

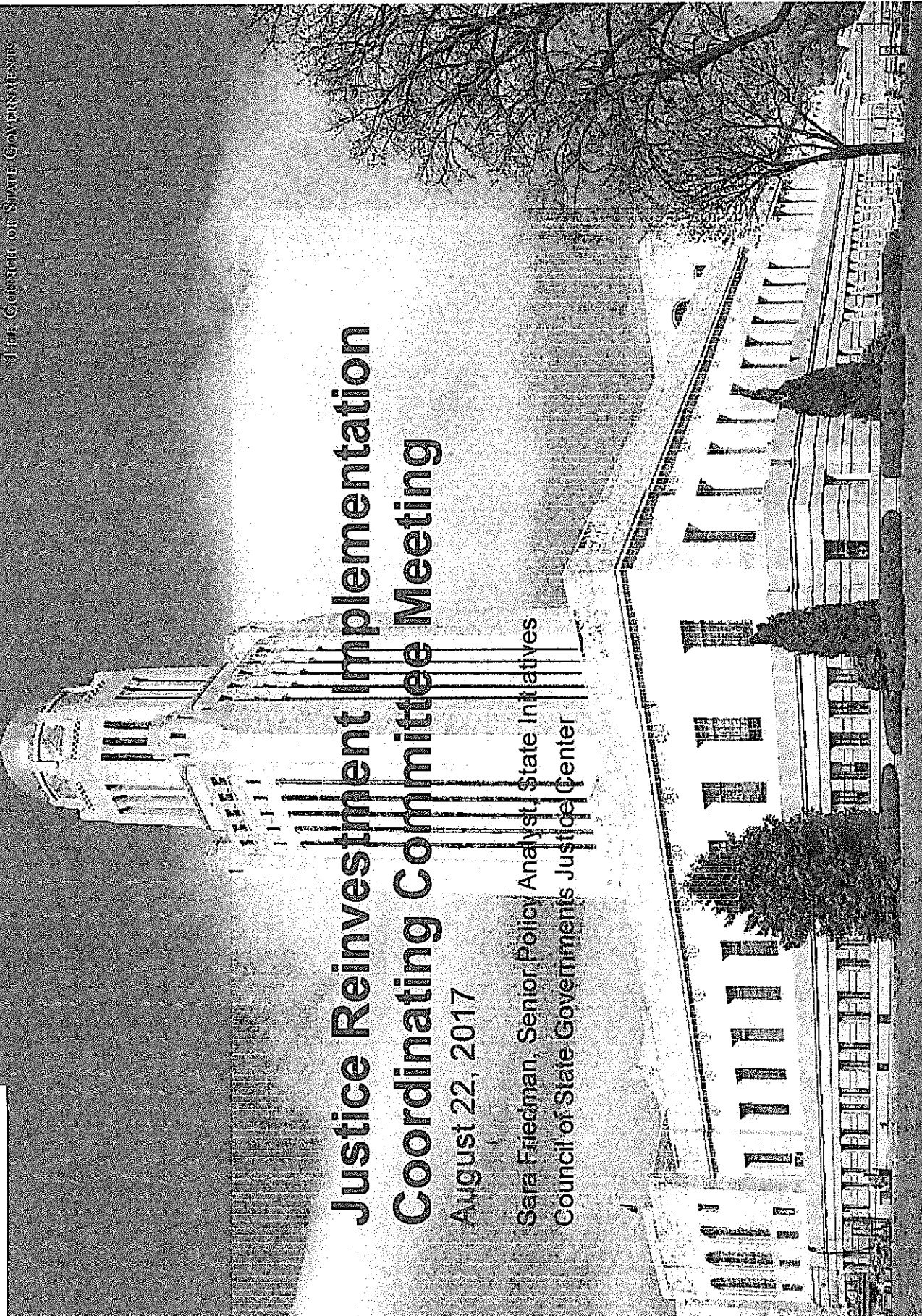
## Exhibit C

**JUSTICE★CENTER**  
THE COUNCIL OF STATE GOVERNMENTS

# Justice Reinvestment Implementation Coordinating Committee Meeting

August 22, 2017

Sarah Friedman, Senior Policy Analyst, State Initiatives  
Council of State Governments Justice Center



# Overview

01 System Overview

02 Implementation Analysis

03 Key Takeaways and Recommendations



# Summary of implementation progress



**NDCS, AOP, the Board of Parole, and AOC undertook numerous projects aimed at ultimately reducing the prison population, including:**

- Increasing the use of evidence-based practices
- Collaborating system-wide
- Streamlining processes to align with best practices

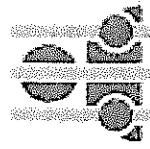


**Public safety measures are trending in the right direction:**

- Fewer people are leaving prison unsupervised.
- NDCS, AOP, and Parole continue to provide training for staff that strengthens evidence-based practices.

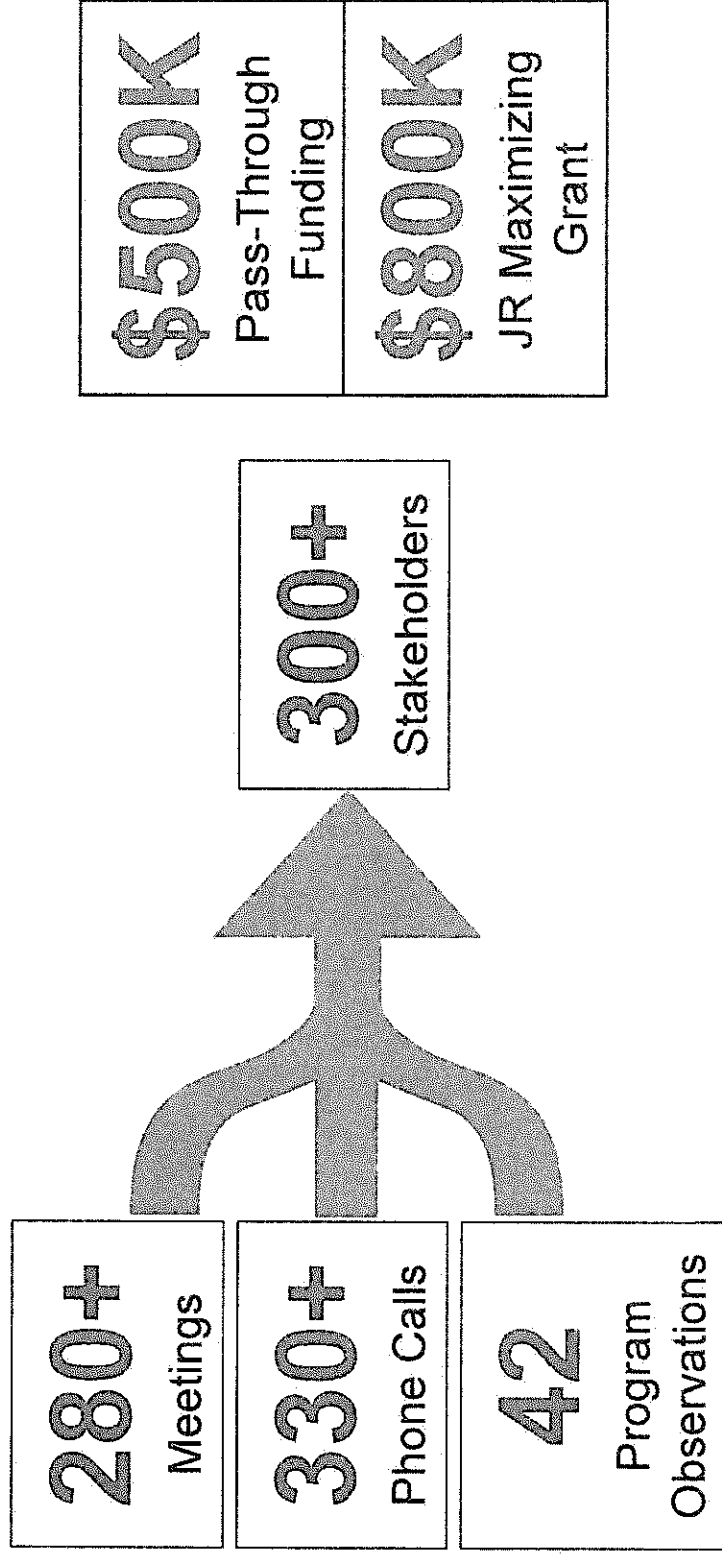


**Most importantly, Nebraska's prison population has stopped increasing and is trending downward.**



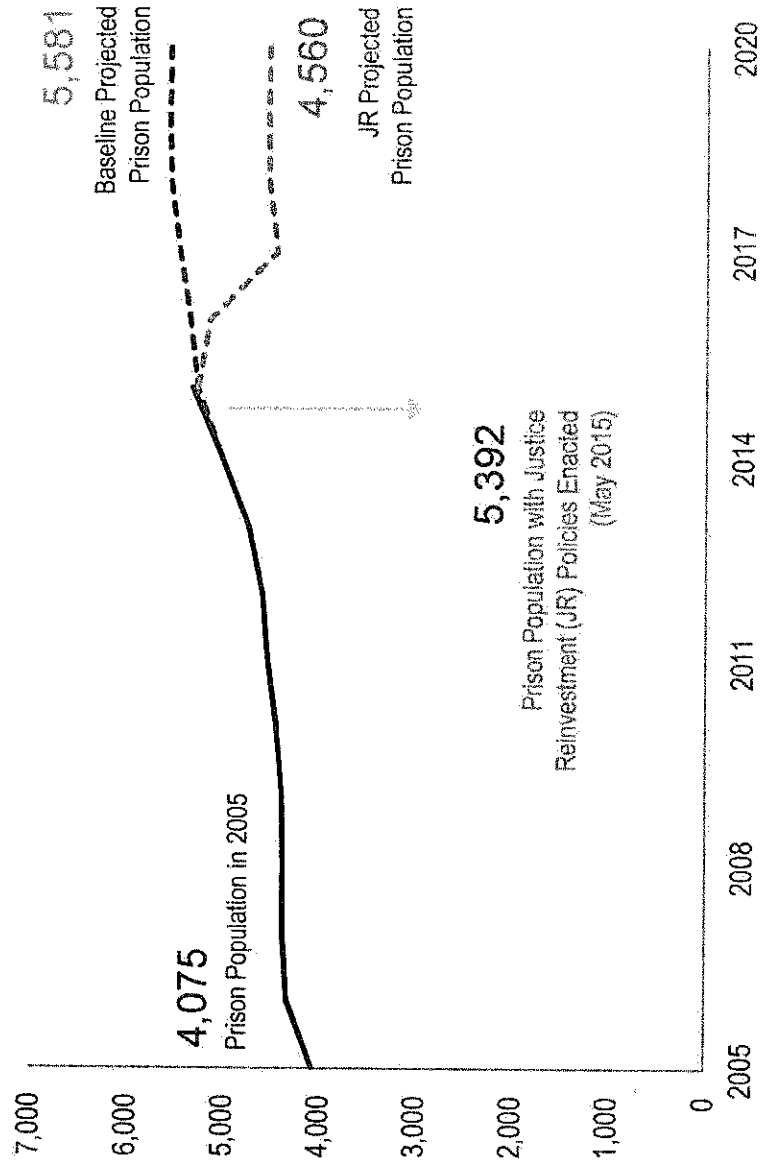
**However, the state has not met its projections and continues to experience ramifications of a severely overcrowded prison system.**

Summary of CSG Justice Center technical assistance since May 2015 when LB 605 was enacted



# At time of enactment, justice reinvestment was projected to reduce the prison population by 1,021 by FY2020

## PROJECTED OUTCOMES



**\$302M**  
 averted construction and operations costs by FY2020

**1,021**  
 fewer people in prison than the projected FY2020 population

**300**  
 more people supervised on release each year

**\$33M**  
 recommended reinvestment in strategies to reduce recidivism (FY2016–FY2021)

Source: Baseline projections were provided by the Nebraska Department of Correctional Services and represent fiscal year estimates. The actual population figures include state-sentenced inmates housed in county jails.

# Nebraska's prison population has decreased by 142 thus far

**PROJECTED OUTCOMES**

**\$302M**

Averted construction and operations costs by FY2020

**1,021**

Fewer people in prison than the projected FY2020 population

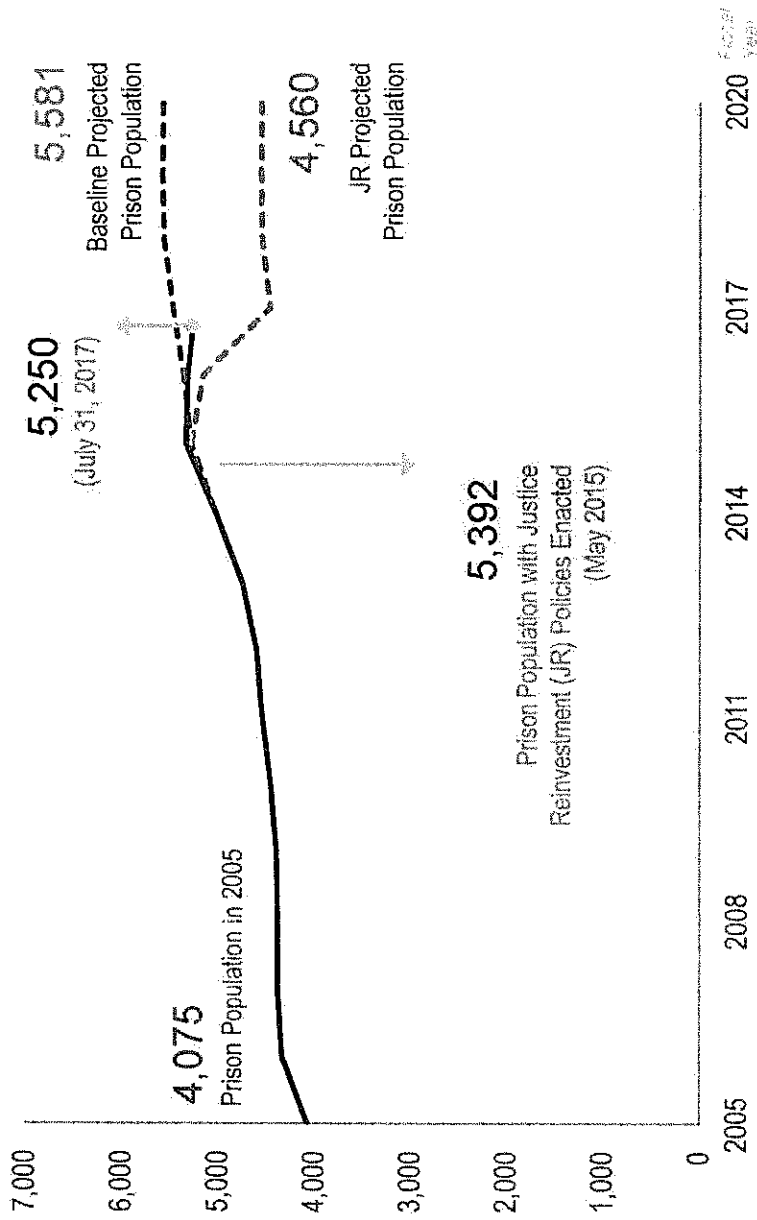
**REALIZED OUTCOMES**

**\$14.7M**

upfront reinvestments in FY2016 and FY2017

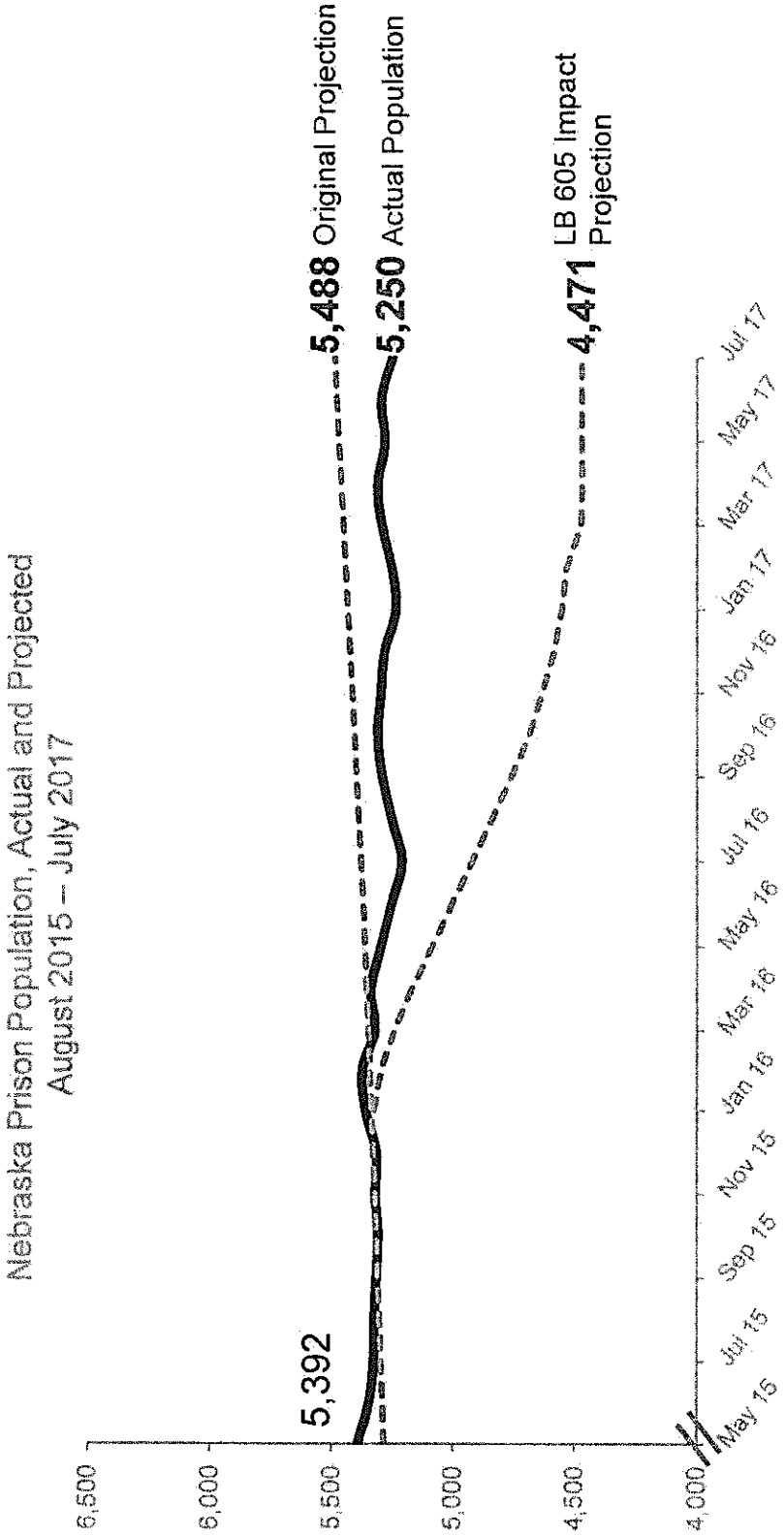
**1,000+**

more people supervised on release each year



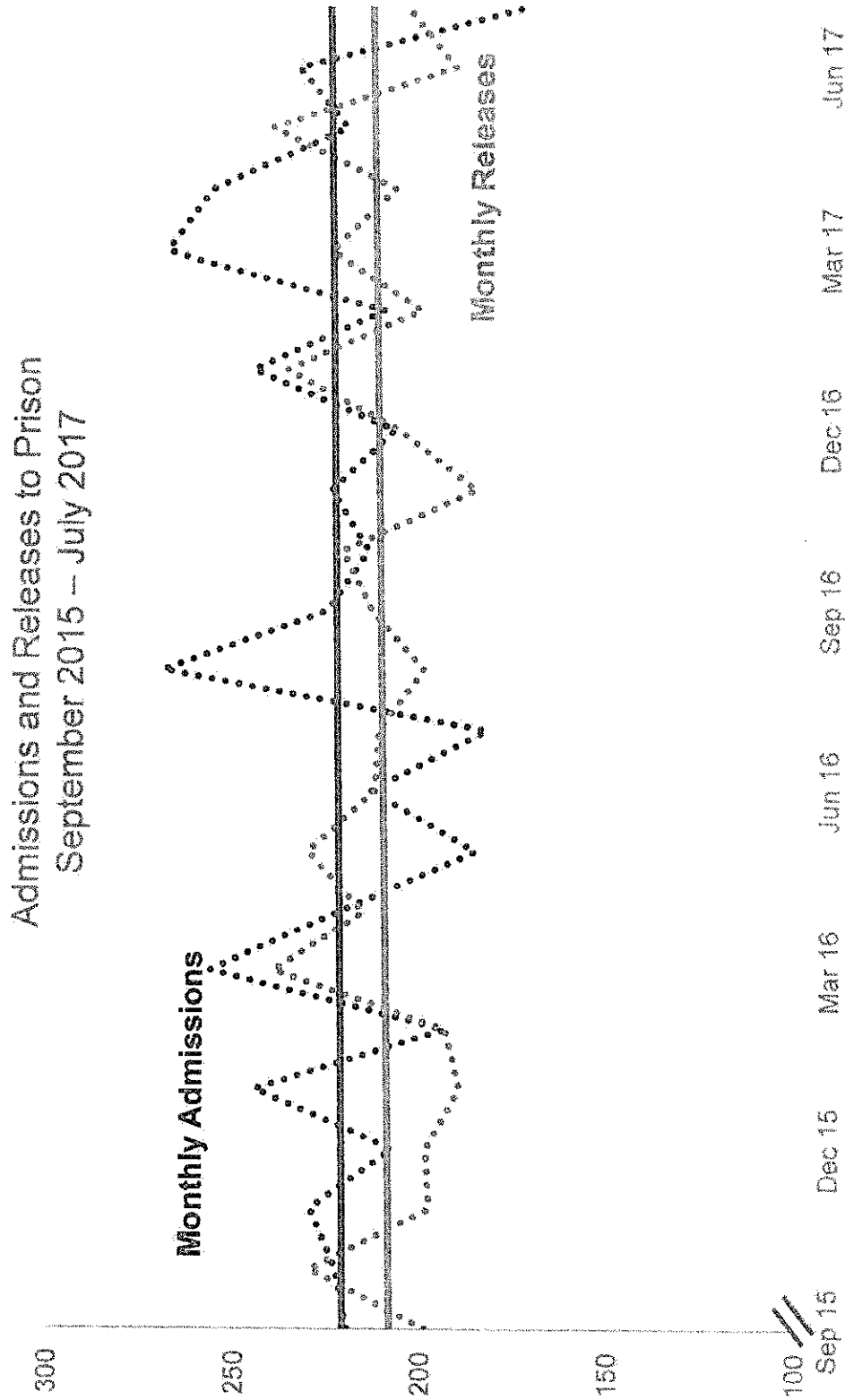
Source: Baseline projections were provided by the Nebraska Department of Correctional Services and represent fiscal year estimates. The actual population figures include inmates in NDCS facilities and state-sentenced inmates housed in county jails.

To zoom in on the trend, the prison population has fluctuated since LB 605 was enacted, but remains below the baseline projection



Source: NDCS Population from monthly Director's Report, last day of month

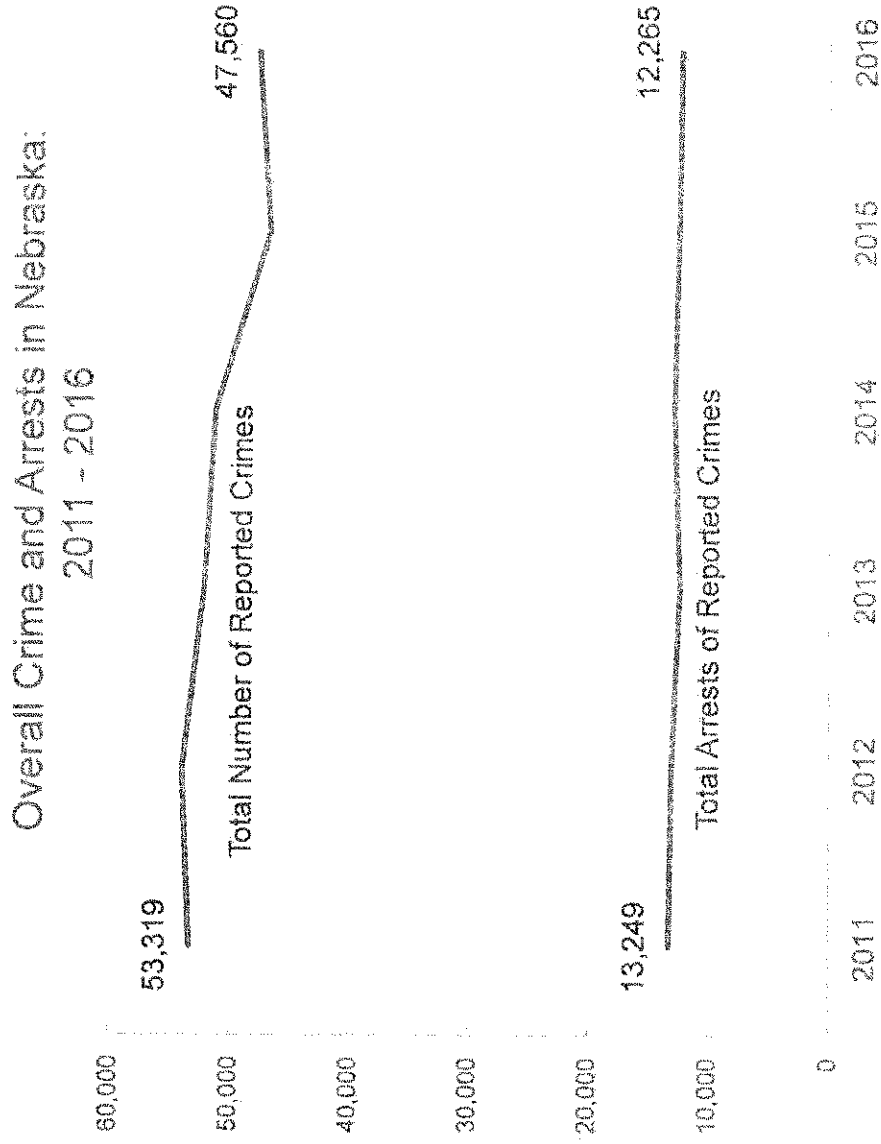
Both NDCS admissions and releases are flat, although LB 605 should have led to decreased admissions and increased releases



Source: NDCS Monthly Tracking spreadsheet 8.8.2017

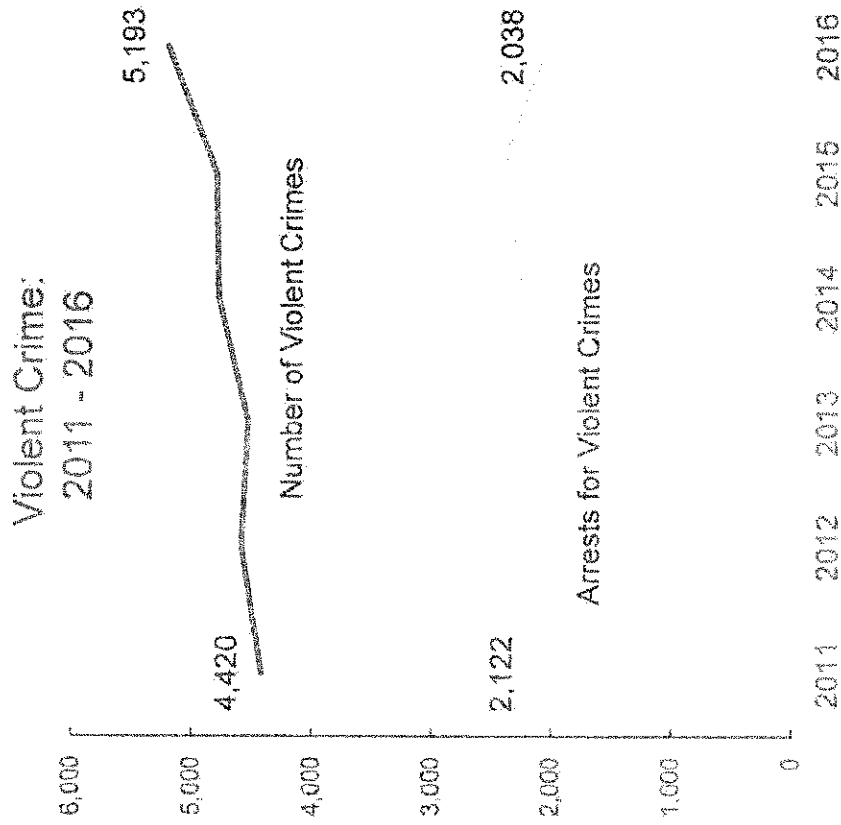


# Total reported crimes and arrests have fallen since 2011



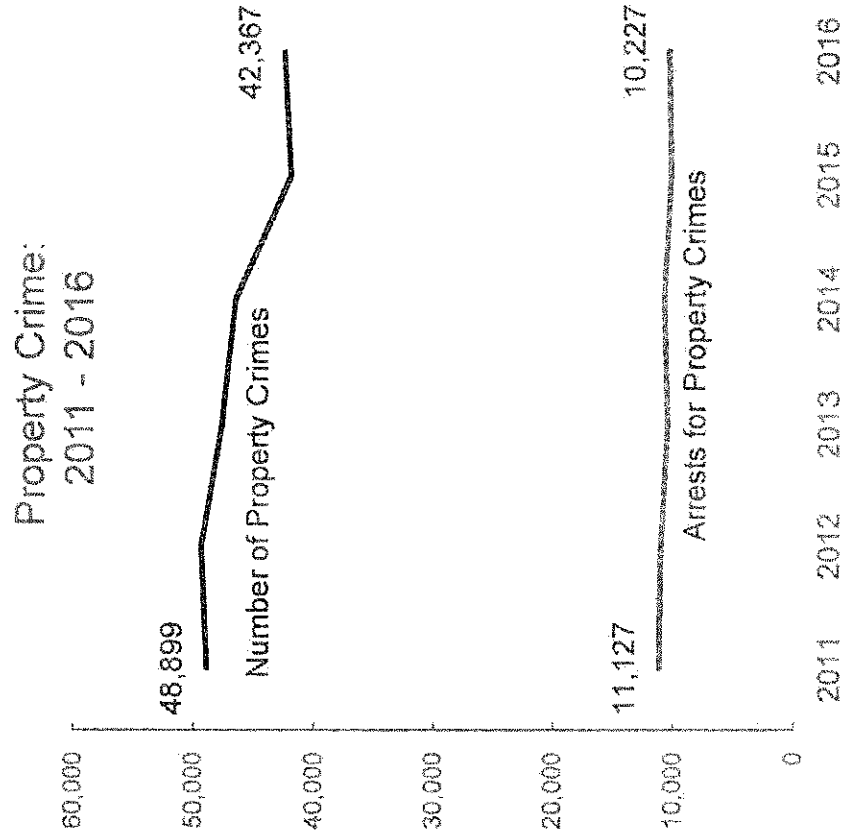
Source: Nebraska Crime Commission's Crime in Nebraska series, 2012, 2014, and 2016

Overall trends are declining, but the violent crime rate increased 13% over this six year period



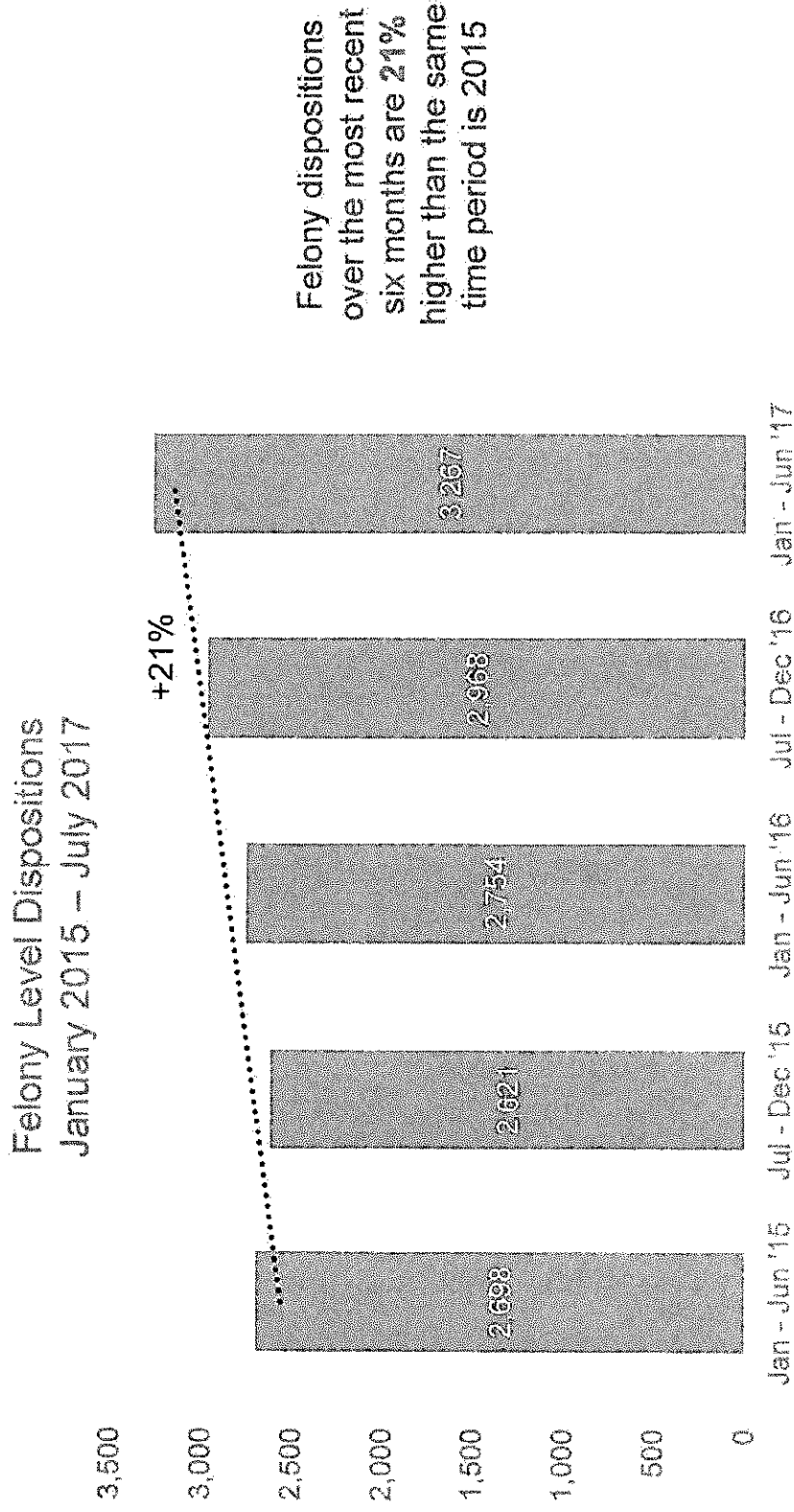
Majority of increase in violent crimes is attributable to aggravated assaults (up 26% compared to 2011)

Source: Nebraska Crime Commission's Crime in Nebraska series, 2012, 2014, and 2016



Majority of decrease in property crimes is attributable to declines in burglary (-24%) and larceny/theft (-14%)

# There has been a larger than expected increase in the total number of felony cases in the court system



Source: Nebraska Crime Commission report, "Sentencing\_JUSTICE\_Data\_csg\_08182017.pdf"

# Sentencing data for felony convictions shows a decrease in prison dispositions and an increase in dispositions to jail and probation

Felony Level Dispositions to Prison, Jail, or Probation  
January 2015 – July 2017



Source: Nebraska Crime Commission report, "Sentencing\_JUSTICE\_Data\_csg\_08182017.pdf"

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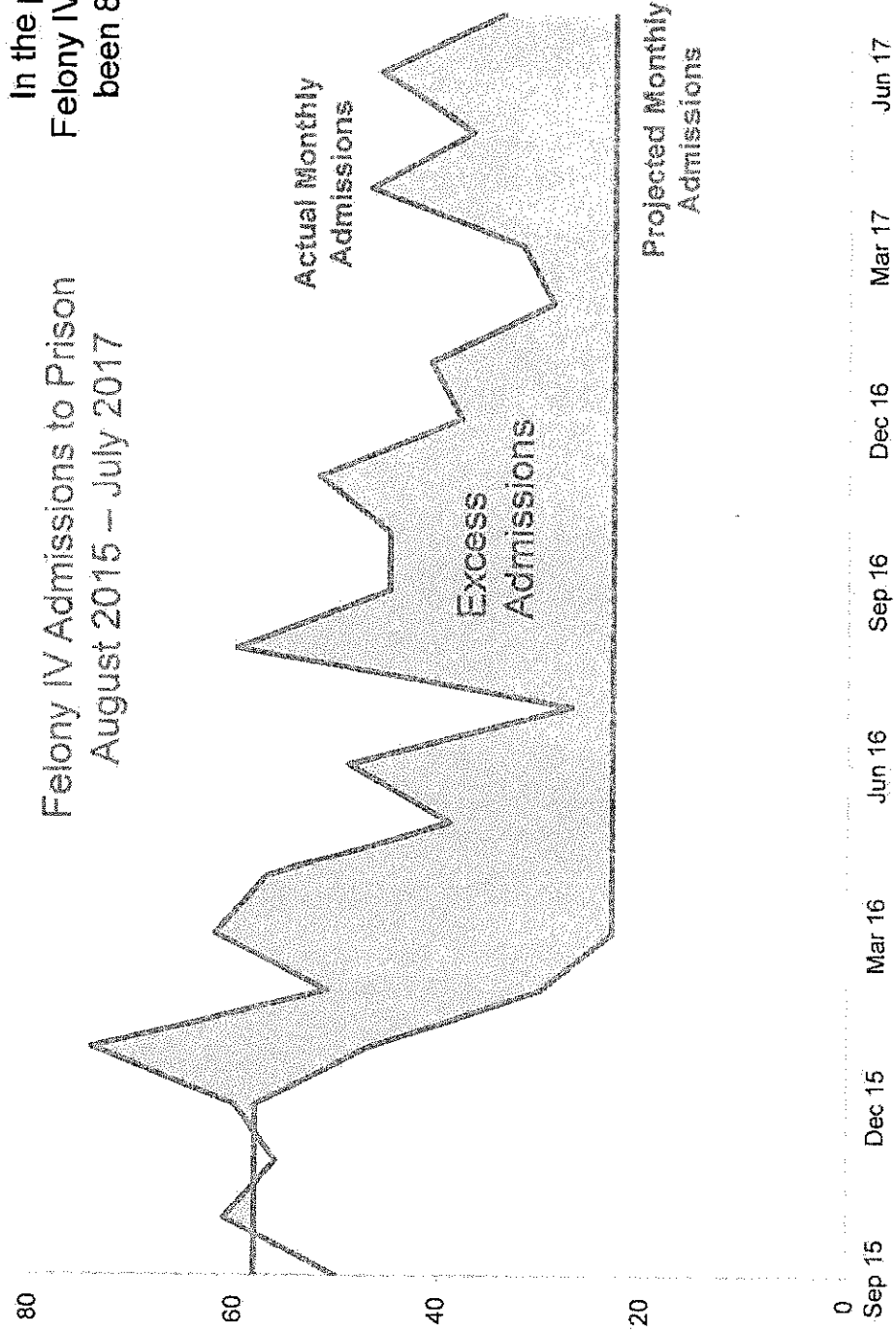
## CSG projected the impact of seven main policies on Nebraska's prison population

- 1 **Divert nonviolent, low-level offenses (felony IV) to probation rather than prison or jail**
- 2 **Increase thresholds for property offenses to account for inflation**
- 3 **Adopt parole guidelines to ensure that parole-eligible Class I, II, and IIA felons receive at least 9 months of supervision on parole**
- 4 **Use graduated sanctions (including short periods of incarceration) in response to non-compliance on parole to reduce revocations to prison**
- 5 **Respond to major probation violations with short periods of incarceration followed by supervision in lieu of revocation**
- 6 **Require that misdemeanor sentences to incarceration be served in jail rather than prison**
- 7 **Provide periods of incarceration followed by post-release supervision for people convicted of Class III, IIIA, and IV felonies**

Policies 1 & 2 account for 48% of the 5-year projected prison bed impacts, but admissions to prison have not declined as anticipated

In the past 12 months, Felony IV admissions have been 83% higher than projected

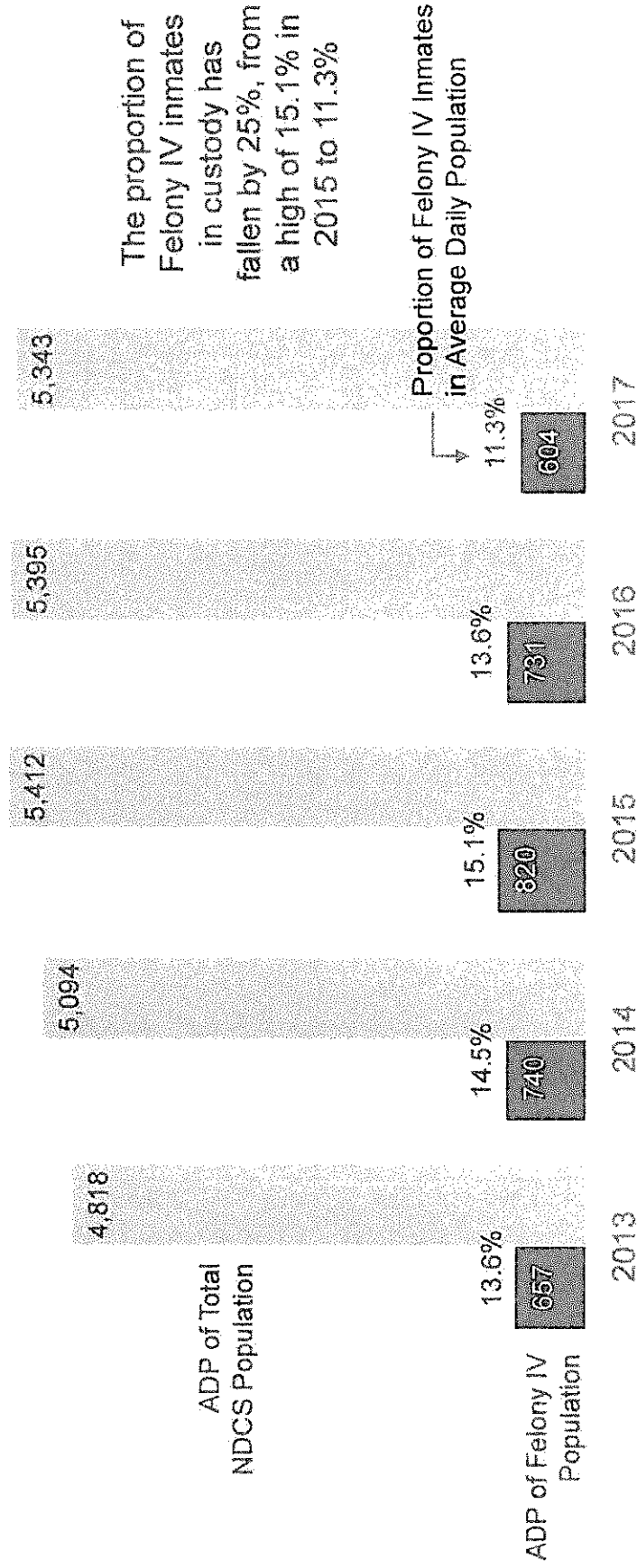
Felony IV Admissions to Prison August 2015 – July 2017



Source: NDCS Monthly Tracking spreadsheet 8.8.2017

# 1 & 2: Felony IV's are making up less of the prison population under the sentencing changes

Average Daily Populations 2013 - 2017:  
Total and Felony IV Populations

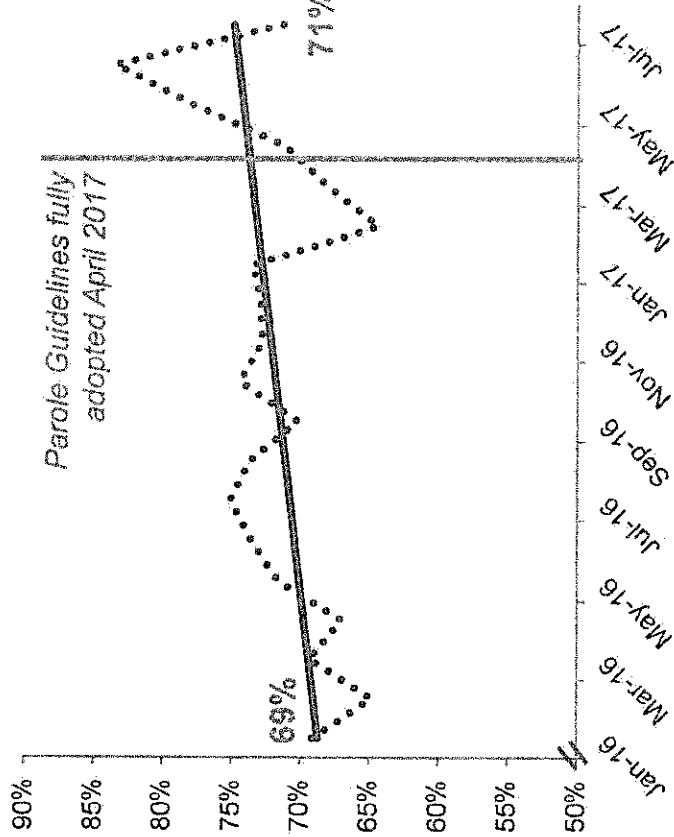


Source: NDCS email from Abby Carbaugh, 8.16.2017

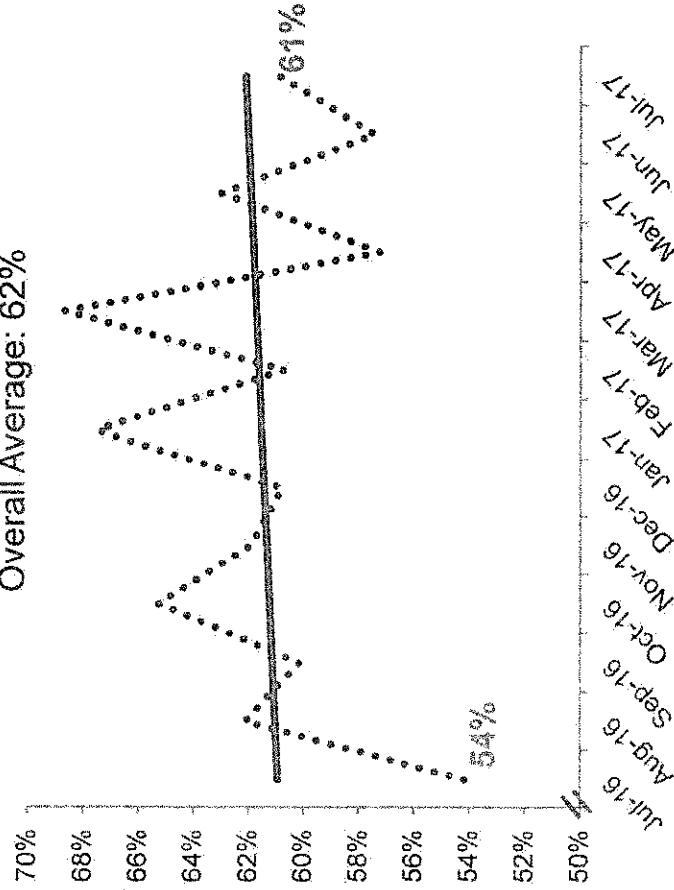


### 3: The parole grant rate grew as the Board worked to release people with at least 9 months of supervision

Parole Grant Rate by Month:  
January 2016 – July 2017

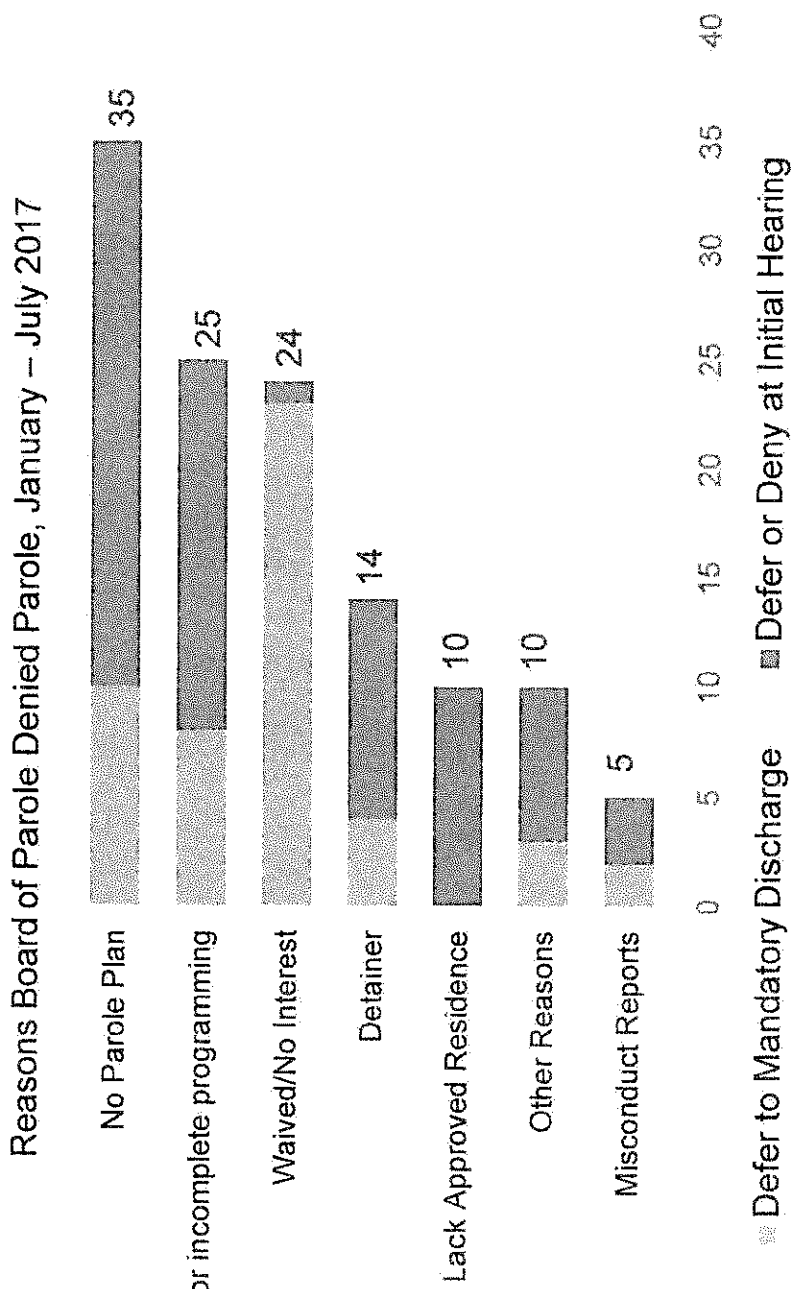


Percentage of People Paroled with  
at least 9 Months of Supervision  
Overall Average: 62%



Source: Board of Parole, July 2017

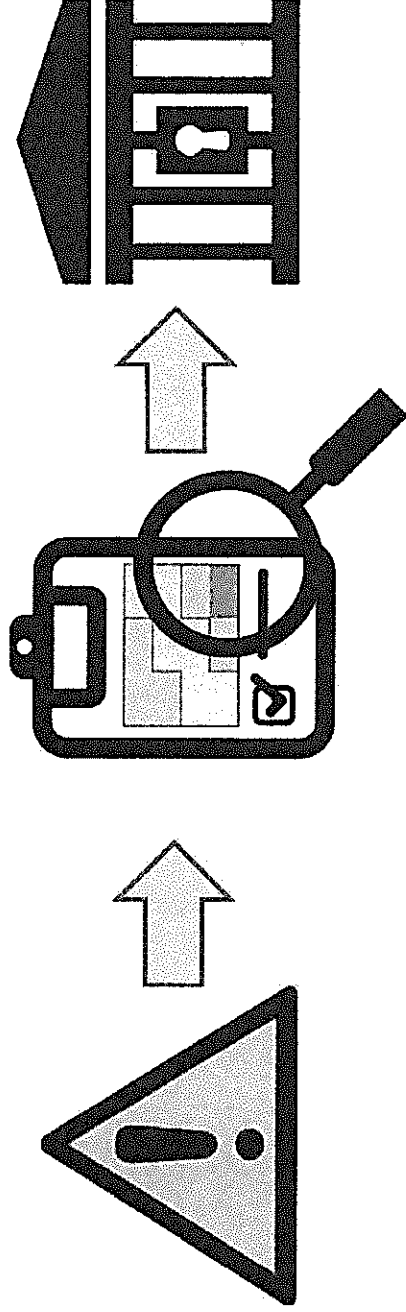
3: Although the Parole Board has made improvements, many people are denied parole for reasons that could be addressed



Source: Board of Parole, January 2017 - July 2017 (Reasons for denying or deferring parole)

#### 4: Parole officers began using the new supervision matrix on July 1, 2017

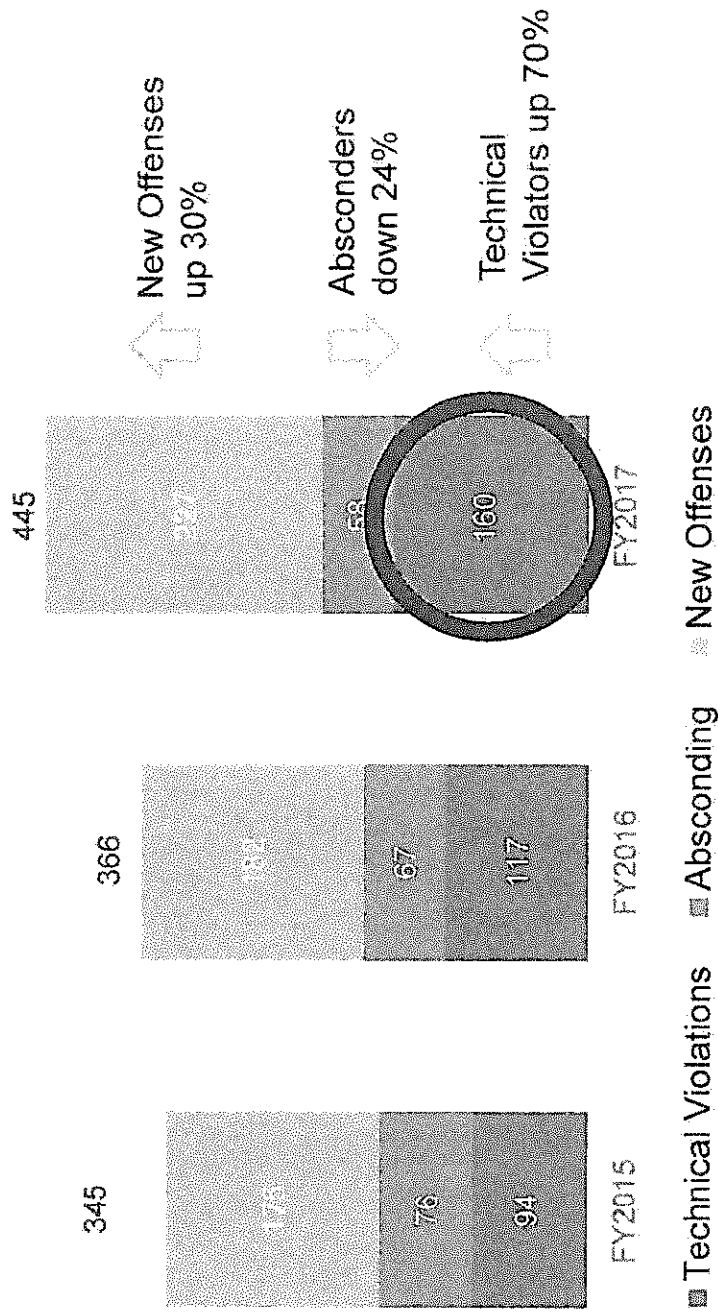
- Gives officers guidance on how to sanction parole violations or incentivize good behavior
- Uses short periods of incarceration followed by resumed supervision (custodial sanctions)
- Aims to reduce the number of people on parole who revoked back to prison on technical violations
- Projected to reduce the prison population by 126 beds over 5 years
- Originally projected to start having an impact in February 2016



# 4: Parole revocations overall have increased 29% from FY 2015, largely due to technical violations and new offenses

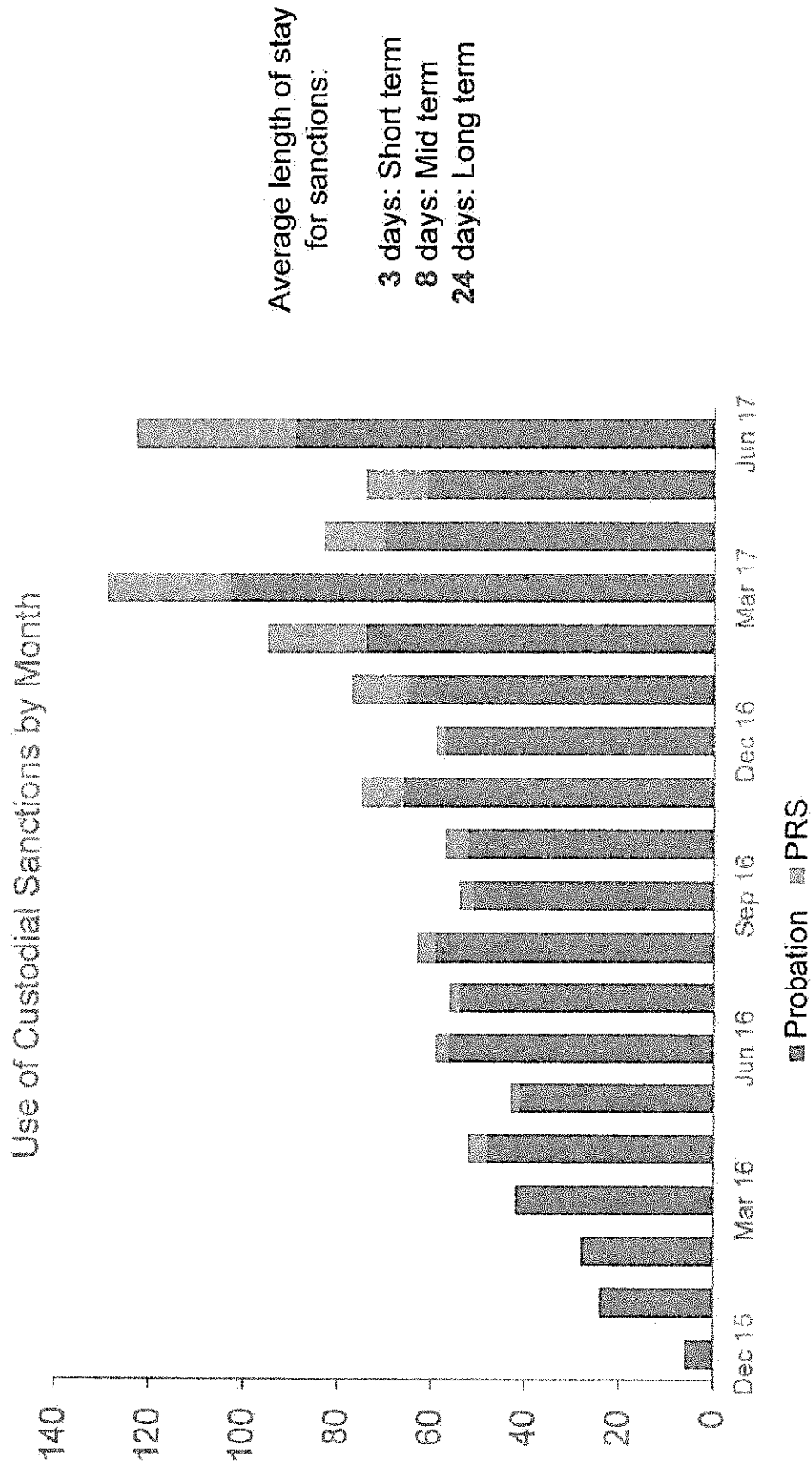
Technical violations represent on average 1/3 of all parole revocations annually

Parole Revocations by Reason:  
FY 2015 – FY 2017



Source: Parole email from Jennifer Miller, 8.21.17

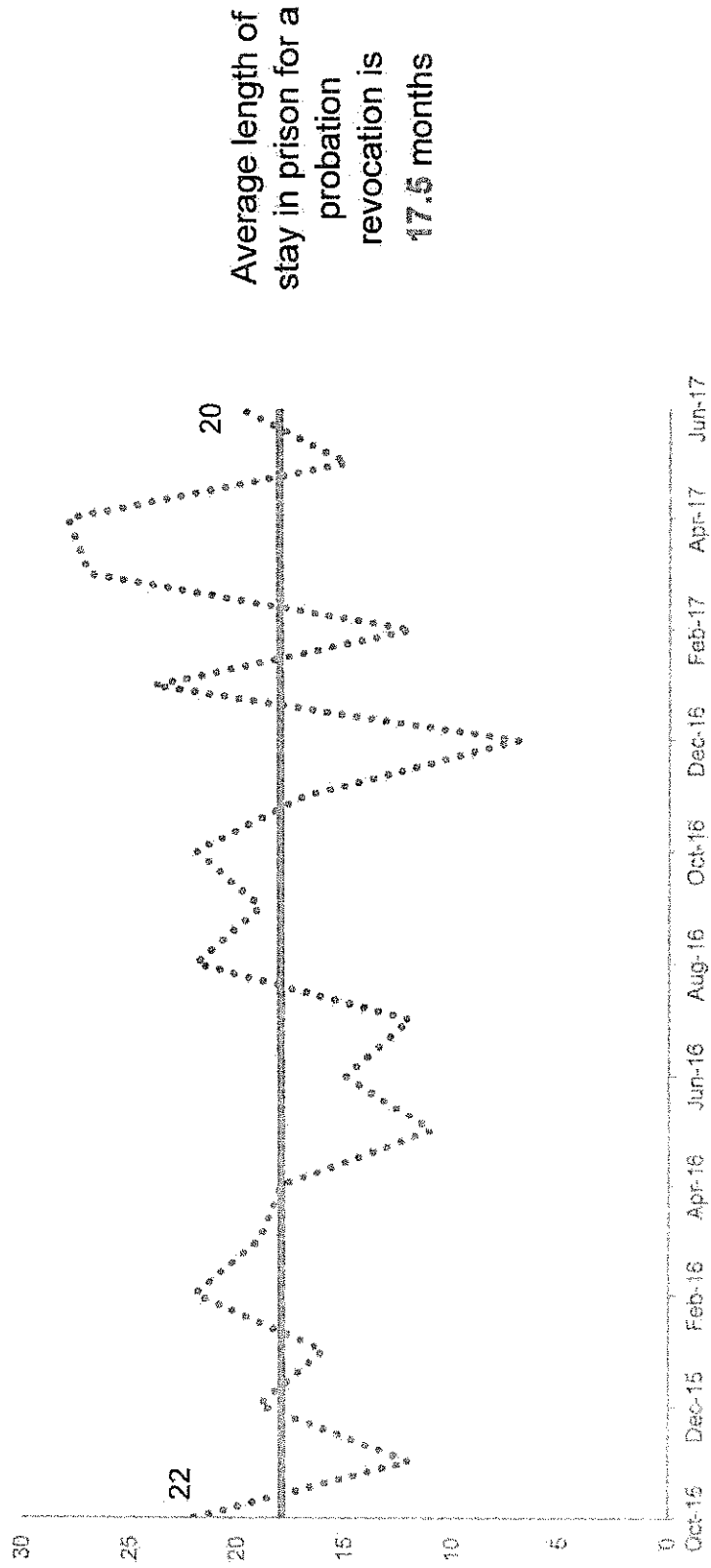
5: Probation is using custodial sanctions widely, a policy that accounts for 12% of projected impacts



Source: AOP's "Phase 2 data tracking version 2" spreadsheet

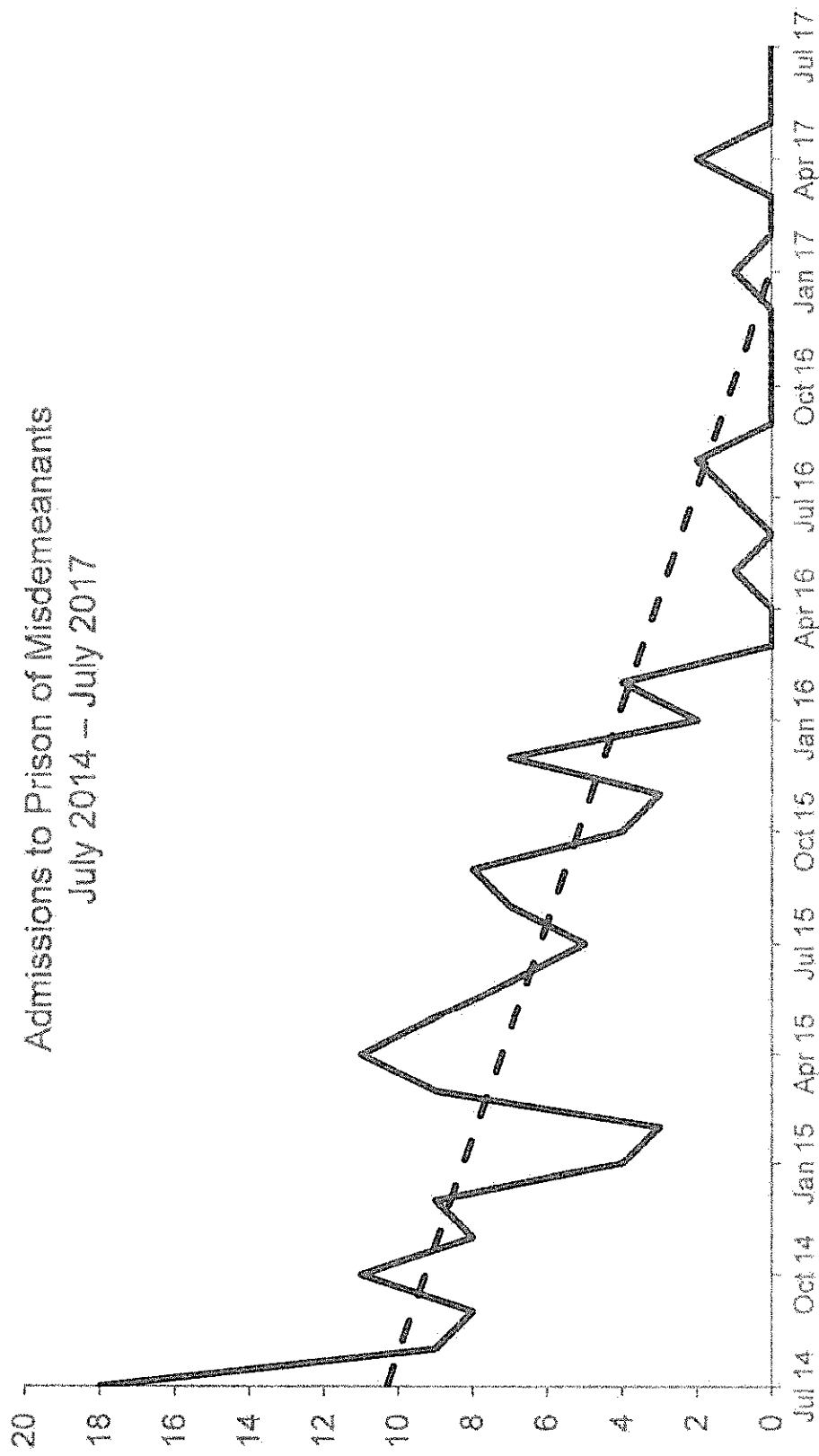
# 5: Felony probation revocations back to prison are flat

Probation and PRS Revocations to DCS



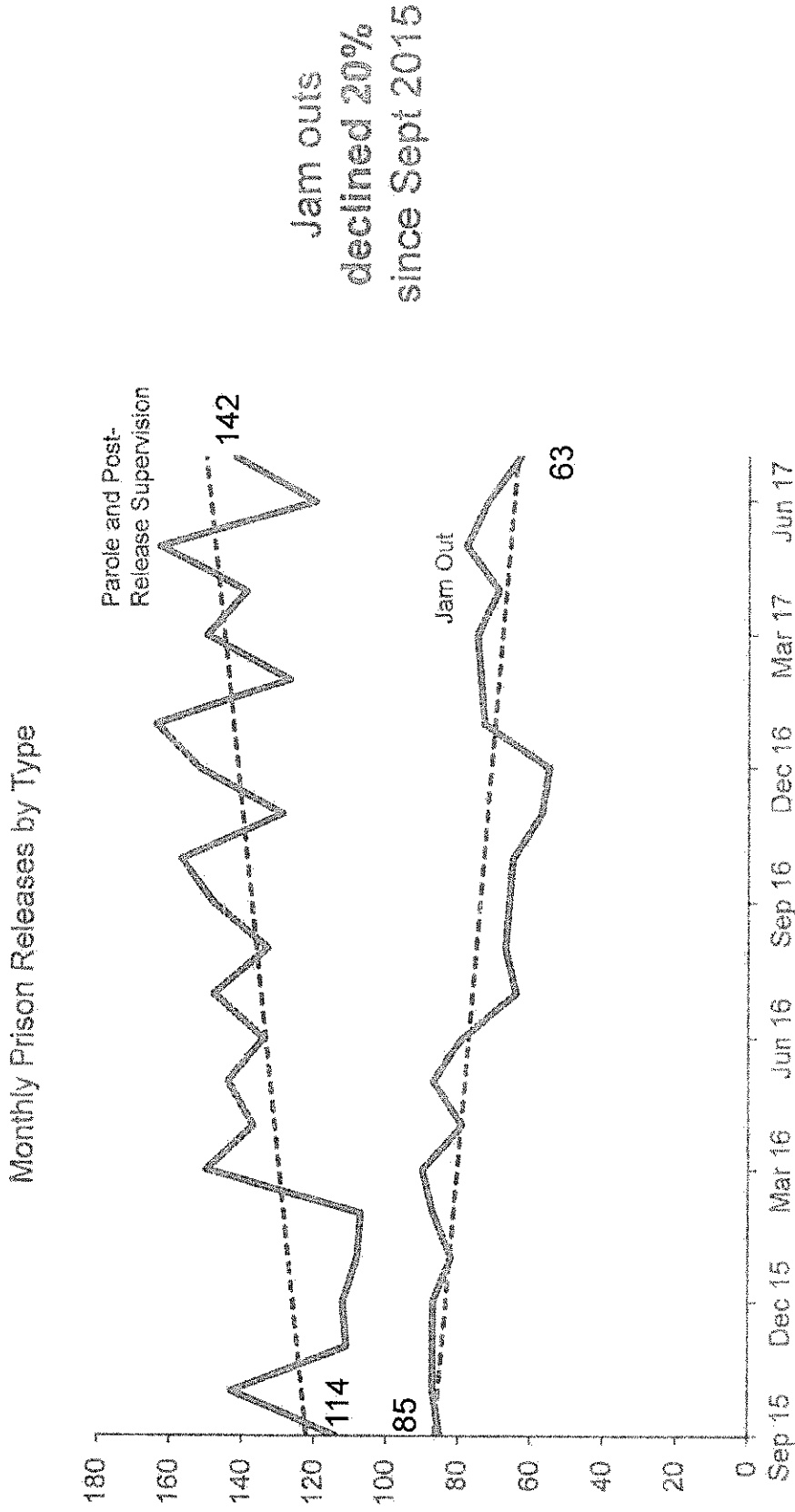
Source: AOP's "Phase 2 data tracking version 2" spreadsheet; Average length of stay from Phase 1 data analysis by the CSG Justice Center

## 6: Misdemeanant admissions to prison decreased from 106 in FY 2015 to 41 in FY 2016 to just six in FY 2017



Source: NDCS Monthly Tracking spreadsheet 8.8.2017

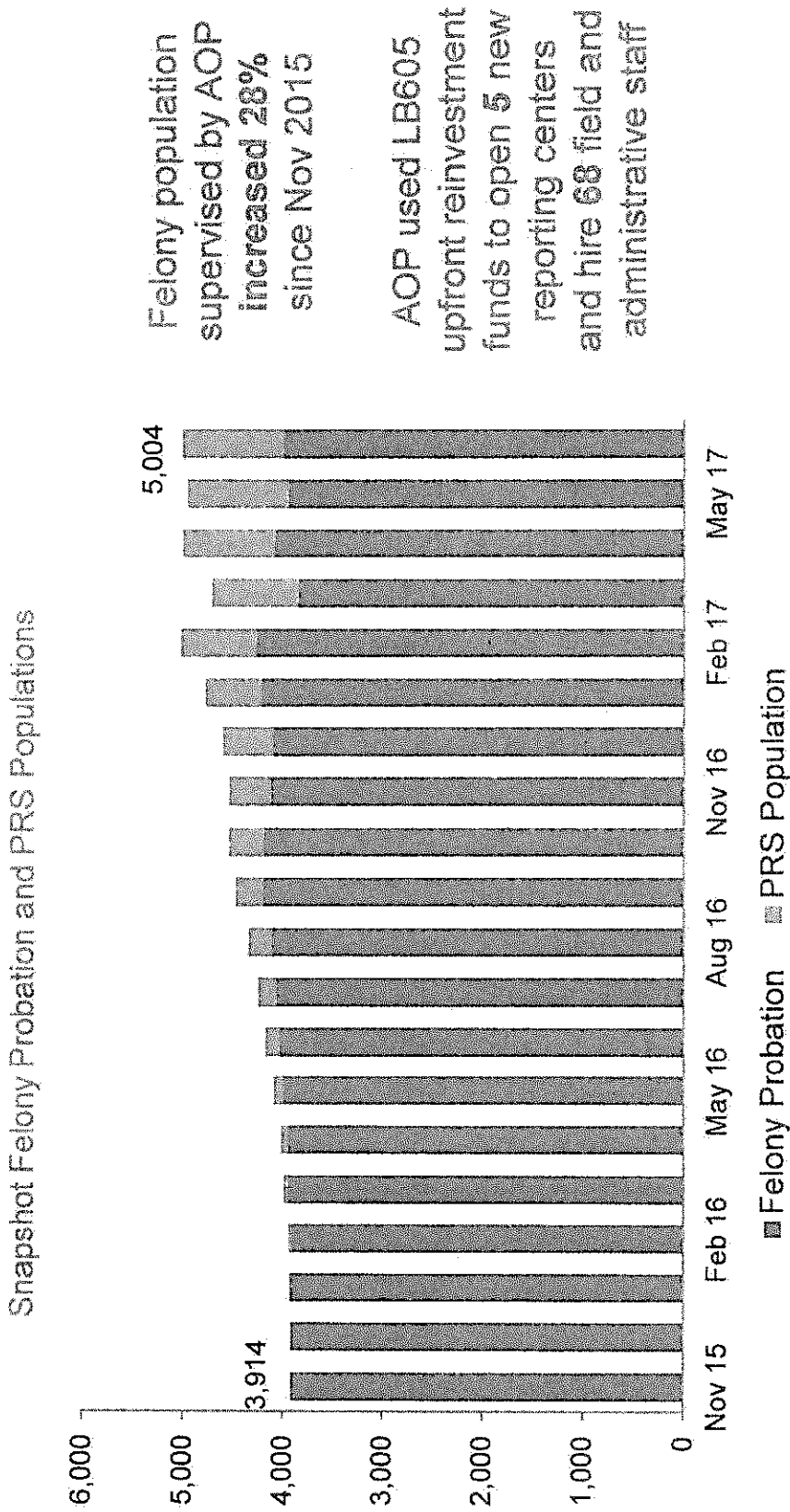
7: Jam outs are decreasing as an increasing proportion of people are being released from prison on supervision



Source: NDCS Monthly Tracking spreadsheet 8.8.2017



## 7: The total felony population supervised by AOP grew by 1,090 between November 2015 and June 2017



Source: AOP's "Phase 2 data tracking version 2" spreadsheet

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## Implementation leaders have taken steps toward JR sustainability

- **A justice reinvestment data analyst position has been created at the Nebraska Crime Commission, funded by NDCS, at the request of the justice reinvestment steering committee who will be responsible for analyzing and reporting on criminal justice data**
- **The steering committee has committed to continue to meet and collaborate - Crime Commission Director Darrell Fisher and HHS Behavioral Health Director Sheri Dawson will join meetings moving forward to add additional perspective to the committee's work**
- **Seamless System of Services meetings are held on a regular basis and allow for agency leaders and staff to work in partnership across branches of government**
- **The legislative Committee on Justice Reinvestment Oversight continues to meet**

## More can be done to sustain LB 605 policies



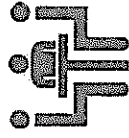
Sustain funding for probation and parole



Develop opportunities to strengthen evidence-based practices and quality assurance for risk assessment and programming



Put protections in place to ensure accuracy of agency data reports

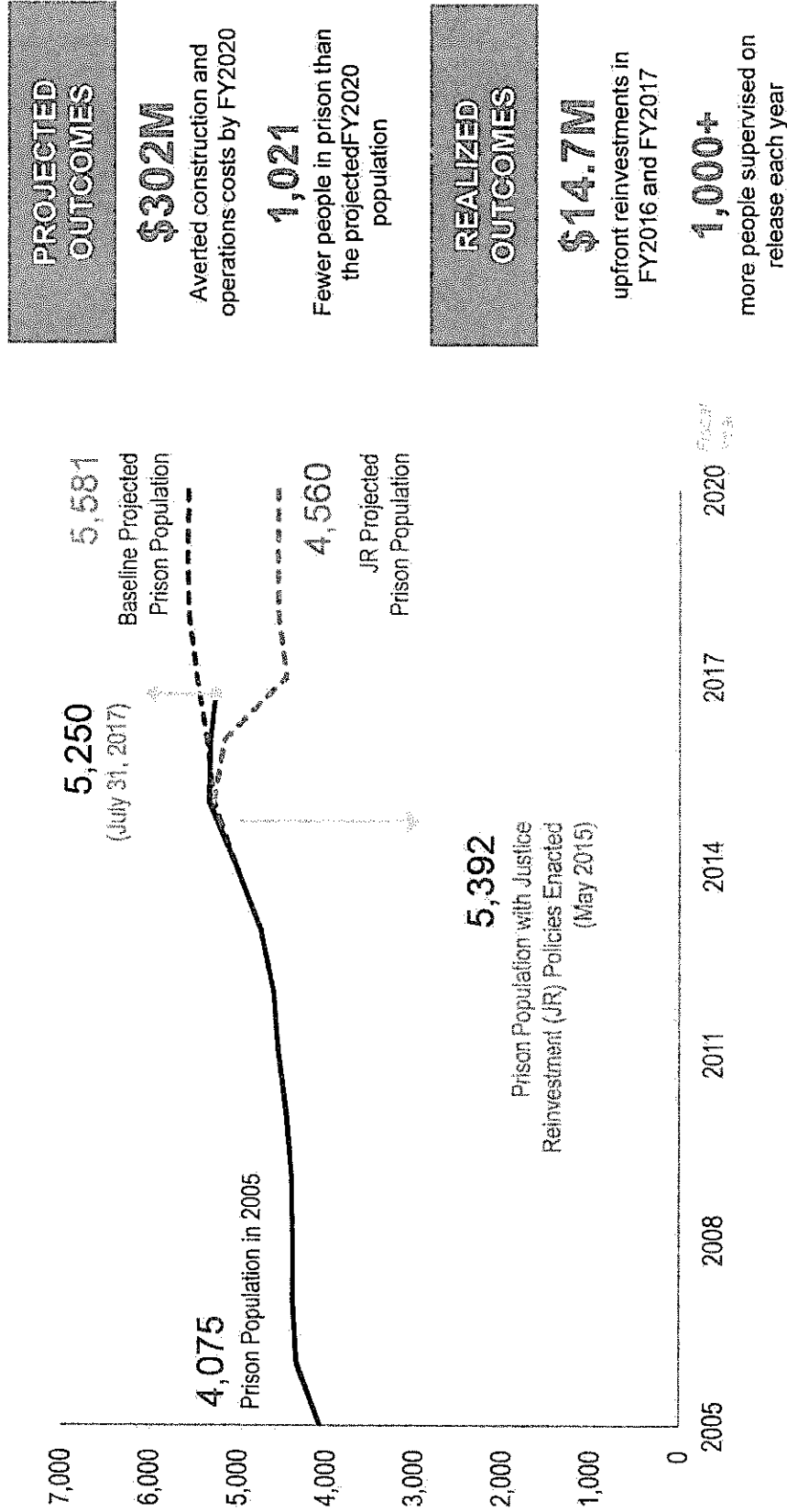


State leaders, policymakers and agency staff need to continue to work in partnership across branches of government



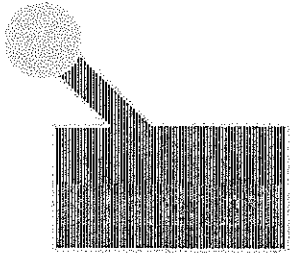
Nebraska is required by the Bureau of Justice Assistance to continue to report monthly data metrics to CSG for the next two years

# Nebraska's prison population has decreased by 142 thus far



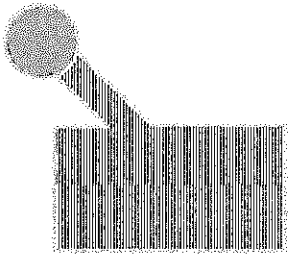
Source: Baseline projections were provided by the Nebraska Department of Correctional Services and represent fiscal year estimates. The actual population figures include inmates in NDCS facilities and state-sentenced inmates housed in county jails.

# Focus on these three metrics to maximize impact and reduce overcrowding



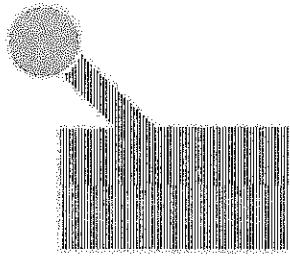
## Admissions to prison by felony class

Felony dispositions to prison fell 25% since January 2015, while prison admissions have remained flat over a similar time period



## Parole grant rate

Of people denied parole in the past seven months, 42% lacked a parole plan or institutional core risk reducing programming



## Parole and probation revocations to prison

In FY 2017, 36% of parole revocations were for technical violations; moving forward similar violations should be diverted from prison in accordance with the new supervision matrix and custodial sanctions

Source: Nebraska Crime Commission report, "Sentencing\_JUSTICE\_Data\_csg\_08182017.pdf";  
NDCS Monthly Tracking spreadsheet 8.8.2017; Board of Parole, January 2017 - July 2017  
(Reasons for denying or deferring parole); Parole email from Jennifer Miller, 8.21.17

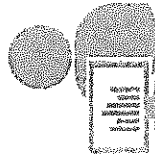
Continue to look for ways to divert low-level, nonviolent felonies away from prison and increase opportunities for community supervision



**Modify statutory language to add more structure to felony sentencing: encourage probation for low-level felonies and meaningful parole windows for high-level felonies**



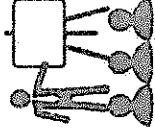
**Conduct further analysis on charging, case filings, and length of stay to use the results to design targeted strategies to increase judicial and prosecutorial buy-in to community supervision**



**Create a sentencing information database to help analyze sentencing practices throughout the state, as recommended during Phase I of justice reinvestment**

**Ensure more people are parole ready in the institutions to foster more timely release from prison**

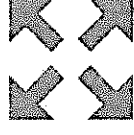
**Follow CSG's Justice Program Assessment recommendations and ensure that people are receiving core risk reducing programming prior to their parole eligibility date**



**Commit resources to complete parole plans in a more timely manner prior to parole board hearings**



**Expand the responsibilities of the Office of Parole Administration to encourage the agency to grow and build on its new foundation of evidence-based practices**

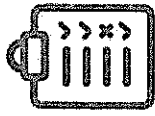




## Accelerate work to reduce probation and parole revocations to prison



Ensure **administrative policies** emphasize using custodial sanctions in lieu of revocation, rather than in addition to it, to decrease the likelihood of net widening



Implement **regular booster trainings** for parole and probation officers on using the supervision matrix and appropriate sanction responses to violation behavior



Expand **behavioral health treatment** and programming for people on probation and parole

- Increase wraparound services for people in danger of going back to prison on a revocation
- Adopt long-term efforts to increase the behavioral health workforce in the state
- Incentivize community treatment providers to work with the criminal justice population

# Thank You

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