Prison Design Capacity, Snapshot Populations and Projected Growth, FY2003–FY2023



The operating costs alone to house 542 extra people by the end of FY2020 would be more than **\$30M\***

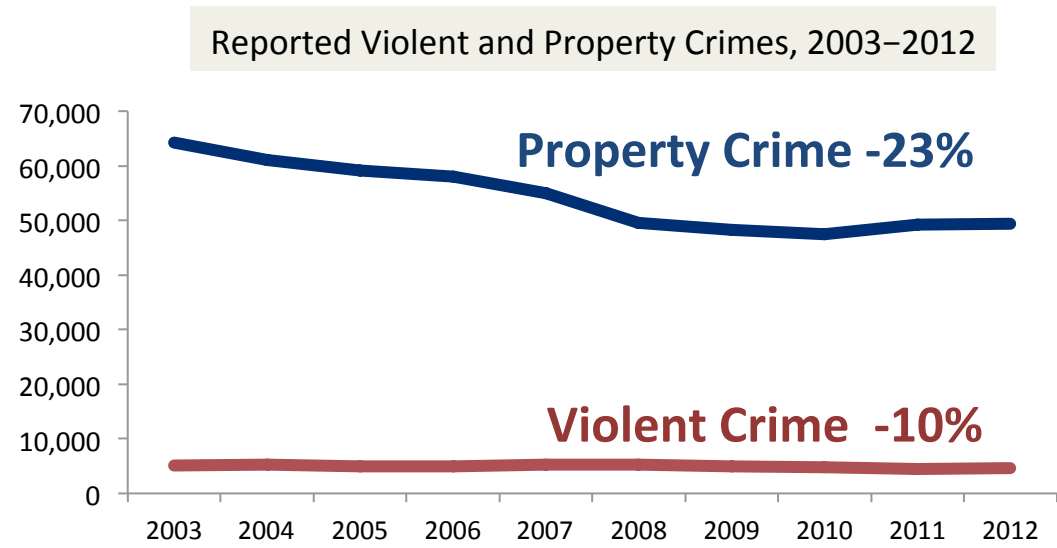
The NDCS 2014 Master Plan recommends adding 1,100 beds by 2019 at an estimated construction and project cost of **\$261.6M**

\* Based on an estimated future annual direct cost per inmate that includes contract beds (\$13,000)

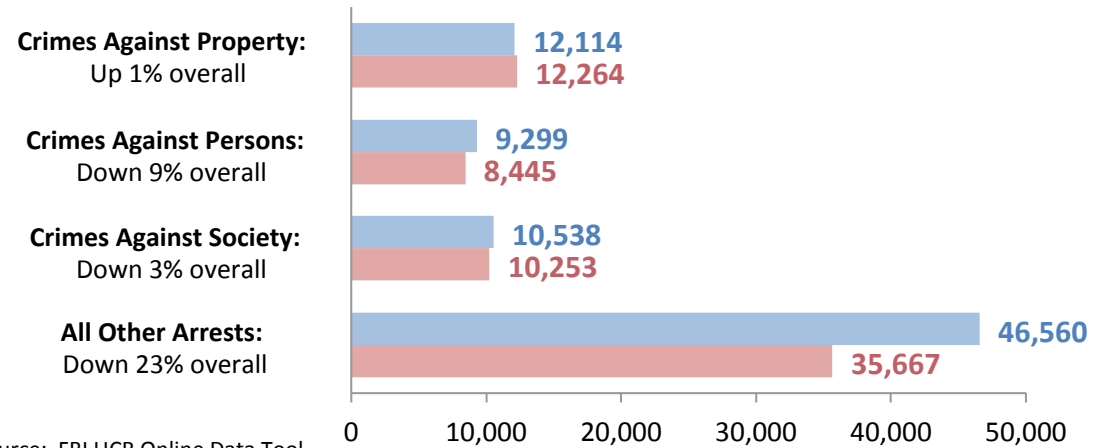
Source: Revised NDCS Design Capacity and Average Daily Population – FY1982–FY2023 (7/24/2014), NDCS 2014 Master Plan Report Final Report, 10/27/2014.



# Reported crime is down considerably in Nebraska, and arrests for most offenses have also fallen.



Adult Arrests by Offense Type, 2003–2012

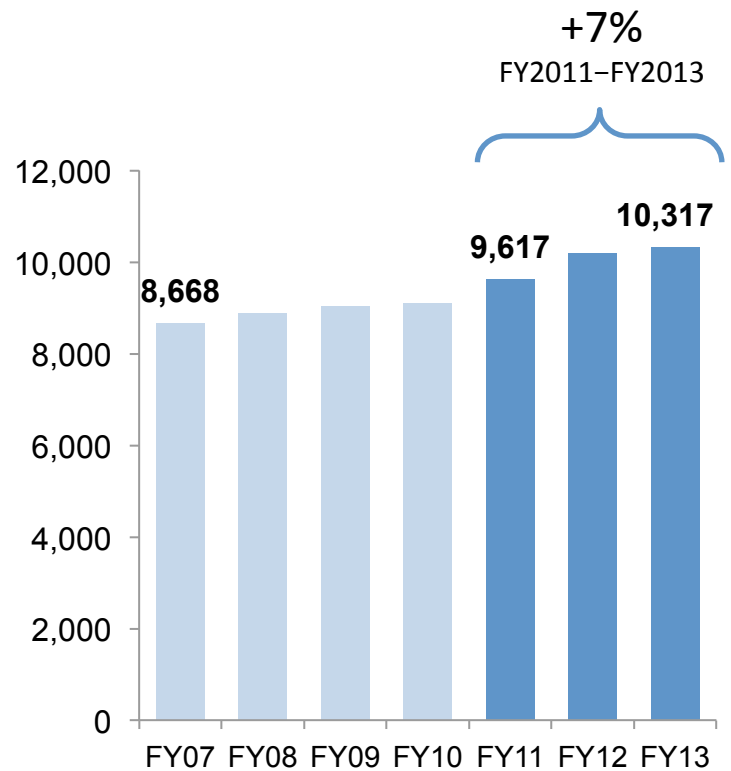


Adult arrests among likely prison crimes, 2003–2012  
**-4%**

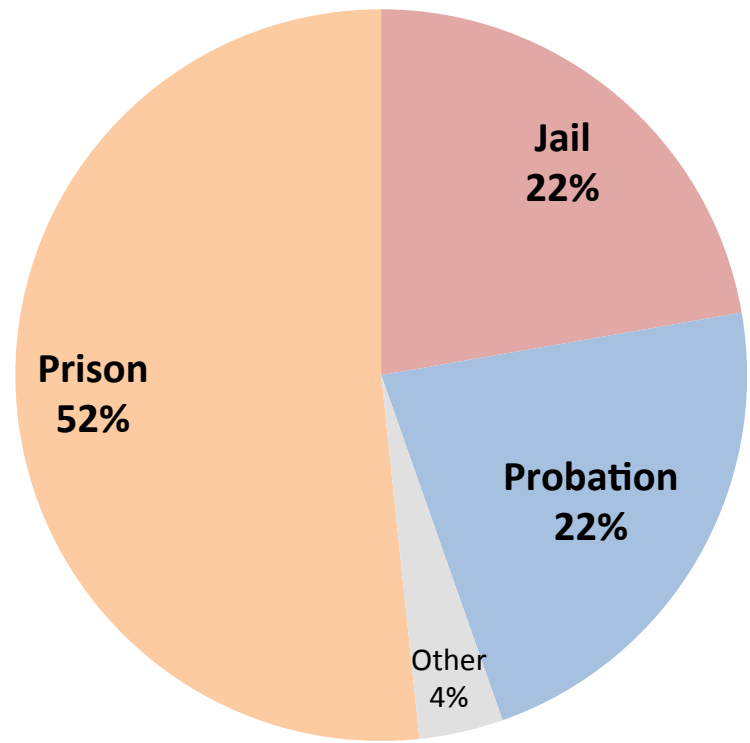
Source: FBI UCR Online Data Tool.

# District court case filings have increased, and most felony sentences are to prison.

District Court Criminal Case Filings, FY2007–FY2013



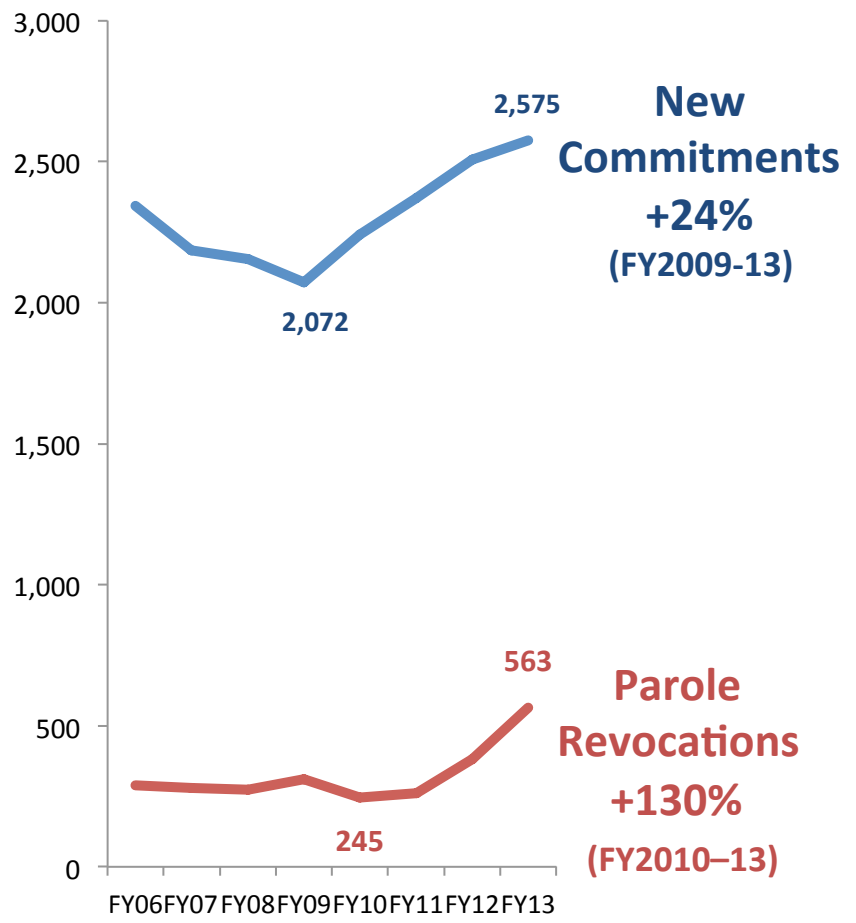
Felony Sentencing Distribution, FY2012–FY2013



Source: Nebraska Administrative Office of the Courts, District Court Annual Caseload Reports; JUSTICE FY2012–FY2013 sentencing data.

# New commitments and parole revocations are driving admissions to prison.

Prison Admissions by Source, FY2006–FY2013



Among some offense categories, prison admissions have increased not because of rising arrest volume, but following penalty enhancements

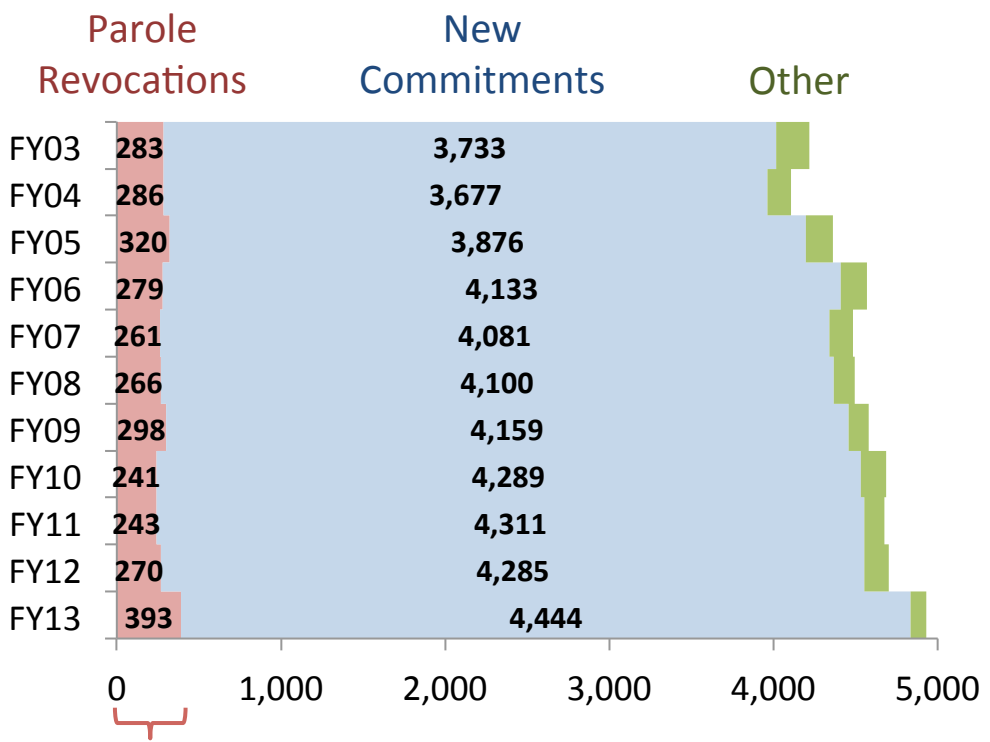
Arrest and Prison Admission Trends, FY2003–FY2013

	% Change in Arrests	% Change in New Prison Admissions
DUI	-30%	+230%
Assault	-13%	+58%
Weapons	-1%	+180%
Drugs	+3%	+6%
Theft	+29%	+37%

Source: NDCS admissions data; Nebraska Crime Commission arrest data.

# Despite the spike in parole violator admissions, their share of the snapshot population is relatively small.

Snapshot Prison Population by Admission Type, FY2003–FY2013



**Parole revocations constituted 8% of the total snapshot population in FY2013, up from 5% in FY2010 and FY2011**

**Revocations by Length of Parole Term, FY2013:**

17% of people with a parole term of one year or less were revoked

54% of people with a parole term of one year or more were revoked

**Lack of Evidence-Based Practices:**

Nebraska’s parole system lacks the assessment and sanctioning options necessary to successfully supervise parolees for longer terms

Source: NDCS admissions and snapshot population as well as parole supervision data.

# Jails are impacted by felony sentencing trends and probation outcomes.

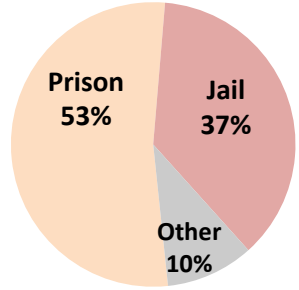
## The Felony System Impacts Jails

- 1. **Class IV Felonies:** 34% of class IV felony sentences are to jail
- 2. **Probation Revocations:** 37% of felony probation revocations are sentenced to jail
- 3. **Probation Sanctions:** Courts have up to six months of jail time to attach to felony probation sentences

Felony IV Sentencing Distribution, FY2012–FY2013

Prison	39%
Jail	34%
Probation	22%
Other	4%

Probation Revocations by Location, FY2011–FY2013



Current use of up to six months of jail confinement as a felony probation sanction is unstructured and inconsistently applied

Source: JUSTICE FY2012–FY2013 sentencing data; Office of Probation Administration revocation data; Neb. Rev. Stat. § 29-2262(1)(b); CSG Justice Center survey of NE District Court Judges.

# Presentation Overview

Criminal justice system challenges



**Justice reinvestment policy framework**

Impact estimates

# Nebraska's Justice Reinvestment Policy Framework

**Goal: Reduce recidivism, increase public safety, and lower costs**

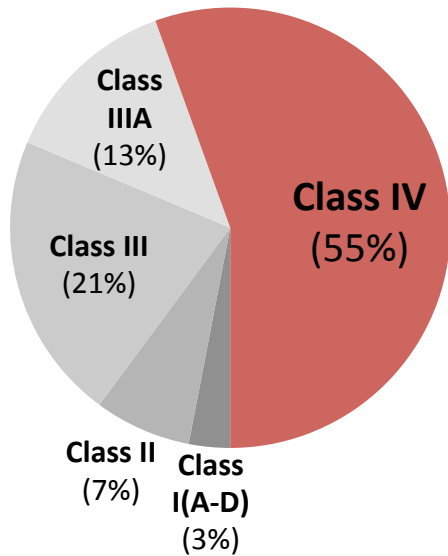
## Challenge

- 1 Short prison stays without post-release supervision are a less effective option than probation for reducing recidivism
- 2 The current felony sentencing system lacks structure to deliver predictable sentence lengths and ensure periods of supervision
- 3 The parole supervision system lacks evidence-based practices related to actuarial risk assessment, effective sanctioning, and targeted treatment delivery

**FIRST  
CHALLENGE**

Short prison stays without post-release supervision are a less effective option than probation for reducing recidivism

**55% of felony sentences  
are for class IV convictions  
(FY2012–FY2013)**



**Class IV Felonies**

Most are  
Nonviolent

90% are  
nonviolent offenses  
(FY2012–FY2013)

Most are Sentenced  
to Incarceration

73% of these  
convictions are  
sentenced to jail or  
prison (FY2012–FY2013)

Prison Stays  
are Short

In FY2013, the average  
time served in prison  
was 10 months

One-third Released  
Without Supervision

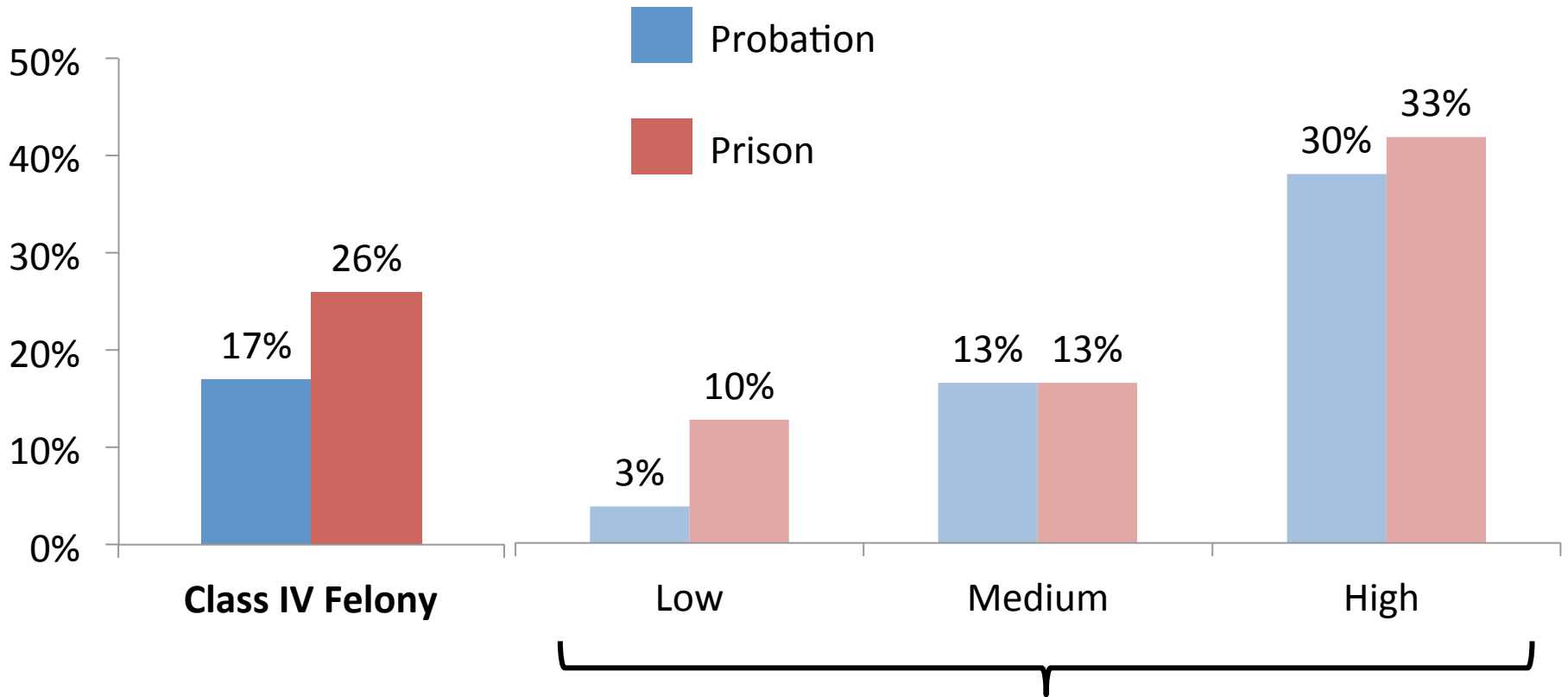
32% are released to the  
community without  
post-release  
supervision (FY2013)

Source: NDCS prison admission and release data, JUSTICE FY2012–FY2013 sentencing data



# Recidivism rates are lower for class IV felony sentences to probation than to prison, regardless of risk level.

2-Year Recidivism Rates for Probation (FY2011) and Prison (FY2010) by Sentence Type

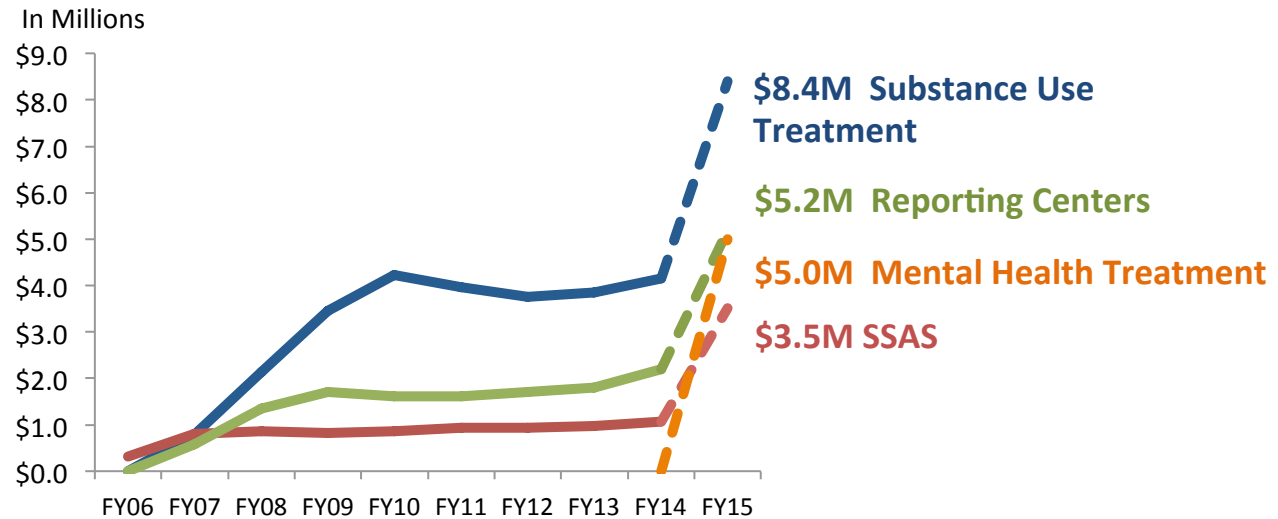


Class IV Felony Recidivism Rates by Risk Level

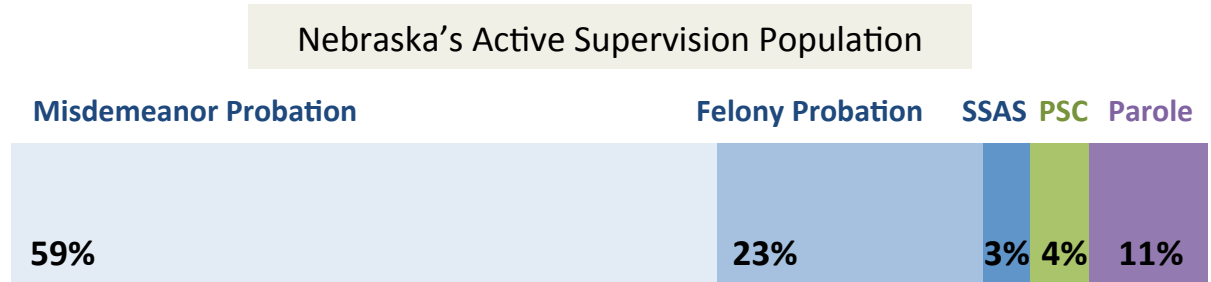
Source: NDCS admissions and release data; Nebraska Probation Administration PSI data

# Nebraska invests heavily in community-based services, but resources are scattered across entire supervision population.

Between 2006 and 2015, Nebraska increased programs and treatment to lower recidivism from \$0 to **\$22 million**



Programs and treatment are accessible by Nebraska's entire supervision population, including high risk misdemeanor probationers



Source: Nebraska Office of Probation Administration data, NDCS parole supervision data

**SECOND CHALLENGE**

The current felony sentencing system lacks structure to deliver predictable sentence lengths and ensure periods of supervision

Minimum Sentence Length as a Percentage of Maximum Sentence Length by Offense Level, FY2003–FY2013

	Felony 1 (All)	Felony 2	Felony 3	Felony 3A	Felony 4	Misdemeanor
FY2003	69%	63%	58%	60%	46%	22%
FY2004	77%	65%	58%	61%	46%	24%
FY2005	66%	66%	59%	66%	46%	28%
FY2006	68%	65%	59%	64%	48%	20%
FY2007	63%	66%	60%	61%	47%	20%
FY2008	71%	66%	59%	66%	51%	25%
FY2009	69%	64%	62%	64%	52%	28%
FY2010	67%	68%	62%	63%	50%	23%
FY2011	68%	68%	61%	63%	50%	25%
FY2012	67%	68%	63%	65%	49%	28%
FY2013	68%	66%	62%	65%	49%	29%



**As the minimum sentence increases in proportion to the maximum sentence, the parole window and potential parole supervision period shrinks**

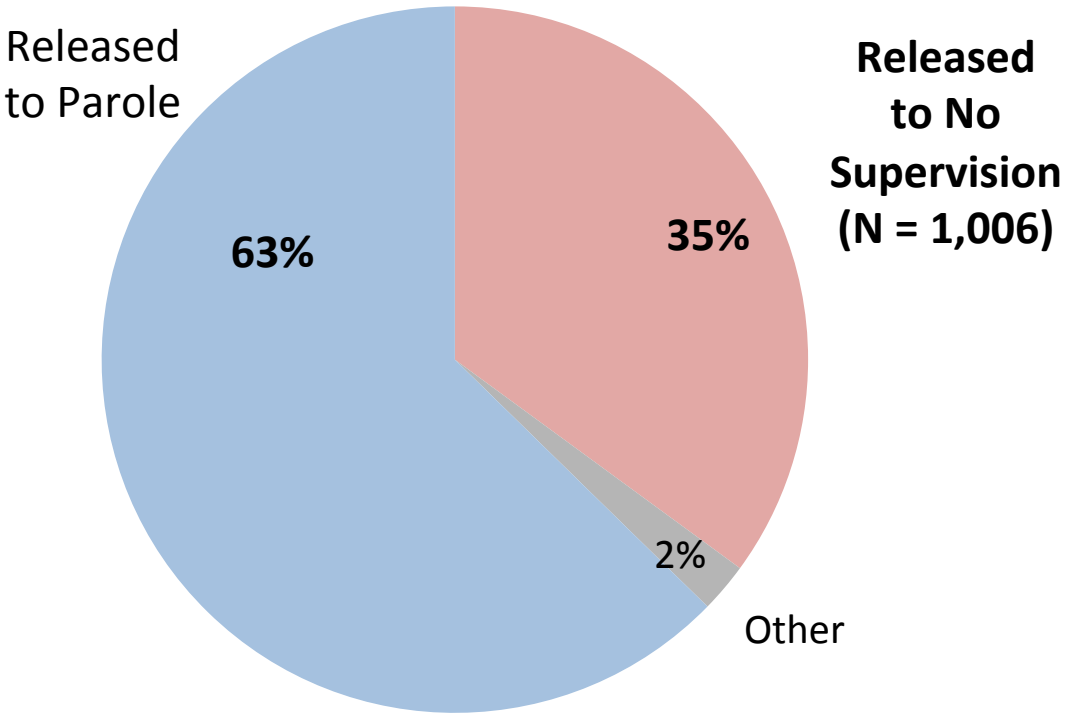
The average window for parole eligibility is so short that most inmates receive a single parole hearing. If denied, most will later jam out to no supervision.

	Average Min	Average Max	Average Parole Window*
Class III Felony	3.9 Years	6.2 years	14 months
Class IIIA Felony	2.5 years	3.9 years	8 months
Class IV Felony	1.7 years	3.5 years	11 months

\*Assumes 50% good time awarded

# One-third of people released from prison leave without supervision, and their offenses vary considerably.

Prison Releases by Type, FY2013



Offense Types Among People Released to No Supervision, FY2013

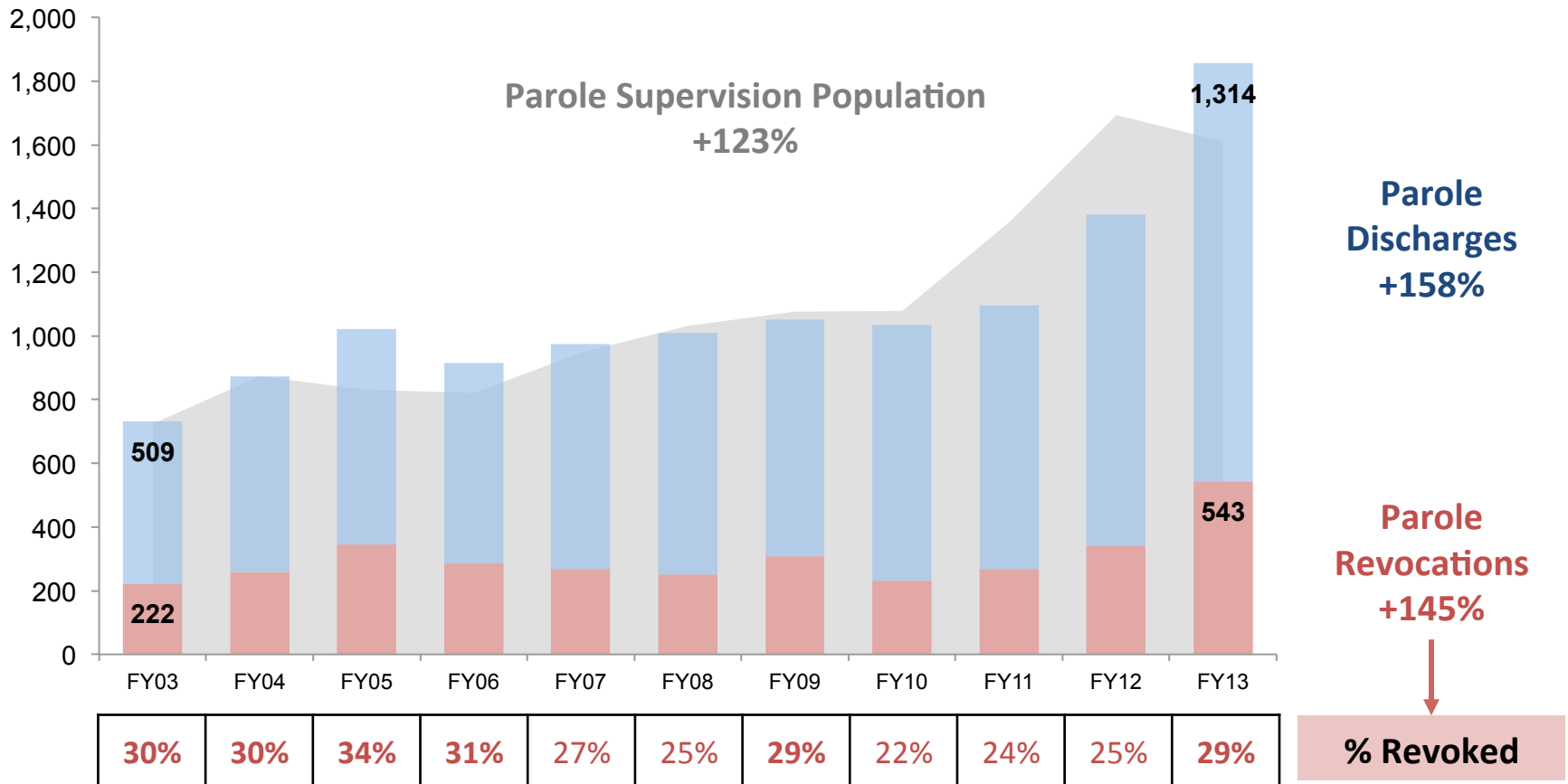
Property	26%
Person	22%
Drug	16%
Sex	13%
Motor Vehicle	10%
Weapons	6%
Other	6%

Source: NDCS Annual Reports and release data.

# THIRD CHALLENGE

The parole supervision system lacks evidence-based practices related to actuarial risk assessment, effective sanctioning, and targeted treatment delivery

Parole Snapshot Population and Parole Terminations by Type, FY2003–FY2013



Source: NDCS parole snapshot and release data

# Nebraska's Justice Reinvestment Policy Framework

**Goal: Reduce recidivism, increase public safety, and lower costs**

## Challenge

- 1 Short prison stays without post-release supervision are a less effective option than probation for reducing recidivism
- 2 The current felony sentencing system lacks structure to deliver predictable sentence lengths and ensure periods of supervision
- 3 The parole supervision system lacks evidence-based practices related to actuarial risk assessment, effective sanctioning, and targeted treatment delivery

## Strategy

- 1 Reserve prison space for individuals convicted of violent felonies, and use probation to manage people convicted of lower-level offenses effectively
- 2 Structure felony statutes to make sentencing more transparent and ensure post-release supervision
- 3 Enhance parole supervision to hold people accountable once they leave prison and increase public safety

# Nebraska's Justice Reinvestment Policy Framework

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Strategy

**1** Reserve prison space for individuals convicted of violent felonies, and use probation to manage people convicted of lower-level offenses effectively

**2** Structure felony statutes to make sentencing more transparent and ensure post-release supervision

**3** Enhance parole supervision to hold people accountable once they leave prison and increase public safety

**A**

Adjust property offense penalties to account for inflation

**B**

Require misdemeanor sentences be served in jail, rather than prison

**C**

Hold people convicted of low-level, nonviolent offenses accountable with probation

**D**

Prioritize resources for felony probationers at the highest risk

**E**

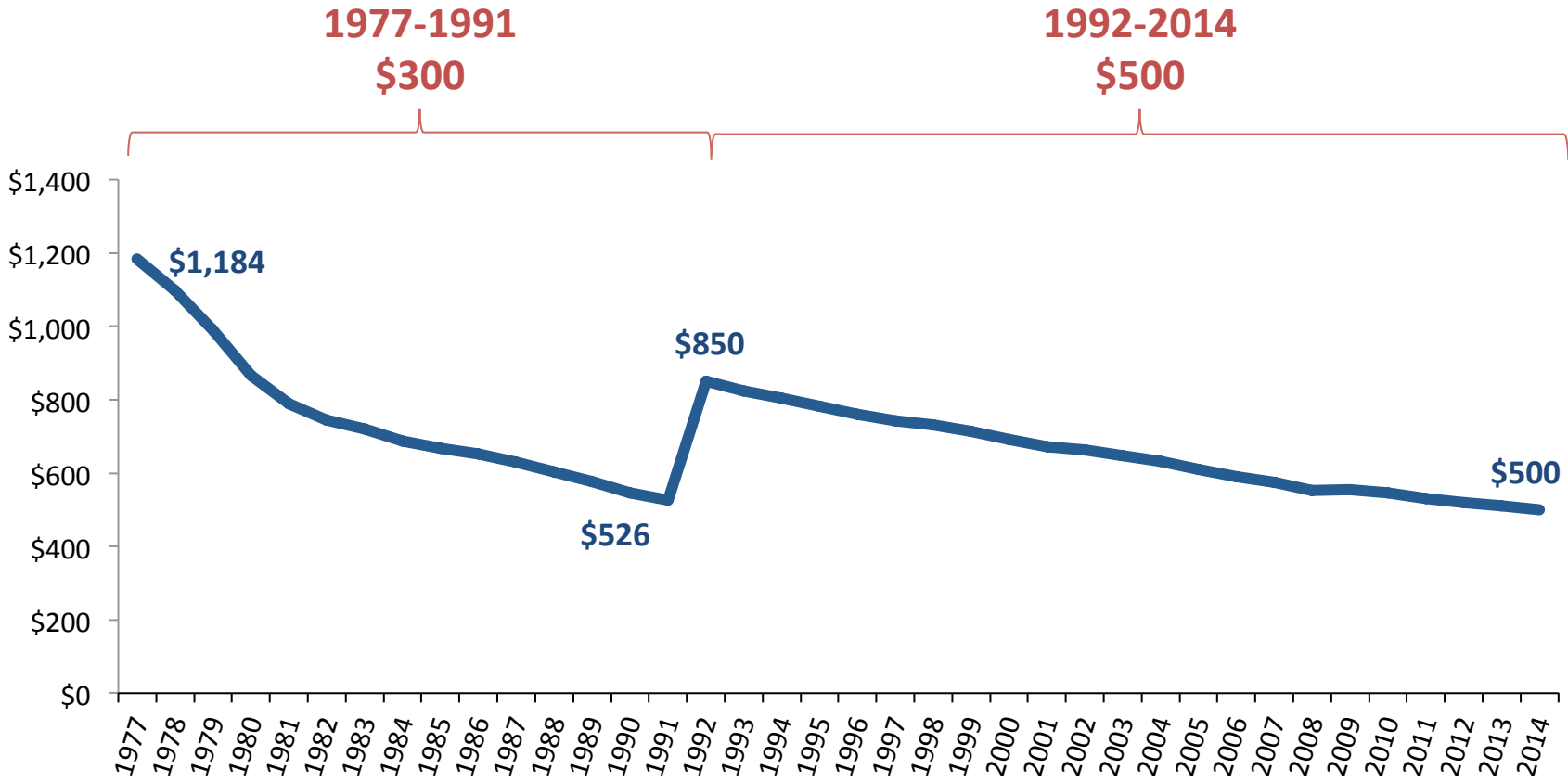
Create effective responses for probation violations

**F**

Expand access to SSAS

# Nebraska's felony theft threshold is due for an update to account for inflation.

Value of Nebraska's Historical Felony Theft Threshold in 2014 Dollars, 1977-2014



Source: JUSTICE sentencing data.



Reserve prison space for individuals convicted of violent felonies, and use probation to manage people convicted of lower-level offenses effectively

A

B

C

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E

F

## Adjust property offense penalties to account for inflation

- Reserve felony penalties for those offenses involving property valued at \$1,500 or more
- For theft, offenses involving less than \$500 in property would be class II misdemeanors, \$500–\$1,499 would be class I misdemeanors, \$1,500–\$4,999 would be class IV felonies, and \$5,000 or more would be class III felonies
- Align penalties for other property offenses to be consistent with the revised felony theft framework

STRATEGY

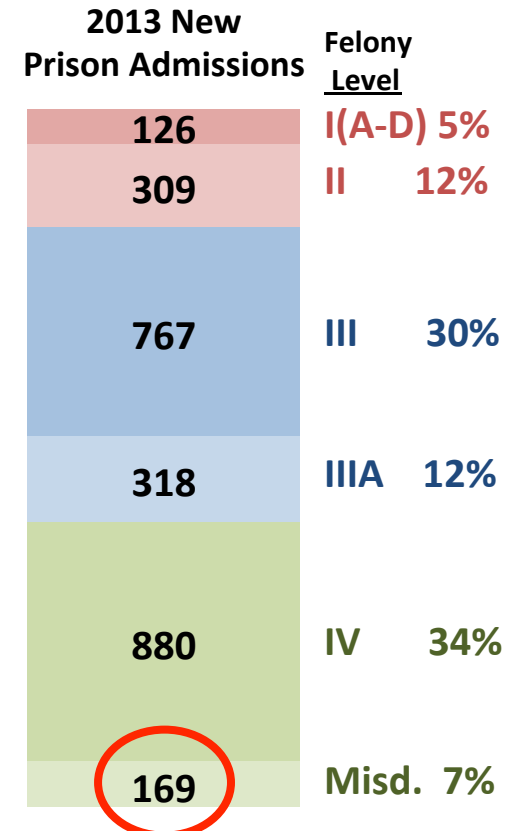
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Reserve prison space for individuals convicted of violent felonies, and use probation to manage people convicted of lower-level offenses effectively

A	<b>B</b>	C
D	E	F

## Require people convicted of misdemeanors to serve sentences in jail, rather than prison

- Require that misdemeanor sentences, including those with a term of one year or more, be served in county jails and reserve prison space for people convicted of serious felony crimes



Reserve prison space for individuals convicted of violent felonies, and use probation to manage people convicted of lower-level offenses effectively

A

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## Hold people convicted of nonviolent, low-level offenses accountable with sentences to probation

- Create a statutory presumption that people convicted of nonviolent class IV felony offenses will be sentenced to probation rather than incarceration
- Allow judges to override the statutory presumption in limited circumstances, such as when the defendant is simultaneously convicted of a more severe felony

Reserve prison space for individuals convicted of violent felonies, and use probation to manage people convicted of lower-level offenses effectively

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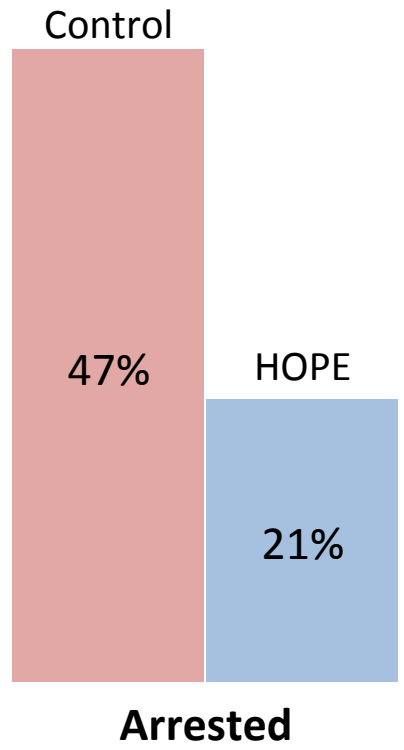
## Prioritize resources for felony probationers at the highest risk to reoffend

- Transition misdemeanor probationers placed on high intensity supervision down to medium intensity supervision after 12 months and felony probationers after 18 months. Enable overrides of this policy for probationers who are found to have committed major violations of their conditions of supervision.
- Discharge probationers after six months of successful medium intensity supervision (i.e., no major violations of supervision conditions are reported) for misdemeanor sentences and 12 months for felony sentences, if restitution is paid in full
- If restitution is not paid in full, transition probationer to an administrative caseload until restitution is paid or the probation sentence is completed, whichever comes sooner

# Elsewhere, swift and sure policies have resulted in decreased arrests, less jail time, and shrinking prison populations.

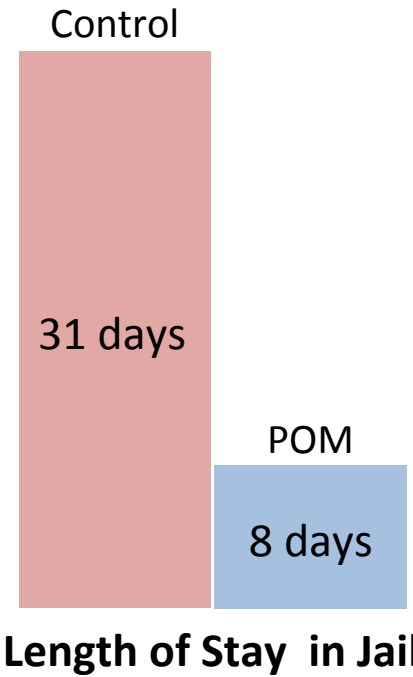
## Hawaii HOPE

Intensive, random drug testing with swift, certain, and brief jail sanctions for supervision violations



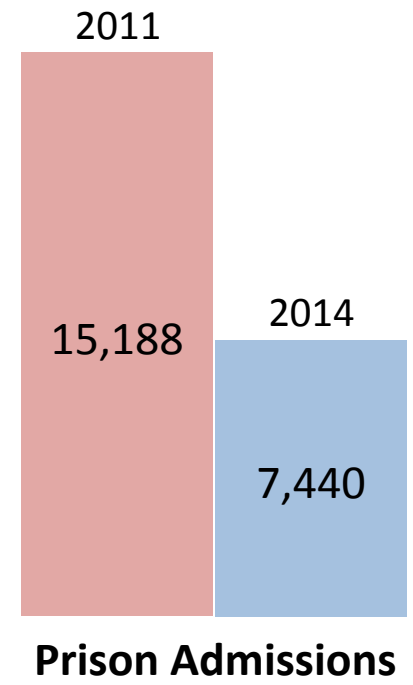
## Georgia POM

Prompt sanctions to respond to probationers who demonstrate noncompliance



## North Carolina

A combination of short jail stays responding to noncompliance and longer prison stays following major violations



Source: *An Evaluation of Georgia's Probation Options Management Act*, Applied Research Services, October 2007; *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE*, Hawken, Angela and Mark Kleiman, December 2009

Reserve prison space for individuals convicted of violent felonies, and use probation to manage people convicted of lower-level offenses effectively

A

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## Create effective options for responding to probation violations

- Provide greater structure and consistency to the 180 days of jail time courts currently have authority to include in probation sentences
- Provide courts authority to impose custodial sanctions for probationers who are at a higher risk of reoffending, who commit a serious violation of the conditions of their probation, and who have already exhausted other sanctioning options
- Allow custodial sanctions of up to three days in jail for violations or up to 30 days for probationers who commit the most serious violations after receiving lower level sanctions and shorter custodial sanctions
- Establish probation policies and probation officer training to ensure that these confinement periods are designated as the most severe response on the violation sanction matrix short of recommendation for revocation
- Preserve courts' authority to impose longer periods of incarceration for probationers who are convicted of a new criminal offense

Reserve prison space for individuals convicted of violent felonies, and use probation to manage people convicted of lower-level offenses effectively

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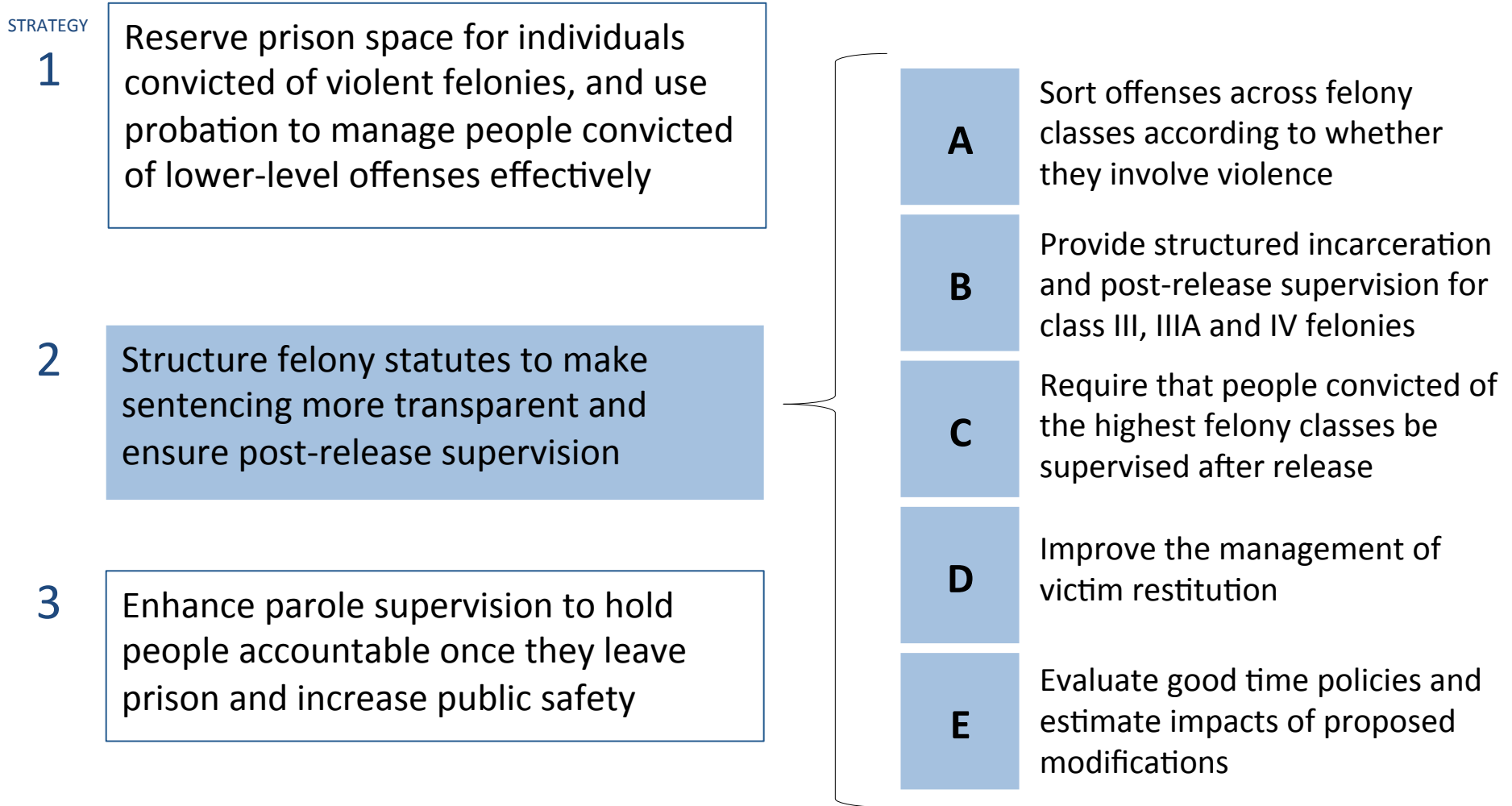
F

## Expand access to Specialized Substance Abuse Supervision (SSAS)

- Clarify in policy the admission criteria for SSAS, which will include having a high risk of reoffending as assessed via a validated risk assessment and high substance use needs that would be best served through intensive supervision and treatment
- Remove existing offense-based criteria for SSAS, which currently limit eligibility to those convicted of a drug offense, and allow all individuals sentenced to probation that meet risk and needs criteria to be candidates for SSAS

# Nebraska's Justice Reinvestment Policy Framework

Goal: Reduce recidivism, increase public safety, and lower costs





Structure felony statutes to make sentencing more transparent and ensure post-release supervision

A

B

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## Sort offenses more consistently across felony classes according to whether they involve violence

- Enhance the rationality of Nebraska's felony classifications by more uniformly grouping offenses by the severity of the conduct involved
- Move violent offenses now penalized as a class IV felony to the existing class IIIA felony category
- Create a new class IIA felony classification to distinguish violent offenses now penalized as a class III felony from nonviolent offenses contained in that class

# Proposed Felony Classifications and Sentence Lengths

Felony Class	Changes Based on Policy Option 2(A)
Classes I, IA, IB, IC, ID	Unchanged
Class II	Unchanged
Class IIA	Newly created felony class consisting of current class III felony violent and sex offenses
Class III	Consists of all current class III felony offenses except violent and sex offenses
Class IIIA	Expand to include additional violent and sex offenses currently designated as class IV felonies
Class IV	Retain as the class containing the lowest-level nonviolent, non-sex offenses

**Offense Examples:**  
 2<sup>nd</sup> degree sexual assault  
 2<sup>nd</sup> degree assault  
 Manslaughter

**Offense Examples:**  
 Terroristic Threats  
 Strangulation  
 3<sup>rd</sup> degree domestic assault

Structure felony statutes to make sentencing more transparent and ensure post-release supervision

A

**B**

C

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## **Provide structured periods of incarceration and post-release supervision for all people sentenced to prison for class III, IIIA, and IV felonies**

- Enhance the predictability of prison length of stay and ensure post-release supervision for Nebraska's three lowest felony classes by providing for defined periods of incarceration and mandatory reentry supervision
- Order mandatory reentry supervision at the time of sentencing, to ensure that every person sentenced to prison for class IV, IIIA, and III felonies reenters the community under supervision
- Deliver mandatory reentry supervision through the state's probation system

Structure felony statutes to make sentencing more transparent and ensure post-release supervision

A

**B**

C

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E

## Provide structured periods of incarceration and post-release supervision for all people sentenced to prison for class III, IIIA, and IV felonies

Average Prison Length of Stay by Felony Class*, FY2004–FY2013	
Class III	1.67 years
Class IIIA	1.25 years
Class IV	1 year

Proposed Felony Sentence Ranges and Mandatory Reentry Supervision				
Felony Class*	Determinate Prison Sentence	Prison Length of Stay**	Mandatory Reentry Supervision Period	Total Time in Criminal Justice Control** (Prison Stay + Reentry Supervision Period)
Class III	Up to 4 years	Up to 2 years	2 years	Up to 4 years
Class IIIA	Up to 3 years	Up to 1.5 years	1.5 years	Up to 3 years
Class IV	Up to 2 years	Up to 1 year	1 year	Up to 2 years

\*Felony class as reconstituted under policy option 3(A)

\*\*Assumes 50% good time awarded

Structure felony statutes to make sentencing more transparent and ensure post-release supervision

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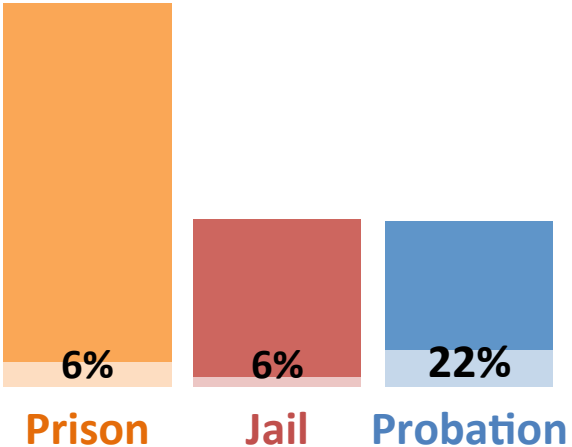
## Require that individuals convicted of the most serious offenses—class I(A-D), II, and IIA felonies—be supervised after release from prison

- Adopt parole guidelines ensuring all parole-eligible people receive a minimum of nine months of post-release supervision
- Utilize risk assessment information in parole-release decision-making

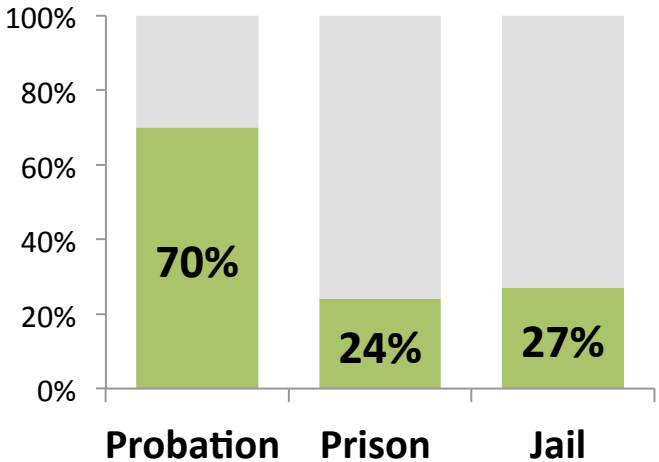
# In Nebraska, restitution is much more likely to be collected from people on probation than those in jail or prison.

NE law requires judges to consider the defendant's ability to pay when imposing restitution. Judges responding to a survey said this is why so few people sentenced to incarceration are ordered to pay restitution.

Percent of felony sentences with a restitution order, FY2013



Percent of felony restitution orders that were fully or partially paid during a one- to two-year follow-up period, FY2013



Among those ordered to pay restitution, 70% of probationers paid some or all restitution ordered compared to 24% of people in prison

Source: JUSTICE sentencing data and NDCS restitution report.

Structure felony statutes to make sentencing more transparent and ensure post-release supervision

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## Improve the management of victim restitution

- Clarify, in statute, that sentencing courts may include restitution orders in sentences to prison or jail
- Specify that potential wages paid while incarcerated and potential deposits into the defendant's institutional trust account may be considered when the sentencing court calculates the amount of restitution to be paid
- Adopt a uniform sentencing order that clearly directs NDCS to collect restitution from all people committed to NDCS facilities
- Require NDCS to deduct a consistent percentage (25 percent) on a monthly basis from deposits into institutional trust accounts and from wages earned in prison or while on work release until restitution obligations are satisfied

Structure felony statutes to make sentencing more transparent and ensure post-release supervision

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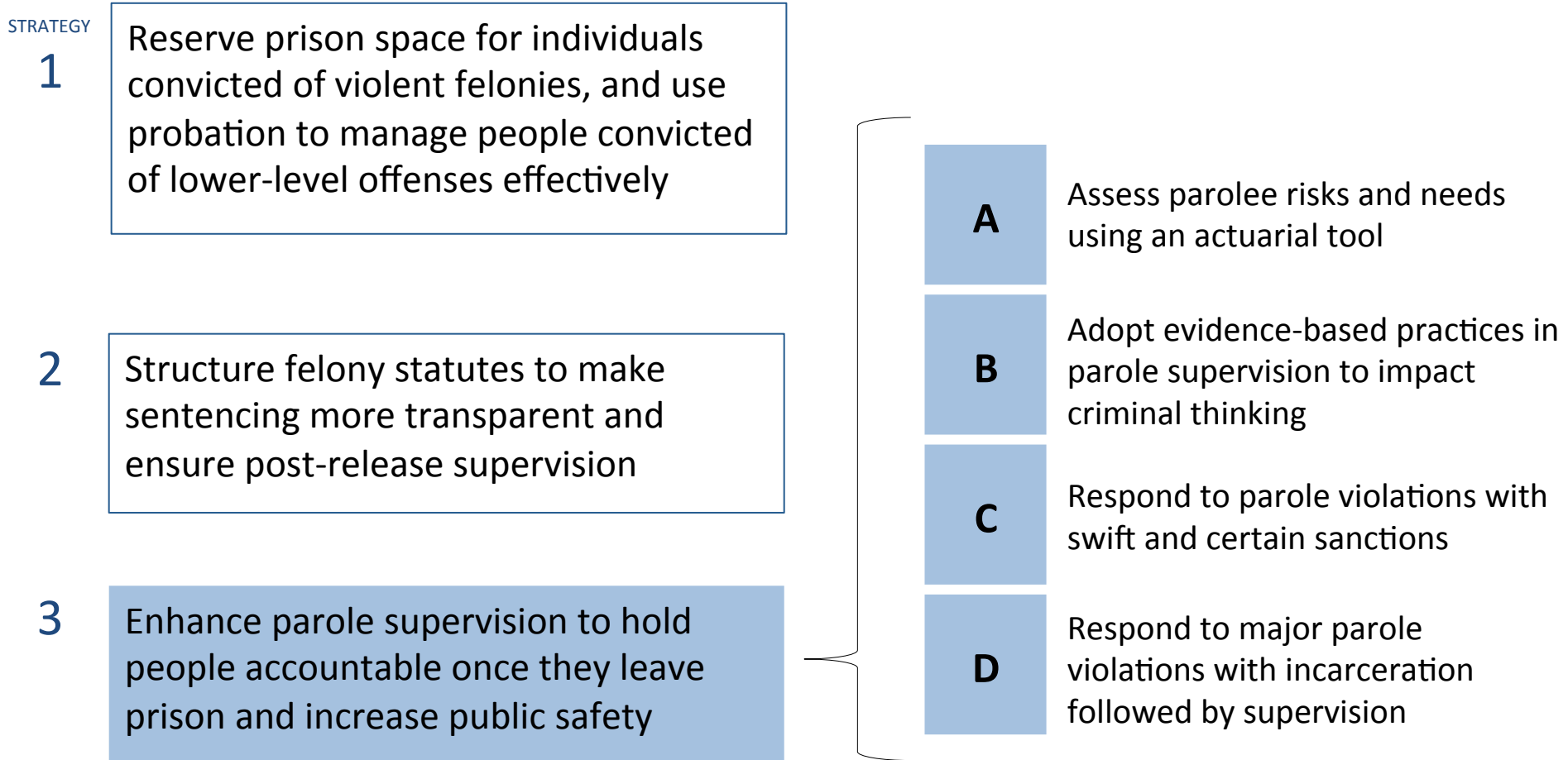
## Evaluate the role of the prison good time policies and generate impact estimates for proposed modifications

- Establish a task force of criminal justice system representatives to assess good time statutes and departmental policies, evaluate reform proposals such as repeal of current statutes and implementation of an earned time system, and generate impact estimates
- Direct the task force to evaluate how reform proposals could impact sentencing by surveying criminal justice system practitioners, study how good time is applied as a behavior management tool inside correctional facilities, and analyze how reforms would impact correctional costs, demand for prison beds, and public safety
- Submit the results of the study to the Unicameral and governor



# Nebraska's Justice Reinvestment Policy Framework

Goal: Reduce recidivism, increase public safety, and lower costs



# Parole administration has not had the opportunity to implement evidence-based practices fully.

## Dosage



Parolees are not assessed for risk and need to inform frequency of contacts. The population is not sorted across officer caseloads to focus more intensive supervision and treatment on higher-risk parolees.

## Swiftiness



Parole officers may apply administrative responses to violations, but lack the authority to impose short periods of confinement as sanctions for more serious violations.

## Consistency



A graduated violation matrix is used, but is not mandatory and the extent to which responses are applied consistently to violations is unclear. Risk assessment could help guide most intensive responses for higher-risk parolees.

## Cost-effectiveness



Intensive supervision practices, such as electronic monitoring, are not prioritized for the highest-risk, most serious cases. The volume of revocation hearings appearing before the board is up, causing delays between the violation and the response.

Enhance parole supervision to hold people accountable once they leave prison and increase public safety

A

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## Assess each parolee's risk of reoffending and treatment needs using an actuarial tool

- Adopt parole supervision policies requiring the use of a validated actuarial risk and needs assessment and ensure that individuals are assessed upon release to parole supervision and reassessed regularly
- Revalidate the adopted risk and needs assessment tool regularly

Enhance parole supervision to hold people accountable once they leave prison and increase public safety

A

**B**

C

D

## **Adopt evidence-based practices in parole supervision to impact criminal thinking and behavior**

- Adopt parole supervision policies differentiating caseloads based on the assessed risks and needs of parolees and provide the most intensive supervision to people assessed as having the highest risks and needs
- Implement new pre- and in-service training for parole officers regarding risk-based differentiation of caseloads, officer contacts, and program and treatment prioritization

Enhance parole supervision to hold people accountable once they leave prison and increase public safety

A

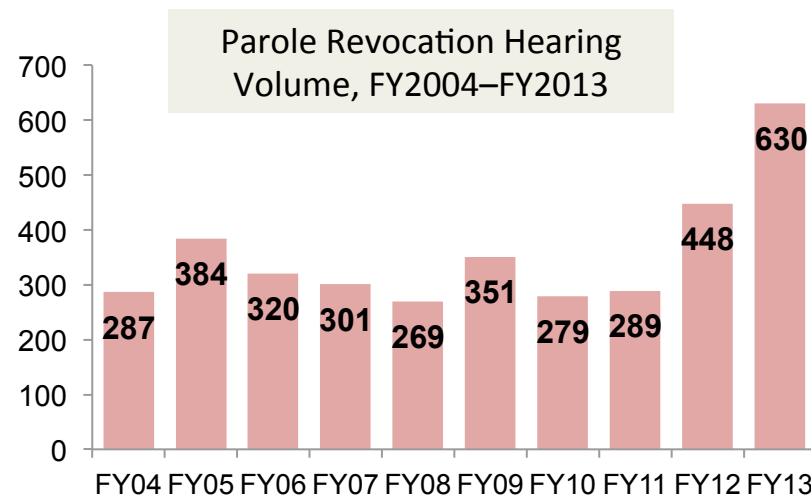
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## Respond to parole violations with swift and certain sanctions

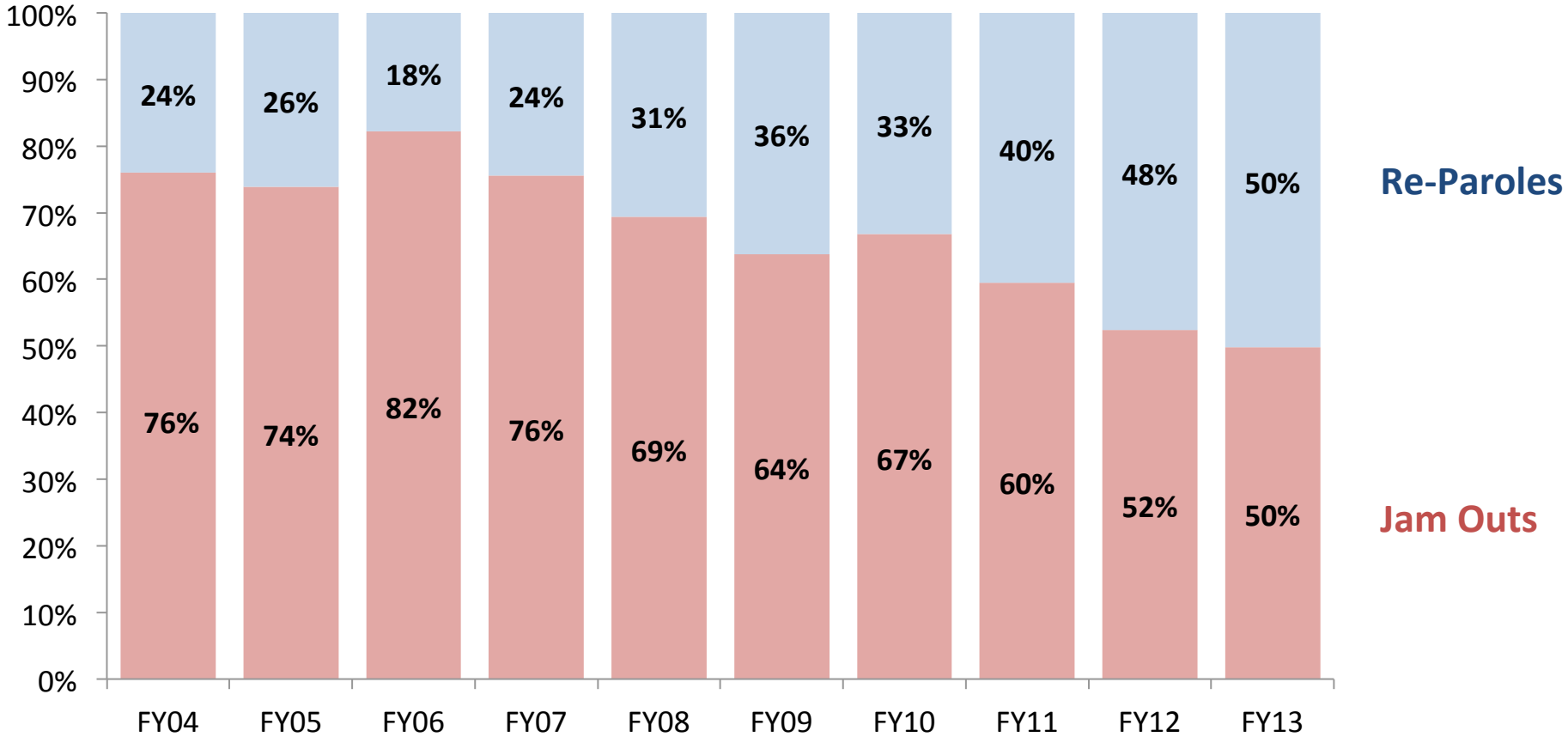
- Direct NDCS to enhance the existing graduated violation sanction and rewards matrix to factor in the parolee's assessed risk of reoffending and the seriousness of the violation
- Provide officer training and agency oversight to ensure consistent statewide application of the matrix



Source: Parole Board hearing data.

# Although the proportion is down in recent years, half of parole violators return to the community without supervision.

Parole Violator Releases by Type, FY2004–FY2013



Source: NDCS prison release data.

Enhance parole supervision to hold people accountable once they leave prison and increase public safety

A

B

C

D

## Respond to major parole violations with incarceration followed by supervision

- Allow custodial sanctions of 30 days in prison, post good time, for parolees who are at a higher risk of reoffending, who commit a serious violation of the conditions of their parole, and who have already exhausted other sanctioning options
- Permit individuals who commit a new serious violation to be revoked to prison after parolees receive two custodial sanctions
- Establish policies and training parole supervision officers to ensure that these confinement periods are designated as the most severe response on the violation sanction matrix
- Preserve judges' authority to impose longer periods of incarceration for parolees who are convicted of a new criminal offense and sentenced to prison or jail

# Nebraska's Justice Reinvestment Policy Framework

**Goal: Reduce recidivism, increase public safety, and lower costs**

## Challenge

- 1 Short prison stays without post-release supervision are a less effective option than probation for reducing recidivism
- 2 The current felony sentencing system lacks structure to deliver predictable sentence lengths and ensure periods of supervision
- 3 The parole supervision system lacks evidence-based practices related to actuarial risk assessment, effective sanctioning, and targeted treatment delivery

## Strategy

- 1 Reserve prison space for individuals convicted of violent felonies, and use probation to manage people convicted of lower-level offenses effectively
- 2 Structure felony statutes to make sentencing more transparent and ensure post-release supervision
- 3 Enhance parole supervision to hold people accountable once they leave prison and increase public safety



# Presentation Overview

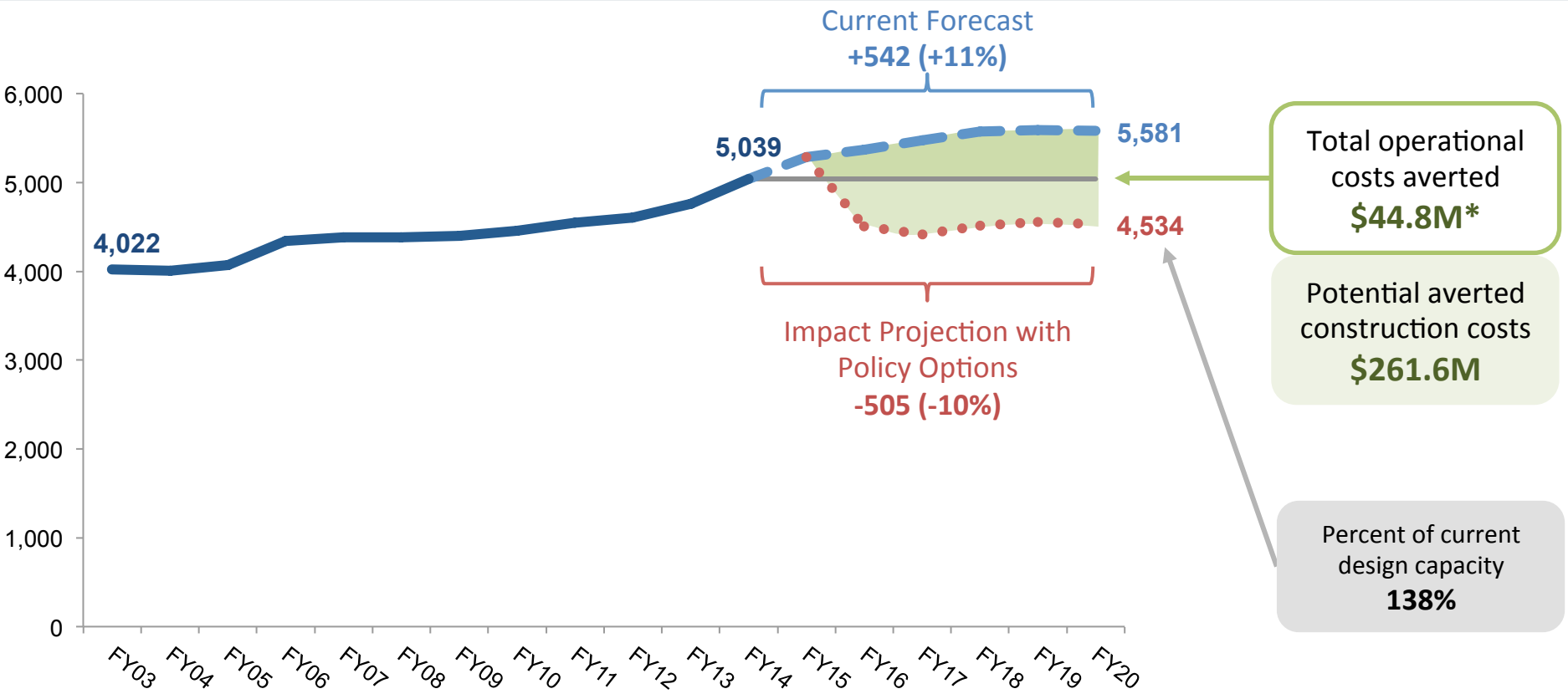
Criminal justice system challenges

Justice reinvestment policy framework



**Impact estimates**

# Policy framework projected to reduce overcrowding to 2011 levels and avert more than \$300M in spending.

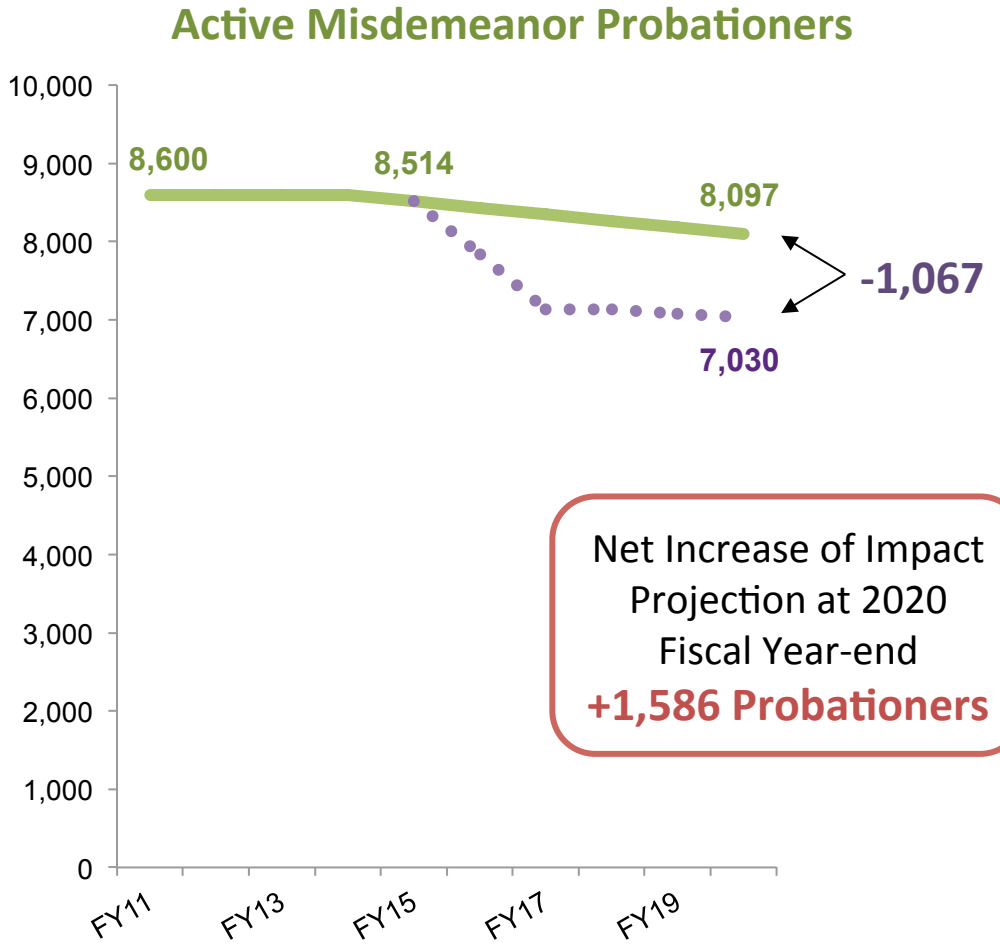
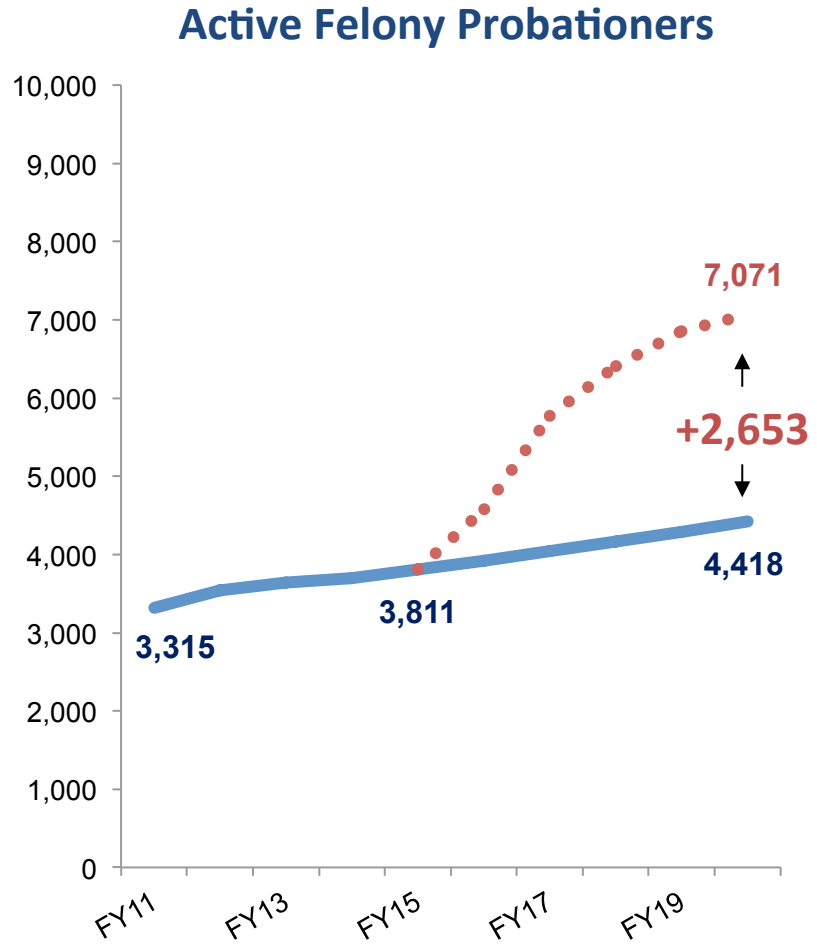


Projected Prison Beds Saved at Fiscal Year-end	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>
	864	1,065	1,057	1,030	1,047

\* Based on an estimated future annual direct cost per inmate that includes contract beds (\$13,000) for those above the current total and the FY2014 annual direct cost (\$7,124) for those below the current total

Source: Revised NDCS Design Capacity and Average Daily Population—FY1982–FY2023 (7/24/2014).

Increases to the felony probation population are partially offset by reductions in the misdemeanor population.



Net Increase of Impact Projection at 2020 Fiscal Year-end  
**+1,586 Probationers**

Source: Office of Probation Administration supervision data.

# Estimates indicate little impact on county jails.

Statewide Total Jail Bed Impact  
at 2020 Fiscal Year-end  
**+32 beds**

Policies that decrease the volume  
of county jail sentences or jail length  
of stay

**1(C)** Hold people convicted of low-level, nonviolent offenses accountable with probation

**1(E)** Create effective responses for probation violations

Policies that increase the volume  
of county jail sentences or use of jail  
as a sanction

**1(A)**

Adjust property offense penalties to account for inflation

**1(B)**

Require misdemeanor sentences be served in jail, rather than prison

**1(E)**

Create effective responses for probation violations

# Counteracting effects of policies creates moderate impact on the parole supervision population.

## Policies that will decrease prison population and eventually reduce the volume of parole releases

- 1(A)** Adjust property offense penalties to account for inflation
- 1(B)** Require misdemeanor sentences be served in jail, rather than prison
- 1(C)** Hold people convicted of low-level, nonviolent offenses accountable with probation
- 1(E)** Create effective responses for probation violations
- 2(B)** Provide structured incarceration and post-release supervision for class III, IIIA and IV felonies

Parole Population Impact at 2020 Fiscal Year-end

**+250 parolees**

## Policies that increase the volume of parole releases or reduce parole revocations

- 2(C)** Require that people convicted of the highest felony classes be supervised after release
- 3(D)** Respond to major parole violations with incarceration followed by supervision

# Summary of Averted Costs and Reinvestment

<i>Prison</i>		<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>	<b>Total</b>
<b>Averted Costs</b>	Operational Costs Averted	\$4.0M	\$9.1M	\$10.4M	\$10.6M	\$10.6M	\$44.8M
	New Construction Costs Averted	2014 Master Plan Report recommended construction of 1,100 beds by 2019 at a cost of \$261.6M					\$261.6M
	<b>Total Averted Costs</b>	<b>\$4.0M</b>	<b>\$9.1M</b>	<b>\$10.4M</b>	<b>\$10.6M</b>	<b>\$10.6M</b>	<b>\$306.4M</b>
<b>Reinvestments</b>	Probation officer workforce expansion	\$0.1M	\$0.9M	\$2.0M	\$2.5M	\$2.5M	\$8.0M
	Community-based programs and treatment to reduce recidivism	\$2.0M	\$5.0M	\$5.0M	\$5.0M	\$5.0M	\$22.0M
	Enhance parole supervision	\$0.3M	\$0.3M	\$0.3M	\$0.3M	\$0.3M	\$1.5M
	Sustainability package	\$0.5M	\$0.2M	\$0.2M	\$0.2M	\$0.2M	\$1.3M
	<b>Total Reinvestment</b>	<b>\$2.9M</b>	<b>\$6.4M</b>	<b>\$7.5M</b>	<b>\$8.0M</b>	<b>\$8.0M</b>	<b>\$32.8M</b>
<b>Net Savings</b>		<b>\$1.1M</b>	<b>\$2.7M</b>	<b>\$2.9M</b>	<b>\$2.6M</b>	<b>\$2.6M</b>	<b>\$273.6M</b>

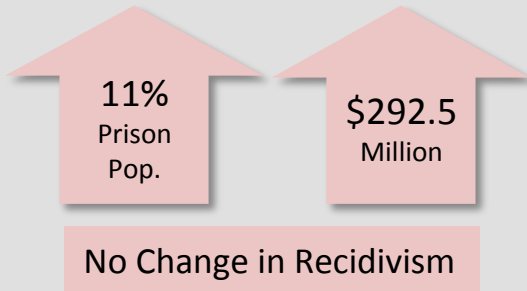
# Sustainability Options

- 1 Establish an oversight committee to measure and assess policy impacts of the justice reinvestment policy framework on an ongoing basis
- 2 Evaluate the quality of prison- and community-based programs and use results to improve outcomes
- 3 Track and report restitution collections within the OPA and NDCS in order to establish a baseline against which future collections may be measured
- 4 Require criminal justice agencies to complete fiscal impact statements that include, to the extent feasible, projections of the number of prison beds and the estimated cost of adding capacity
- 5 Create a sentencing information database to help judges appreciate variations in sentencing practices within their districts and others across the state
- 6 Launch process for reaching agreement between county governments and the state on the overhead costs associated with probation operations
- 7 Enable access to State Patrol criminal history data for research purposes

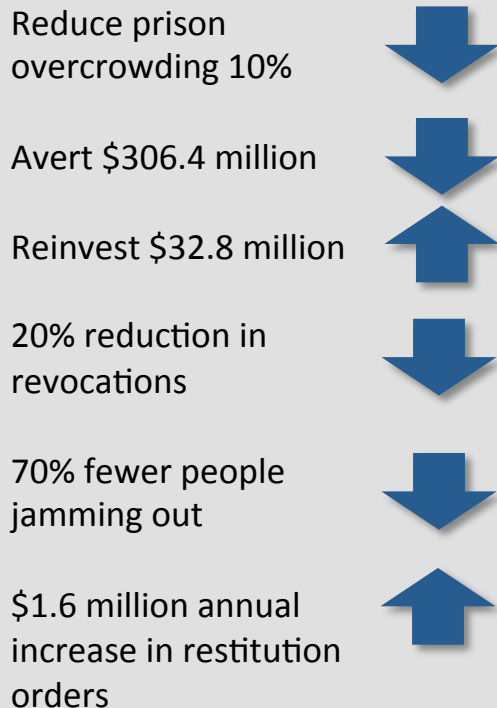
# Nebraska's Justice Reinvestment Policy Framework

**Goals: Reduce recidivism, increase public safety, and lower costs**

## Current 5-Year Trajectory



## Projected 5-Year Outcomes



### STRATEGY

1

**Reserve prison space for individuals convicted of violent felonies, and use probation to manage people convicted of lower-level offenses effectively**

- Adjust property offense penalties to account for inflation
- Require misdemeanor sentences be served in jail, rather than prison
- Hold people convicted of low-level, nonviolent offenses accountable with probation
- Prioritize resources for felony probationers at the highest risk
- Create effective responses for probation violations
- Expand access to Specialized Substance Abuse Supervision (SSAS)

2

**Structure felony statutes to make sentencing more transparent and ensure post-release supervision**

- Sort offenses across felony classes according to whether they involve violence
- Provide structured incarceration and post-release supervision for class III, IIIA and IV felonies
- Require that people convicted of the highest felony classes be supervised after release
- Improve the management of victim restitution
- Evaluate good time policies and estimate impacts of proposed modifications

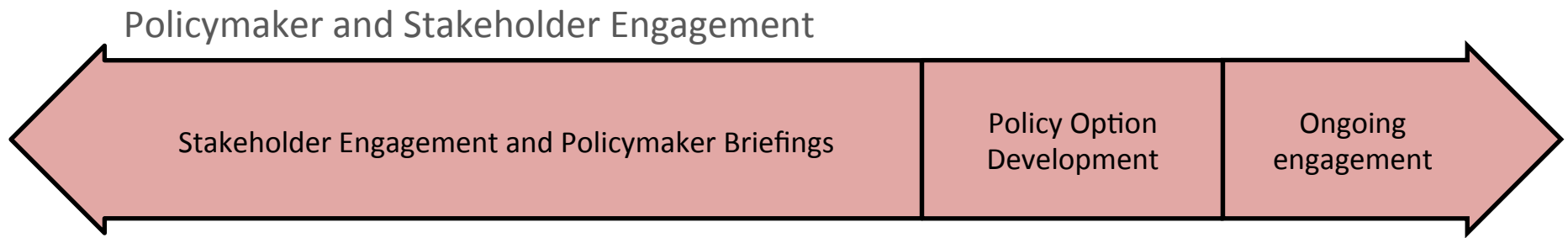
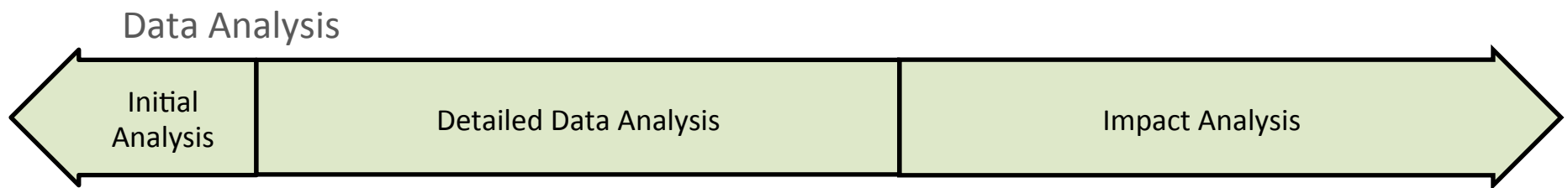
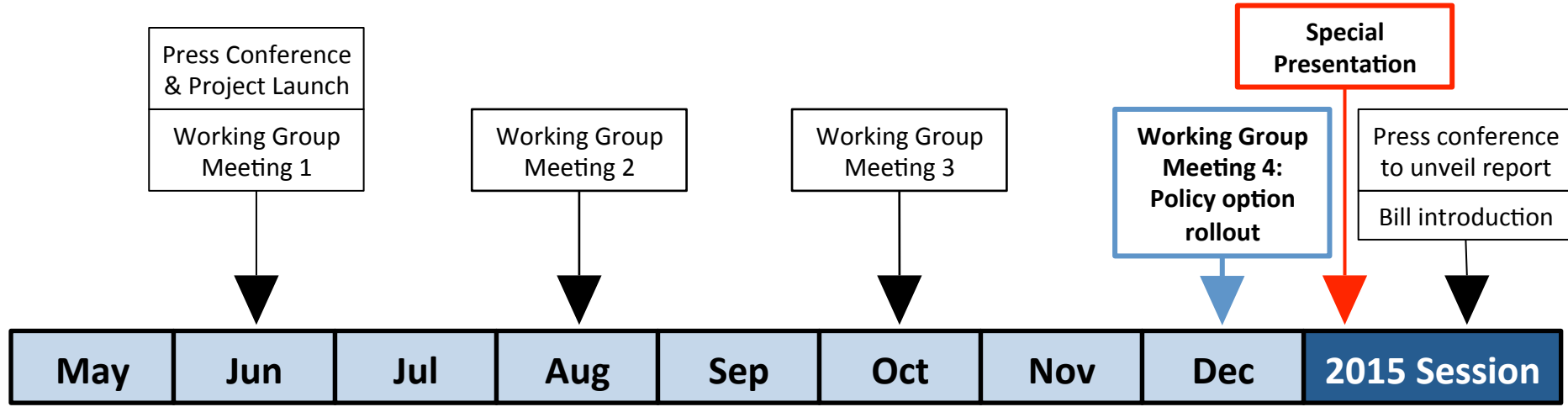
3

**Enhance parole supervision to hold people accountable once they leave prison and increase public safety**

- Assess parolee risks and needs using an actuarial tool
- Adopt evidence-based practices to impact criminal thinking
- Respond to parole violations with swift and certain sanctions
- Respond to major parole violations with incarceration followed by supervision



# Justice Reinvestment Project Timeline



# Thank You

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