

Lincoln, Nebraska
26 August 2014

NEBRASKA JUSTICE REINVESTMENT WORKING GROUP MEETING MINUTES

OVERVIEW, CALL TO ORDER, ROLL CALL

The Nebraska Justice Reinvestment Working Group is a 19-member group created under the authority of the executive, legislative, and judicial branches of Nebraska state government with Governor Dave Heineman; Speaker of the Legislature, Senator Greg Adams; and the Chief Justice of the Supreme Court, the Honorable Michael Heavican serving as co-chairmen.

Co-Chairman Governor Dave Heineman called to order the second meeting of the Working Group at 1:30 p.m., August 26, 2014 at the Country Club of Lincoln, 3200 S. 24th Street, Lincoln, Nebraska. Heineman announced the meeting was open to the public and subject to the Nebraska Open Meetings Act and was preceded by advance publicized notice in the *Lincoln Journal Star*.

Heineman proceeded to attendance with the following members present: Greg Adams, Brad Ashford, Ellen Brokofsky, Esther Casmer, John Colborn, Leo Dobrovlny, Darrell Fisher, Michael Heavican, Lavon Heidemann, Dave Heineman, Joe Kelly, Michael Kenney, Bob Krist, Ben Matchett, Heath Mello, Gerard Piccolo, Todd Schmaderer, Les Seiler, and Corey Steel.

APPROVAL OF MINUTES

The minutes of the June 18, 2014, meeting stood approved as presented.

COUNCIL OF STATE GOVERNMENTS

Heineman turned the meeting over to Program Director Marc Pelka from the Council of State Governments Justice Center (CSG).

Marc Pelka, on behalf of the CSG Justice Center, thanked the Working Group and noted the process of justice reinvestment is a comprehensive approach that seeks to carry out a data-driven reinvestment process to identify drivers of growth in corrections populations and spending and identify options to containing costs and reinvesting in public safety strategies as well as options to lower the rate of repeat crimes. When considering crime has decreased 20 percent and adult arrests have decreased 15 percent in the past 10 years, the question is why has the inmate population increased 17 percent and the state's prisons are at 157 percent of capacity.

CSG presented data to support reasons for the differences in citing the following: a 30 percent increase in adults admitted to prisons because of new sentences and parole violations since 2009; over 10 years, DUI admissions grew 230 percent; admissions for offenses such as drug crimes, theft, assault, driving under the influence have increased disproportionately; and adults admitted for weapons crimes climbed 180 percent.

Changes in statute have enhanced penalties for crimes such as possession of methamphetamine in 2005, weapons crimes in 2009, and motor vehicle homicide and DUI in 2006 and 2011.

Pelka reported the felony theft threshold as low as \$500 resulted in prison sentences and recalibrating the felony threshold amounts could save Nebraska millions of dollars per year explaining the number of sentences to prison for theft in the \$500 to \$1,500 range at 175 per year

with an average minimum sentence length of 1.5 years with a cost per year to incarcerate at \$8.5 million.

The new prison admissions with short maximum sentences, or “short maxes,” which represent about one third of all new admissions since 2003 consume considerable resources and spiked in 2013. The short maxes have an average term of 4.8 months in prison and will leave the system without supervision in one year or less and ultimately provide little accountability during or after the brief prison term. Inmates with relatively short sentences costs \$11 million without delivering a commensurate public safety benefit as the majority of these individuals were convicted of a nonviolent offense from the lowest felony level or misdemeanor.

In 2013, the number of revoked paroles and parolees returning to prison also spiked. The higher volume of parole revocations to prison also mitigated the impact of increased parole release and as the volume of parole releases rise, the pool of eligible parole candidates recedes.

The presentation turned to the sentencing consideration in Nebraska as it tilts heavily toward incarceration instead of probation. The data indicates Nebraska utilizes probation less often than the national average. In 2012, 74 percent of all people sentenced in Nebraska went to prison or county jails instead of utilizing probation with only 22 percent being sentenced to probation. For those utilizing probation, 70 percent of probationers successfully complete supervision terms, avoiding revocations to prison.

Working Group members representing the legal profession explained that there are several factors that may be considered in explaining why probation was not used, but probably the most cited reason for not considering probation was simply because the same people come before them time and time again and there is no alternative but to sentence them to jail or imprisonment when considering their criminal history to include the number of arrests and convictions and the type of offenses.

Another legal representative expressed concern in what you tell a crime victim, when they look at the record of the offender and see the offender has received probation once again.

The presentation turned to an effective strategy to reduce offender risk by implementing effective components of supervision and programming. Nebraska has added community-based program funding, increased probation officer staffing, and has instituted policies delivering effective supervision. Alternatives such as problem-solving courts were discussed.

Pelka closed the presentation with the Justice Reinvestment project timeline and a review of meetings with groups to continue gathering data as well as information about the Nebraska correctional system.

CONCLUDING REMARKS & ADJOURNMENT

Heineman outlined challenges in acknowledging that there are a lot of options and people are willing to pursue options, but clearly more data is needed in more complete detail for the October meeting.

There being no further business, the meeting was adjourned at 4:05 p.m.

The next meeting of the Working Group will be held October 22, 2014 at 1:30 p.m. in Lincoln, Nebraska. The location is to be determined.

Respectfully submitted,

Katherine/Kitty Policky