JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS

Justice Reinvestment Working Group

Third Meeting

October 22, 2014

Council of State Governments Justice Center

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Funding and Partners

Justice Reinvestment

a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety.

BJA
Bureau of Justice Assistance
U.S. Department of Justice

THE PEW CHARITABLE TRUSTS

Council of State Governments Justice Center

- National non-profit, non-partisan membership association of state government officials
- Engages members of all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence

Two phases of Justice Reinvestment

Phase I

Analyze Data and Develop Policy Options

- Analyze data
  - Look at crime/arrests, courts, corrections, and supervision trends
- Solicit input from stakeholders
- Assess behavioral health treatment capacity
- Develop policy options and estimate cost savings

Phase 2

Implement New Policies

- Identify assistance needed to implement policies effectively
- Deploy targeted reinvestment strategies to increase public safety
- Track the impact of enacted policies/ programs
- Monitor recidivism rates and other key measures

Data requests to state agencies largely have been fulfilled

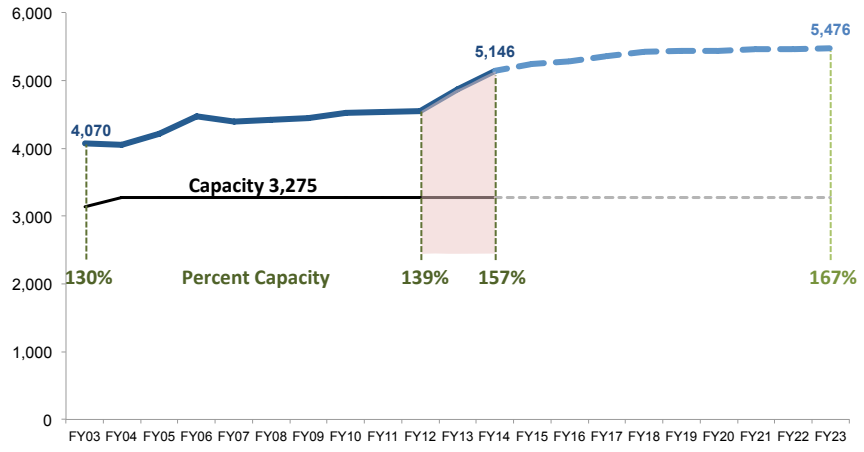
Data Type		Source
- Crime and Arrests - Jail	✓ ✓	Crime Commission
- Sentencing	✓	Administrative Office of the Courts
- Probation Supervision - Problem Solving Courts - Community Based Programs	✓ ✓ ✓	Office of Probation Administration
- Prison - Parole Decision-Making - Parole Supervision	✓ ✓ ✓	Department of Correctional Services
Other - Population Data - Behavioral Health Data - Criminal History Information	 ✓ ✓ N/A	 Census/State Data Center Cross-System Sources State Police

§29-3523
Criminal history record information and dissemination limitations

That part of criminal history record information consisting of a notation of an arrest … shall not be disseminated to persons other than criminal justice agencies … except when the subject of the record … is kept unidentified.

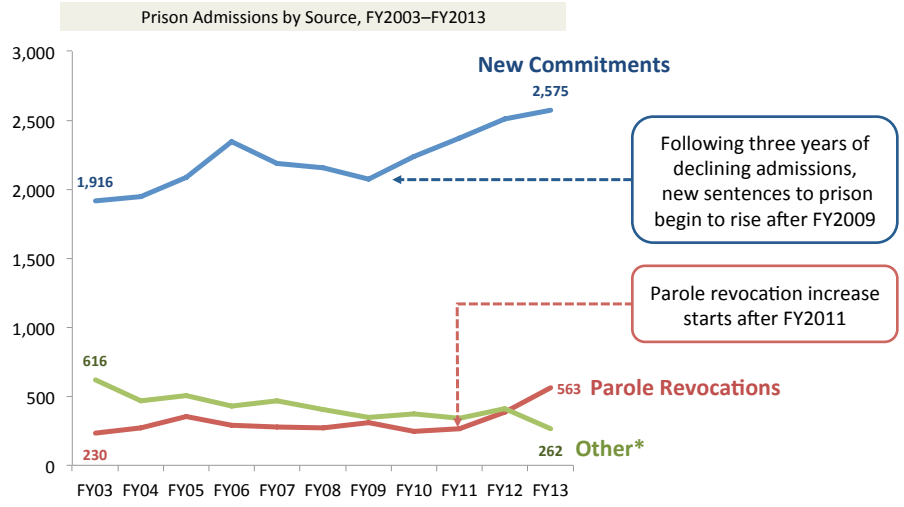
Nebraska's prisons are projected to reach 167 percent of capacity if nothing is done to avert growth

Nebraska Prison Snapshot Populations and Projected Growth, FY2003–FY2023



Source: NDCS annual reports; JFA Institute, NDCS Ten-Year Prison Population Projections, FY2012–2022

New court commitments and parole violators drive prison admissions



*Other includes evaluator, safekeeper, and work ethic camp admissions

Source: NDCS admissions data

Update on criminal justice system stakeholder engagement since August working group meeting

Victim Advocates	Discussion with Nebraska Coalition for Victims of Crime
Parole Board	Parole systems expert engaged for week of meetings with the Parole Board and staff
Prison Inmates	Visit to Tecumseh prison and discussion with 7th Step Group
Gubernatorial Candidates	Briefings with both campaigns about analysis to date
Parole Officers	Additional focus group meeting about the reentry process
County Attorneys **Public Defenders** **District Court Judges**	Presentations delivered at and discussions held at each of these associations' fall meetings

Survey of District Court Judges Completed

25 questions about sentencing options, PSIs, probation supervision, and restitution

70 percent completion rate

(39 of 56 judges with representation from all 12 Districts)

Nebraska fiscal note example: LB 925 (2006) – Vehicular homicide while DUI

Summary of Key Provisions	Fiscal Note Summary

• **Vehicular homicide while DUI**
  • Upgrades from Felony 3A to Felony 3
  • New one-year mandatory minimum
  • Maximum prison sentence doubled to 20 years
  • No probation eligibility
 	
  • Upgrades from Felony 3 to Felony 2 for those with prior DUI or driving while revoked conviction
  • Maximum term increased to 50 years (from 20-year max.)
	• **Snapshot table (first FY):**
	FY 2006-07
	EXPENDITURES / REVENUE
	GENERAL FUNDS: 900,000
	CASH FUNDS
	FEDERAL FUNDS
	OTHER FUNDS
	TOTAL FUNDS: 900,000
	
	• **NDCS estimate:**
	"…(NDCS) noted an **indeterminate impact** to their agency, but that the **number of admissions would increase as would the length of stay** for certain of those admissions."
	
	• **Total length: 1 Page**

Lawmakers considering similar legislation in other states received more detailed fiscal forecasts

	Nebraska	Ohio	North Carolina	Washington
Bill	LB 925 (2006)	HB 461 (2007)	SB 393 (2011)	HB 1555 (2011)
Key Provisions	Upgrades felony class	Increases mandatory prison term	Upgrades felony class	Upgrades seriousness
FN Length	1 page	13 pages	7 pages	16 pages
Snapshot Table	Positive revenue (federal incentive funding)	Flags subsequent discussion of correctional costs	Bed, staffing, & correctional cost estimates	Flags subsequent discussion of correctional costs
Summary of Corrections Dept. Cost Analysis	"…(NDCS) noted an **indeterminate impact** to their agency, but that the number of **admissions would increase** as would the length of stay for certain of those admissions."	"**Potential incarceration cost increase** starting gradually around FY2010 and peaking near FY2020." Roughly **12 additional beds** needed per year.	**71 beds** at a cost of $7M, **31 staff**, and **$2.3M in additional operating costs** by end of FY2015–16	Beginning in FY2018, **one additional bed** would be required plus **an additional bed each year thereafter**. "**No capital expenditures** are anticipated."

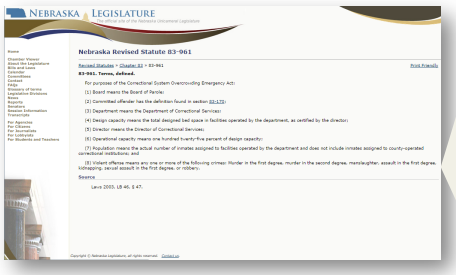
Presentation Overview

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

Structure prison sentences to include a period of supervision following release

Enhance post-release supervision to ensure parolees are held accountable

The definition of "violent offense" expanded for the purposes of this presentation



Definition of violent crime in Nebraska

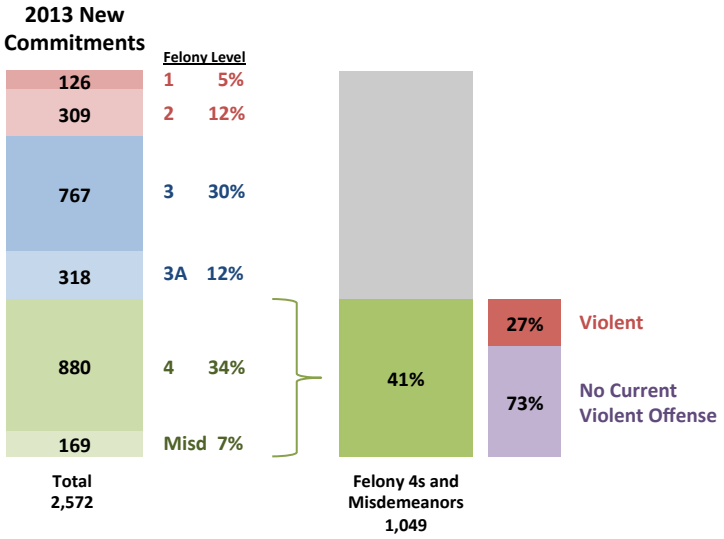
Correctional System Overcrowding Emergency Act (83-961)

Violent offense means any one or more of the following crimes: Murder in the first degree, murder in the second degree, manslaughter, assault in the first degree, kidnapping, sexual assault in the first degree, or robbery.

For analysis purposes we expanded the definition to include additional offenses:

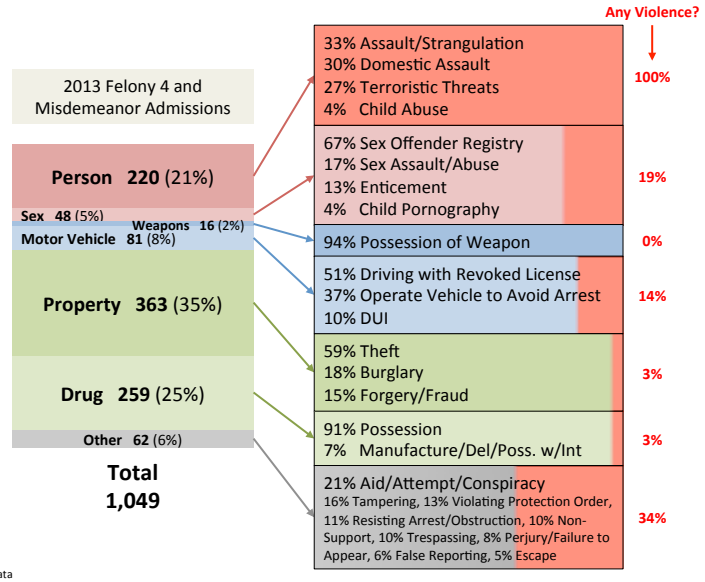
Aggravated and Simple Assaults, Domestic Violence, Abuse, Incest, Terroristic Threats, DUI with Injury, Leaving the Scene of an Injury Accident, Use of a Deadly Weapon to Commit a Felony, Stalking, Violations of Protection Orders, Resisting Arrest, and Animal Cruelty

More than one thousand Felony 4 and Misdemeanor admissions to prison, most for non-violent offenses



Source: NDCS admissions data

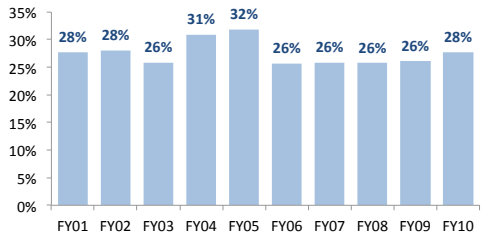
Few Felony 4 and Misdemeanor admissions included violent offense charges



Source: NDCS admissions data

Felony 4s have the highest return-to-prison rate

DCS 3-Year Reincarceration Rates, FY2001–FY2010 Release Cohorts



3-Year Reincarceration Rates by Offense Level, FY2010	
Felony 1 (All)	0%
Felony 2	25%
Felony 3	30%
Felony 3A	17%
Felony 4	32%
Misdemeanor	18%

2-Year Recidivism Rates for Probation (FY2011) and Prison (FY2010) by Felony Level

	Felony 3	Felony 3A	Felony 4
Prison Releases	24%	12%	26%
Probation Placements	27%	11%	17%

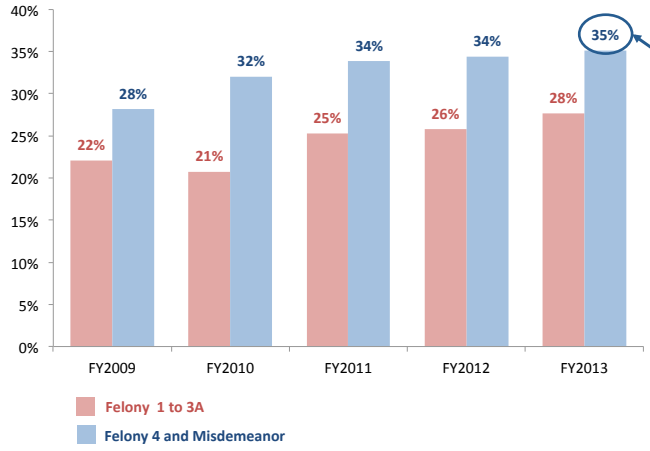
...and by Risk Level

	Low	Moderate	High
Prison Releases	10%	13%	33%
Probation Placements	3%	13%	30%

Source: NDCS Three-year recidivism data reports; NDCS admissions and release data; Nebraska Probation Administration PSI data

People admitted to prison for lower-level offenses are more likely to have served previous prison time

New Commitments to Prison with a Prior Incarceration, FY2009–FY2013

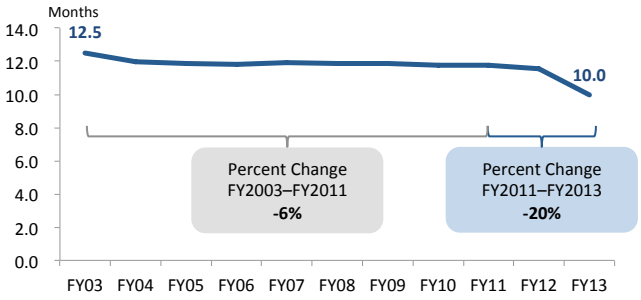


The proportion of F4s/Misdemeanors with prior prison stays is up seven percentage points during the last five years

Source: NDCS admissions data

While Felony 4 length of stay is down, one-third still jam out to an unsupervised release

New Commitment Median Length of Stay at First Release (Including Jail Credits), FY2003–FY2013



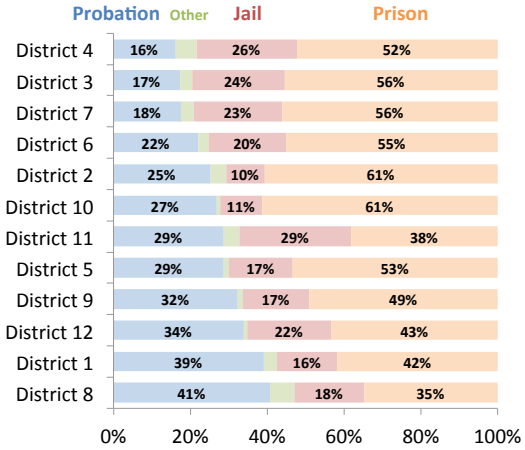
	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13
% Paroled	31%	49%	47%	42%	51%	45%	43%	46%	53%	59%	67%
% Jam Out	69%	51%	52%	58%	49%	54%	57%	54%	46%	41%	32%

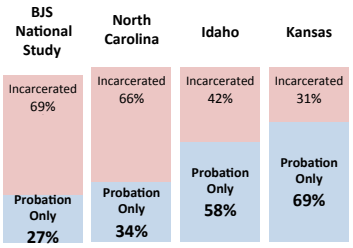
Half of FY2013 F4 jam outs were Flat Sentences

Source: NDCS admissions and release data

August presentation identified variation in rate of sentences to probation across judicial districts

Felony Sentencing by Judicial District, FY2012–FY2013

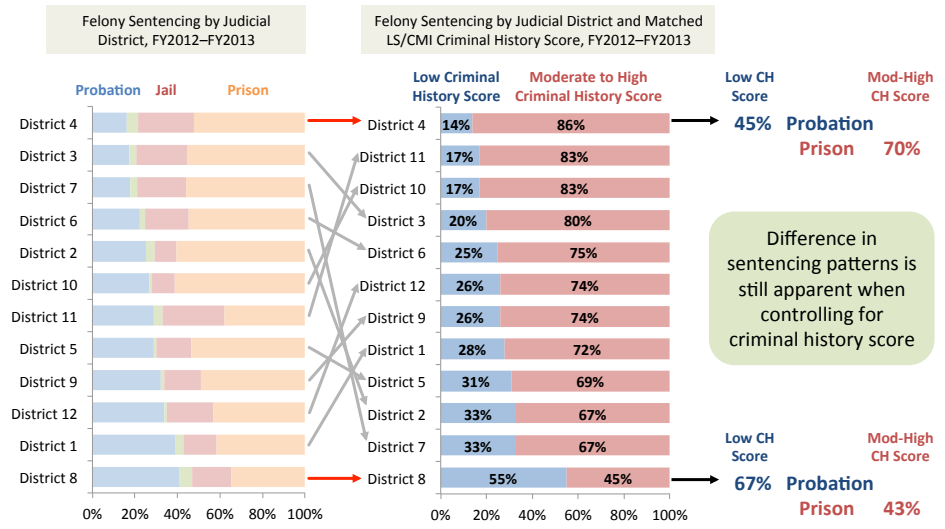




Seven districts met or exceeded the national rate (27%)

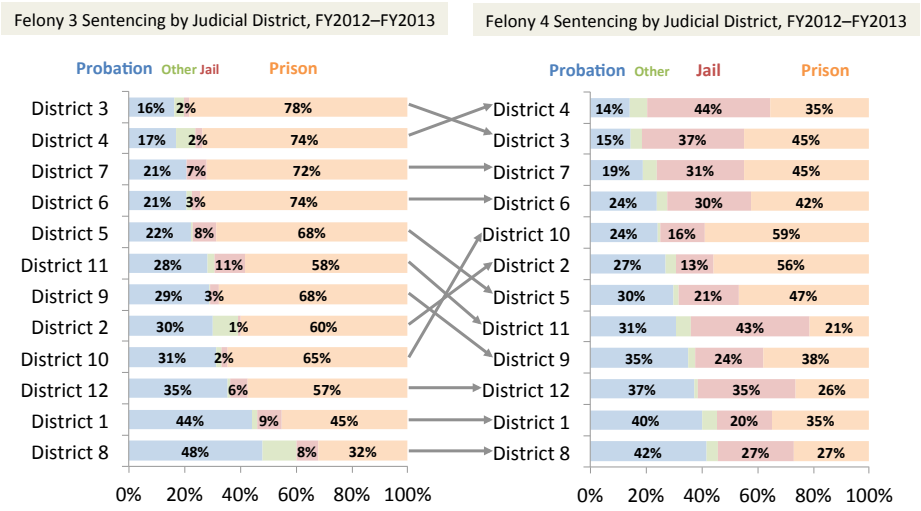
Source: Kansas felony sentencing data; *Structured Sentencing Statistical Report FY 2011/12*, NC Sentencing and Policy Advisory Commission; BJS Felony Sentences in State Courts, 2006 – Statistical Tables; Idaho DOC admissions data; Nebraska JUSTICE sentencing data

Sentencing variation is not explained by offense levels or criminal history



Source: Nebraska JUSTICE sentencing data; Nebraska Probation Administration PSI data

Sentencing rates to probation are similar for Felony 3 and 4



Source: Nebraska JUSTICE sentencing data

Judges have high confidence in the PSI and follow probation recommendations the majority of the time

Estimate your level of confidence in the accuracy of PSI reports AS A WHOLE:

	Response Percent	Response Count
High confidence	**61.5%**	**24**
Medium confidence	33.3%	13
Low confidence	2.6%	1
No confidence	2.6%	1

How often do you follow PSI recommendations advising AGAINST PROBATION?

	Response Percent	Response Count
Almost never	11.5%	3
About 25% of the time	7.7%	2
About 50% of the time	26.9%	7
About 75% of the time	**34.6%**	**9**
Almost always	19.2%	5

How often do you follow PSI recommendations advising IN FAVOR OF PROBATION?

	Response Percent	Response Count
Almost never	3.8%	1
About 25% of the time	0.0%	0
About 50% of the time	3.8%	1
About 75% of the time	**46.2%**	**12**
Almost always	**46.2%**	**12**

Source: CSG Justice Center Survey of District Court Judges

Judges say they are largely satisfied with the effectiveness and direction of the probation supervision system

How satisfied are you with the effectiveness of the probation officers working with defendants sentenced to probation?

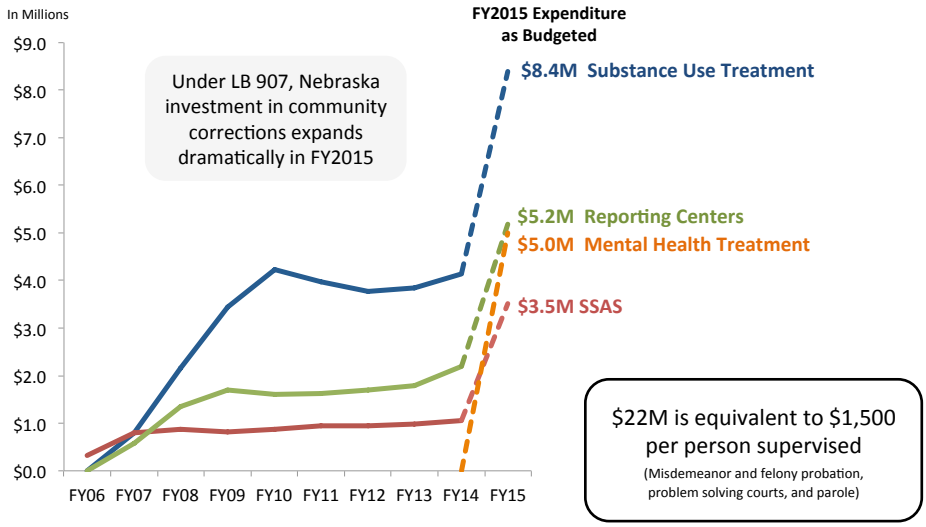
	Response Percent	Response Count
Extremely satisfied	**52.6%**	**20**
Somewhat satisfied	42.1%	16
Slightly satisfied	5.3%	2
Not at all satisfied	0.0%	0

Select the statement you most agree with: Our state's probation system is...

	Response Percent	Response Count
BROKEN, probation officers lack tools or time to effectively respond to probationer needs and violations.	5.3%	2
HEADED IN THE WRONG DIRECTION, relying too little on professional judgment of experienced probation officers.	5.3%	2
IMPROVING, thanks to implementation of evidence-based practices	**73.7%**	**28**
HIGHLY EFFECTIVE at changing offender behavior.	2.6%	1
None of the above	13.2%	5

Source: CSG Justice Center Survey of District Court Judges

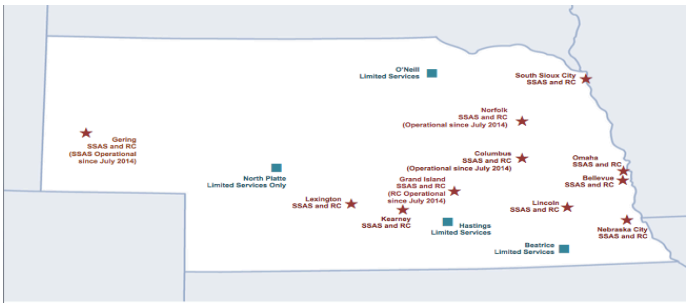
Between 2006 and 2015, Nebraska increased community corrections funding from $0 to $22M



Source: Nebraska Probation Administration

Community corrections is expanding to cover more of the state

	Coverage Areas	Distribution	Populations Accessing Services
Specialized Substance Abuse Supervision (SSAS)	11 sites	State, county, and supervision fees	Probationers and parolees
Reporting Centers	11 sites	State, county, and supervision fees	Probationers, parolees, problem-solving courts, and misdemeanants
Fee for Service	Statewide	State, supervision fees, and participant fees	Probation, parole, and problem-solving courts



LB 907 provides $7.6M over two years for new reporting centers/ services and probation staff

In addition, 34 types of TeleServices are now available at 40 sites statewide

Source: Nebraska Probation Administration

Concern about community-based services still plays a role in sentencing to incarceration over probation

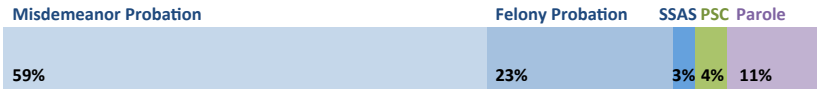
How often have you had a situation in which a lack of community-based services was the pivotal reason you opted for prison over probation?

	Response Percent	Response Count
Never	12.8%	5
Rarely	33.3%	13
Sometimes	**38.5%**	**15**
Often	15.4%	6
Very Often	0.0%	0

Source: CSG Survey of District Court Judges

With multiple populations competing for scarce resources, priority needs to be given to more serious high-risk, high-need cases

Snapshot Population Proportions



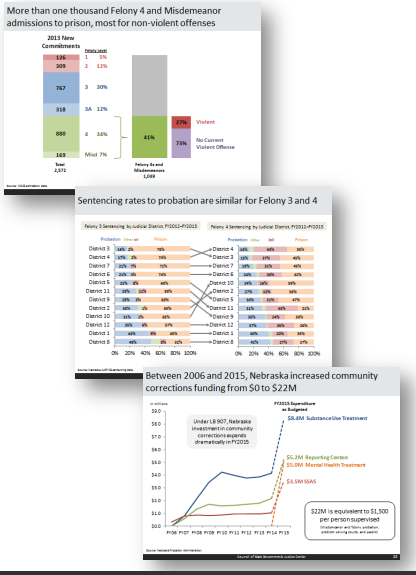
	Misdemeanor Probation	Felony Probation	SSAS	Adult Problem Solving Courts	Parole
Snapshot Population	**8,600** FY2014 (active) CBR 63% CBI 31%	**3,300** FY2013 (active) CBR 45% CBI 55%	**400** FY2013 (active)	**560** FY2013 (90% Drug Courts)	**1,600** FY2013
Successful Completions	**80%** FY2013–FY2014	**71%** FY2014	**65%** FY2014	**57%** FY2014	**71%** FY2013
Risk Distribution	Low 31% Mod 46% High* 22%	Low 15% Mod 37% High 48%	Low 4% Mod 12% High 84%	Low 3% Mod 27% High 70%	Low 38% Mod 27% High* 35%

* Misdemeanor probation and parole risk distributions are based on alternate risk assessment instruments, not the LS/CMI.

Source: Nebraska Probation Administration probation supervision and problem solving court data; NDCS parole supervision data

I. Section Summary

- In 2013, there were 1,000 Felony 4 and Misdemeanor prison admissions, 70 percent of which were for nonviolent offenses
- Within a given judicial district, probation sentencing rates differ little between Felony 3 and 4 convictions or across varying criminal history scores
- Since 2006, Nebraska has invested $22 million in community-based services



Presentation Overview

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

Structure prison sentences to include a period of supervision following release

Enhance post-release supervision to ensure parolees are held accountable

Judges consider good time and parole release when fashioning sentences

When setting a prison sentence, do you account for the impact of good time on length of stay?

	Response Percent	Response Count
Yes	97.4%	38
No	2.6%	1

When setting prison sentences, do you take into consideration how the length of time between the minimum and maximum terms will impact parole opportunities and potential post-release supervision?

	Response Percent	Response Count
Yes	79.5%	31
No	20.5%	8

Source: CSG Justice Center Survey of District Court Judges

Limited "One-Third Rule" is a legacy of 1990s truth in sentencing legislation and subsequent repeal

Indeterminate and Determinate Sentencing Statute (§29-2204)

(1)(a)(ii)(A) … If the criminal offense is a Class 4 felony … the minimum limit fixed by the court shall not be … more than one-third of the maximum term …

LB 1499 (1972)

Mandates indeterminate sentencing

One-Third Rule caps minimum sentence in relation to maximum

LB 529 (1993)

Truth in sentencing law largely eliminates indeterminate sentencing

One-Third Rule repealed

LB 364 (1998)

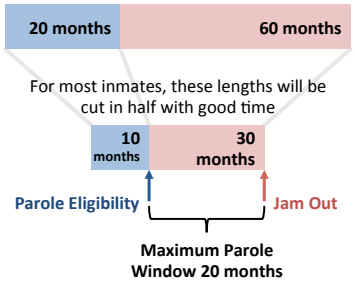
Indeterminate sentencing reinstated

One-Third Rule reinstated but **only for Class 4 felonies**

Source: Nebraska Attorney General Opinion 98013, 1998

Current One-Third Rule does little to preserve a meaningful parole window

The **maximum** sentence for Felony 4 is five years. The One-Third Rule means the longest minimum sentence for F4 should be 20 months.



2013 New Commitments	Average Min	Average Max	Average Parole Window
Felony 4	20 months	43 months	11 months

Source: NDCS admissions data

Felony 3 sentence lengths are roughly twice as long as Felony 4s, but the parole window is only three months longer on average

2013 New Commitments	Average Min	Average Max	Average Parole Window
Felony 3	3.7 years	6.0 years	14 months

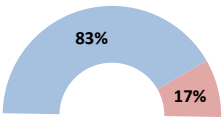
Felony 3 Sentence Range = 1 to 20 years

If One-Third Rule had applied Felony 3 sentences in 2013, the minimum sentence length would be capped at 6.7 years and the parole window would be expanded slightly:

2013 New Commitments	Average Min	Average Max	Average Parole Window
Hypothetical Felony 3	3.1 years	6.0 years	17 months

Flat Sentences eliminate possibility of post-release supervision

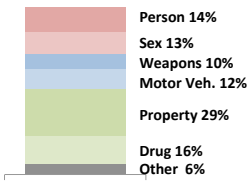
Flat Sentences
Sentences for which the minimum sentence equals the maximum sentence or having a one-month or shorter parole window (with good time)



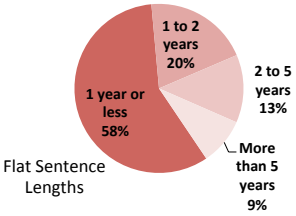
17% of new commitments to prison in the last five years have been flat sentences

2013 Total Flat Sentences = 449

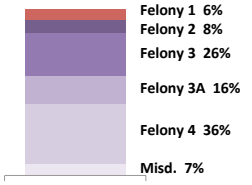
Flat Sentences are found among all offense types and levels



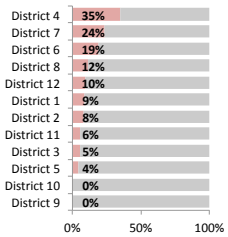
Offense Type



Flat Sentence Lengths



Felony Level



Flat Sentencing by District

Source: NDCS admissions data

Admission volumes among all offense levels have increased, especially among levels with longer sentences

Prison Admissions by Offense Level, FY2003–FY2013

Offense Level	1 (All)		3	3A	4	Misd	
FY03	22	183	653	160	818	77	
FY04	23	190	598	167	851	105	
FY05	31	207	609	171	931	132	
FY06	16	238	680	237	960	205	
FY07	30	254	674	193	858	172	
FY08	35	245	662	303	727	174	
FY09	26	246	648	333	676	138	
FY10	53	243	690	326	775	142	
FY11	82	300	767	305	810	100	
FY12	135	390	740	294	840	106	
FY13	126	309	767	318	880	169	
FY2003–FY2013 Volume Change	+104	+126	+114	+158	+62	+92	

Source: NDCS admissions data

Growing admissions, particularly for serious offenses, exponentially increased bed demand

Prison Admissions by Offense Level, FY2003 and FY2013

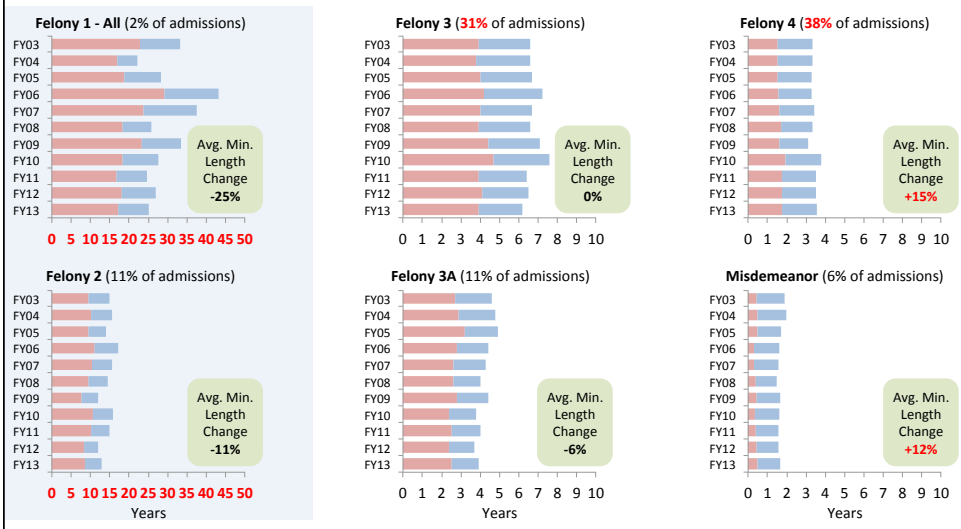
Offense Level	1 (All)		3	3A	4	Misd	
FY03	22	183	653	160	818	77	
FY13	126	309	767	318	880	169	
FY2003–FY2013 Volume Change	+104	+126	+114	+158	+62	+92	
FY2013 Avg. Min. Sentence Length	17 yrs	8 yrs	4 yrs	2.5 yrs	1.8 yrs	6 months	
Increased Volume Bed Consumption (after good time)	+884	+504	+228	+198	+56	+23	

Since FY2003, increasing admissions created demand for an additional **1,893 beds**

Source: NDCS admissions data

Sentence lengths for many offense levels decreased slightly, but increased for Felony 4 admissions

Average Length of Min. and Max. Sentence Lengths For New Commitments to Prison by Offense Level, FY2003–FY2013



Source: NDCS admissions data

While some sentence lengths dropped, minimum sentences grew in proportion to maxes and narrowed the parole window

Minimum Sentence Length as a Percentage of Maximum Sentence Length by Offense Level, FY2003–FY2013

	Felony 1 (All)	Felony 2	Felony 3	Felony 3A	Felony 4	Misdemeanor
FY2003	69%	63%	58%	60%	46%	22%
FY2004	77%	65%	58%	61%	46%	24%
FY2005	66%	66%	59%	66%	46%	28%
FY2006	68%	65%	59%	64%	48%	20%
FY2007	63%	66%	60%	61%	47%	20%
FY2008	71%	66%	59%	66%	51%	25%
FY2009	69%	64%	62%	64%	52%	28%
FY2010	67%	68%	62%	63%	50%	23%
FY2011	68%	68%	61%	63%	50%	25%
FY2012	67%	68%	63%	65%	49%	28%
FY2013	68%	66%	62%	65%	49%	29%

As the minimum sentence increases in proportion to the maximum sentence, the parole window and potential parole supervision period shrinks

Why have parole windows narrowed?

For Felony 2, 3, and 3A, maximum sentences decreased more than minimums

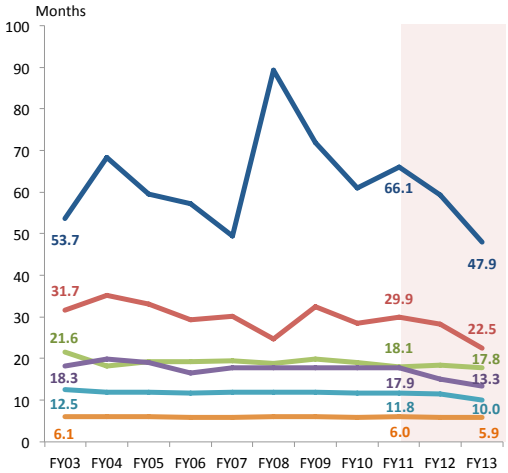
For Felony 4 and Misdemeanors, maximums increased less than minimum sentence lengths

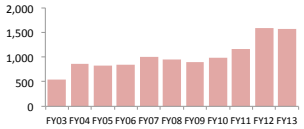
The average inmate will have only one chance at a Parole Hearing

Source: NDCS admissions data; Nebraska Parole Board hearing data

While sentence lengths were falling slightly, the spike in parole grants shortened length of stay further

New Commitment Median Length of Stay at First Release (Including Jail Credits), FY2003–FY2013





As the number of paroles jumped in FY2012 and FY2013, length of stay for most offense levels dropped

	Percentage Change FY2003–FY2011	Percentage Change FY2011–FY2013
Felony 1 (all)	+23%	-27%
Felony 2	-6%	-25%
Felony 3	-16%	-2%
Felony 3A	-2%	-26%
Felony 4	-6%	-15%
Misd.	-3%	-2%

Source: NDCS release data

Two stages of Parole Board consideration for release

1. Parole Review

Regular reviews, often starting soon after admission, to monitor progress and suitability for parole

Includes a paper review and an inmate interview

The proportion of Key Reviews during which a parole hearing was set rose sharply in recent years

Key Reviews
Though the Parole Board may hold a number of check-in reviews, Key Reviews are held just prior to or after parole eligibility

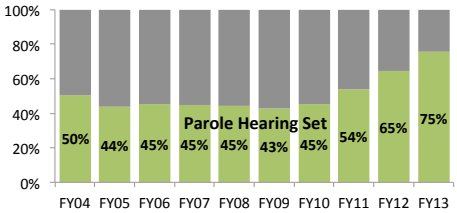
2. Parole Hearing

For those passing the Parole Review, a Parole Hearing date is set for final Parole Board consideration with an opportunity to hear testimony

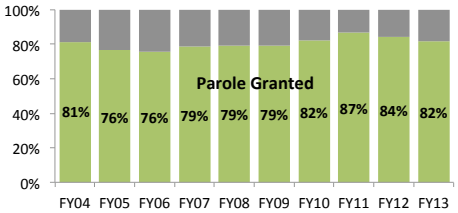
For the past 10 years, more than 80 percent of those receiving a Parole Hearing were granted parole

Initial Parole Hearings tend to take place within a month of parole eligibility

Parole Key Review Outcomes, FY2004–FY2013

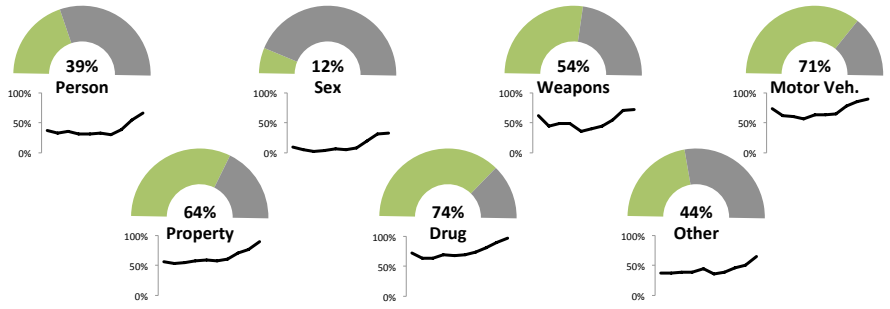


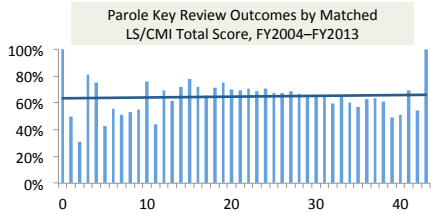
Parole Hearing Outcomes, FY2004–FY2013



Source: Parole Board hearing data

Percentage passing Parole Review varies by offense type, but rose across the board

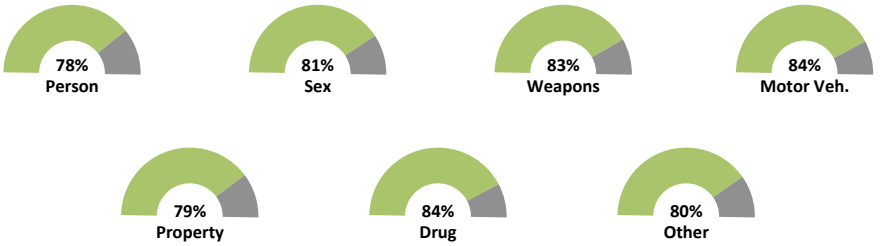


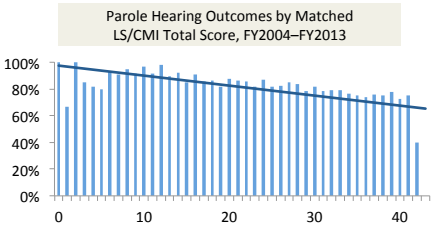


Percent approved in Key Reviews shows little variation by matched risk score

Source: Parole Board hearing data; Nebraska Probation Administration PSI data

Parole grants do not vary greatly by offense type



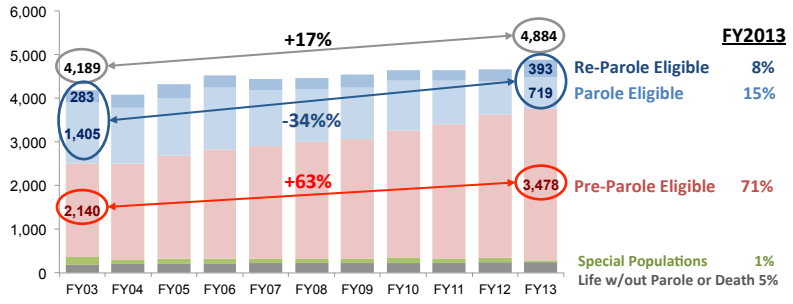


Grant rates are generally high across the spectrum of this matched risk score sample with slightly lower rates for higher risk individuals

Source: Parole Board hearing data; Nebraska Probation Administration PSI data

At the end of FY2013, more than three-quarters of Nebraska's prison population was not eligible for parole

Snapshot Prison Population by Parole Eligibility, FY2003–FY2013

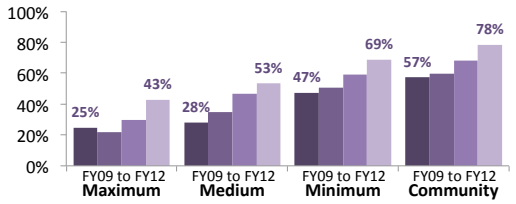


Pre-Parole Eligible prison population increased **63 percent** from FY2003–FY2013, three times the growth in the total population (17 percent)

Source: NDCS snapshot data

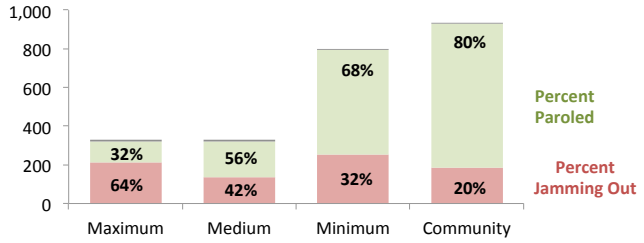
Preference for paroling from lower custody levels means more maximum custody jam outs

Key Review Hearing Set Rate by Custody Level, FY2009–FY2012



The percentage of Key Reviews leading to a parole hearing is up for all custody levels but the rate for those at higher custody levels still lags

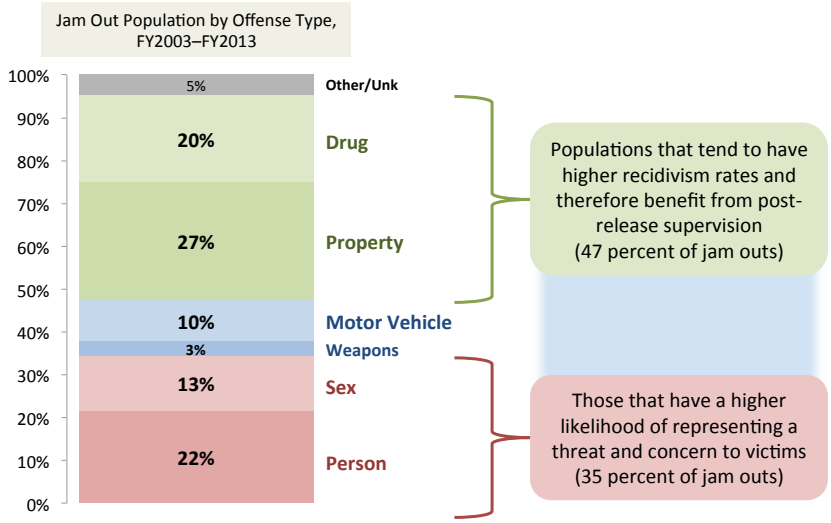
Releases among New Commitments by Custody Level and Release Type, FY2013



The release volume from maximum and medium custody is smaller than for lower custody levels, but a larger proportion jam out to no supervision

Source: Parole Board hearing data; NDCS release data

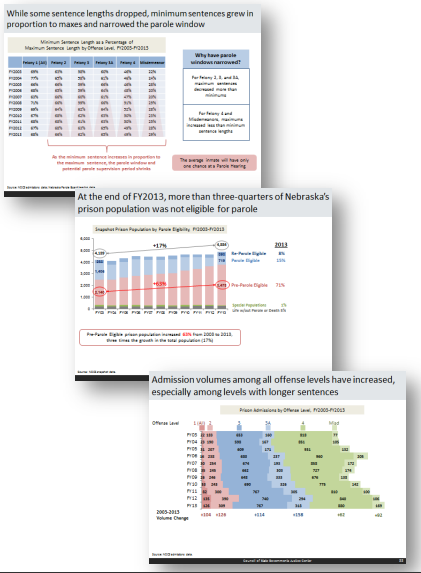
The jam out population consists of two populations needing supervision for public safety and recidivism-reduction reasons



Source: NDCS release data

II. Section Summary

- Between FY2003 and FY2013, the average minimum and maximum sentence lengths drew closer, shrinking the parole window and diminishing the potential for parole supervision
- A significant increase in paroles has halved the number of people in prison who remain eligible for parole
- Admissions to prison are growing, and include many individuals serving long sentences who will not be parole-eligible for years to come



Presentation Overview

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

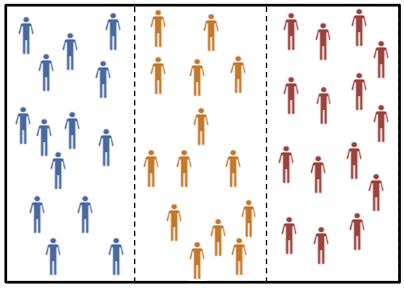
Structure prison sentences to include a period of supervision following release

Enhance post-release supervision to ensure parolees are held accountable

Recidivism reduction requires targeting high-risk individuals and prioritizing resources for their supervision and treatment

Risk → Assess risk of re-offense and **focus** supervision **on those at the highest-risk**

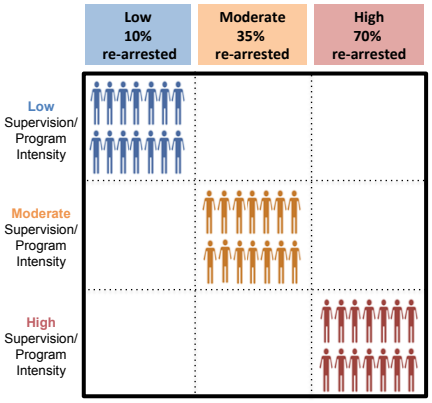
Assess for Risk Level…



Risk of Re-offending

Low 10% re-arrested	Moderate 35% re-arrested	High 70% re-arrested

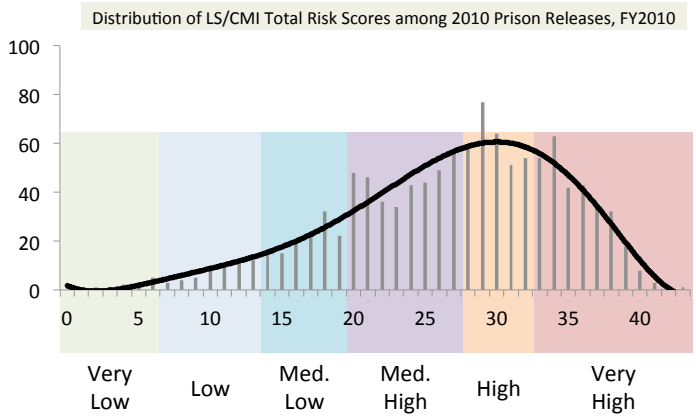
…and Focus Accordingly



How risk assessment is used varies across the system

	Courts		DCS		
	Sentencing	**Probation**	**Prison**	**Parole Release**	**Parole Supervision**
Purpose	Risk of recidivism	Supervision Intensity, Program, Treatment	Program needs	Risk of recidivism	Supervision Intensity, Program, Treatment
Tool Used	LS/CMI	LS/CMI	Institutional Risk & Needs Assessment	Parole Board Risk Assessment	Currently none
Validation	Yes (2014)	Yes (2014)	Yes (2006)	Yes (2006)	N/A
Used to Target Resources	No – but is used to identify criminogenic needs	Yes	No	No	No

Risk assessment works, as demonstrated by FY2010 reincarceration rates among prison releases



DCS home-grown risk tools do differentiate recidivism rates by risk level:

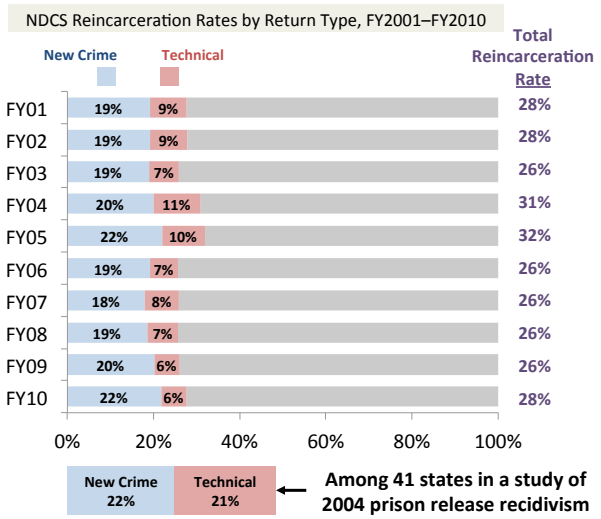
Low 21%
Mod 30%
High 38%
Very High 59%

0%	**11%**	**17%**	**30%**	**44%**	**59%**	**3-Year Return to Prison Rate**

Half of the FY2010 release cohort had a matched LS/CMI risk assessment. All matched assessments were included, regardless of timing.

Source: NDCS admissions and release data; Nebraska Probation Administration PSI data

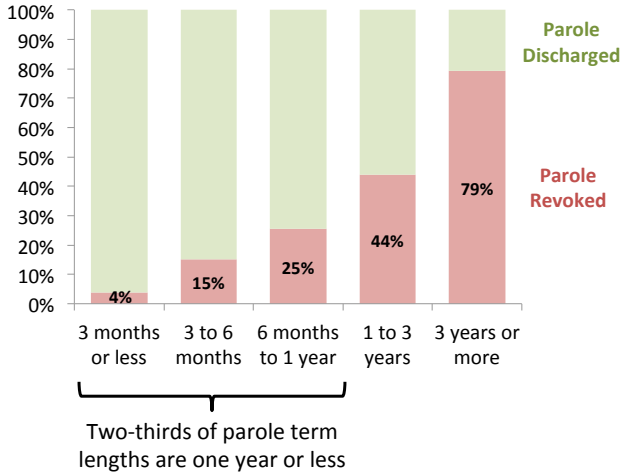
Nebraska's recidivism is lower than national rates due in part to fewer technical revocations to prison



Recent national recidivism studies show a three-year return to prison rate of **40% to 50%**

Source: NDCS three-year recidivism data reports; Pew Center on the States, State of Recidivism The Revolving Door of America's Prisons; Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010

Parolees serving longer supervision terms are more likely to violate and return to prison, but long terms are rare



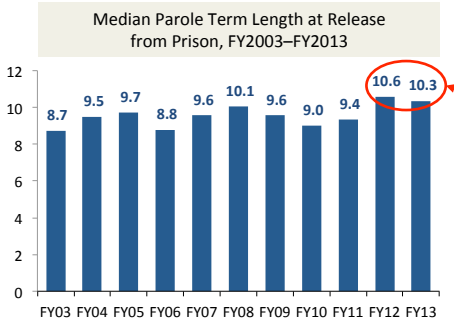
For those who terminated from parole in FY2013:

17% were revoked among those with a term of one year or less

54% were revoked among those with a term of more than one year

Source: NDCS parole supervision data

Parole releases spiked in FY2012 and FY2013, but LB 191 offset increases in supervision period

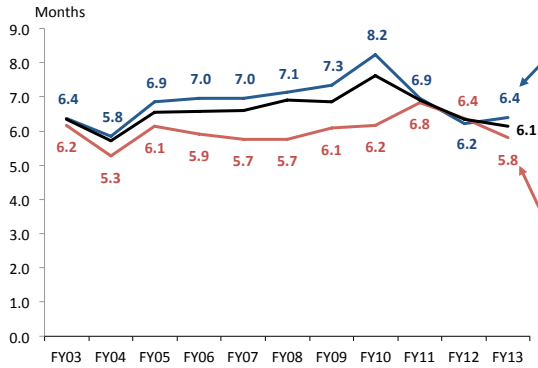


As paroles increased during the last two years, people left prison with slightly more supervision time remaining

LB 191 (2011)
Works against potentially longer supervision lengths by awarding an extra 10 days good time for every 30 days served on parole, effectively reducing parole terms by one-fourth

Source: NDCS parole supervision data

Average time served on parole supervision has held steady at just over six months overall



Discharges have served 100% of their parole term at this point

Revocations have only served an average of 42% of their parole term at this point

Source: NDCS parole supervision data

Characteristics of effective responses to parolee risk and adherence to conditions of supervision

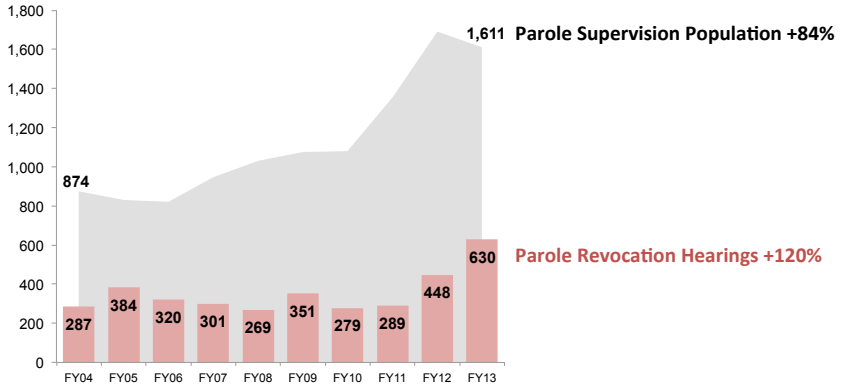
Dosage	Focus supervision and program resources on those at highest-risk for reoffense
Swiftness	Enable officers to respond meaningfully to violations without delay or time-consuming processes
Consistency	Use a graduated range of sanctions and incentives to guide specific type of response to violations
Cost-effectiveness	Prioritize the most expensive, restrictive sanctions for offenders committing the most serious violations

Parole administration has not had the opportunity to implement evidence-based practices fully

Dosage ✓–	Parolees are not assessed for risk and need to inform frequency of contacts. The population is not sorted across officer caseloads to focus more intensive supervision and treatment on higher-risk parolees.
Swiftness ✓	Parole officers may apply administrative responses to violations, but lack the authority to impose short jail stays as sanctions for more serious violations .
Consistency ✓	A graduated violation matrix is used, but is not mandatory and the extent to which responses are applied consistently to violations is unclear. Risk assessment could help guide most intensive responses for higher-risk parolees.
Cost-effectiveness ✓–	Intensive supervision practices, such as electronic monitoring, are not prioritized for the highest-risk, most serious cases. The volume of revocation hearings appearing before the board is up, causing delays between the violation and the response.

While the parole volume and supervision population rose sharply, so did the demand for revocation hearings

Parole Snapshot Population and Revocation Hearing Volume, FY2004–FY2013

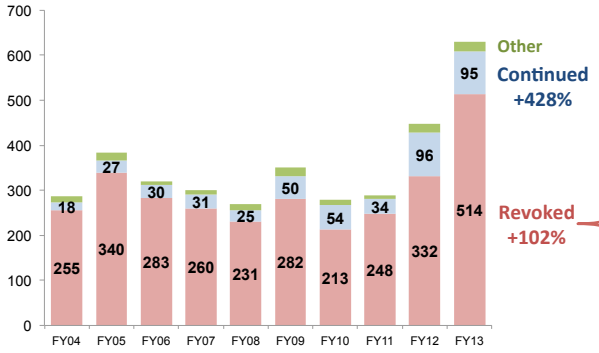


33%	46%	39%	32%	26%	33%	26%	21%	26%	39%	Revocation Hearings as Percent of Parole Population

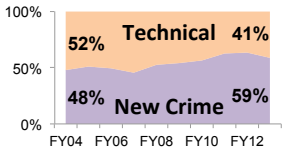
Source: NDCS parole supervision data; Parole Board hearing data

Both the percentage revoked and proportion revoked for technical violations dropped slightly

Parole Revocation Hearings by Outcome, FY2004–FY2013



Proportion of Parole Revocations by Type, FY2004–FY2013

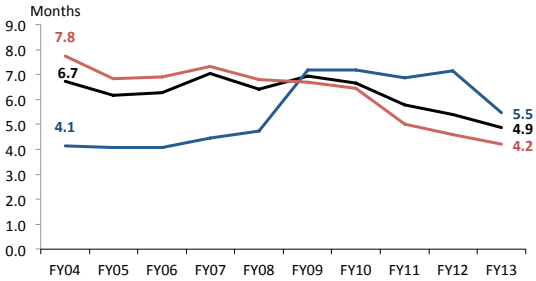


6%	7%	9%	10%	9%	14%	19%	12%	21%	15%	% Continued
89%	89%	88%	86%	86%	80%	76%	86%	74%	82%	% Revoked

Source: Parole Board hearing data

The average parole violator has a short, and shrinking, stay in prison

Median Length of Stay for Parole Violators, FY2003–FY2013



Re-Paroles +32%

Total Parole Violator Releases -28%

Jam Outs -46%

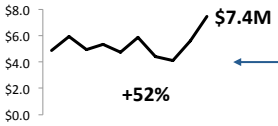
FY2013 Parole Revocation Admissions **563**	X	Median Length of Stay **4.9 months**	X	Operational Cost per Inmate **$32,600/year**	=	Potential Cost to House FY2013 Parole Revocation Admissions **$7.4 million**

Source: NDCS admissions and release data

Shorter parole violator prison stays are offset by growing revocation volume

Fiscal Year	Parole Revocation Admissions	Average LOS in Months*	Operational Cost per Year per Inmate	Potential Cost per Admission Year
2004	268	6.7	$32,600	$4.9M
2005	356	6.2	$32,600	$6.0M
2006	290	6.3	$32,600	$4.9M
2007	279	7.0	$32,600	$5.3M
2008	273	6.4	$32,600	$4.8M
2009	311	6.9	$32,600	$5.9M
2010	245	6.7	$32,600	$4.4M
2011	262	5.8	$32,600	$4.1M
2012	383	5.4	$32,600	$5.6M
2013	563	4.9	$32,600	$7.4M

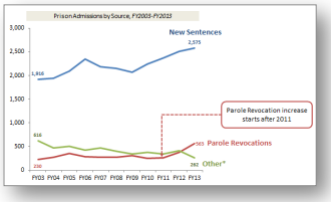
Although Parole Violator length of stay has decreased, rising PV admissions means a larger potential price tag for parole revocations



* Average length of stay for that year's Parole Violator release cohort

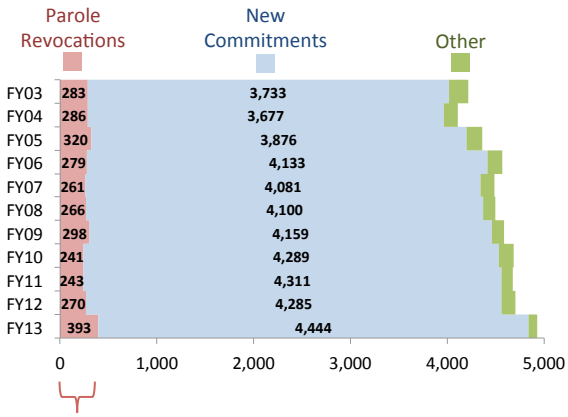
Source: NDCS admissions and release data

The share of parole violators in the snapshot prison population grew only moderately because of their short stays



17% of all admissions to prison in FY2013 were parole revocations, up from an average of 10% the previous decade

Snapshot Prison Population by Admission Type, FY2003–FY2013

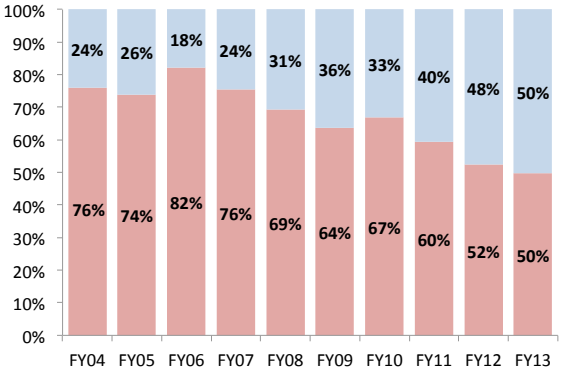


Parole Violators constituted 8% of the total snapshot population in FY2013, up from 5% in FY2010 and FY2011

Source: NDCS admissions and snapshot population data

Half of parole violators return to the community without supervision

Parole Violator Releases by Type, FY2003–FY2013

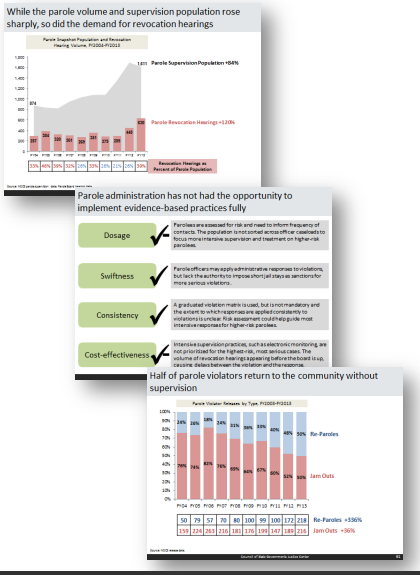


50	79	57	70	80	100	99	100	172	218	Re-Paroles +336%
159	224	263	216	181	176	199	147	189	216	Jam Outs +36%

Source: NDCS release data

III. Section Summary

- Without first implementing evidence-based practices, the parole supervision system has had to manage a 49 percent increase in the parolee population since FY2010.
- Responses to parole violations lack cost-effectiveness and the swiftness necessary to change parolee behavior
- Parole violators revoked to prison are not required to return to supervision upon release



Section I: Manage lower-level convictions to drive down recidivism

(1) More than 1,000 people convicted of Felony 4s and Misdemeanors were admitted to prison (41 percent of admissions) in 2013, mostly for nonviolent offenses.

Brief incarceration without meaningful programming and little to no post-release supervision delays but does not reduce recidivism.

Individuals sentenced to probation had lower recidivism rates than those sentenced to prison for similar offenses and all at a lower cost.

(2) Many judicial districts do utilize probation for such individuals, but the highest-volume districts depend on short prison terms instead.

Nebraska's probation system utilizes evidence-based practices, such as supervising the highest-risk offenders most intensively.

On probation, individuals are held accountable for one or more years, can be sanctioned for noncompliance, and are required to complete necessary treatment.

(3) Since 2006, Nebraska invested $22 million in community-based treatment programs for those under supervision to reduce recidivism.

These program resources are spread across multiple supervision populations, including Misdemeanors.

Focusing resources on individuals most likely to reoffend and with felony sentences would provide better public safety payoff.

Section II: Structure sentences to include post-release supervision and prioritize prison space for the most serious and violent offenses

(1) Sentencing practice narrows the window for the Parole Board to act, and allows for only short post-release supervision. When the parole window closes, the individual must be released without supervision.

From 2003 to 2013, the average minimum and maximum sentence lengths drew closer, shrinking the parole window and diminishing the potential for parole supervision.

(2) The spike in paroles halved the number of people still in prison who are parole eligible

Between 2009 and 2013, the number of annual parole grants increased 78 percent, from 890 to 1,590.

In 2003, 33 percent of the prison population had served their minimum sentence and were eligible for parole. By 2013, this population fell by half, with only 15 percent of the prison population eligible for parole.

(3) Prison admissions are growing, including individuals convicted of long sentences not parole-eligible for years to come.

New sentence commitments to prison increased 24 percent since 2009. With these admissions came an influx of people with long sentences, who will consume prison space for many years before becoming parole-eligible.

Nebraska needs to ensure that prison space is prioritized for people convicted of the most serious and violent offenses.

Section III: Enhance post-release supervision to hold parolees accountable

(1) A 49 percent increase in the parolee population since FY2010 occurred without the parole supervision system first implementing evidence-based practices

Focusing supervision resources and prioritizing treatment for higher-risk parolees will enable the system to manage larger volumes of parolees for longer periods.

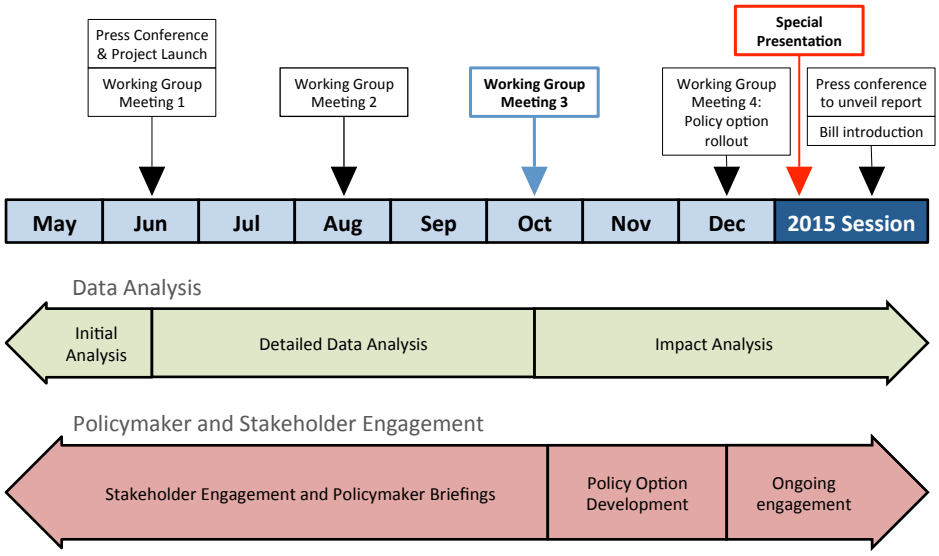
(2) Responses to parole violations lack the swiftness and cost-effectiveness to change parolee behavior

Between 2010 and 2013, parole revocation hearings increased 126 percent, from 279 to 630. Relying on the Parole Board to hear these cases is less effective than enabling parole officers to respond to violations with swiftness, certainty, and proportionality.

(3) Parole violators revoked to prison are not required to return to supervision upon release

Half of the people who are revoked from parole supervision and returned to prison serve the remainder of their sentence in prison and are released unsupervised.

Justice Reinvestment project timeline



Thank You

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