

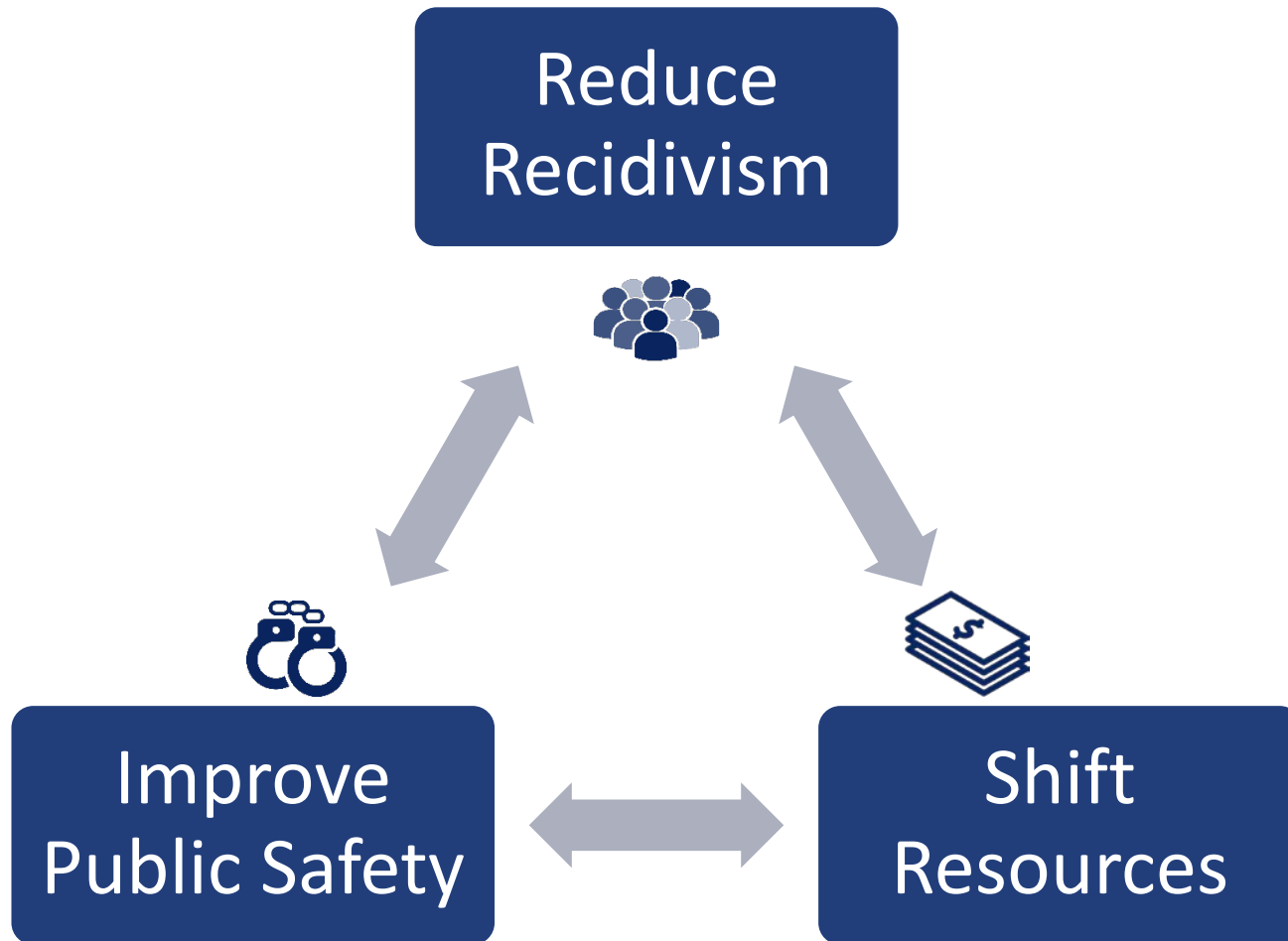
Nebraska Criminal Justice Reinvestment Initiative

Overview Slides

Objectives

- Provide overview of the Nebraska Justice Reinvestment Initiative (JRI) and NE Criminal Justice Reinvestment Working Group (Working Group) process
- Review key data findings

Goals Achieved through JRI Process



NE Criminal Justice Reinvestment Working Group

In March 2021, state leadership requested technical assistance through JRI and established the Nebraska Criminal Justice Reinvestment Working Group.

State leadership has instructed the Working Group to:

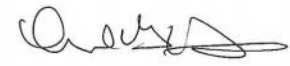
“use criminological research and our own criminal justice data to inform the development of comprehensive recidivism-reduction strategies and shift resources toward more cost-effective public safety strategies.”

Letter signed by:

- Governor Pete Ricketts
- Chief Justice Mike Heavican
- Speaker Mike Hilgers
- Chairman Steve Lathrop



Pete Ricketts
Governor



Mike Heavican
Chief Justice of the Nebraska Supreme Court



Mike Hilgers
Speaker, Nebraska Legislature



Steve Lathrop
Chair, Nebraska Legislature Judiciary Committee

Working Group Members

Senator Steve Lathrop, Co-Chair	Nebraska Legislature
Chief Justice Mike Heavican, Co-Chair	Nebraska Supreme Court
Governor Pete Ricketts, Co-Chair	Governor's Office
Rosalyn Cotton	Chairperson, Board of Parole
Scott Frakes	Director, Nebraska Department of Correctional Services
Senator Suzanne Geist	Nebraska State Legislature
Donald W. Kleine	County Attorney, Douglas County
Senator Terrell McKinney	Nebraska State Legislature
Deborah Minardi	State Probation Administrator
Judge Jodi L. Nelson	District Court, 3rd Judicial District
Mark Overman	Sheriff, Scotts Bluff County
Judge C. Jo Petersen	County Court, 5 th Judicial District
Thomas C. Riley	Public Defender, Douglas County
Todd Schmaderer	Chief of Police, Omaha Police Department
Corey Steel	State Court Administrator

Objective of JRI Working Group

The Working Group has 3 primary objectives:

1. Use data to identify what is driving Nebraska's correctional population and costs
2. Study research on proven best practices and consider examples from other states
3. Develop policy options based on the assessed drivers that are suited to NE's unique needs and goals

Overall goal for Working Group is to make effective and efficient use of Nebraska's resources

Working Group Roadmap



Data and System Assessments

Data Sources

- Nebraska Department of Correctional Services (NDCS)
- Nebraska Division of Parole Supervision
- Administrative Office of the Courts & Probation
- U.S. Department of Justice, Bureau of Justice Statistics
- Federal Bureau of Investigation, Uniform Crime Reporting Program
- U.S. Census Bureau

Qualitative Interviews

- Judges
- County Attorneys
- Defense Attorneys
- Problem Solving Court Administrators
- Law Enforcement
- Victims' Advocates
- Justice-Involved Individuals
- Department of Correctional Services
- Board of Parole
- Office of Courts & Probation
- Behavioral Health Providers
- Reentry Service Providers
- State Senators
- Crime Commission

Roundtables

Behavioral
Health Providers

Law
Enforcement

Criminal Justice-
Impacted
People

Victims,
Survivors &
Advocates

The Case for JRI

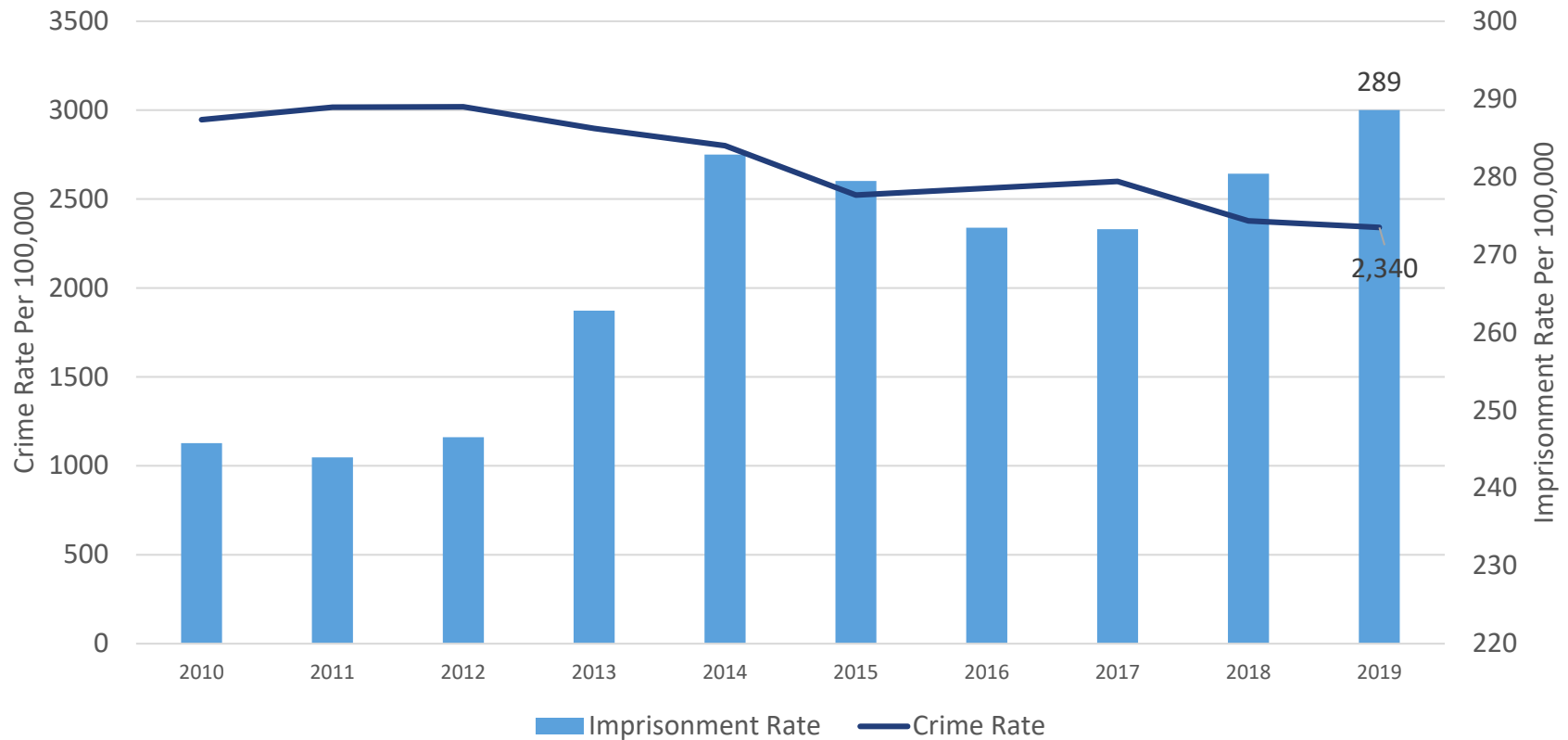


CRIME AND JUSTICE INSTITUTE

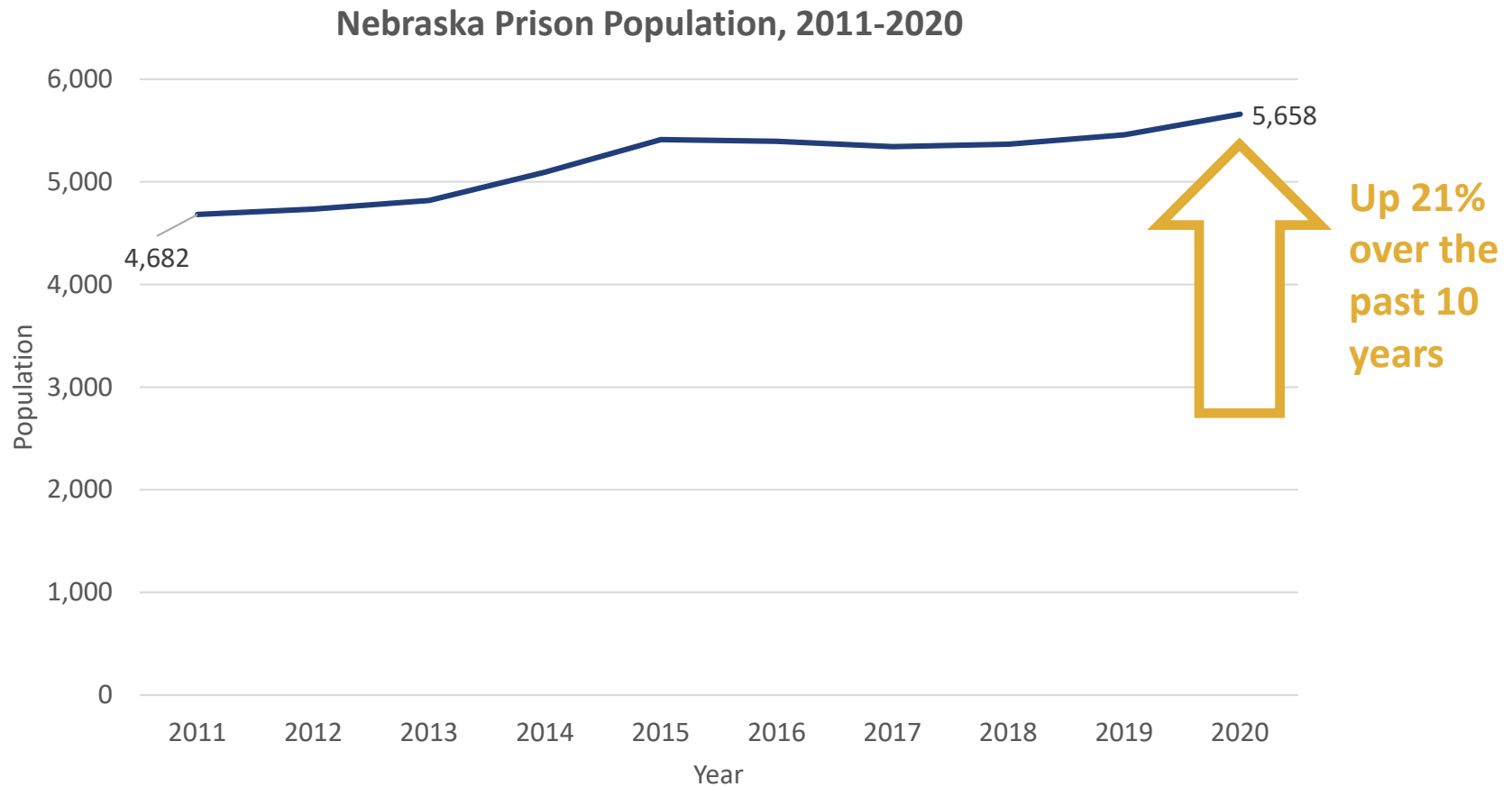
A Division of Community Resources for Justice

While Crime Rates Decrease, Imprisonment Rates Climb

Nebraska's Crime and Imprisonment Rates, 2010-2019

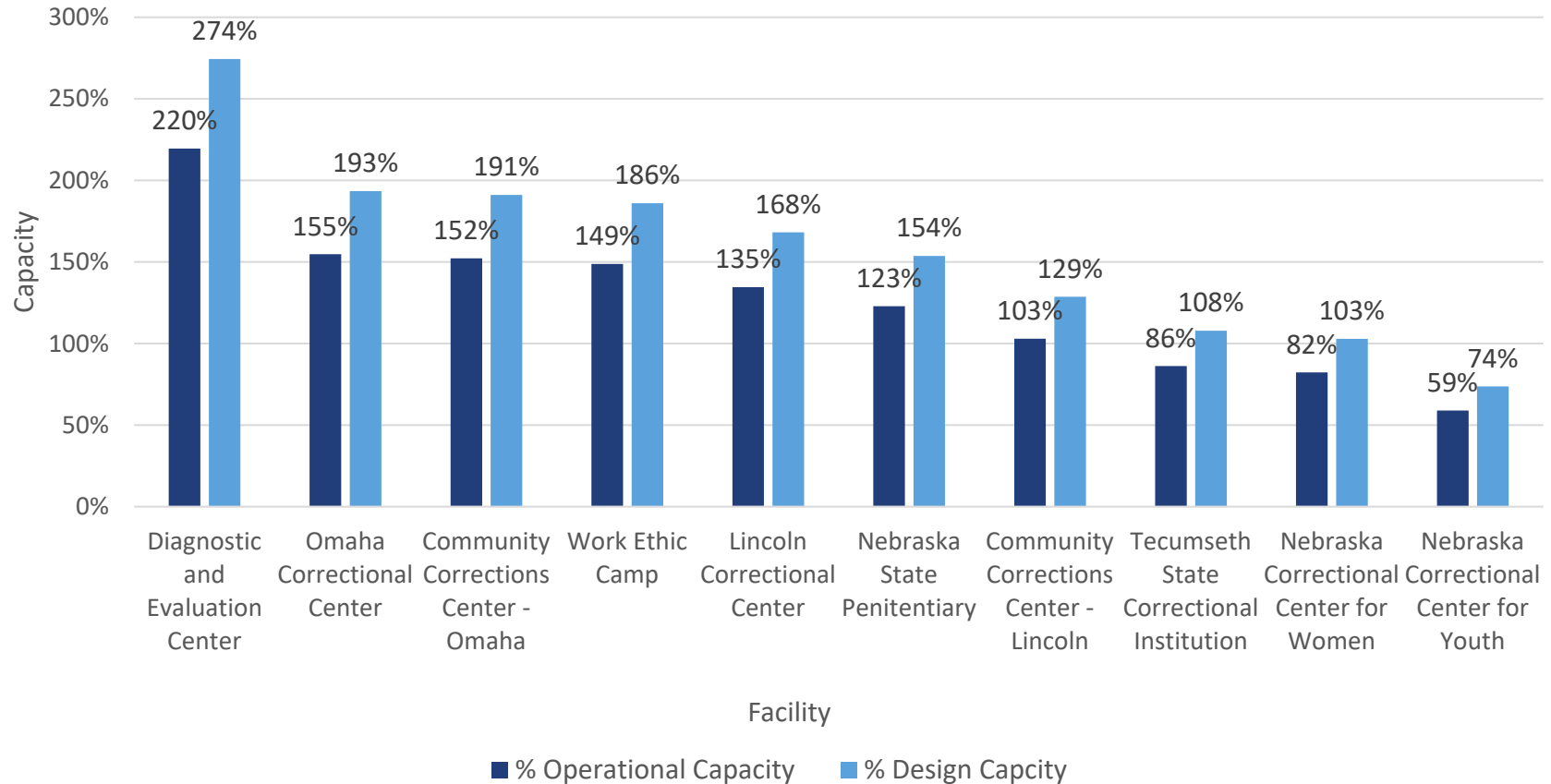


Nebraska's Prison Population is Growing



Nearly Every Facility Operating Above Design and Operational Capacity

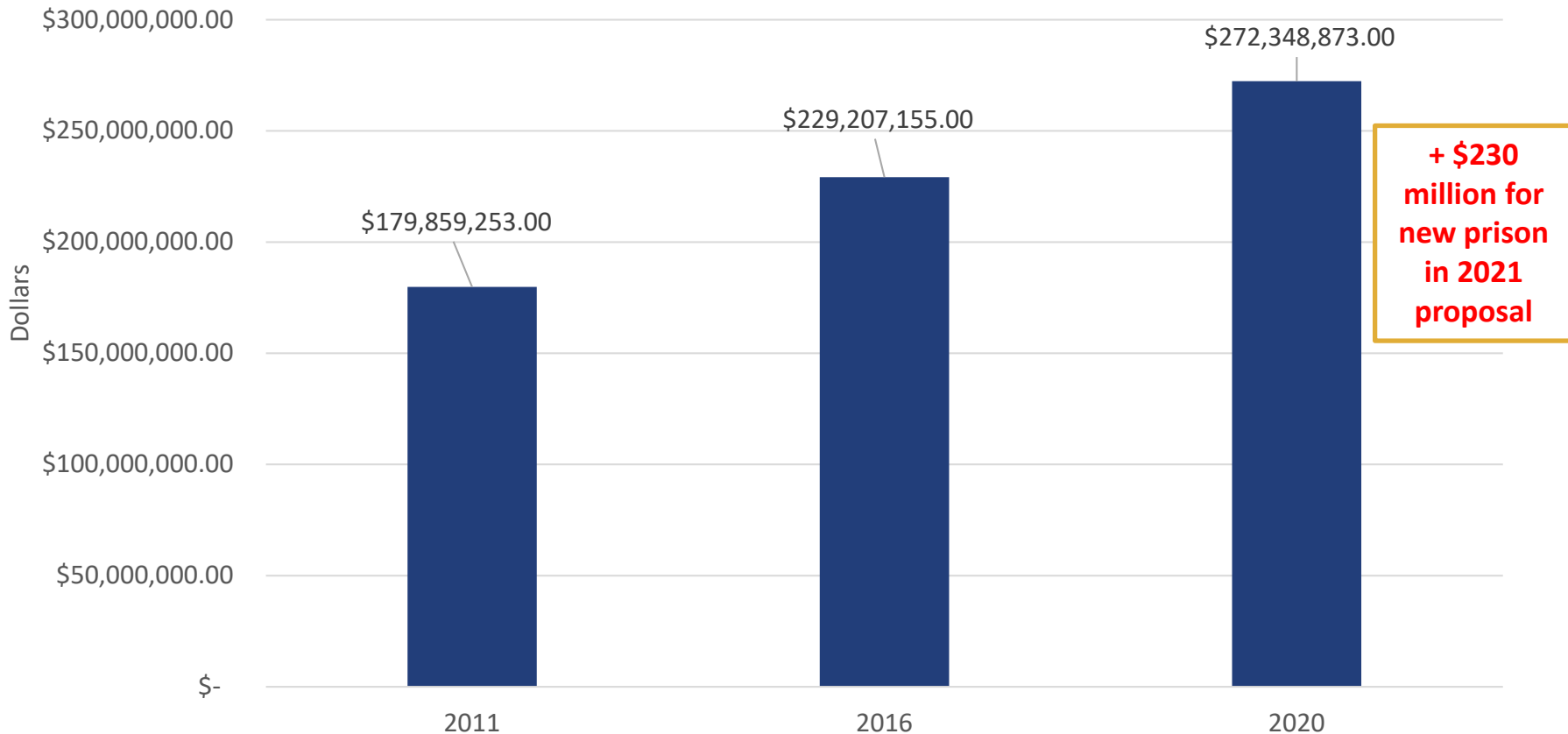
Operational and Design Capacity of NDCS Facilities*, Quarter 1 2021



*In addition, about 25 individuals committed to NDCS were housed in local jails.

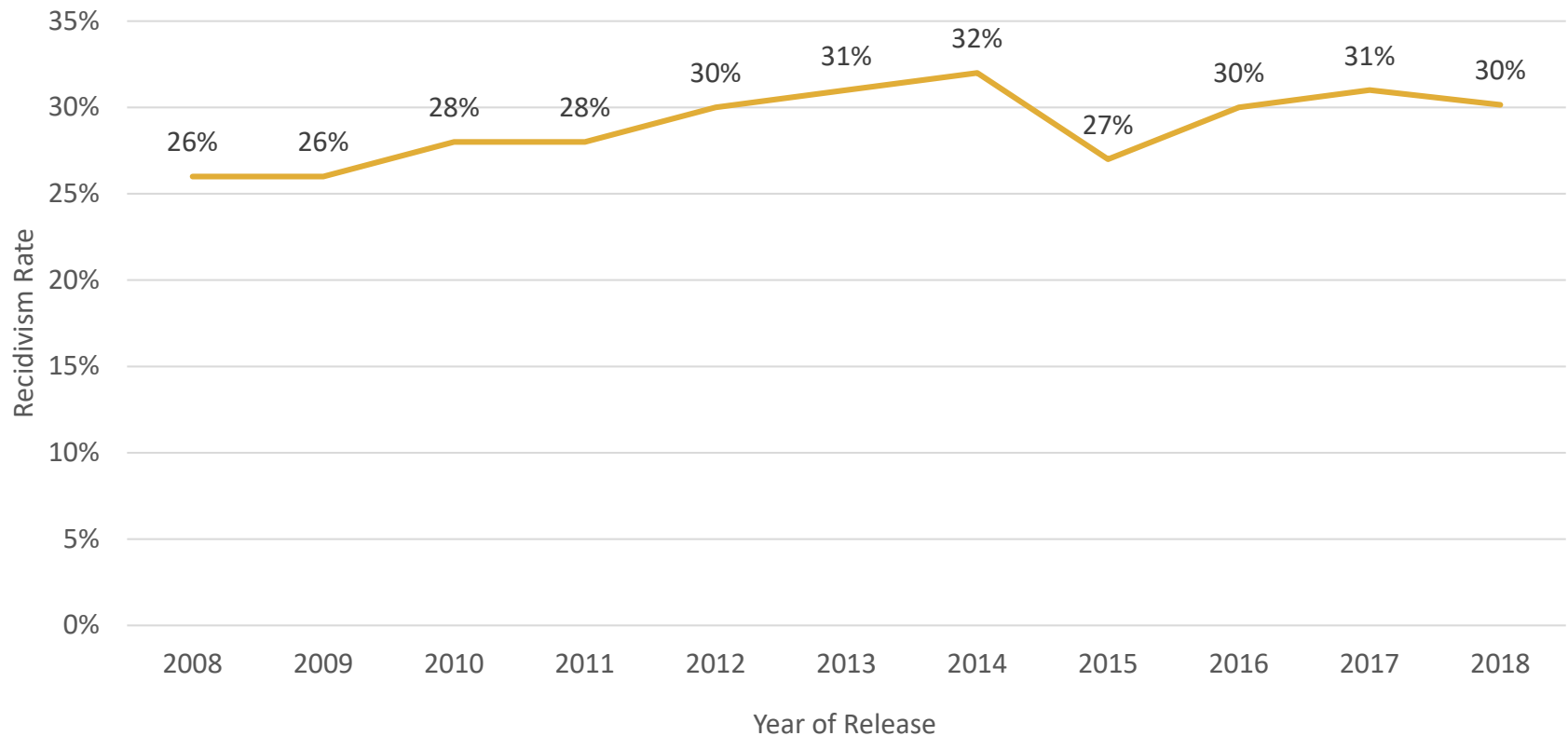
Corrections Expenditures Grew 34% Since 2011

Corrections Expenditures as of June 30th 2011, 2016, and 2020



Recidivism Rates Increased Over Time

Statewide Three-Year Return to NCDS Custody Rate,
2008-2018 Release Cohorts



Iron Law of Prison Population Growth

Admissions x Time Served
= Nebraska Department of
Correctional Services Population

Admissions to Prison



CRIME AND JUSTICE INSTITUTE

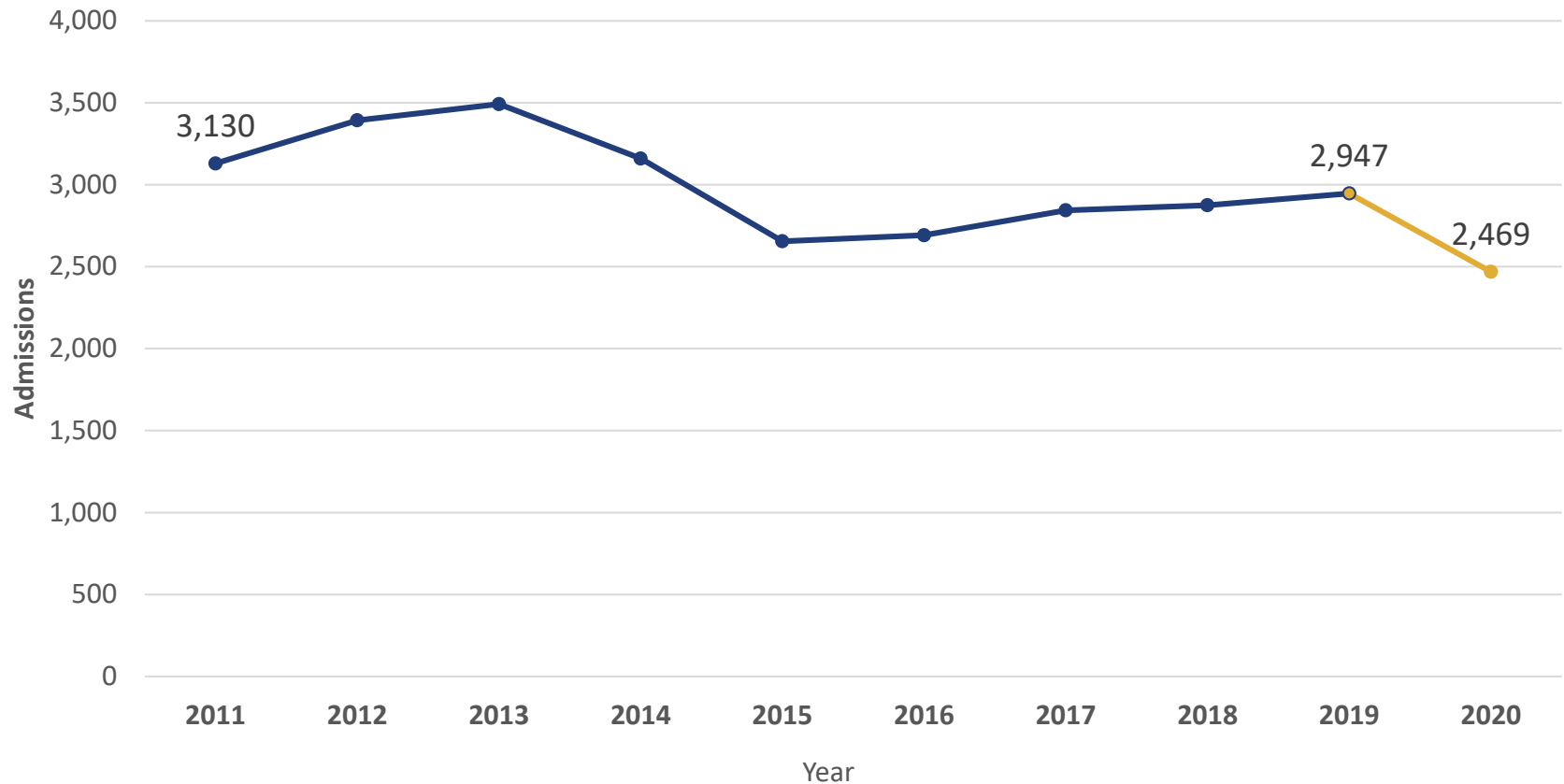
A Division of Community Resources for Justice

Factors Influencing Admissions



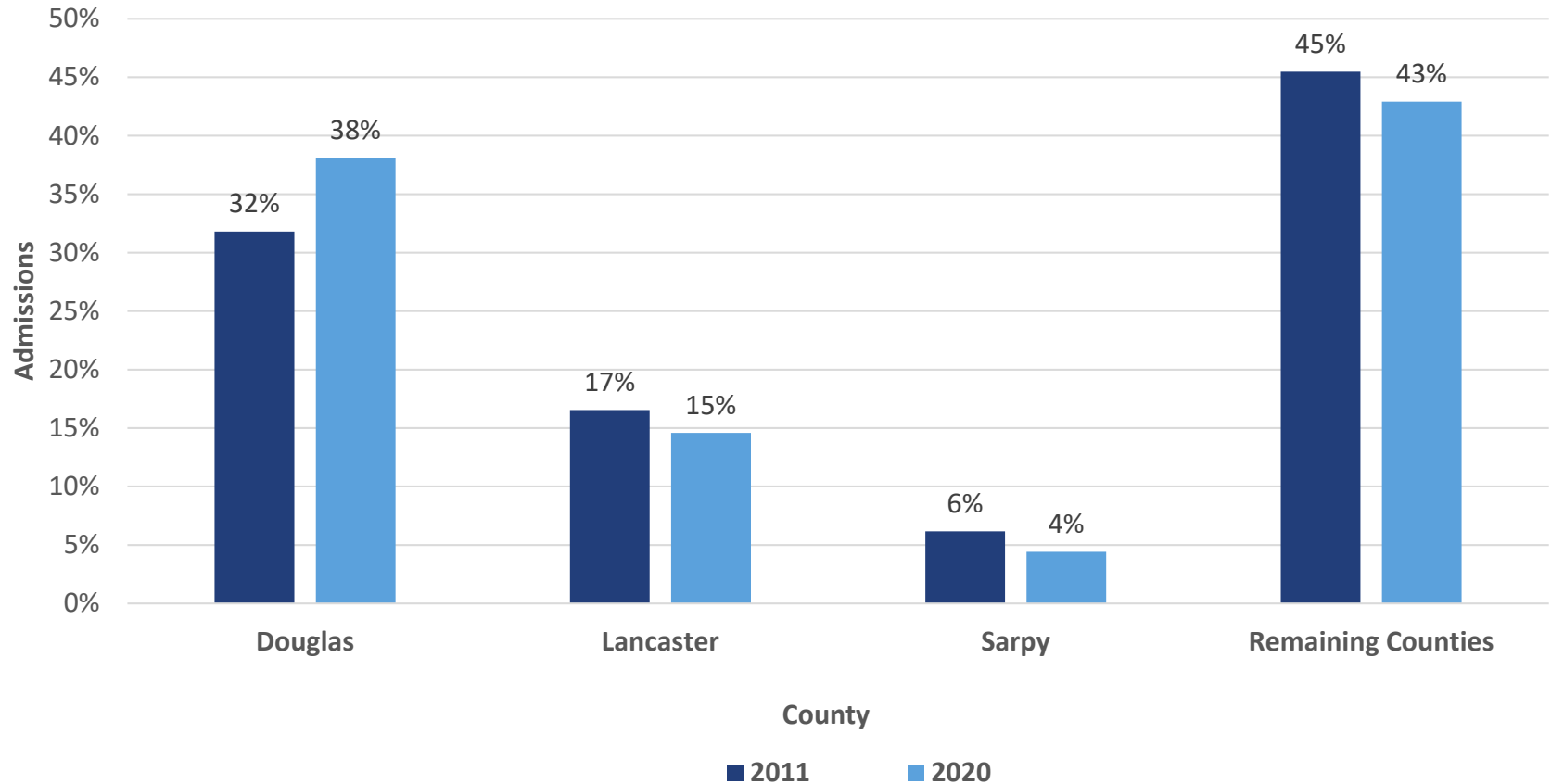
Total Admissions Are Down 21%

Prison Admissions, 2011 - 2020



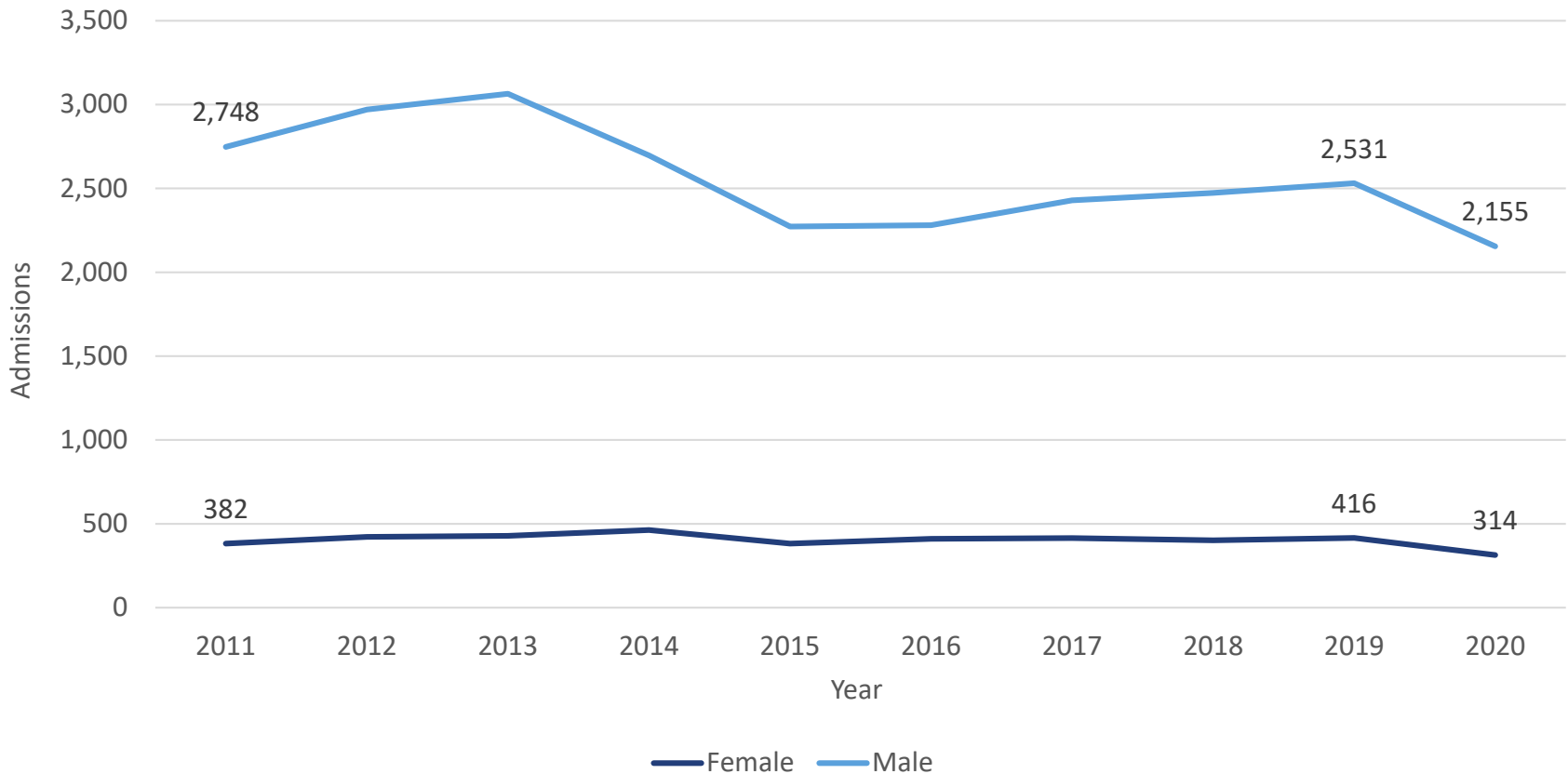
Proportion of Admissions from Douglas County Grows

Prison Admissions by Region, 2011 & 2020



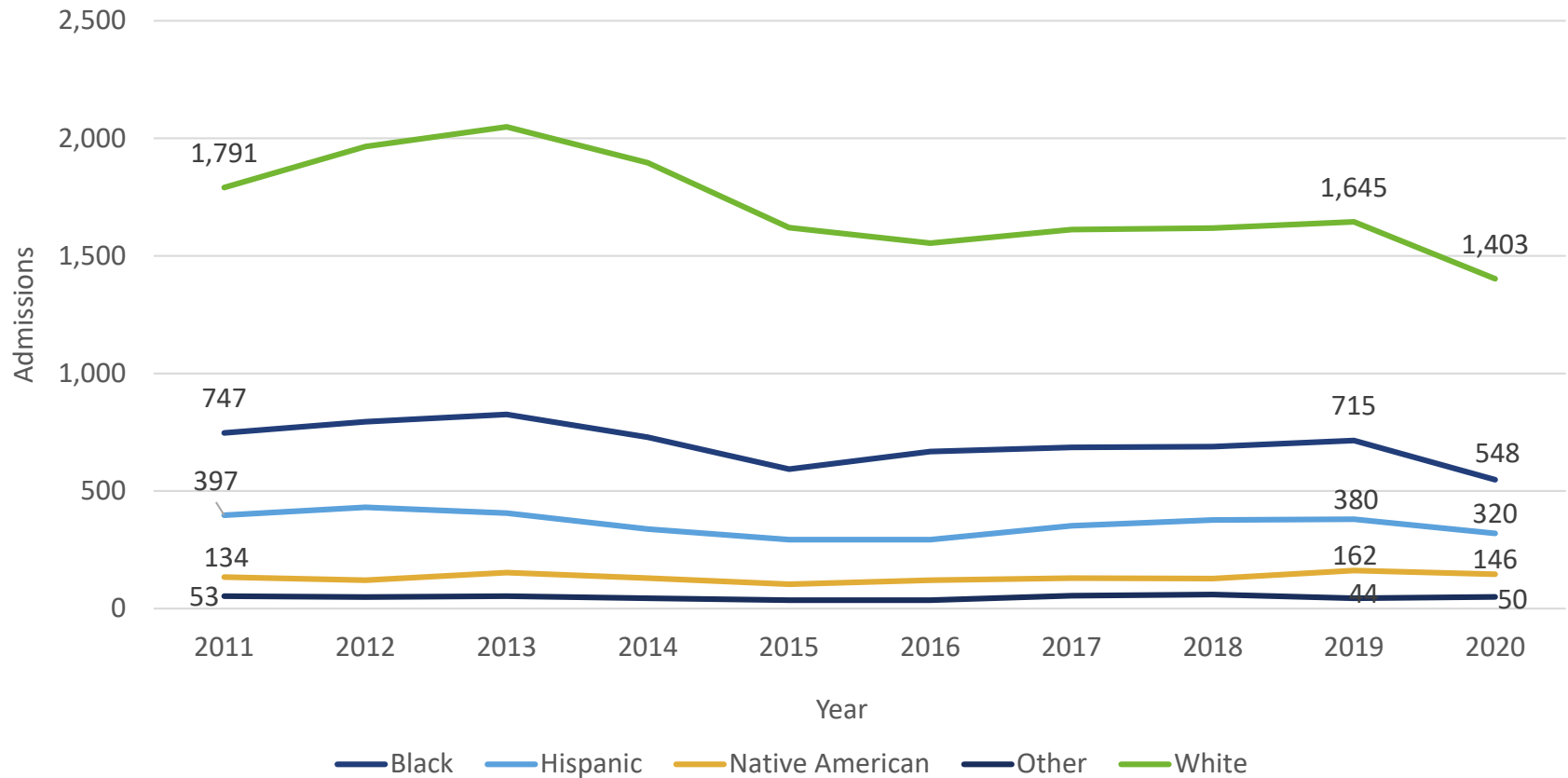
Male Admissions Down 22%; Female Admissions Down 18%

Prison Admissions by Gender, 2011 - 2020



Admissions for Native Americans Increased 9%; All Others Decreased

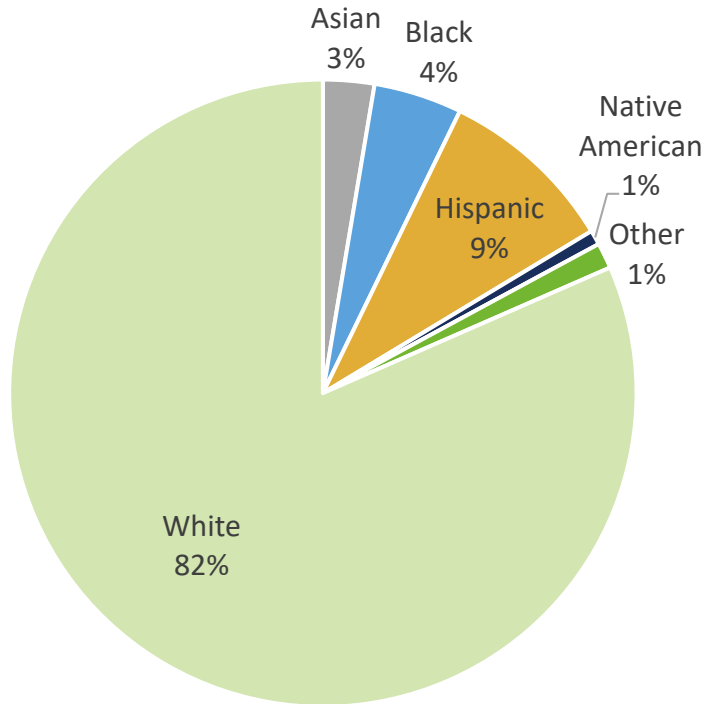
Prison Admissions by Race, 2011 - 2020



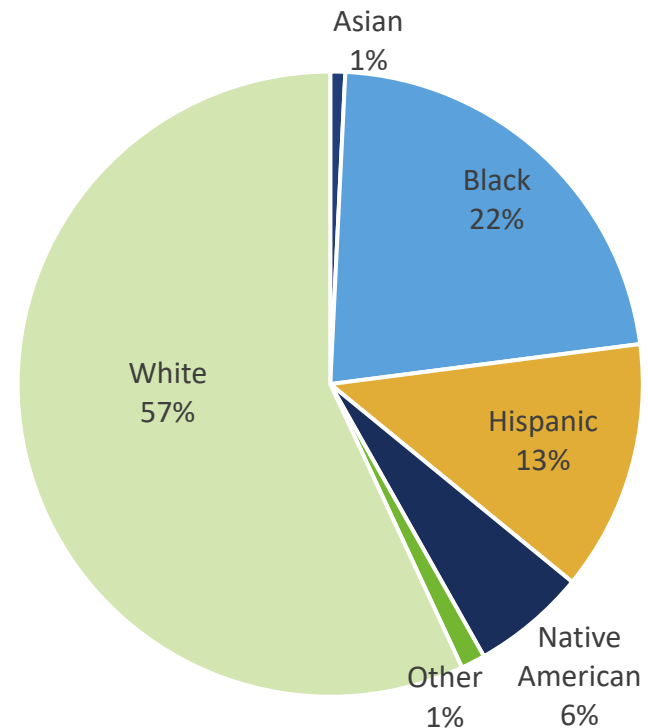
*Due to the small number of Asian, Hawaiian Islander, and Pacific Islander individuals in the dataset, they have been included in the Other category.

1 in 25 Nebraskans is Black, But 1 in 5 People Admitted to Prison is Black

NE Adult Population by Race, 2019



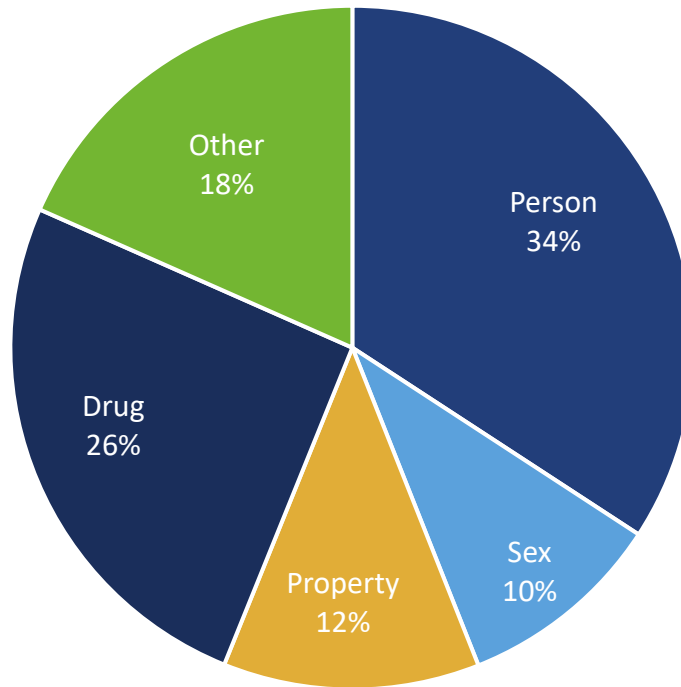
Admissions to NDCS by Race, 2020



*Due to the small number of Hawaiian Islander and Pacific Islander individuals in the dataset, they have been included in the Other category.

More Than Half of Initial Admissions Are For Non-Person/Non-Sex Offenses

Initial Admissions by Offense Category, 2020



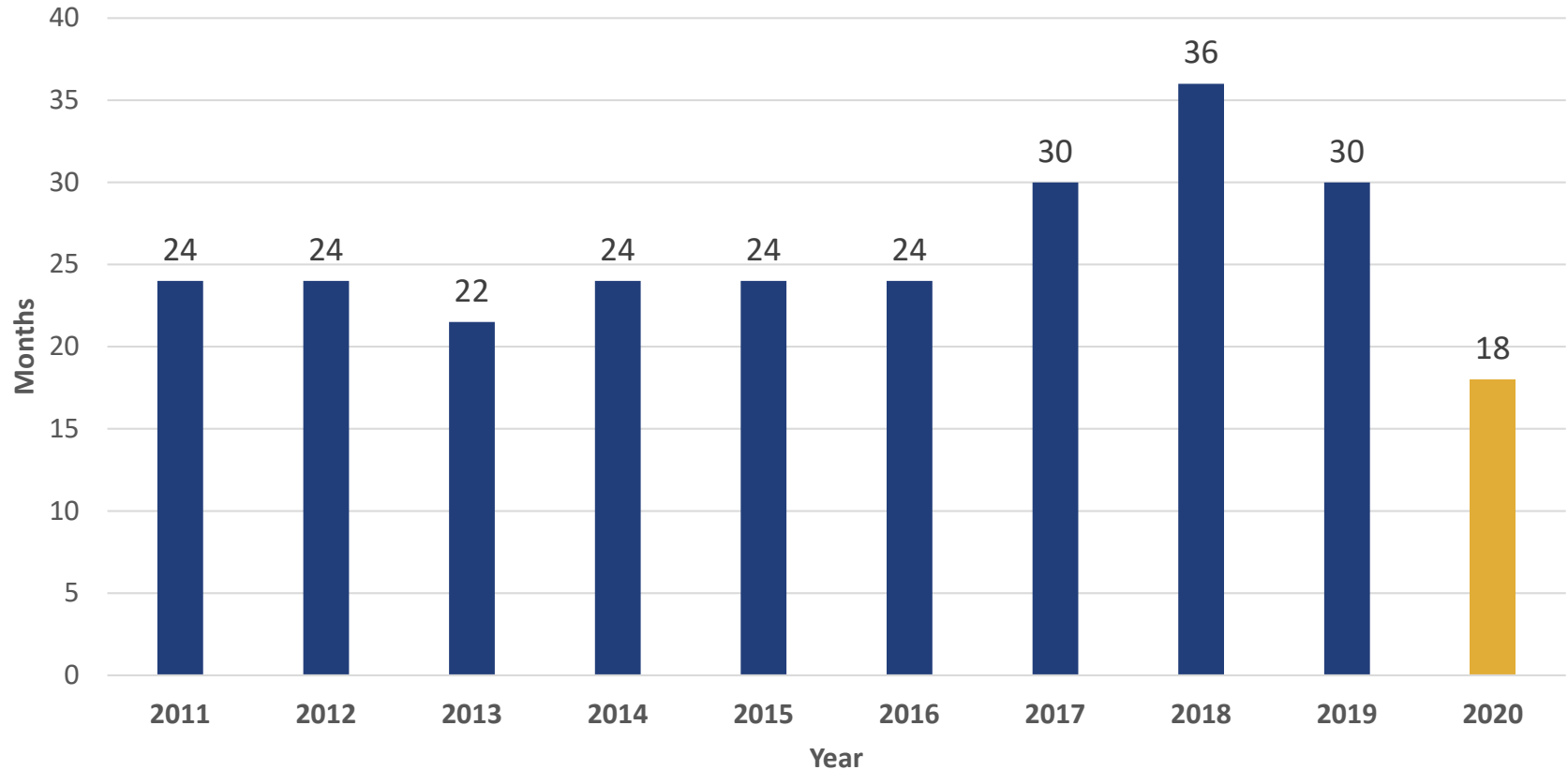
5 of Top 10 Offenses at Admission Are Non-Person/Non-Sex

Offense	Percent of Initial Admissions 2020
Possession of a Controlled Substance (Except Marijuana)	13%
Possession with Intent to Deliver or Distribute	11%
Terroristic Threats	6%
Possession of a Deadly Weapon by a Prohibited Person	5%
Domestic Assault	5%
Burglary	5%
Robbery	4%
Driving While Intoxicated	4%
Assault (2 nd Degree)	3%
Sexual Assault (1 st Degree)	3%

Length of Stay

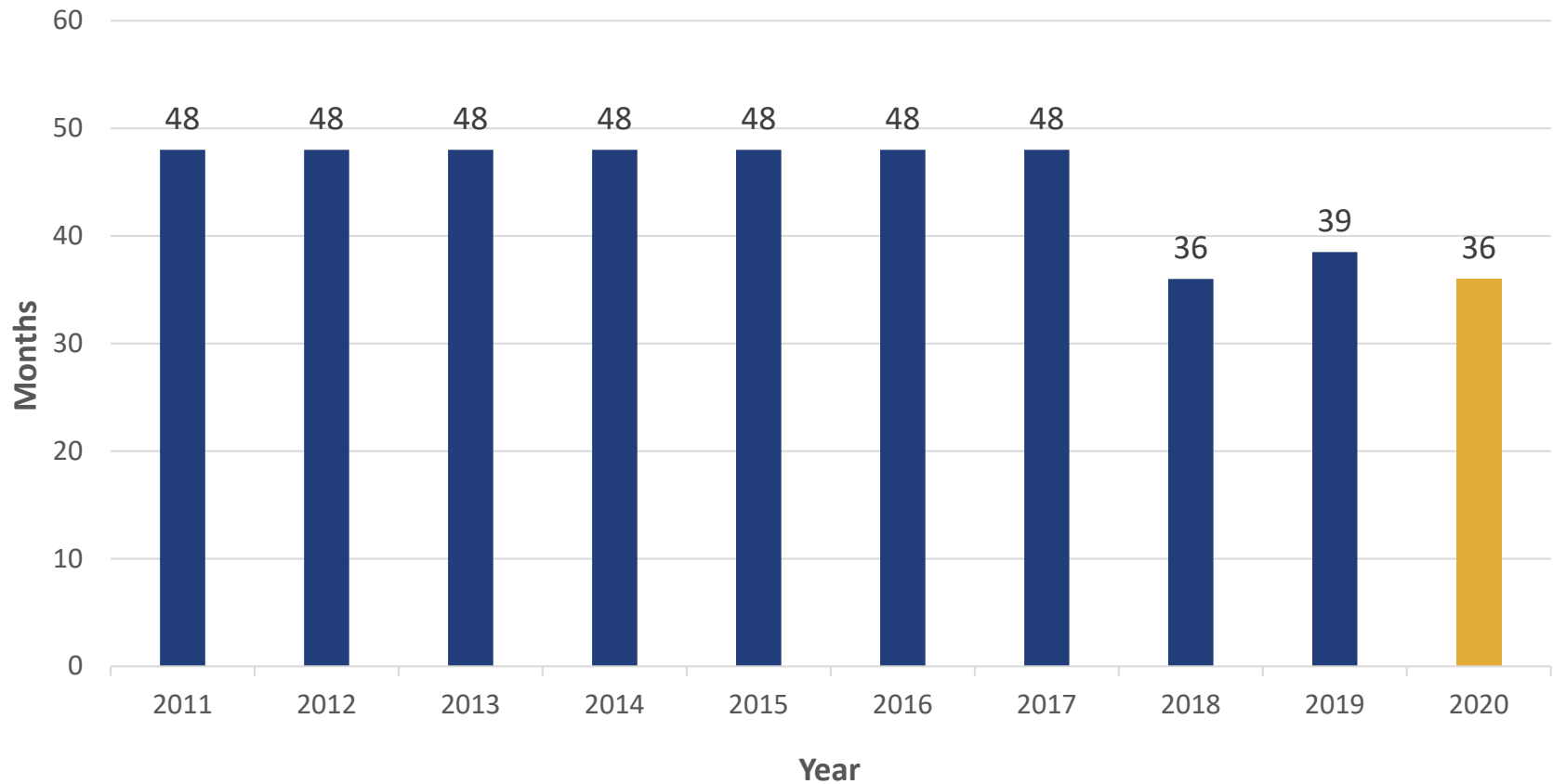
Pre-COVID, Minimum Sentence Length Was Up 25%

Median Length of Minimum Sentence, 2011 - 2020



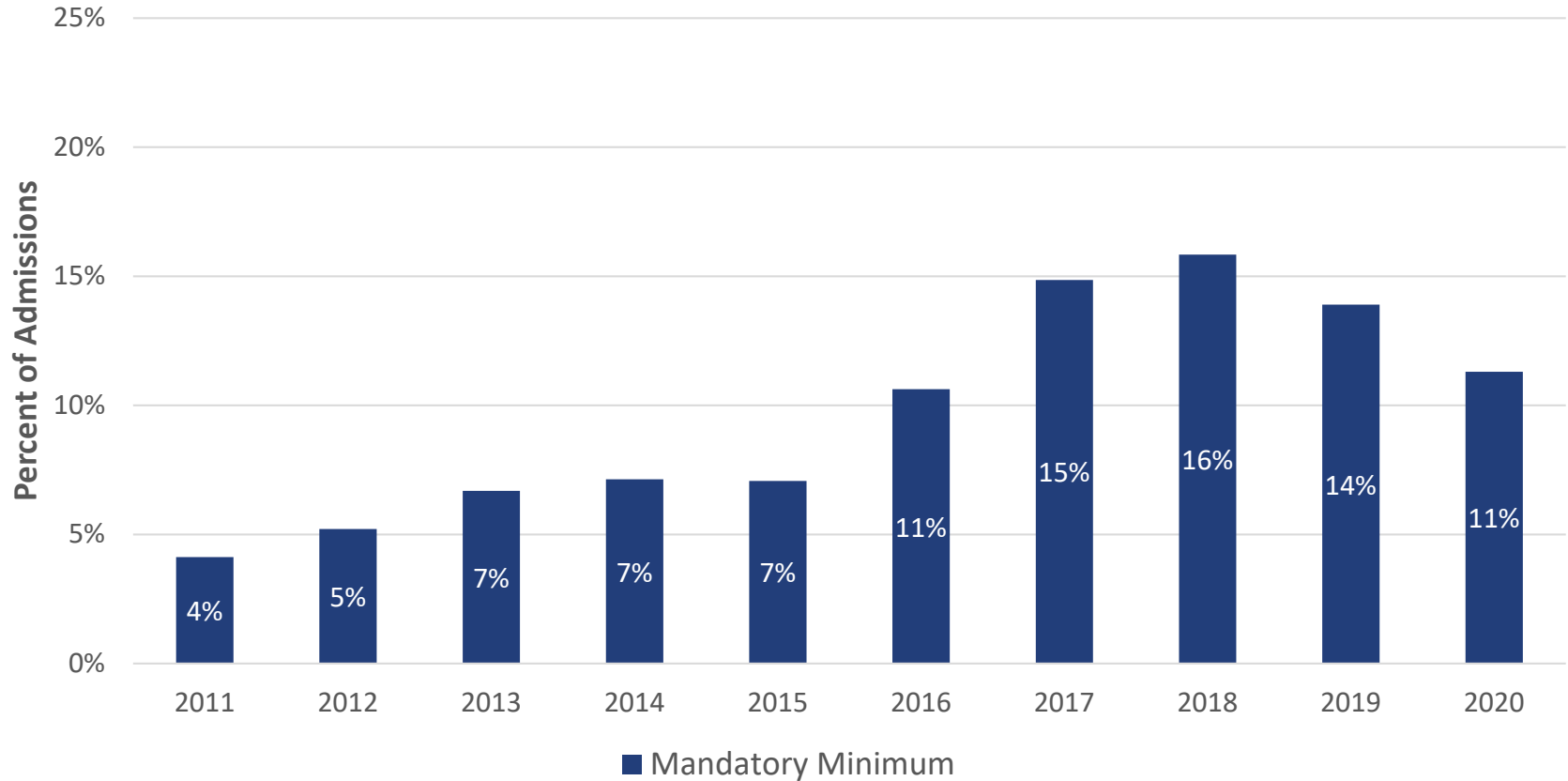
Maximum Sentence Length is Down

Median Length of Maximum Sentences, 2011 - 2020



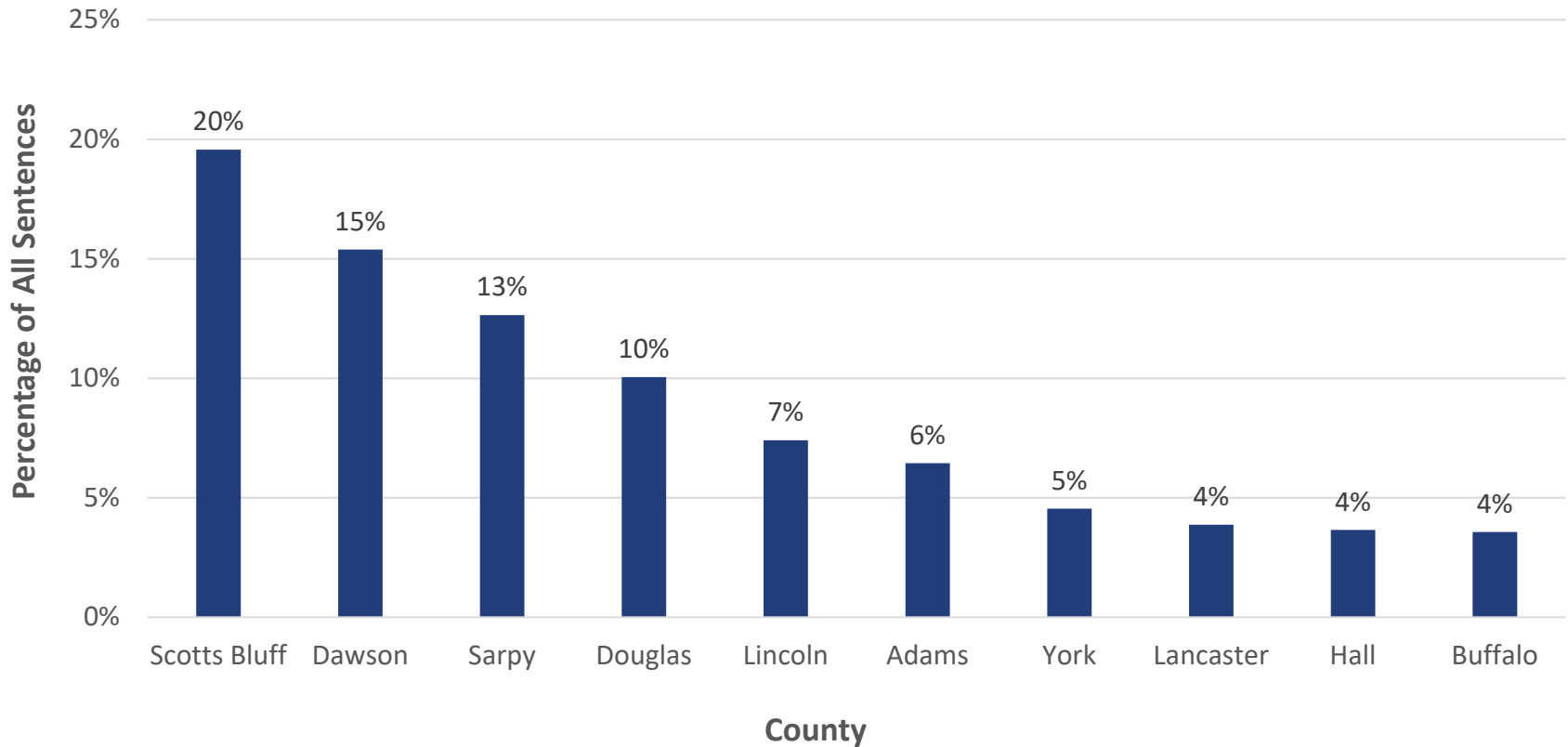
Admissions With Mandatory Minimums Have More Than Doubled

Percentage of Admissions with Mandatory Minimum Sentences, 2011 - 2020



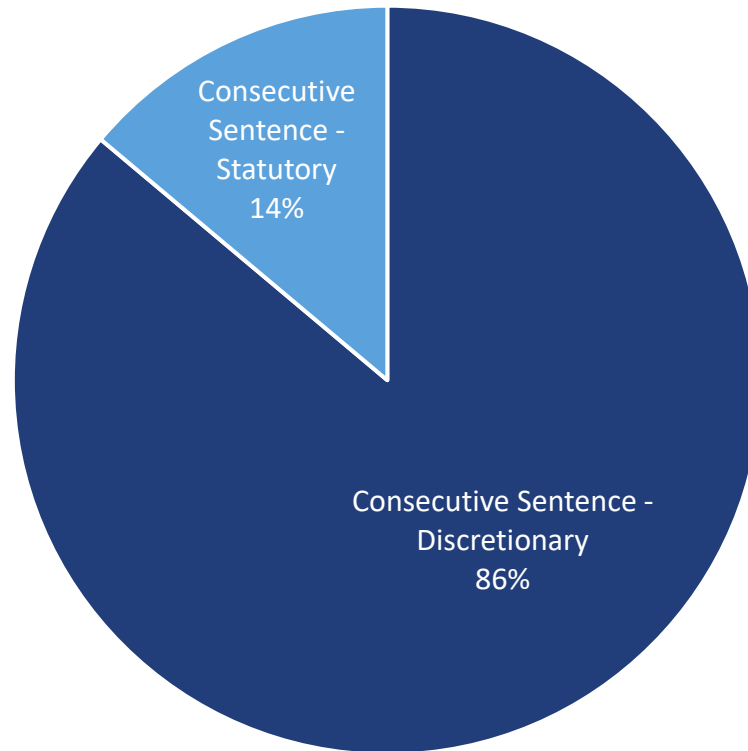
Large Variation in Use of Mandatory Minimums Within Counties

Percentage of Mandatory Minimum Sentences of All Sentences by County, 2020



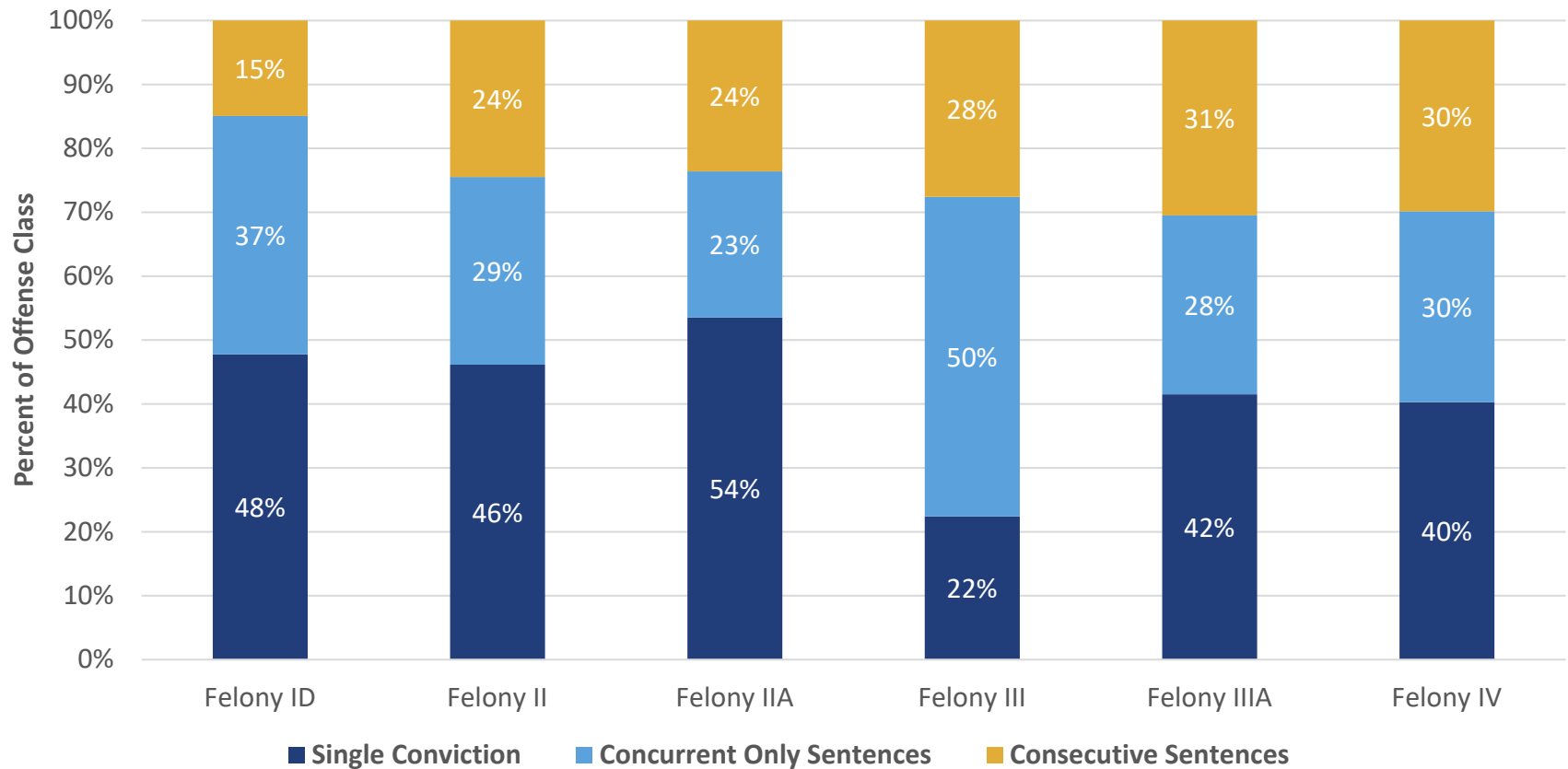
86% of Consecutive Sentences Were Discretionary

Discretionary vs. Statutorily-Required Consecutive Sentences, 2020



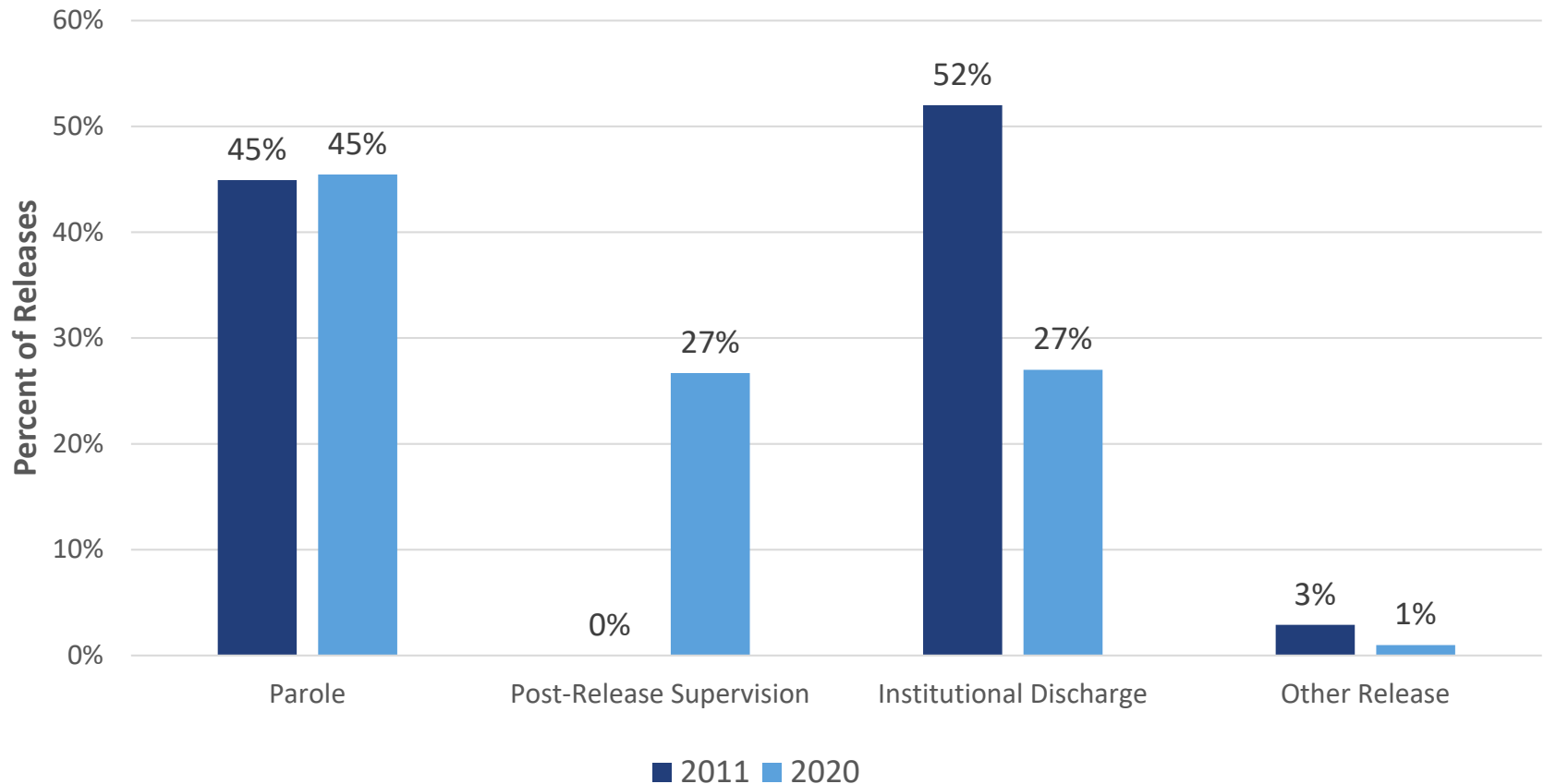
Least Serious Offense Classes are Most Likely to Have Consecutive Sentences

Sentence Type by Offense Class, 2020



Large Shifts in Institutional Discharges and Release to Post-Release Supervision (PRS)

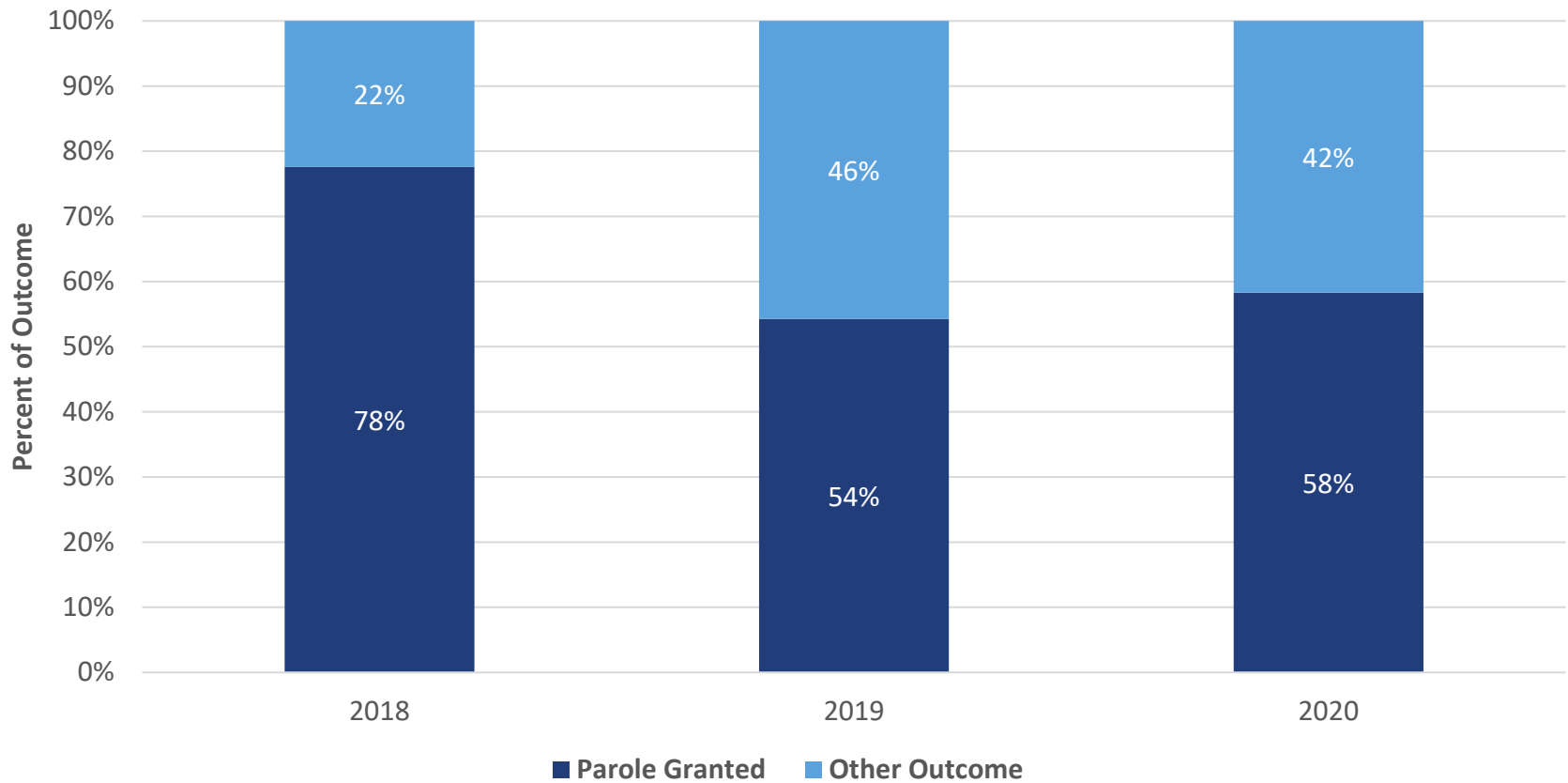
NDCS Releases by Release Mechanism, 2011 & 2020



*Safekeepers excluded from figures; includes all admission types

Parole Grants Decreased

Outcome of Parole Hearings, FY 2018 – FY 2020



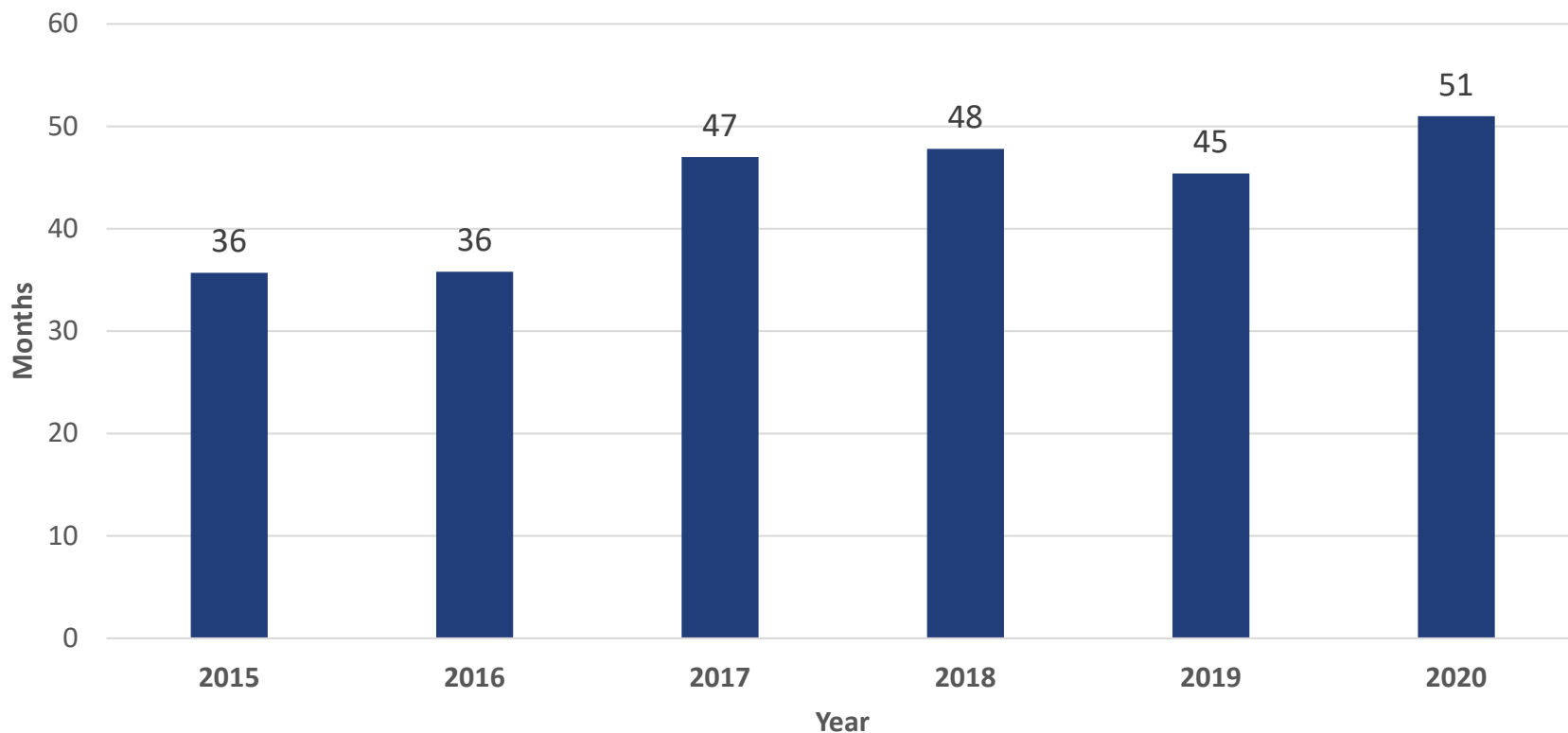
Length of Stay in NDCS Increased 38%; Total Time Served is Up 29%

Median Time Served in Prison vs. Prison and Jail of All NDCS Releases,
2011 - 2020



Length of Stay for Sentences with Mandatory Minimums is Up 42%

Median Time Served for Releases of Initial Admits with Mandatory Minimums, 2015 - 2020

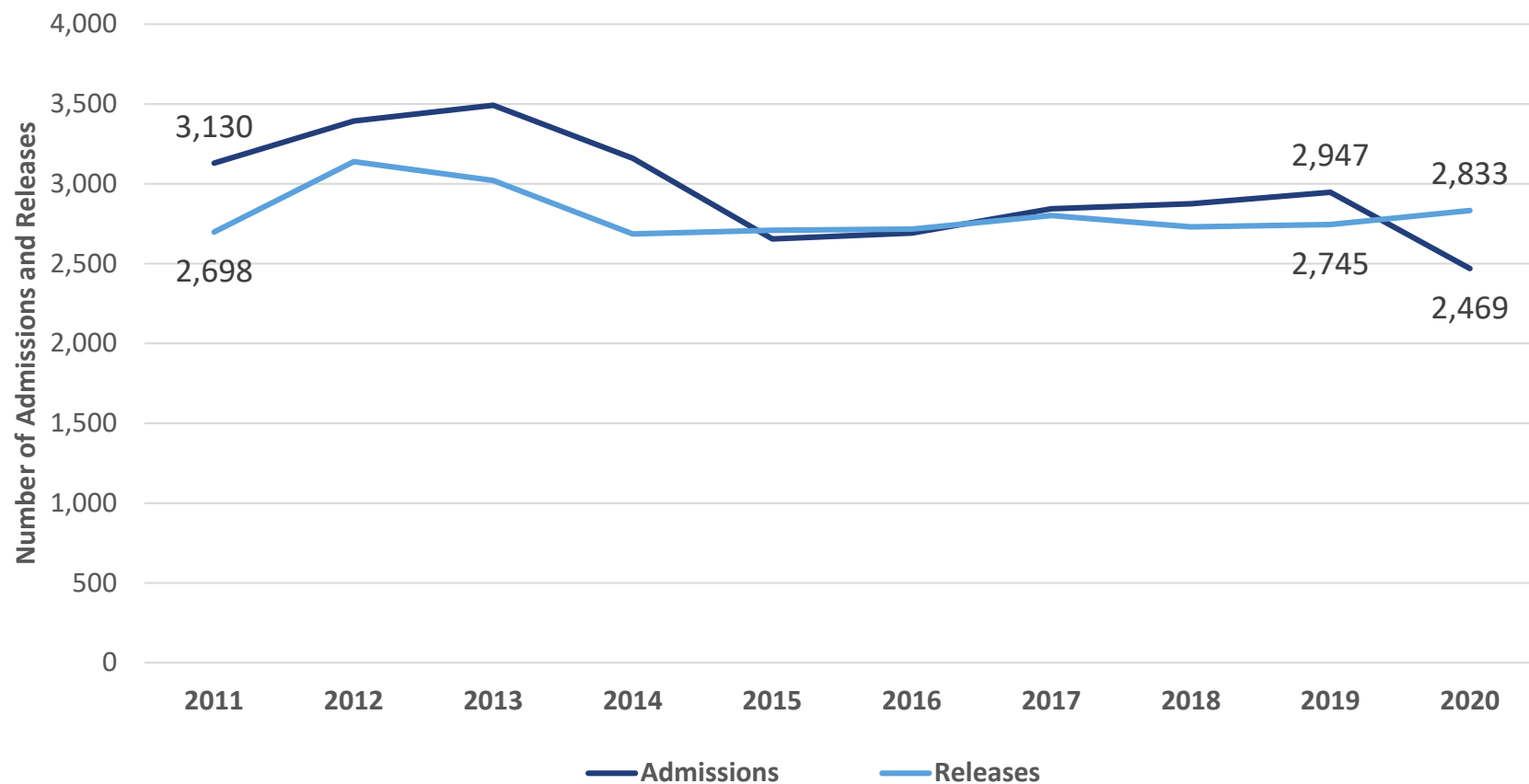


Length of Stay for Possession with Intent is Up 42%

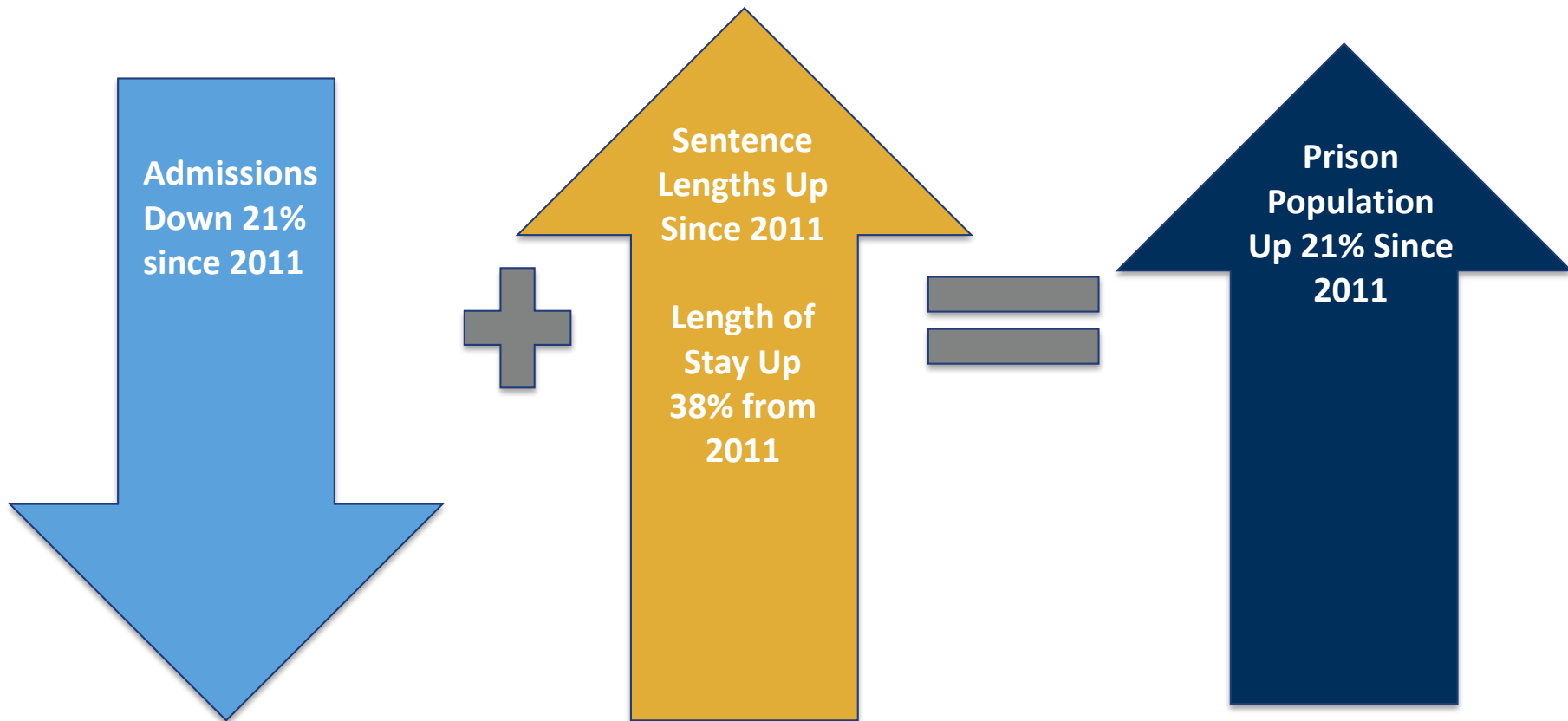
Top 10 Offenses at Admission in 2020	Percent of Initial Admissions 2020	Median Time Served in Months (2011)	Median Time Served in Months (2020)
Possession of a Controlled Substance (Except Marijuana)	13%	10	9
Possession with Intent to Deliver or Distribute	11%	12	17
Terroristic Threats	6%	12	12
Possession of a Deadly Weapon by a Prohibited Person	5%	12	18
Domestic Assault	5%	10	12
Burglary	5%	13	14
Robbery	4%	18	34
Driving While Intoxicated	4%	12	12
Assault (2 nd Degree)	3%	12	18
Sexual Assault (1 st Degree)	3%	37	60

Pre-COVID, Admissions Outpaced Releases

NDCS Admissions vs. Releases, 2011 - 2020



NDCS Population



Summary Takeaways

- Nebraska's prison population has grown 21% over the past decade
- This growth is largely due to increases in length of stay due to longer sentences and a decreasing percentage of parole grants
- Though admissions have declined, the majority of admissions are still for non-violent, low-level offenses
- Despite a 50% increase in the corrections budget, prisons are overcapacity and recidivism rates are growing

Questions/Contact

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Disclaimer

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