

Lincoln, Nebraska  
22 October 2014

## **NEBRASKA JUSTICE REINVESTMENT WORKING GROUP MEETING MINUTES**

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### **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 third meeting of the Working Group at 1:30 p.m., October 22, 2014 at the Country Club of Lincoln, 3200 S. 24<sup>th</sup> Street, Lincoln, Nebraska. Governor 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*.

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

### **APPROVAL OF MINUTES**

The minutes of the August 26, 2014, meeting stood approved as presented.

### **COUNCIL OF STATE GOVERNMENTS**

The Governor 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 that consists of two phases: Phase 1 is to analyze data such as crime/arrests, courts, corrections, and supervision trends and develop policy options and estimate cost savings and, Phase 2 is the implementation of new policies by identifying the assistance needed to implement policies effectively, track the impact of enacted policies and programs and monitor the recidivism rates and other key measures. The presentation further explored the state's criminal justice system and drivers of the prison population growth.

Data requests to agencies largely have been fulfilled and indicate Nebraska's prisons are at 157 percent of capacity and are projected to reach 167 percent of capacity by FY2023 if nothing is done to avert the forecasted growth. Following three years of declining admissions, new sentences to prison began to rise after FY2009 with new commitments at 2,575 in 2013. Parole revocations increased after FY2011. The presentation examined many of these contributors to Nebraska's growing prison population, associated costs, and recidivism and identified three areas for potential policy development:

1. Manage people convicted of low-level offenses to drive down recidivism;

2. Structure prison sentences to include a period of post-release supervision; and
3. Enhance post-release supervision to ensure parolees are held accountable.

Highlights of the CSG presentation included:

- More than 1,000 admissions to prison were for the lowest level felonies and misdemeanor prison admissions in 2013, 70 percent of whom were convicted of non-violent offenses that could be handled in a more cost savings approach by sending them to probation programs.

- Sentencing practices narrow the window between the minimum and maximum prison terms, leaving little opportunity for parole consideration and post-release supervision and while CGS presented the many guidelines and statutes that govern sentences and sentence lengths for many offense levels and while some sentence lengths dropped, minimum sentences grew in proportion to maxes and narrowed the parole window. While sentence lengths were falling slightly, the spike in parole grants shortened length of stay further noting that as the number of paroles jumped in FY2012 and FY2013, length of stay for most offense levels dropped. Between FY2003 and FY2013, the average minimum and maximum sentence lengths drew closer, shrinking the parole window and diminishing the potential for parole supervision. With the growing admissions to prison, included are many individuals serving long sentences that will not be parole-eligible for years to come and without first implementing evidence-based practices, the parole supervision system has had to manage a 49 percent increase in the parolee population since FY2010.

- A significant increase in parole grants in recent years halved the number of people remaining in prison who have reached their parole eligibility date.

Responses to parole violations lack cost-effectiveness and the swiftness necessary to change parolee behaviors. Since 2006, Nebraska has invested \$22 million in community-based treatment programs for those under supervision to reduce recidivism focusing resources on individuals most likely to reoffend.

CSG recommended structuring sentences to include post-release supervision, prioritizing prison space for the most serious and violent offenses, and enhancing post-release supervision to hold parolees accountable.

## **CONCLUDING REMARKS & ADJOURNMENT**

Governor Heineman asked CSG officials to continue to meet with small groups of officials and state senators to begin narrowing down suggestions for action.

The final working group meeting is to be held in December. CSG is planning to review a framework of policy recommendations and associated analysis of the projected impacts.

There being no further business, the meeting was adjourned at 3:20 p.m.

Respectfully submitted,

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Katherine/Kitty Policky