Nebraska Department of Correctional Services

Ten-Year Population Projections
FY 2020-2030

Prepared by

The JFA Institute

January 2020

EXECUTIVE SUMMARY

1. After several years of little to no growth, the NDCS population has increased by 7.7 percent between June 2018 and mid-December 2019.

2. The recent growth in the NDCS population is attributed to a 4.4 percent increase in admissions (primarily sentenced admissions) between FY 2019 and FY 2018 coupled with a 15.0 percent decrease in parole releases.

3. Male sentenced admissions increased by 5.8 percent between FY 2018 and FY 2019. This the largest increase since FY 2012.

4. Female sentenced admissions increased by 9.8 percent between FY 2018 and FY 2019.

5. Among male admits in FY 2019, persons with determinate sentences (not parole eligible) accounted for 32.5 percent of male admissions. Females admitted with determinate sentences (not parole eligible) accounted for 40.7 percent of female admissions.

6. The average length of stay for all persons released from prison in FY 2019 was 31.3 months. The Bureau of Justice Statistics estimated in 2016 that the national average prison stay was 31.2 months.[1]

7. The male prison population is projected to increase to be 5,308 inmates at the end of FY 2020. The male inmate population in 2030 is projected to grow to 6,765. The projected growth between 2020 and 2030 is estimated to average annual increases of 2.5 percent.

8. In 2030, 562 female offenders are projected to be housed in the Nebraska Department of Correctional Services. The projected growth between 2020 and 2030 represents average annual increases of 2.0 percent.

---

[1] "Time Served in State Prison, 2016", Bureau of Justice Statistics, November 2018.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

1

TABLE OF CONTENTS

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

2

LIST OF TABLES AND FIGURES

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

3

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES
TEN-YEAR PRISON POPULATION PROJECTIONS

I.   INTRODUCTION

The Nebraska Department of Correctional Services (NDCS) has contracted The JFA Institute (JFA) to produce a forecast for the state prison population to be completed in 2019. JFA, under the direction of Ms. Wendy Ware, utilized the Wizard simulation model to produce prison population projections for male and female offenders. This briefing document presents the results of the statistical analysis of offender trends used to build the simulation model and generate the forecast.

This is JFA's fourth iteration of the Nebraska prison forecast, the most recent being issued in 2015. To complete this forecast, JFA reviewed current inmate population trends and analyzed computer extract files provided by the Department of Correctional Services. This document contains a projections summary of male and female inmates through fiscal year 2030, a summary of recent offender trends, and an explanation of the primary assumptions on which these projections are based. The information is based on the analysis of computer extract files provided by the Nebraska Department of Correctional Services in November and December of 2019 as well as general population and crime trend data. Additional figures are contained in Appendix A of this document.

II.   BACKGROUND

The forecast of correctional populations in Nebraska was completed using Wizard projection software. This computerized simulation model mimics the flow of offenders through the state's prison system over a ten-year forecast horizon and produces monthly projections of key inmate groups. Wizard represents a new version of the previously used Prophet Simulation model and introduces many enhancements over the Prophet Simulation model.

Because Wizard attempts to mimic the state's sentencing structure and the flow of prisoners to and from the NDCS, it must look at a wide array of data that have both a direct and indirect impact on prison population growth. These factors can be separated into two major categories – external and internal.

External factors reflect the interplay of demographic, socio-economic and crime trends that produce arrests, and offenders' initial entry into the criminal justice process. Criminologists have long noted that certain segments of the population have higher rates or chances of becoming involved in crime, specifically of committing/being arrest for a crime or being incarcerated. This is known as the "at-risk" population, which generally consists of younger males. The high crime rate occurs amongst males ages 15 to 34,

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

4

while the high adult incarceration rate is found among males ages 20 to 44. When the at-risk population is expected to increase in a jurisdiction, one can also expect some additional pressure on criminal justice resources, all things being equal.

Internal factors reflect the various decision points within the criminal justice system that cumulatively determine prison admissions and length of stay (LOS). These decisions begin with police and end with correctional officials who, within the context of the court-imposed sentences, have the authority to release, recommit, give and restore a wide array of good time credits, and offer programs that may reduce recidivism.

People come to prison for three basic reasons: 1) they have been directly sentenced by the courts to a prison term (new court commitments); 2) they have failed to complete their term of probation and are now being sentenced to prison for a violation or new crime; or, 3) they have failed their term of parole, post-release supervision, or any other form of conditional release and are being returned to prison for a new crime or a technical violation. Almost two-thirds of persons who are admitted to prison in the United States are those who have failed to complete probation or parole. A projection model thus should have a "feedback loop" that captures the relative rate of probation and parole failures.

As each state has a unique sentencing structure, the simulation model must take into account a state's sentencing laws. The model created for Nebraska identifies and separates offenders into groups based on their most serious admitting offense and their admission type. The categorization of offenders in this way serves to establish groups with like sentence lengths, serving times, and with similar limitations on eligibility for parole or goodtime under Nebraska's laws.

The Nebraska justice system has a multi-pronged sentencing structure comprised of both flat, determinate and indeterminate sentences. A determinate sentence sets a fixed term of incarceration without any opportunity for parole. If a person with a determinate sentence loses any good time the entire sentence will be extended.

An indeterminate sentence includes a maximum term to be used to compute a defendant's discharge date, and a minimum term to be used to compute the defendant's parole eligibility date. In 1972, the Nebraska legislature mandated indeterminate sentencing by operation of law; under a statute passed that year, if a judge attempted to impose a determinate sentence, a statutory minimum sentence was automatically used to determine the inmate's parole eligibility.

A person with a flat sentence has the same minimum and maximum prison term resulting in the same tentative release and parole eligibility dates. If an inmate with a flat sentence loses good time their tentative release date will be extended but their parole

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

5

eligibility date will remain unchanged. The loss of sufficient good time for an inmate with a flat sentence could push the tentative release date past the parole eligibility date and open up the possibility for a parole release.

In 1993, Legislative Bill (LB) 529 was passed as "truth in sentencing" legislation, designed to eliminate indeterminate sentencing.   Only four years later in 1997, indeterminate sentencing was reintroduced by the Nebraska legislature via LB 364. However, LB 364 did not eliminate determinate sentences. Instead it provided for two sentencing structures to be used at the court's discretion:

1. Fix minimum and maximum limits of an offender's sentence to be served within the limits provided by law for any class of felony, excepting when the maximum is a life term where a mandatory minimum is set. In the case of class IV felonies, the minimum sentence is to be no less than one-third the maximum sentence. Parole Eligibility for all offenders will be set at one-half of the minimum sentence.

2. Fix a definite term of years for a sentence.

LB 191 – Effective March 16. 2011:

This law is composed of two types of releases and two types of good time.

Discretionary parole by the Board of Parole - Eligibility is based on serving one-half of the minimum term (statutory or court-imposed minimum, whichever is longer). EXCEPT, no reduction of sentence shall be applied to any sentence imposing a MANDATORY minimum term.

Mandatory Discharge - Discharge is based on the block crediting of six month's good time for each year of the maximum term, and pro rata thereof for any part which is less than a year. This good time plus any jail time is deducted from the maximum term of imprisonment to establish the mandatory discharge date.

The Department shall reduce the term of a committed offender by three days on the first day of each month following a twelve-month period of incarceration within the Department during which the offender has not been found guilty of a Class or Class II offense or more than three Class III offenses under the Department's disciplinary code. Reductions earned under this subdivision shall not be subject to forfeit or withholding by the department.

Good time reductions granted may be forfeited, withheld and restored by the Warden/Program Administrator with approval of the Director after the inmate has been consulted regarding charges of misconduct

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

6

The above sentencing structure applies to inmates in the simulation model sentenced prior to 2015. A new determinate sentencing structure was adopted in 2015 by LB 605 and was applied to all individuals with a most serious offense of Class 3, 3A, or 4 felony (see table below for all felony classifications and their pre- and post-LB 605 penalty changes). The following list highlights the changes made by LB 605:

(1) Judges are required to issue a sentence of incarceration followed by a period of "mandatory" post release supervision (PRS) by the Office of Probation Administration in the community after their release.

(2) If a person violates the terms of their PRS and is revoked, the judge resentences them. A person will only return to NDCS custody on a PRS revocation if they have more than one year of their PRS term remaining to be served.

(3) There are no options for releasing these determinate sentence individuals prior to their mandatory release date.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

7

TABLE 1
NEBRASKA SENTENCING STRUCTURE

Felony Class	Nebraska Felony Penalty Structure			
	Pre-LB 605		**Post-LB 605 (current)**	
	Maximum	**Minimum**	**Maximum**	**Minimum**
Class 1	Death	Death	Death	Death
Class 1A	Life imprisonment	Life imprisonment	Life imprisonment	Life imprisonment
Class 1B	Life imprisonment	20 Years Imprisonment	Life imprisonment	20 Years Imprisonment
Class 1C	50 Years Imprisonment	Mandatory 5 Years Imprisonment	50 Years Imprisonment	Mandatory 5 Years Imprisonment
Class 1D	50 Years Imprisonment	Mandatory 3 Years Imprisonment	50 Years Imprisonment	Mandatory 3 Years Imprisonment
Class 2	50 Years Imprisonment	1 Year Imprisonment	50 Years Imprisonment	1 Year Imprisonment
Class 2A	(felony classification did not exist; certain Class 3 felony offenses were recategorized here with JRI implementation)		20 Years Imprisonment	None
Class 3	20 Years imprisonment -OR- $25,000 fine -OR- both	1 Year imprisonment	4 Years imprisonment and 2 years PRS -OR- $25,000 fine -OR- both	None for imprisonment and nine months PRS if imprisonment is imposed
Class 3A	5 Years Imprisonment -OR- $10,000 fine -OR- Both	None	3 Years imprisonment and 18 months PRS -OR- $10,000 fine -OR- both	None for imprisonment and nine months PRS if imprisonment is imposed
Class 4	5 Years Imprisonment -OR- $10,000 fine -OR- Both	None	2 Years imprisonment and 12 months PRS -OR- $10,000 fine -OR- both	None for imprisonment and nine months PRS if imprisonment is imposed *(on September 1, 2019, this penalty will change to "None for imprisonment and none for PRS")*

Source: NDCS

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

8

For the simulation model, all offender cohorts with a minimum and maximum sentence are grouped together by offense. Offenders sentenced to flat terms of incarceration where parole eligibility comes at one-half of the minimum sentence are grouped together in the simulation model by sentence length, regardless of offense. Persons sentenced to determinate sentences with no parole eligibility are grouped separately according to gender and most serious offense.

For the purposes of the simulation model, parole exits from prison mirror historical and current parole grant rates. Good time earnings in Nebraska are dictated by a series of seven laws passed over the last several decades. Good time reductions granted may be forfeited, withheld and restored by the Warden/Program Administrator with approval of the Director after the inmate has been consulted regarding charges of misconduct.

III. EXTERNAL TRENDS IMPACTIING THE NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES POPULATION

Significant Finding: The Nebraska resident population has grown at a marginal rate since 2010 – growing an average of 0.7 percent per year.

Significant Finding: Reported violent crime in Nebraska increased 7.1 percent between CY 2016 and CY 2017 (the most recent year complete data is available).

Population

Since 2010, Nebraska's resident population growth has been moderately paced. As shown in Table 2, Nebraska's population increased from 1,829,536 in 2010 to 1,929,268 in 2018. This represents an increase of 5.5 percent. More significantly, the state's at-risk for incarceration population (males ages 20 to 44) has increased by 6.8 percent since 2010 at a rate of 0.8 percent per year. A growing at-risk population could exert future pressure on a state's criminal justice system.

Crime

Observing historical levels of crime provides limited guidance in projecting future admissions to prison. Reported crimes per 100,000 residents in Nebraska, as reported to the Federal Bureau of Investigation (shown in Table 3), dropped 12.0 percent between 2010 and 2017 at an annual average of 1.7 percent. The drop in reported crime has been driven by decreases in reported property crime. Reported violent crime in Nebraska has moved in the opposite direction since 2010. Reported violent crimes

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

9

per 100,000 residents in 2017 was higher than 2010 levels. Nationally, violent crime has also seen mild increases in recent years.

TABLE 2
HISTORICAL NEBRASKA RESIDENT AND
AT-RISK POPULATIONS 2010-2018

Year	Resident Population	Males Ages 15-34 (At-risk Crime)	Males Ages 20-44 (At-risk Incarceration)
2010	1,829,536	257,771	303,517
2011	1,840,538	259,631	304,937
2012	1,853,323	261,368	308,068
2013	1,865,414	262,987	311,279
2014	1,879,522	265,662	314,675
2015	1,891,507	266,381	316,532
2016	1,905,924	267,974	319,225
2017	1,917,575	268,693	321,525
2018	1,929,268	269,314	324,033
Average Percent Change 2010-2018	0.7%	0.5%	0.8%

Source: US Census Bureau.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

10

TABLE 3
HISTORICAL NEBRASKA REPORTED CRIME 2010-2017

Year	Violent Crime Index	Property Crime Index	Total Crime Index
2010	278.3	2,667.9	2,946.2
2011	253.6	2,762.6	3,016.2
2012	258.8	2,759.7	3,018.5
2013	264.8	2,632.3	2,897.1
2014	276.2	2,524.0	2,800.2
2015	272.8	2,249.3	2,522.1
2016	291.0	2,263.3	2,554.3
2017	311.8	2,287.1	2,598.9
Average Percent Change 2010-2017	1.8%	-2.1%	-1.7%

Source: www.FBI.gov.

Putting Population and Crime Together: Crime Rates

As Nebraska's at-risk populations (for both crime and incarceration) grew at a moderate rate since 2010, incidents of reported violent crime have increased. The current reported violent crime level in Nebraska is the highest in the past eight years. It should be noted that preliminary 2018 data show a decrease in reported violent crime in Nebraska.

Comparison of Nebraska and the United States

In the discussion above, the population and crime data are observed in terms of changes over time within Nebraska. In Table 4, we present Nebraska's population and crime data compared to the nation. Table 4 shows that Nebraska's population growth is on par with the US as a whole. However, in terms of crime rates, Nebraska has seen recent growth in reported crime (1.7 percent in 2017) while the US overall has seen continued declines. The US reported crime rate fell 3.0 percent in 2017. While violent crime has been increasing in Nebraska in recent years, the state still has a reported violent crime rate 20.9 percent lower than the national rate.

In terms of state prison populations, Nebraska has experienced substantial growth in its prison population over the past decade while the national trend has been decreasing prison populations. Nebraska's prison population grew 20.8 percent at an average rate of 1.9 percent from FY 2009 to 2019. For the most recent decade data is available for the US, (2007 to 2017) the nationwide state prison population decreased

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

11

6.6 percent. That being said, Nebraska still maintains an adult incarceration rate 36.3 percent lower than the US rate.

TABLE 4
COMPARISON BETWEEN UNITED STATES AND NEBRASKA
ON KEY POPULATION, CRIME AND CORRECTIONS INDICATORS

	United States	Nebraska
POPULATION[2]		
Total Population (7/1/18)	327,167,434	1,929,268
Change in Population		
1-year change (7/1/10 – 7/1/18)	0.4%	0.6%
8-year change (7/1/10 – 7/1/18)	6.1%	5.4%
CRIME RATE[3] (Rate per 100,000 inhabitants)		
UCR Part I Reported Crime Rates (2017)		
Total	2,761.2	2,598.9
Violent	394.0	311.8
Property	2,367.2	2,287.1
Change in Total Reported Crime Rate		
1-year change (2016-2017)	-3.0%	1.7%
7-year change (2010-2017)	-17.5%	-12.0%
PRISON POPULATION[4]		
Total Inmates (State Prisons Only) FY 2019	1,316,205	5,540
1-year change (2018-2019)	-0.9%	4.2%
10-year change (2009-2019)	-6.6%	20.8%
Average annual change (2009-2019)	-0.7%	1.9%
Adult Incarceration Rate 2017[5]	568	362

---

[2] U.S. Census Bureau, Population estimates for July 1, 2018.
[3] Uniform Crime Reports, Crime in the United States – 2017, Federal Bureau of Investigation.
[4] US data from Prisoners in Year End 2017, Bureau of Justice Statistics, Apr. 2019.
[5] US data from Prisoners in Year End 2017, Bureau of Justice Statistics, Apr. 2019.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

12

IV. INTERNAL TRENDS IMPACTING THE NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES POPULATION

A. Trends in NDCS Admissions

Significant Finding: *Admissions to the NDCS increased by 4.4 percent between FY 2018 and FY 2019.*

Significant Finding: *Between FY 2009 and 2019, sentenced male admissions to the NDCS increased by an average annual rate of 1.1 percent while female sentenced admissions increased by an average of 2.7 percent annually.*

Significant Finding: *For all admissions in FY 2019, the average maximum sentence was 98.5 months (8.2 years).*

Tables 5 and 6 present the male and female admissions to prison from FY 2009 to 2019 for various admission types. Figure 2 shows the male and female admissions to prison over the past decade. Tables 7 and 8 provide information on the admissions population for FY 2019. The admissions populations in Tables 7 and 8 are divided into 'Sentence Type' groups based on a combination of factors that include parole eligibility, sentencing type (determinate versus indeterminate), most serious offense type, admission type, and gender. The 'Sentence Type' groups have been developed by JFA and were generated for simulation modeling purposes.

Historical Admissions Trends

- Male parole violator admissions in FY 2019 have increased by 25.9 percent when compared to FY 2009 counts. These admissions have increased by an average of 4.6 percent per year since FY 2009 but have seen decreases in the most recent two years. Female parole violator admissions have increased 15.7 percent when comparing FY 2009 and FY 2019 data.

- Female sentenced admissions have increased an average of 2.7 percent per year between FY 2009 and 2019. Male sentenced admissions have increased an average of 1.1 percent per year. The increase in sentenced admissions has been the primary driver in overall increases in admissions to NDCS in recent years.

- Total admissions to the NDCS have increased an average of 0.7 percent per year over the previous decade.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

13

Admissions FY 2019 (Statistics are for Sentence Type groups used in the simulation model presented in Tables 7 and 8)

Admissions Counts

- Males accounted for 85.3 percent of all admissions in FY 2019.

- Male sex/morals crimes offenders (parole eligible) accounted for 6.0 percent of male admissions in FY 2019.

- Male drug crime offenders (parole eligible) numbered 212 admissions in FY 2019 (8.2 percent of all male admissions).

- Male weapons offenders (parole eligible) numbered 101 admissions in FY 2019 (3.9 percent of all male admissions).

- Determinate sentenced (not parole eligible) admissions accounted for 32.5 percent of all male admissions and 40.7 percent of female admissions.

- Mandatory minimum sentenced admissions accounted for 7.8 percent of all male admissions and 2.2 percent of female admissions.

Time from Sentencing to Release in FY 2019

- Parole eligible male admissions averaged the longest wait to tentative release date. More detailed analysis is as follows:

    1. Sex/morals crime offenders averaged 115.0 months to tentative release and 78.8 months to parole eligibility date (PED). This group averaged a minimum sentence of 168.9 months.
    2. Assault offenders averaged 72.7 months to tentative release and 46.7 months to parole eligibility date (PED). This group averaged a minimum sentence of 101.9 months.
    3. Robbery offenders averaged 57.4 months to tentative release and 32.5 months to parole eligibility date (PED). This group averaged a minimum sentence of 76.0 months.
    4. Burglary offenders averaging 43.9 months to tentative release and 23.3 months to PED. This group averaged a minimum sentence of 55.1 months.
    5. Weapons offenders averaged 42.4 months to tentative release and 24.8 months to PED. This group averaged a minimum sentence of 58.2 months.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

14

6. Drug crimes offenders averaged 32.3 months to tentative release and 19.4 months to PED. This group averaged a minimum sentence of 45.9 months.

- Male parole violators averaged a wait to PED of 42.8 months and a time to tentative release of 81.6 months.

- Female parole violators averaged a wait to PED of 28.0 months and a time to tentative release of 57.5 months.

- While a large portion of male admissions have a determinate sentence (not parole eligible), this group has a wait time to tentative release of only 9.5 months. Female admissions in the same group average a time to tentative release of 8.2 months.

- Female parole eligible admissions averaged a time to PED of 25.4 months in FY 2019.

- All female admissions in FY 2019 averaged a time to tentative release of 26.3 months while male admissions averaged 50.7 months.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

15

TABLE 5
HISTORICAL ADMISSIONS TO PRISON BY ADMISSION TYPE
MALES: FY 2009-2019

FY	90 Day Evaluators	Safekeepers	Sentenced	Work Ethic Camp	Parole Violator	Total Males
2009	36	101	1,838	149	278	2,402
2010	43	96	1,975	171	231	2,516
2011	40	99	2,070	121	245	2,575
2012	33	68	2,256	118	341	2,816
2013	36	75	2,304	18	496	2,929
2014	28	89	2,174	4	513	2,808
2015	16	93	1,980	4	368	2,461
2016	19	102	1,777	0	346	2,244
2017	20	120	1,851	0	400	2,391
2018	20	121	1,906	0	355	2,402
2019	14	108	2,016	0	350	2,488
Percent Change 2009-2019	-61.1%	6.9%	9.7%	-	25.9%	3.6%
Average Percent Change 2009-2019	-6.7%	1.8%	1.1%	-	4.6%	0.6%
Percent Change 2018-2019	-30.0%	-10.7%	5.8%	-	-1.4%	3.6%

Source: NDCS counts. Difference in totals between Tables 5 and 7 is the inclusion of interstate transfer admissions in Table 7.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

16

TABLE 6
HISTORICAL ADMISSIONS TO PRISON BY ADMISSION TYPE
FEMALES: FY 2009-2019

FY	90 Day Evaluators	Safekeepers	Sentenced	Work Ethic Camp	Parole Violator	Total Females	Total Males and Female
2009	9	28	256	23	46	362	2,764
2010	13	29	285	21	22	370	2,886
2011	7	35	315	19	19	395	2,970
2012	6	19	329	14	48	416	3,232
2013	1	11	311	0	70	393	3,322
2014	4	32	361	0	42	439	3,247
2015	5	34	333	0	56	428	2,889
2016	10	33	315	0	53	411	2,655
2017	7	37	301	0	63	408	2,799
2018	3	32	296	0	51	382	2,784
2019	2	38	325	0	54	419	2,907
Percent Change 2009-2019	-77.8%	35.7%	27.0%	-	17.4%	15.7%	5.2%
Average Percent Change 2009-2019	20.5%	14.8%	2.7%	-	12.6%	1.7%	0.7%
Percent Change 2018-2019	-33.3%	18.8%	9.8%	-	5.9%	9.7%	4.4%

Source: NDCS counts.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

17

TABLE 7
MALE ADMISSIONS FY 2019 BY SENTENCE TYPE GROUP

ID Group	Number	Percent Male	Average Minimum Sentence (mos.)	Average Maximum Sentence (mos.)	Average Time to PED (mos.)	Average Time to Tentative Release (mos.)	Average Mandatory Time (mos.)
Parole Eligible	**870**	**33.5%**	**84.9**	**130.5**	**38.6**	**60.0**	**-**
Homicide	7	0.3%	373.7	514.3	174.0	250.4	-
Sex/Morals	156	6.0%	168.9	246.9	78.8	115.0	-
Assault	144	5.5%	101.9	156.0	46.7	72.7	-
Robbery	67	2.6%	76.0	126.2	32.5	57.4	-
Other violent	2	0.1%	18.0	42.0	6.2	18.2	-
Drug Crimes	212	8.2%	45.9	73.0	19.4	32.3	-
Burglary	62	2.4%	55.1	93.5	23.3	43.9	-
Theft/fraud/forgery	57	2.2%	39.8	70.5	19.7	30.3	-
Other non-violent	7	0.3%	54.0	78.9	24.8	38.4	-
Weapon	101	3.9%	58.2	93.1	24.8	42.4	-
Motor Vehicle	55	2.1%	57.9	87.0	25.6	39.6	-
Mandatory Minimum	**202**	**7.8%**	**171.8**	**243.5**	**111.0**	**148.0**	**64.5**
Violent	78	3.0%	291.9	386.6	180.5	226.9	83.7
Weapon	70	2.7%	79.5	117.3	53.7	73.7	42.3
Parole Violator	38	1.5%	123.4	219.4	93.1	144.1	71.4
Other	16	0.6%	105.4	167.7	69.9	101.4	51.0
Determinate Sentence - Not Parole Eligible	**845**	**32.5%**	**26.6**	**27.1**	**-**	**9.5**	**-**
Violent	344	13.2%	31.9	32.4	-	11.3	-
Drug	211	8.1%	21.0	21.4	-	7.4	-
Non-violent	290	11.2%	24.3	24.9	-	9.0	-
Safekeeper	108	4.2%	-	-	-	-	-
Interstate Transfer	112	4.3%	-	122.3	-	-	-
90 Day Evaluator	14	0.5%	-	-	-	-	-
Parole Violator	311	12.0%	89.7	167.8	42.8	81.6	-
Return from PRS	70	2.7%	44.3	59.4	63.9	45.1	-
Flat Sentence 2 yrs. or less	33	1.3%	13.1	13.1	3.6	3.6	-
Flat Sentence Over 2 yrs.	29	1.1%	72.2	73.1	43.1	43.1	-
Lifer	6	0.2%	Life	Life	-	-	-
Total Male	**2,600**	**100.0%**	**66.5**	**104.2**	**49.4**	**50.7**	**64.5**

Source: NDCS data extract file. Difference in totals between Tables 5 and 7 is the inclusion of interstate transfer admissions in Table 7.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

18

TABLE 6
FEMALE ADMISSIONS FY 2019 BY SENTENCE TYPE GROUP

ID Group	Number	Percent Female	Average Minimum Sentence (mos.)	Average Maximum Sentence (mos.)	Average Time to PED (mos.)	Average Time to Tentative Release (mos.)	Average Mandatory Time (mos.)
Parole Eligible	**124**	**27.7%**	**52.0**	**84.5**	**22.9**	**37.7**	**-**
Violent	28	6.3%	81.9	127.8	35.0	58.1	-
Drug	49	11.0%	37.7	63.8	15.7	27.8	-
Burglary/Theft/Fraud/Forgery	30	6.7%	30.0	57.3	12.6	24.6	-
Other non-violent	17	3.8%	83.1	120.7	39.1	55.6	-
Mandatory Minimum	**10**	**2.2%**	**69.6**	**110.5**	**46.4**	**63.0**	**36.0**
Determinate Sentence - Not Parole Eligible	**182**	**40.7%**	**10.2**	**23.9**	**-**	**8.2**	**-**
Violent	29	6.5%	10.6	26.1	-	7.8	-
Drug	88	19.7%	8.6	24.1	-	8.3	-
Non-violent	65	14.5%	12.2	22.7	-	8.1	-
Safekeeper	38	8.5%	-	-	-	-	-
Interstate Transfer	28	6.3%	-	117.1	-	-	-
90 Day Evaluator	2	0.4%	-	-	-	-	-
Parole Violator	51	11.4%	61.8	123.9	28.0	57.5	-
Return from PRS	2	0.4%	12.0	24.0	32.6	26.1	-
Flat Sentence 2 yrs. or less	5	1.1%	12.0	12.8	1.5	1.5	-
Flat Sentence Over 2 yrs.	4	0.9%	81.0	81.0	41.5	41.5	-
Lifer	1	0.2%	Life	Life			-
Total Female	**447**	**100.0%**	**30.7**	**63.8**	**25.4**	**26.3**	**36.0**
Total Male and Female	**3,047**	**100.0%**	**61.4**	**98.5**	**46.7**	**47.4**	**63.8**

Source: NDCS data extract file.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

19

B. Trends in the Prison Inmate Population

Significant Finding: The Nebraska prison population has grown from 4,586 inmates in FY 2009 to 5,540 inmates in FY 2019, an increase of 20.8 percent overall.

Significant Finding: Since FY 2009, the female inmate population grew by an annual average of 1.5 percent while males grew by 2.0 percent per year.

Significant Finding: FY 2019 saw the largest one-year increase in the NDCS population (4.2 percent) since FY 2014.

Table 9 presents the fiscal year-end inmate populations by gender from FY 2009 to FY 2019.

- The male prison population has increased by 906 offenders from FY 2009 to 2019 (21.7 percent). Between FY 2018 and FY 2019, the male inmate population increased by 203 offenders, or 4.1 percent.

- The female prison population increased by 48 inmates between FY 2009 and FY 2019 (12.5 percent). Between FY 2018 and FY 2019 the female inmate population increased by 4.9 percent.

- The NDCS population had remained static between FY 2015 and FY 2018. As of December 15, 2019, the NDCS population had increased a further 3.3 percent from the end of June 2019 count to 5,724.

The JFA Institute　　　*Nebraska Department of Correctional Services*　　　*January 2020*
Ten-Year Population Projections FY 2020-2030

20

TABLE 9
HISTORICAL INMATE POPULATION
FY 2009-2019

FY	Females	Males	Total
2009	383	4,203	4,586
2010	424	4,259	4,683
2011	393	4,284	4,677
2012	384	4,325	4,709
2013	351	4,639	4,990
2014	409	4,843	5,252
2015	419	4,980	5,399
2016	438	4,893	5,331
2017	432	4,923	5,355
2018	411	4,906	5,317
2019	431	5,109	5,540
Percent Change 2009-2019	12.5%	21.6%	20.8%
Average Percent Change 2009-2019	1.5%	2.0%	1.9%
Percent Change 2018-2019	4.9%	4.1%	4.2%

Source: NDCS counts

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

21

C. Trends in Releases from NDCS

Significant Finding: *In FY 2019, all releases had an average length of stay (ALOS) of 29.3 months*

Significant Finding: *Coupled with increasing admissions in FY 2019, the 15.0 percent decline in parole releases between FY 2018 and FY 2019 is likely the primary cause of the NDCS population increase in FY 2019.*

Table 10 presents historical releases since FY 2009. Tables 11 and 12 detail FY 2018 releases by males and females respectively. Note: in the JFA simulation model, the Nebraska prison release types of 'mandatory discharge' and 'sentence expiration' are treated as one category (discharge). The release type of 'other' is comprised primarily of Safekeepers and 90 Day Evaluation inmates.

- Males released in FY 2019 had an ALOS of 31.3 months.

- Males and females with a determinate sentence (not parole eligible) had an average prison stay of 8.3 months and 7.9 months respectively in FY 2019.

- Among parole eligible males, violent offenders had the longest lengths of stay.

- Male drug crimes offenders (parole eligible) averaged a length of stay of 18.2 months.

- Female prisoners released in FY 2019 averaged a length of stay of 17.1 months.

- Female violent offenders (parole eligible) released in FY 2019 averaged a LOS of 23.4 months, while female violent offenders with a determinate sentence (not parole eligible) had an ALOS of 10.1 months.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

22

TABLE 10
RELEASES FY 2009-2019

FY	Total	Discharge	Other	Parole
2009	2,635	1,562	87	986
2010	2,737	1,545	118	1,074
2011	2,807	1,527	89	1,191
2012	3,002	1,431	90	1,481
2013	2,993	1,310	43	1,640
2014	2,899	1,305	44	1,550
2015	2,684	1,337	12	1,335
2016	2,695	1,195	25	1,475
2017	2,765	1,280	26	1,459
2018	2,791	1,495	36	1,260
2019	2,708	1,607	30	1,071
Percent Change 2009-2019	2.8%	2.9%	-65.5%	8.6%
Average Percent Change 2009-2019	0.3%	0.6%	2.4%	1.6%
Percent Change 2018-2019	-3.0%	7.5%	-16.7%	-15.0%

Source: NDCS Counts.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

23

TABLE 11
MALE RELEASES FY 2019 WITH LENGTH OF STAY

ID Group	Number	Percent Male	Average Length of Stay (mos.)	Release Type			
				Discharge	Parole	To PRS	Other
Parole Eligible	**878**	**37.9%**	**39.4**	**19%**	**78%**	**0%**	**3%**
Homicide	24	1.0%	199.1	8%	92%	0%	0%
Sex/Morals	170	7.3%	66.7	28%	70%	0%	2%
Assault	145	6.3%	37.3	15%	81%	0%	4%
Robbery	59	2.5%	46.5	20%	78%	0%	2%
Other violent	5	0.2%	40.5	20%	80%	0%	0%
Drug Crimes	193	8.3%	18.2	15%	82%	0%	3%
Burglary	68	2.9%	29.4	15%	78%	0%	7%
Theft/fraud/forgery	62	2.7%	22.6	26%	66%	0%	8%
Other non-violent	13	0.6%	34.2	15%	77%	0%	8%
Weapon	80	3.4%	18.8	18%	80%	0%	2%
Motor Vehicle	59	2.5%	19.9	19%	76%	0%	5%
Mandatory Minimum	**112**	**4.8%**	**65.3**	**20%**	**77%**	**0%**	**3%**
Violent	44	1.9%	62.6	30%	66%	0%	4%
Weapon	31	1.3%	47.4	19%	77%	0%	4%
Parole Violator	22	0.9%	96.0	14%	86%	0%	0%
Other	15	0.6%	65.4	7%	93%	0%	0%
Determinate Sentence - Not Parole Eligible	**783**	**33.8%**	**8.3**	**9%**	**1%**	**90%**	**0%**
Violent	302	13.0%	9.4	12%	0%	88%	0%
Drug	192	8.3%	7.3	9%	0%	91%	0%
Non-violent	289	12.5%	7.9	9%	0%	91%	0%
Safekeeper	123	5.3%	3.7	10%	0%	0%	90%
Interstate Transfer	4	0.2%	96.3	25%	0%	0%	75%
90 Day Evaluator	10	0.4%	3.3	10%	0%	0%	90%
Parole Violator	295	12.7%	66.7	47%	52%	0%	1%
Return from PRS	37	1.6%	22.2	19%	3%	78%	0%
Flat Sentence 2 yrs. or less	34	1.5%	3.1	94%	0%	0%	6%
Flat Sentence Over 2 yrs.	38	1.6%	37.9	87%	5%	0%	8%
Lifer	5	0.2%	271.5	80%	0%	0%	20%
Total Male	**2,319**	**100.0%**	**31.3**	**21%**	**40%**	**30%**	**9%**

Source: NDCS data extract file.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

24

TABLE 12
FEMALE RELEASES FY 2019 WITH LENGTH OF STAY

ID Group	Number	Percent Female	Average Length of Stay (mos.)	Release Type			
				Discharge	Parole	To PRS	Other
Parole Eligible	**128**	**32.9%**	**19.2**	**16%**	**84%**	**0%**	**0%**
Violent	31	8.0%	23.4	19%	77%	0%	4%
Drug	46	11.8%	17.8	9%	91%	0%	0%
Burglary/Theft/Fraud/Forgery	38	9.8%	17.6	13%	87%	0%	0%
Other non-violent	13	3.3%	18.9	39%	61%	0%	0%
Mandatory Minimum	**11**	**2.8%**	**68.6**	**9%**	**91%**	**0%**	**0%**
Determinate Sentence - Not Parole Eligible	**168**	**43.2%**	**7.9**	**8%**	**0%**	**92%**	**0%**
Violent	33	8.5%	10.1	12%	0%	88%	0%
Drug	72	18.5%	7.5	8%	0%	92%	0%
Non-violent	63	16.2%	7.3	5%	0%	94%	1%
Safekeeper	33	8.5%	1.6	16%	0%	0%	84%
Interstate Transfer	2	0.5%	104.9	50%	0%	0%	50%
90 Day Evaluator	0	0.0%	-	-	-	-	-
Parole Violator	40	10.3%	44.7	40%	58%	0%	2%
Return from PRS	2	0.5%	22.1	0%	50%	50%	0%
Flat Sentence 2 yrs. or less	4	1.0%	0.8	100%	0%	0%	0%
Flat Sentence Over 2 yrs.	0	0.0%	-	-	-	-	-
Lifer	1	0.3%	0.2	0%	0%	0%	100%
Total Female	**389**	**100.0%**	**17.1**	**16%**	**36%**	**40%**	**8%**
Total Male and Female	**2,708**	**100.0%**	**29.3**	**20%**	**40%**	**34%**	**6%**

Source: NDCS data extract file.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

25

V.   KEY POPULATION PROJECTION ASSUMPTIONS

ASSUMPTIONS

The inmate population projections contained in this report were completed using the Wizard simulation model. This model simulates the movements of inmates through the prison system based on known and assumed policies affecting both the volume of admissions into the system and the lengths of stay for inmates who are housed in prison. It simulates the movements of individual cases, by offense group, and projects each separately. Inmates sentenced under different sentencing policies, move through the system differently. We have made the following key assumptions that have a significant impact on the base projection results.

A. The composition of future release rates to parole, and discharge is assumed to be the same as FY 2019 rates throughout the forecast horizon.

For the projections presented in this document, probabilities of parole release are assumed to be the same as those for FY 2019. In FY 2019, 40 percent of persons were released to parole from prison.

B. The sentence group composition of future annual new court commitments are assumed to be the same as the composition of admissions during FY 2019.

Projections in this report are based on admission and release data provided to JFA by the Nebraska Department of Correctional Services for FY 2019. Tables 7 and 8 include the sentencing profiles for newly committed inmates by offense and admission type. Future admissions are assumed to "look like" these admissions in terms of the proportion of admitting charges, sentences received, jail credits, and serving times to parole eligibility. New admissions are projected to grow by an annual average of 1.7 percent over the forecast horizon.

C. Revocation rates will remain constant over the ten year horizon period, although the number of offenders returned will slowly increase to match system wide expansion.

In FY 2019, 434 offenders were returned for post-prison supervision violations (either from a technical violation or resulting from a new crime on parole/PRS). In the forecast generated the revocation rates in 2019 were applied over the forecast horizon.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

26

Since the number of parole releases is projected to increase over the next ten years, the number of revocations returned is also expected to increase.

VI. PRISON POPULATION PROJECTIONS

This section contains the inmate population projections based on the assumptions set forth above.

Projected Inmate Population

Table 14 displays the historical and projected inmate population for the period 2009 to 2030. The table includes a set of projections using the assumptions discussed in the previous section.

Below, the projections will be discussed.

- In 2030, 6,765 male offenders are projected to be housed in the Nebraska Department of Correctional Services.

- At the end of FY 2019, the male inmate prison population was 5,109. This population is projected to increase to 5,308 inmates in 2020. The projected growth between 2020 and 2030 represents average annual increases of 2.5 percent.

- In 2030, 562 female offenders are projected to be housed in the Nebraska Department of Correctional Services. The projected growth between 2020 and 2030 represents average annual increases of 2.0 percent.

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

27

TABLE 14
HISTORICAL AND PROJECTED NDCS POPULATION
2009-2030

FY	Male Actual	Female Actual	Total Actual	*Male Projected*	*Female Projected*	*Total Projected*
2009	4,203	383	4,586			
2010	4,259	424	4,683			
2011	4,284	393	4,677			
2012	4,325	384	4,709			
2013	4,639	351	4,990			
2014	4,843	409	5,252			
2015	4,980	419	5,399			
2016	4,893	438	5,331			
2017	4,923	432	5,355			
2018	4,906	411	5,317			
2019	*5,109*	*431*	*5,540*			
2020				5,308	459	5,767
2021				5,401	470	5,871
2022				5,549	478	6,027
2023				5,704	491	6,195
2024				5,817	504	6,321
2025				5,925	520	6,445
2026				6,086	526	6,612
2027				6,238	531	6,769
2028				6,374	540	6,914
2029				6,610	557	7,167
2030				6,765	562	7,327
Average Percent Change (2009-2019)	2.0%	1.5%	1.9%			
Average Percent Change (2020-2030)				2.5%	2.0%	2.4%

The JFA Institute *Nebraska Department of Correctional Services* *January 2020*
Ten-Year Population Projections FY 2020-2030

28

APPENDIX
ADDITIONAL TABLES AND FIGURES

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

29

TABLE 15
PROJECTED TOTAL NDCS POPULATION BY MONTH 2020-2030

CY	January	February	March	April	May	June	July	August	September	October	November	December
Actual 2019	**5,551**	**5,596**	**5,601**	**5,687**	**5,703**	**5,724**						
2020	5,589	5,597	5,610	5,649	5,694	5,728	5,732	5,545	5,746	5,755	5,755	5,767
2021	5,748	5,759	5,791	5,805	5,830	5,837	5,851	5,850	5,872	5,879	5,882	5,871
2022	5,880	5,872	5,902	5,945	5,951	5,989	5,976	6,003	6,001	5,985	6,013	6,027
2023	6,017	6,025	6,064	6,104	6,104	6,158	6,141	6,178	6,189	6,218	6,211	6,195
2024	6,179	6,202	6,252	6,267	6,266	6,291	6,280	6,317	6,332	6,343	6,346	6,321
2025	6,311	6,333	6,393	6,409	6,424	6,438	6,408	6,410	6,418	6,429	6,430	6,445
2026	6,466	6,476	6,525	6,537	6,562	6,569	6,579	6,608	6,633	6,635	6,618	6,612
2027	6,623	6,647	6,691	6,713	6,735	6,748	6,734	6,757	6,756	6,755	6,785	6,769
2028	6,783	6,810	6,855	6,915	6,934	6,927	6,930	6,939	6,945	6,927	6,929	6,914
2029	6,916	6,915	6,973	7,050	7,090	7,130	7,137	7,155	7,166	7,164	7,150	7,167
2030	7,181	7,214	7,262	7,320	7,335	7,351	7,304	7,342	7,371	7,339	7,352	7,327

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

30

TABLE 16
PROJECTED TOTAL FEMALE NDCS POPULATION BY MONTH 2020-2030

CY	January	February	March	April	May	June	July	August	September	October	November	December
Actual 2019	432	435	438	450	445	449						
2020	434	437	436	444	451	448	446	452	455	457	457	459
2021	454	455	459	460	464	461	462	466	463	467	468	470
2022	472	474	470	468	465	471	468	473	476	478	477	478
2023	479	481	481	483	485	488	489	490	492	496	492	491
2024	501	504	508	509	506	508	507	503	504	505	504	504
2025	510	511	514	511	512	515	517	516	517	519	517	520
2026	520	522	521	517	522	518	519	521	523	524	525	526
2027	527	528	530	531	533	534	532	529	533	535	532	531
2028	532	538	533	535	536	535	532	533	535	539	538	540
2029	545	542	539	542	543	544	548	550	550	551	555	557
2030	557	558	553	561	557	558	559	562	563	563	561	562

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

31

TABLE 17
PROJECTED TOTAL MALE NDCS POPULATION BY MONTH 2020-2030

CY	January	February	March	April	May	June	July	August	September	October	November	December
Actual 2019	**5,119**	**5,161**	**5,163**	**5,237**	**5,258**	**5,275**						
2020	5,155	5,160	5,174	5,205	5,243	5,280	5,286	5,093	5,291	5,298	5,298	5,308
2021	5,294	5,304	5,332	5,345	5,366	5,376	5,389	5,384	5,409	5,412	5,414	5,401
2022	5,408	5,398	5,432	5,477	5,486	5,518	5,508	5,530	5,525	5,507	5,536	5,549
2023	5,538	5,544	5,583	5,621	5,619	5,670	5,652	5,688	5,697	5,722	5,719	5,704
2024	5,678	5,698	5,744	5,758	5,760	5,783	5,773	5,814	5,828	5,838	5,842	5,817
2025	5,801	5,822	5,879	5,898	5,912	5,923	5,891	5,894	5,901	5,910	5,913	5,925
2026	5,946	5,954	6,004	6,020	6,040	6,051	6,060	6,087	6,110	6,111	6,093	6,086
2027	6,096	6,119	6,161	6,182	6,202	6,214	6,202	6,228	6,223	6,220	6,253	6,238
2028	6,251	6,272	6,322	6,380	6,398	6,392	6,398	6,406	6,410	6,388	6,391	6,374
2029	6,371	6,373	6,434	6,508	6,547	6,586	6,589	6,605	6,616	6,613	6,595	6,610
2030	6,624	6,656	6,709	6,759	6,778	6,793	6,745	6,780	6,808	6,776	6,791	6,765

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
Ten-Year Population Projections FY 2020-2030

32

Figure 1: Historical Nebraska Resident Population & Reported Crime 2010-2018
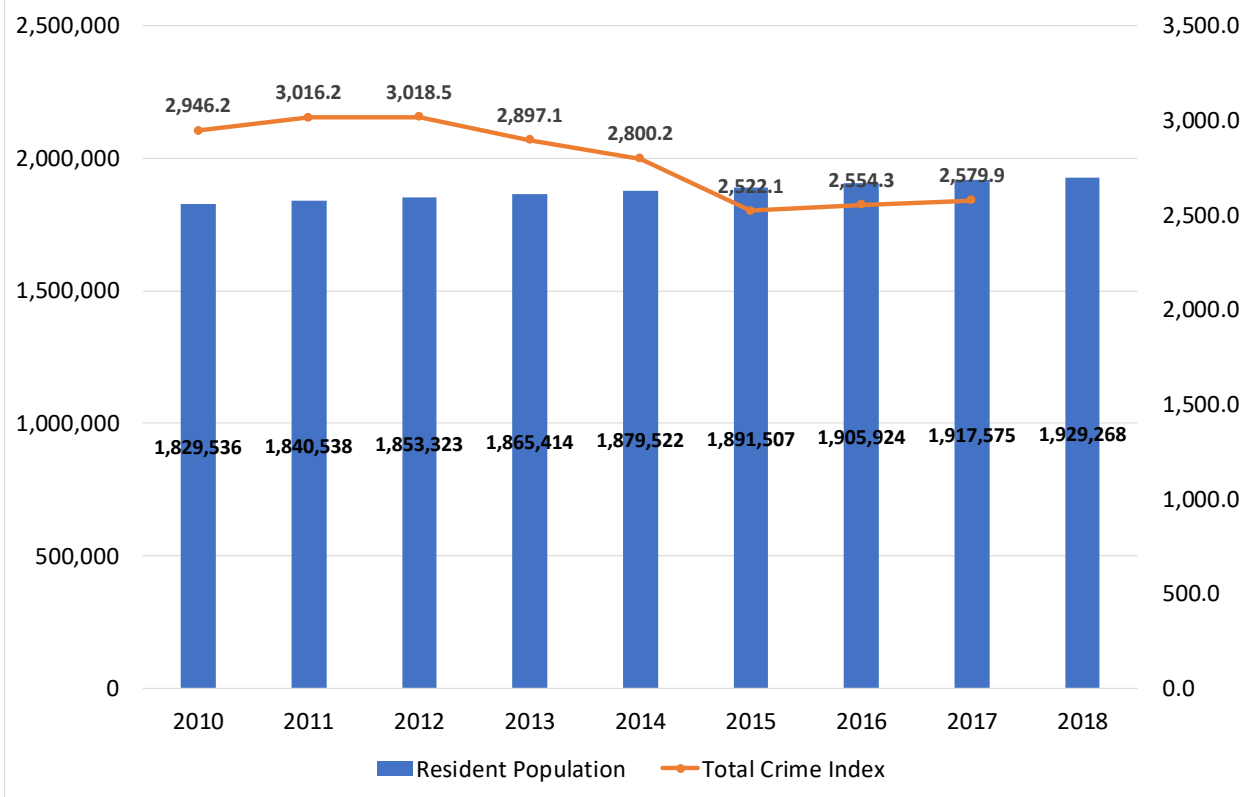
Figure 2: Historical NDCS Admission FY 2009-2019

Year	Female	Male	Total
2009	362	2,402	2,764
2010	370	2,516	2,886
2011	395	2,575	2,970
2012	416	2,816	3,232
2013	393	2,929	3,322
2014	439	2,808	3,247
2015	428	2,461	2,889
2016	411	2,244	2,655
2017	408	2,391	2,799
2018	382	2,402	2,784
2019	419	2,488	2,907

Average Percent Change

Females	Males	Total
+1.7%	+0.6%	+0.7%

The JFA Institute   *Nebraska Department of Correctional Services*   *January 2020*
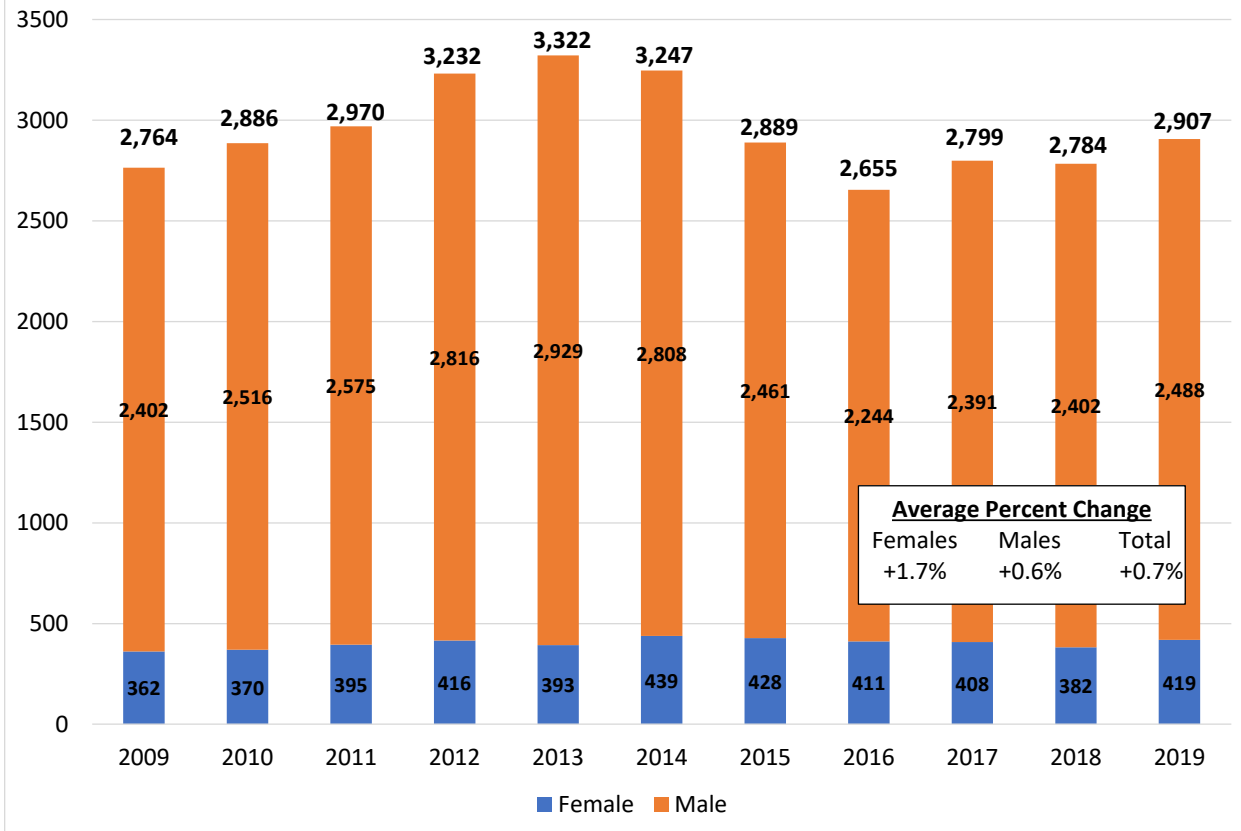*Ten-Year Population Projections FY 2020-2030*

34

Figure 3: Historical NDCS End of FY Population 2009-2019

Average Percent Change

Females	Males	Total
+1.5%	+2.0%	+1.9%

The JFA Institute   Nebraska Department of Correctional Services   January 2020
Ten-Year Population Projections FY 2020-2030

35