

Justice Reinvestment Working Group



First Meeting

June 18, 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



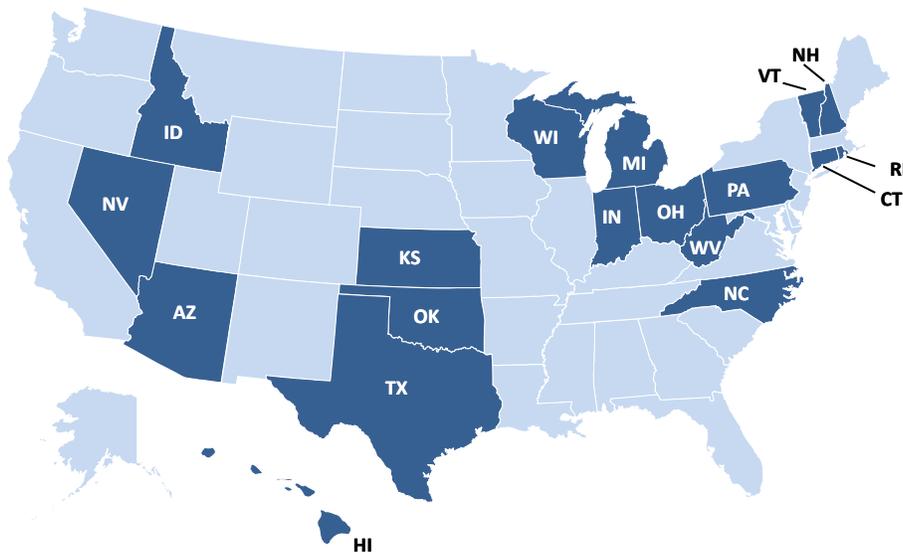
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Council of State Governments Justice Center

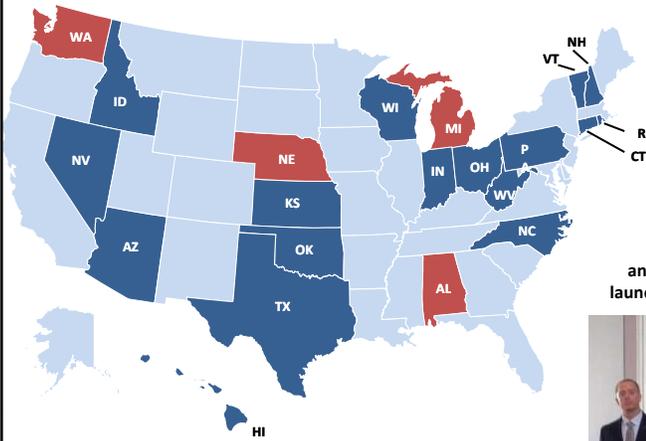
- National non-profit, non-partisan membership association of state government officials
- Engages members of all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence



CSG Justice Center has assisted 18 states using the Justice Reinvestment approach



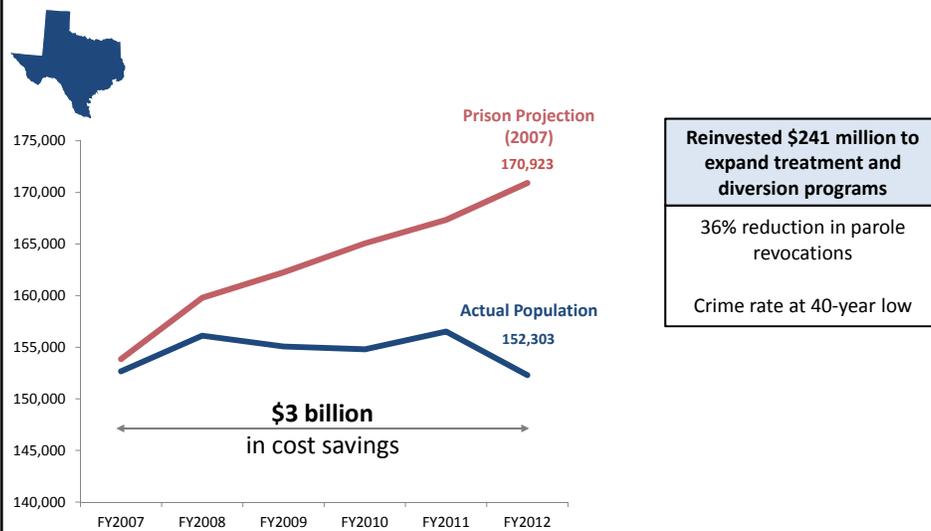
In 2014, CSG Justice Center is assisting four states



Governor Bentley
and other Alabama state leaders
launch justice reinvestment (June 10)



Texas the first national justice reinvestment case study

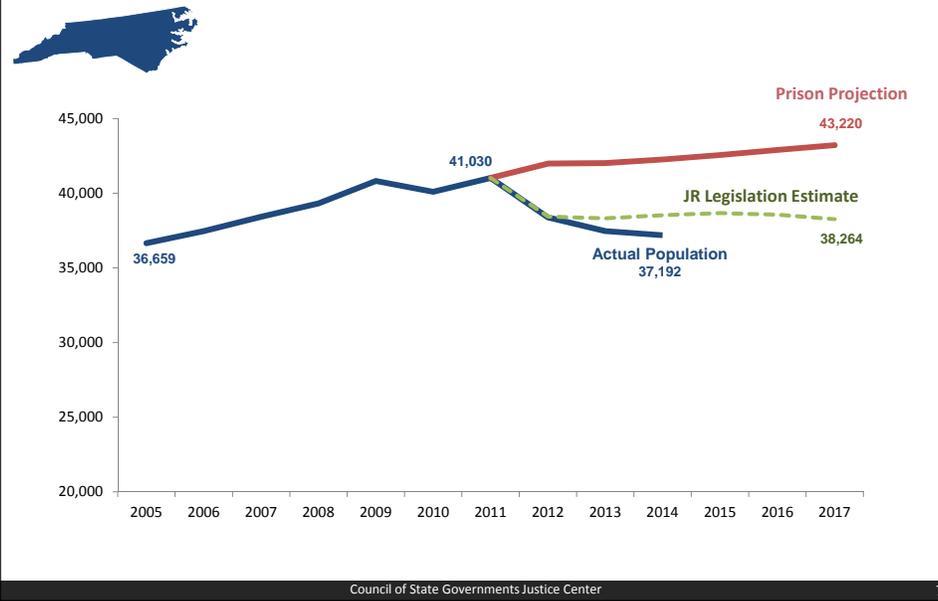


Reinvested \$241 million to
expand treatment and
diversion programs

36% reduction in parole
revocations

Crime rate at 40-year low

Post-financial downturn, North Carolina the next case study



State reinvestment into public-safety strategies

STATE	FINDING	REINVESTMENT
	Substance use needs contributing to probation and parole violations	Reinvest \$2.5 million in substance use treatment focused on higher-risk probationers and parolees with higher needs
	Victims lack confidence that restitution orders will be managed effectively	Increase, by statute, prison-based restitution collections, reinvest in 15 victim service positions, and track collections using a database
	Despite substantial community correction program investment, probation failures account for close to one third of prison admissions	Reinvest \$10 million in funding for improving probation, including performance-incentive grants

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Two phases of Justice Reinvestment

Phase 1

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

Typical timeline for Justice Reinvestment processes

Phase I - Analyze Data & Develop Policy Options

Collect and Examine Quantitative Data

- Reported crime and arrests
- Jail data
- Court dispositions and sentencing
- Probation supervision
- Prison admissions, population and releases
- Parole decisions and supervision

Engage Stakeholders

- Judges
- Prosecutors
- Defense Bar
- Parole Board
- County Officials
- Behavioral Health Providers
- Victims/Advocates
- Faith-Based Leaders
- Probation Officers
- Parole Officers
- Law Enforcement

Develop and present a comprehensive analysis of the state's criminal justice system

Develop a framework of policy options that together would increase public safety and reduce/avert taxpayer spending

6 to 9 months

2 to 3 months

Enacted legislation (LB 907) establishes the Justice Reinvestment Working Group



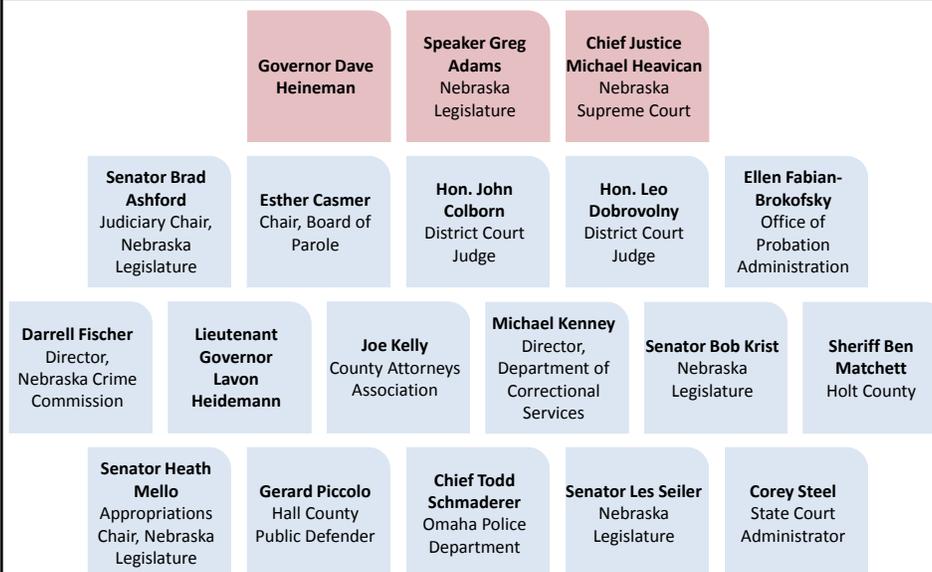
Legislation designates Speaker Adams, Chief Justice Heavican, and Governor Heineman as three working group co-chairs

LB 907 establishes the Nebraska Justice Reinvestment Working Group



“Study and identify innovative solutions and evidence-based practices to ... reduce correctional spending and reinvest in strategies that can decrease recidivism and increase public safety”

Working Group composition represents broad spectrum of the criminal justice system



LB 907 identifies several areas of analysis

Reported crimes and arrests

Courts, problem-solving courts, and sentencing trends

Alternatives to incarceration

Community services

Probation and parole services

Effectiveness of all available offender programs

Analysis of the prison population and its growth

Prison admissions and length of stay

Prison programming

Recidivism rates of offenders released from prison, jail, parole, probation, and other community-based programs

Crime & Arrests

Courts & Sentencing

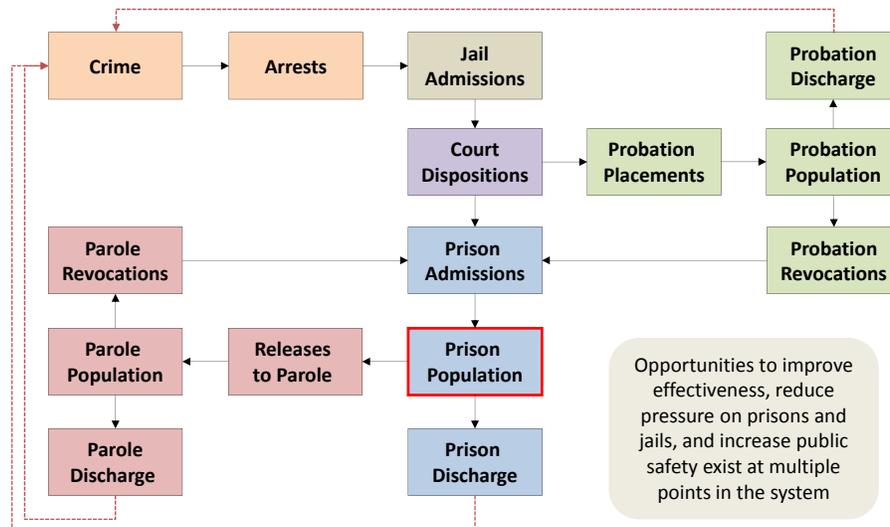
Probation & Parole

Program Effectiveness

Prison

Parole, Jammers & Recidivism

Understand Broader System Trends — Prison data alone won't answer all essential questions



Policy development tied to principles of focusing resources and avoiding shifting of burdens

The Goal: Contain corrections costs and increase public safety



Combine policy options with reinvestment based on “what works” to reduce recidivism

Avoid shifting burdens elsewhere in the system, and help relieve pressures at the local level



Although this presentation is based largely on published reports, future presentations will be based on independent analyses

Data gathering is well underway

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	Census/State Data Center Cross-system Sources State Police

Data roadblocks that sometimes arise

Shortage of data and IT staff

Data delivery delays / Time needed to prepare research-ready files

Unavailable data instead collected through samples and surveys

Previously unexamined data requiring additional validation

Process will complement data analysis with input from stakeholder groups and interested parties



Presentation Overview



Nebraska System Trends

**Using “What Works”
to Lower Recidivism**

**Nebraska Big-Picture Questions
And Next Steps**

Summary of Nebraska criminal justice system trends

Reported crime and arrests down

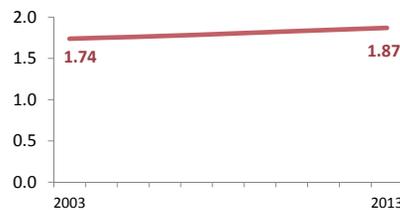
Probation population stable, parole up considerably

Admissions to prison up, and 60% enter with “short mins”

Prison population up, and operating at 158% of capacity

Almost 1/3 released from prison without supervision

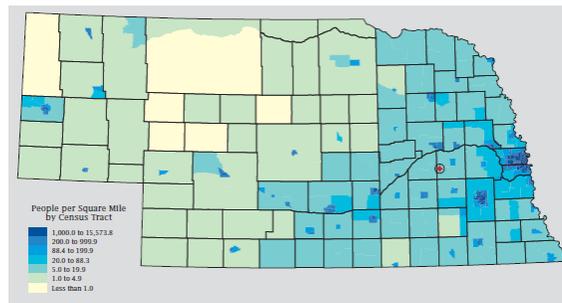
Nebraska's total population has grown and remains geographically concentrated



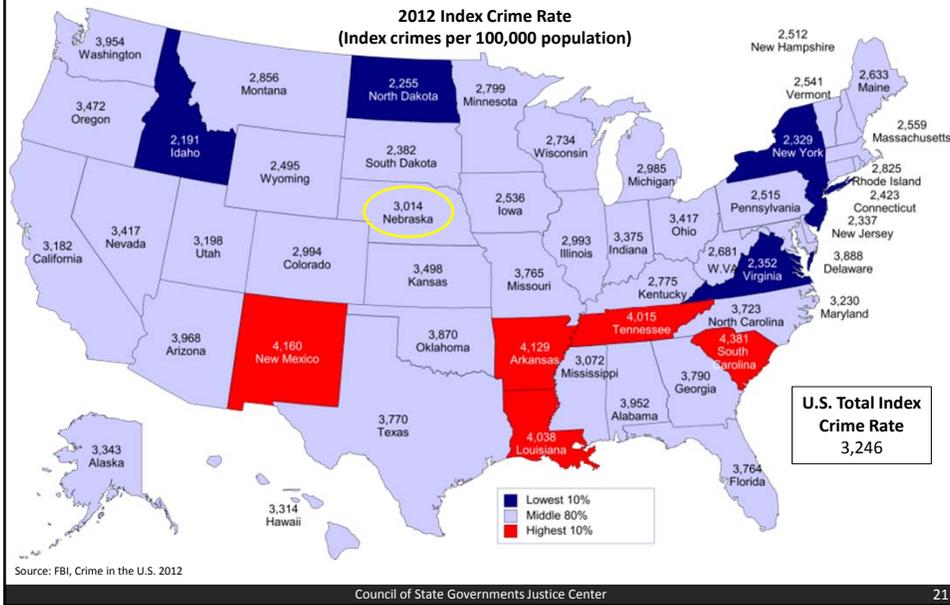
Population in Millions,
2003-2013
Up 7%

2010 Population Density

- 29% of the total population lives in Douglas County
- 53% live in the three largest counties (Lancaster, Sarpy)
- 70% of Nebraska's 93 counties have less than 10,000 residents

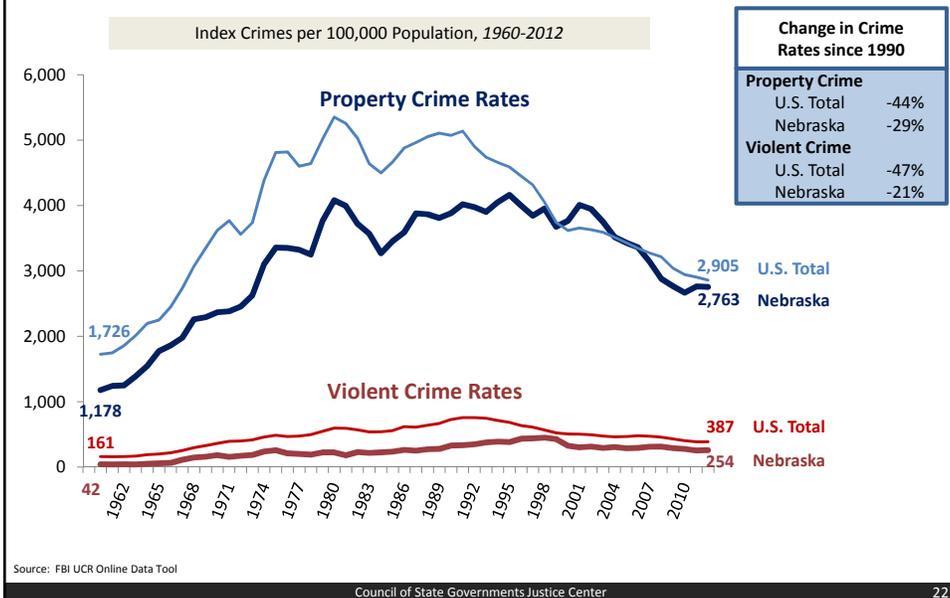


Nebraska's index crime rate falls in the middle of the pack



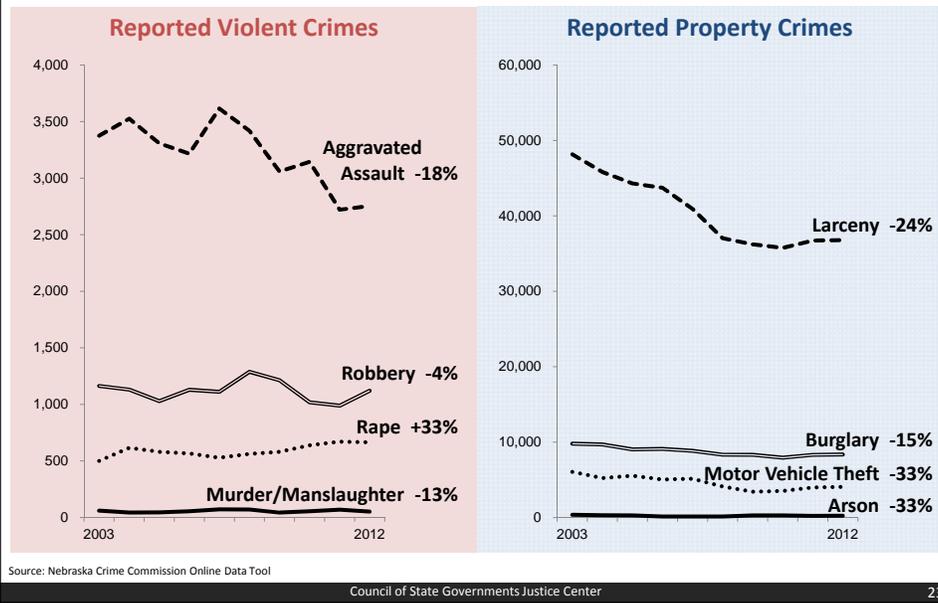
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Substantial reductions in crime happening across the country also seen in Nebraska

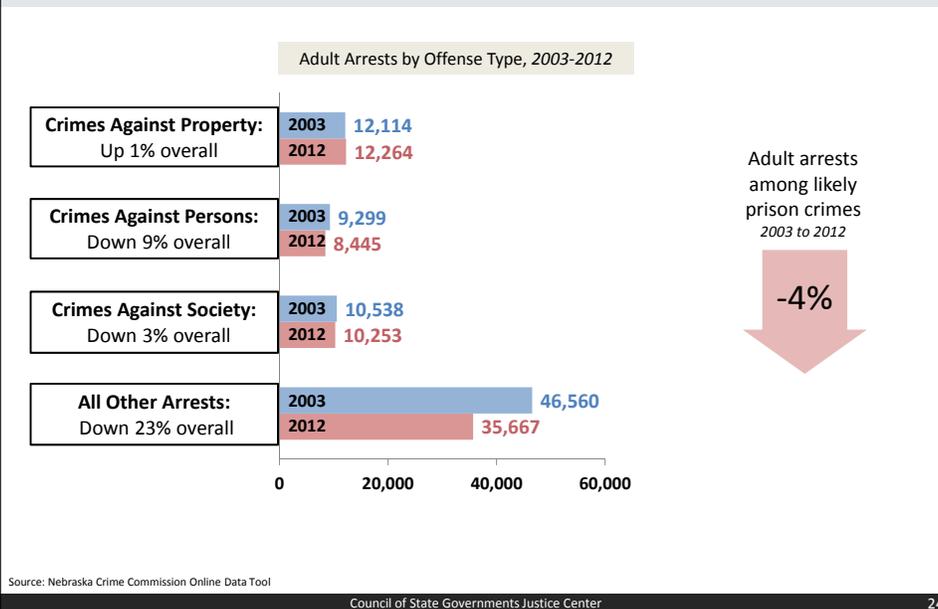


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Despite growing population nearly all reported crime categories are down substantially in the last ten years

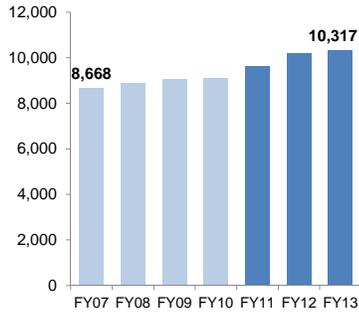


Drop in crime is reflected in arrests, although to a smaller degree

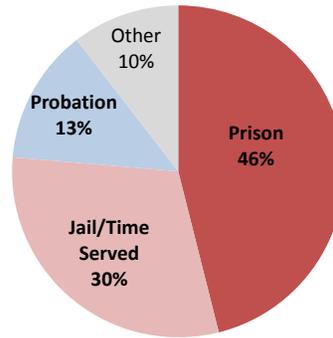


District Court criminal case filings are up 19%, the majority of guilty dispositions receive incarceration

District Court Criminal Case Filings, 2007-2013

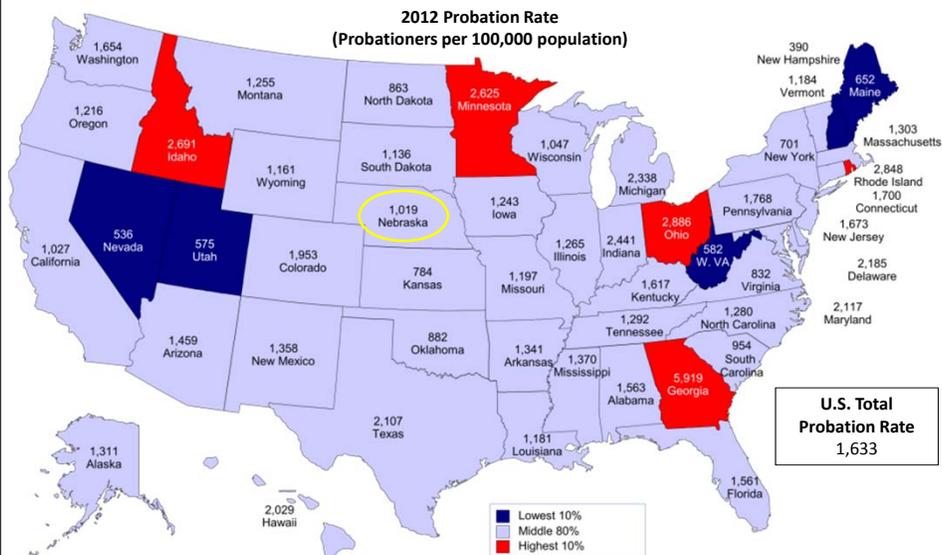


Preliminary Analysis of Guilty Disposition Data, FY2012-FY2013

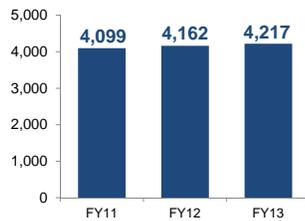


Source: Nebraska Administrative Office of the Courts, District Court Annual Caseload Reports; JUSTICE data extract; BJS, Felony Sentencing in State Courts, 2006

Nebraska's rate of adult residents on probation is 11th lowest

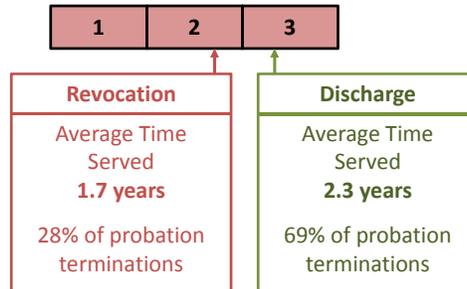


Felony probation population stable over recent years



Felony probation population shows modest growth +3%

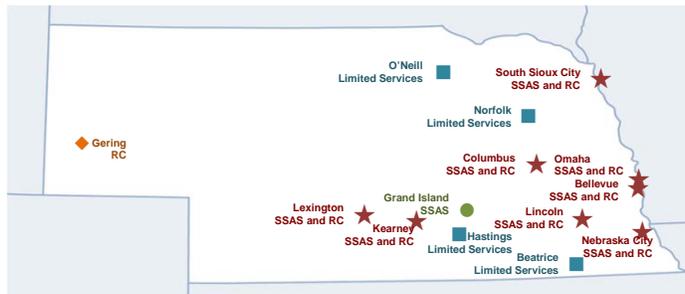
The average probation term length is 3 years, consistent with national figures



Source: Nebraska Office of Probation Administration data extract

Three components of community corrections in Nebraska

	Coverage Areas	Distribution	Populations Accessing Services
Specialized Substance Abuse Supervision (SSAS)	9 sites	State, county, and supervision fees	Probationers and parolees
Reporting Centers	9 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

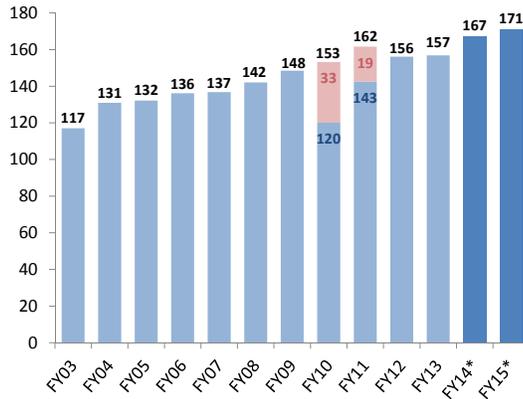


LB 907 provides \$7.6M over 2 years for new reporting centers/services and probation staff

Source: Information shared by the Nebraska Office of Probation Administration

Total General Fund correction spending increased 34% from 2003 to 2013

General Fund Corrections Spending/Budget (in millions), FY2003-FY2015



In 2010 and 2011 American Recovery and Reinvestment Act (ARRA) funds were used to supplant General Fund spending

* Budgeted total

Source: FY2002-2013 Biennial Budget Reports; Communication from Legislative Fiscal Office to the Judiciary Committee, Oct. 31 2013

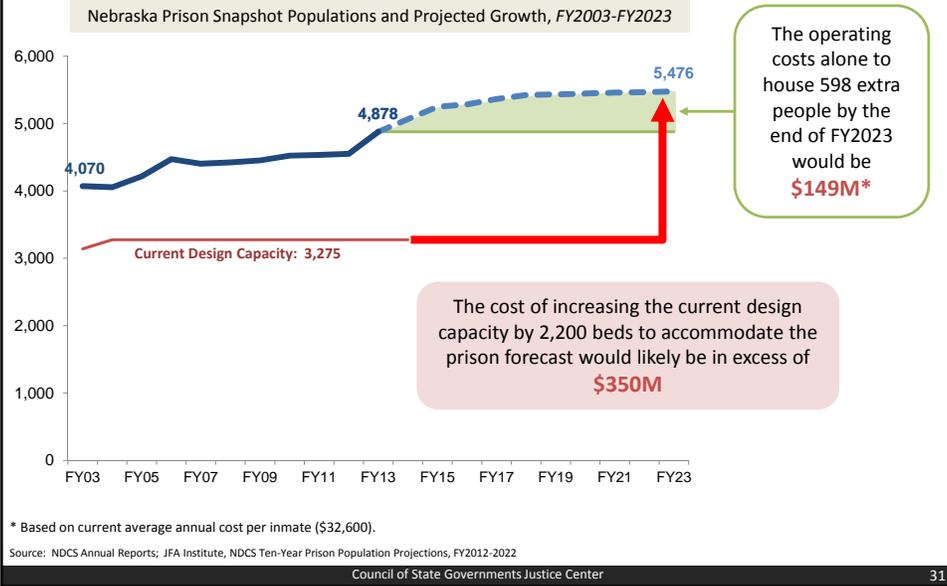
Prison population growth expected to continue

Nebraska Prison Snapshot Populations and Projected Growth, FY2003-FY2023

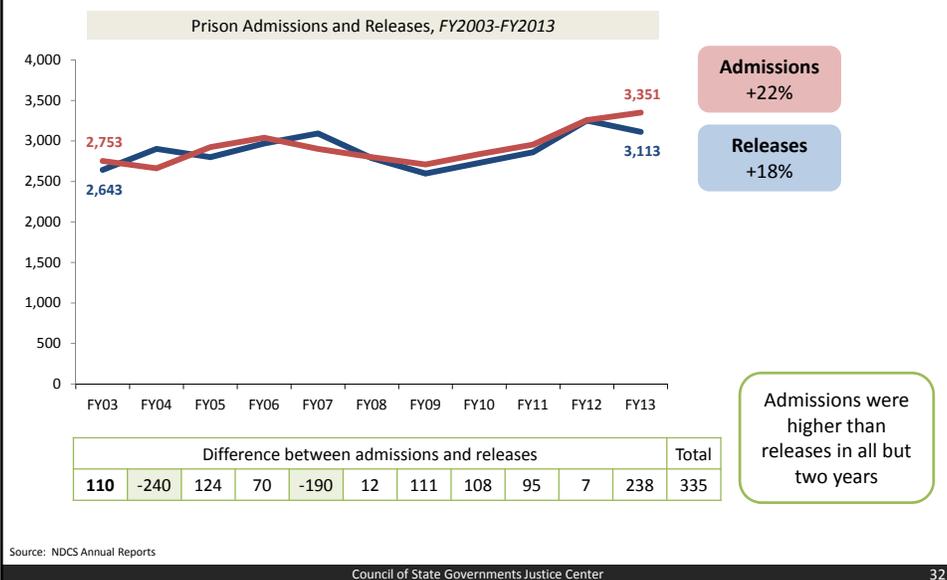


Source: NDCS Annual Reports; JFA Institute, NDCS Ten-Year Prison Population Projections, FY2012-2022

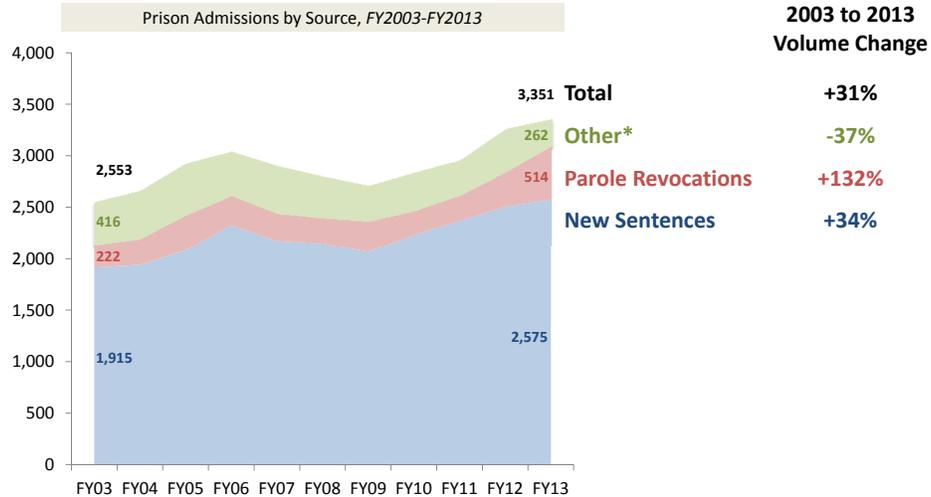
Accommodating the current capacity shortfall and projected prison growth would cost Nebraska millions



Releases are not keeping pace with admissions



New sentences, which include probation revocations, account for over 75% of admissions to prison



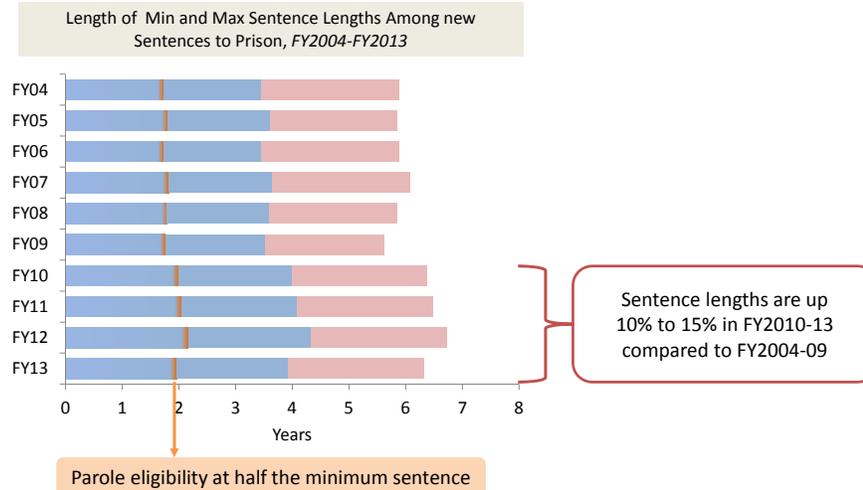
*Other includes Evaluator, Safekeeper, and Work Ethic Camp admissions

Source: NDCS Annual Reports

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Average prison sentence lengths are 4 to 6 years and appear to have increased in recent years



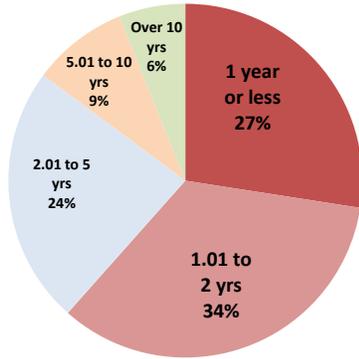
Source: NDCS Annual Reports

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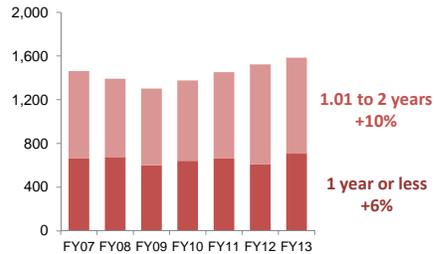
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61 percent of new admissions to prison have minimum sentences of two years or less

Newly Sentenced Prison Admissions by Minimum Sentence Length, FY2013



Short Term Minimum Sentences to Prison, FY2007-FY2013



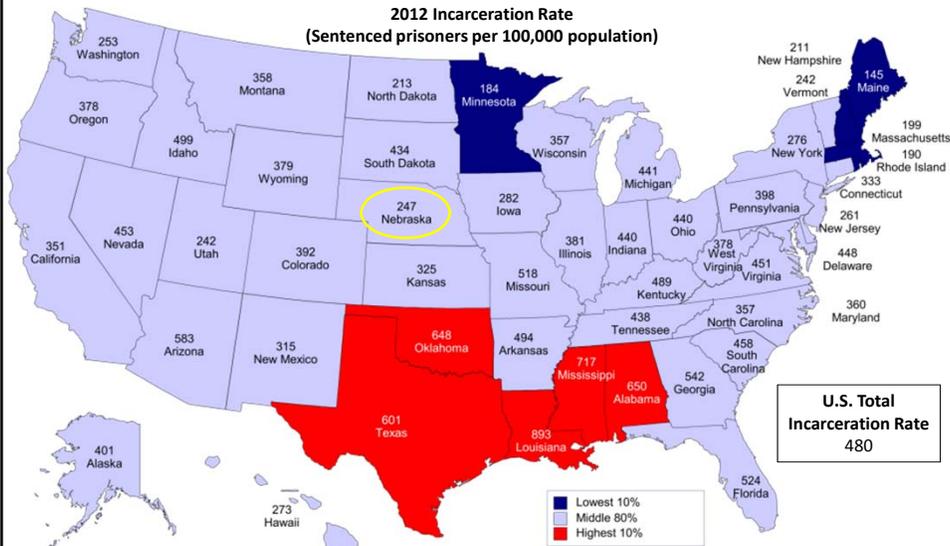
Source: NDCS Annual Reports

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Nebraska's rate of adult residents in prison is ninth-lowest

2012 Incarceration Rate (Sentenced prisoners per 100,000 population)

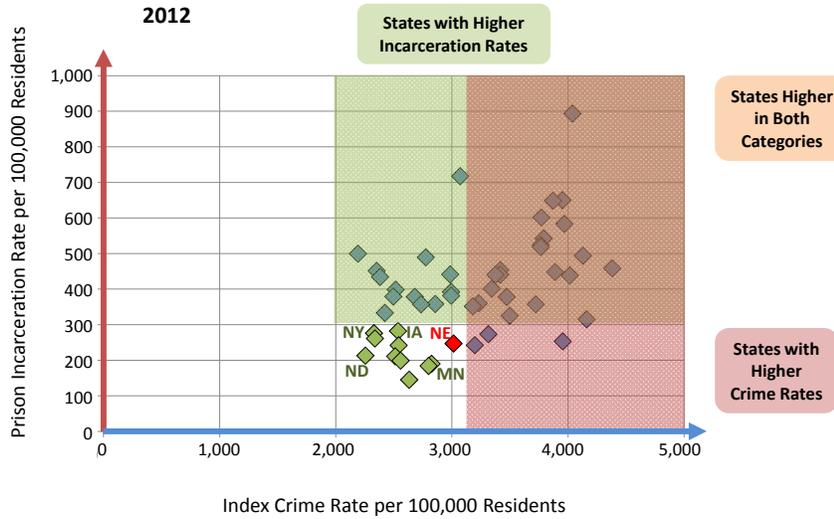


Source: BJS, Prisoners reports <http://www.bjs.gov/index.cfm?ty=pbse&sid=40>

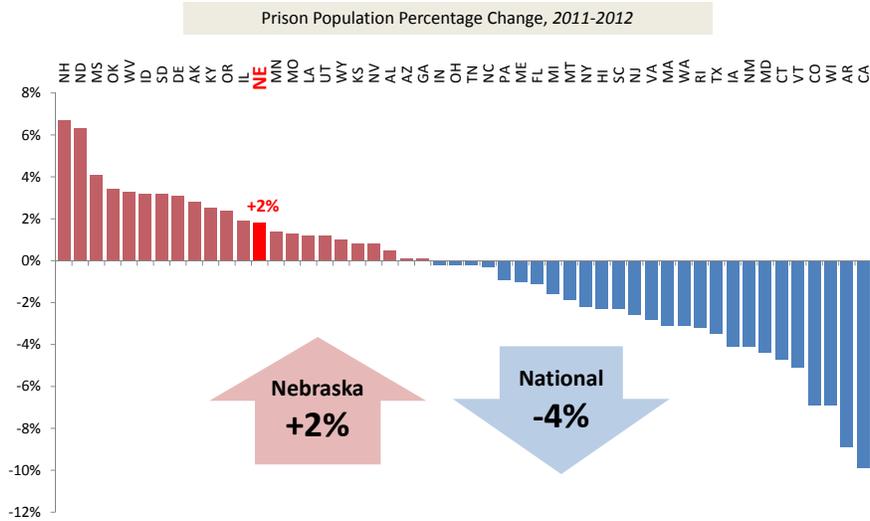
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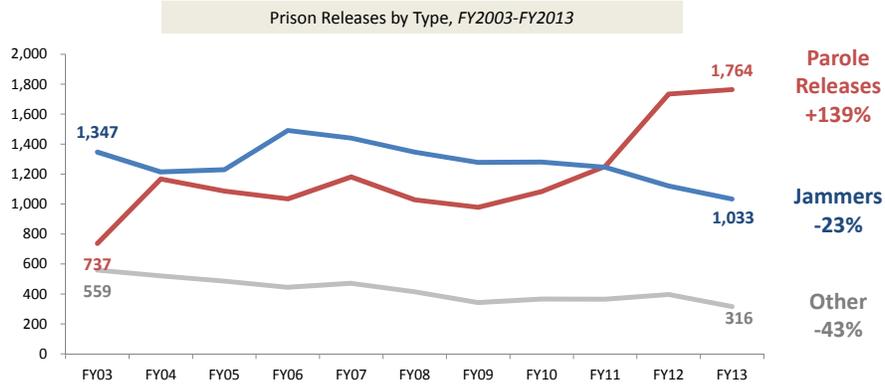
Although fairly low in incarceration and crime rate, Nebraska could enjoy a lower crime rate without increasing the prison population



Nebraska among the minority of states where prison population continues to rise



The volume of releases to parole has increased considerably in the last two years



Jammers represented one third of 2013 total releases from prison

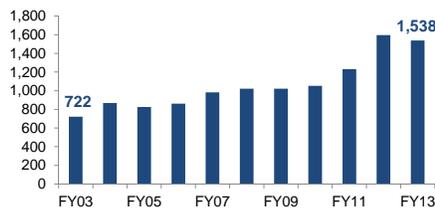
Source: NDCS Annual Reports

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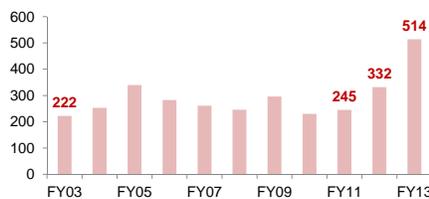
The rise in parole releases has created a larger parole supervision population and twice as many revocations

Parole Supervision Snapshot Population, FY2005-FY2013



Length of stay on supervision for successful parolees dropped 18% from 10 months to 8 months

Parole Revocations to Prison, FY2003-FY2013

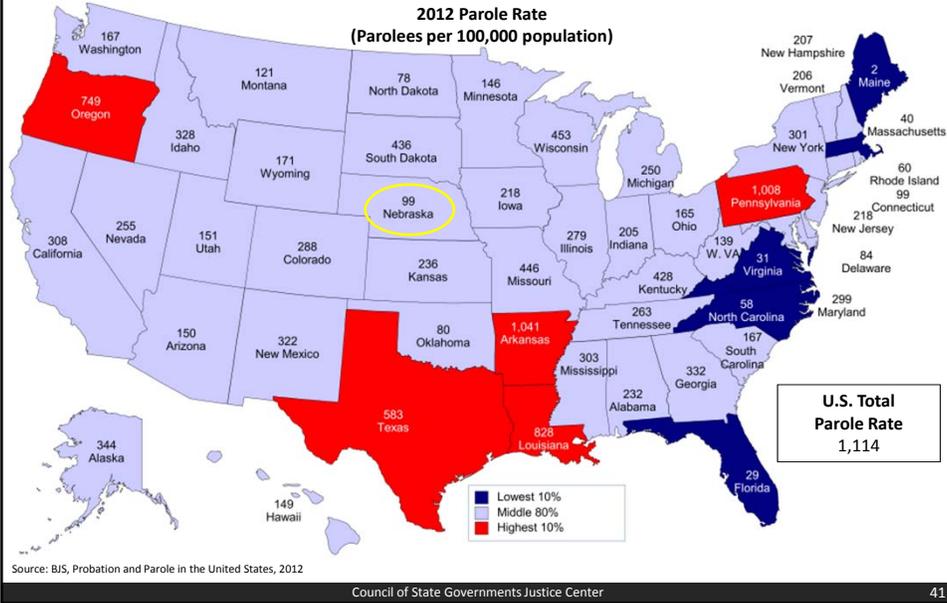


Source: NDCS Annual Reports

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Nebraska has the tenth-lowest rate of adults residents on parole supervision



Questions raising opportunities for analysis

Why are felony dispositions increasing despite crime drop?

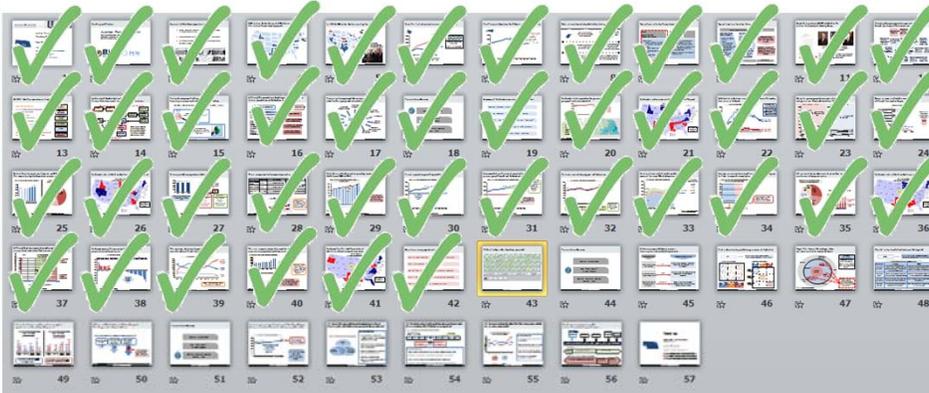
Why is the probation population stable?

How do “short mins” compare to the probation population?

What is the recidivism rate from correction and supervision?

What have other states done to reduce max outs?

75% of today's slides have been presented



Break

Presentation Overview

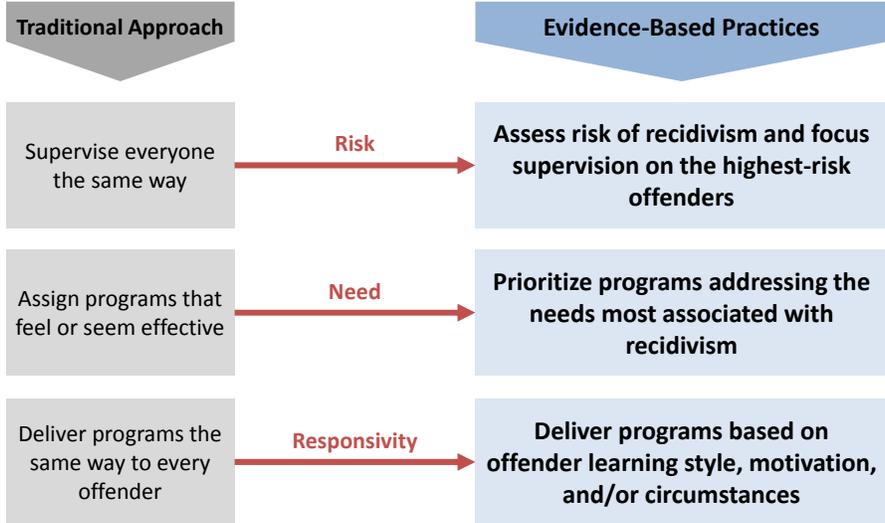
Nebraska System Trends



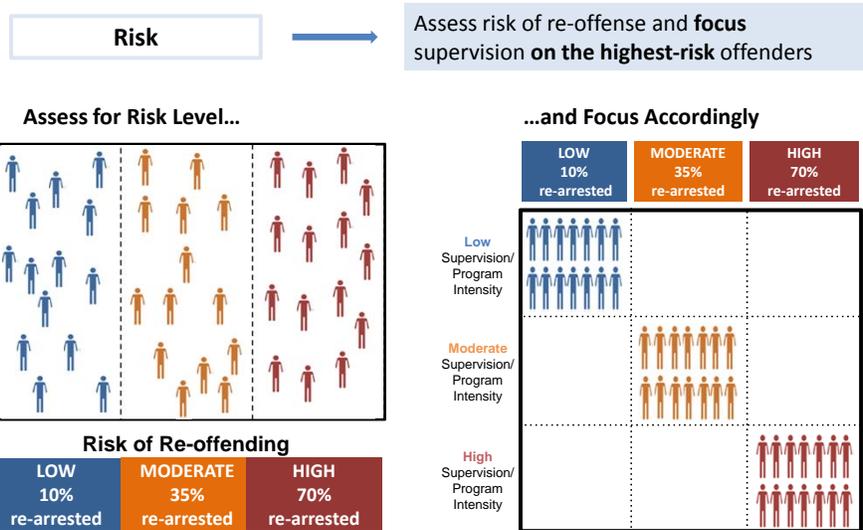
**Using "What Works"
to Lower Recidivism**

**Nebraska Big-Picture Questions
And Next Steps**

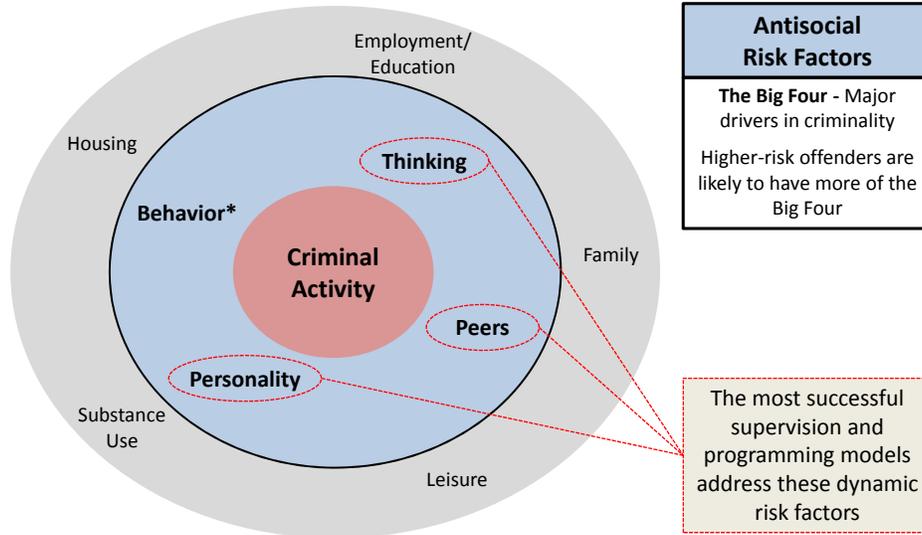
Reducing criminal behavior requires focusing on risk, need, and responsivity



Risk is about sorting and tailoring resources to higher-risk



Target the factors that evidence shows are most central to criminal behavior



“Need” refers to which risk factors will be targeted

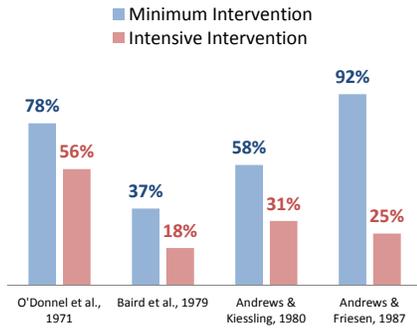


Translating Risk Factors to Need Factors

Risk Factor	Example	Needs
Antisocial Attitudes	Attitudes, values, beliefs and rationalizations supportive of crime, cognitive emotional states of anger, resentment & defiance	Reduce antisocial cognition, recognize risky thinking and feelings, build up alternatives, adopt a reformed or anti-criminal identity
Antisocial Peers	Close association with criminals & relative isolation from pro-social people	Reduce association with criminals, enhance association with pro-social people
Antisocial Personality	Adventurous, pleasure seeking, weak self control, restlessly aggressive	Build problem-solving, self-management and coping skills
Antisocial Behavior	Early and continued involvement in a number of antisocial acts	Build noncriminal alternative behaviors in risky situations

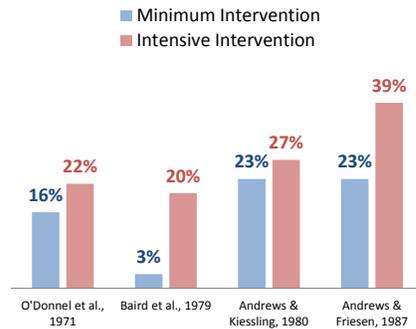
Intensity of services can have positive or negative impacts on recidivism, depending on risk

Intervention Effects on Recidivism among HIGH RISK Offenders



Intensive interventions led to **BETTER** recidivism outcomes for **HIGH** risk offenders, but....

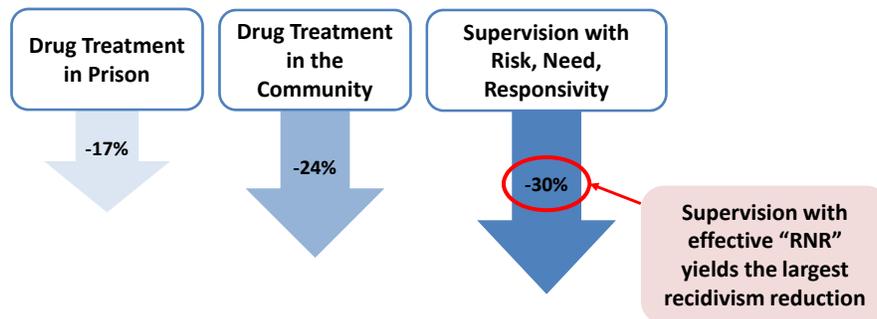
Intervention Effects on Recidivism among LOW RISK Offenders



.... intensive interventions led to **WORSE** recidivism outcomes for **LOW** risk offenders.

Where and how treatment is delivered impacts the degree of recidivism reduction

Research on the impact of treatment intervention on recidivism rates



Presentation Overview

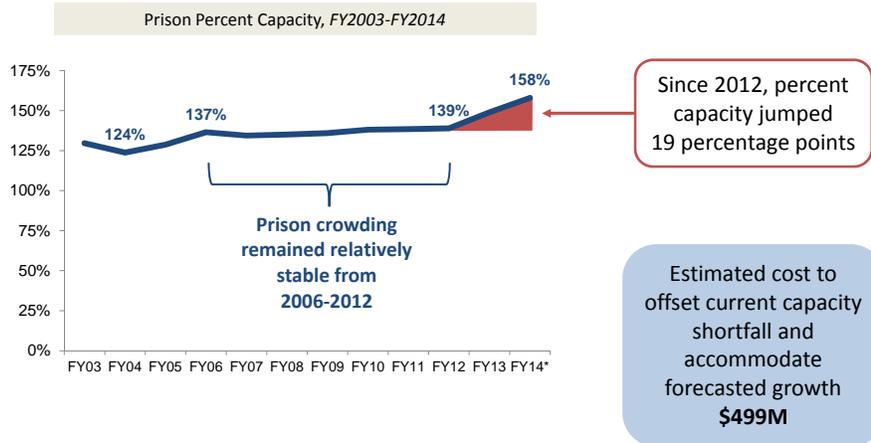
Nebraska System Trends

Using “What Works”
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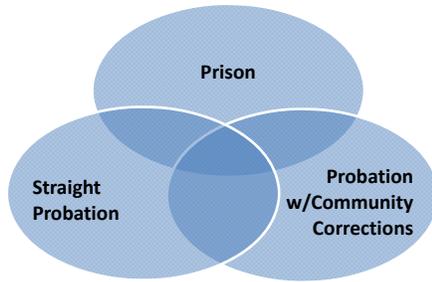
Nebraska Big-Picture Questions
And Next Steps

Increasing prison capacity alone won't identify underlying drivers or contain future costs and increase public safety



(1) How effective are probation and community corrections at diverting the right offenders from prison and reducing recidivism?

Nebraska's principal prison and diversion populations



Data analysis questions:

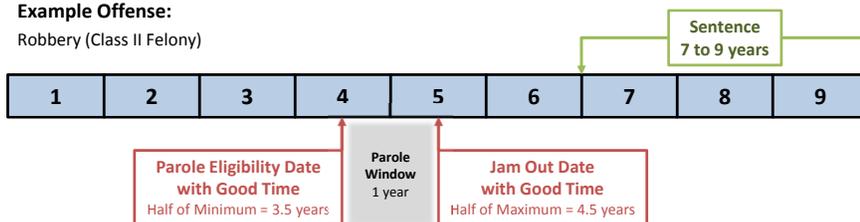
- What distinguishes an offender receiving a “short-min” prison term from one receiving straight probation or community corrections?
- Do community correction programs prioritize otherwise prison-bound and high-risk probationers?
- How many people admitted to prison were previously on probation?
- How does the composition of Nebraska’s probation population differ from other states?

(2) How do sentence lengths, good time policies, and parole release decision-making affect Nebraska’s prison population?

Illustration of Nebraska felony sentencing with impact of good time

Example Offense:

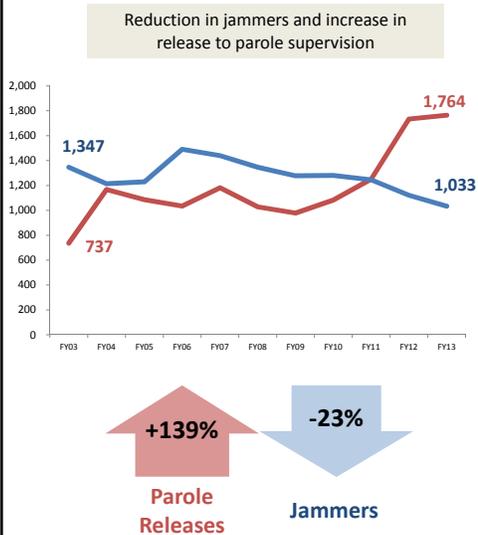
Robbery (Class II Felony)



Data analysis questions:

- How are lengths of min and maxes of sentences affecting prison time served?
- How does average time served vary by offense and what are the trends?
- What is the average percent of minimum sentence served in prison?
- How do narrow parole windows affect parole decision-making and jammers?

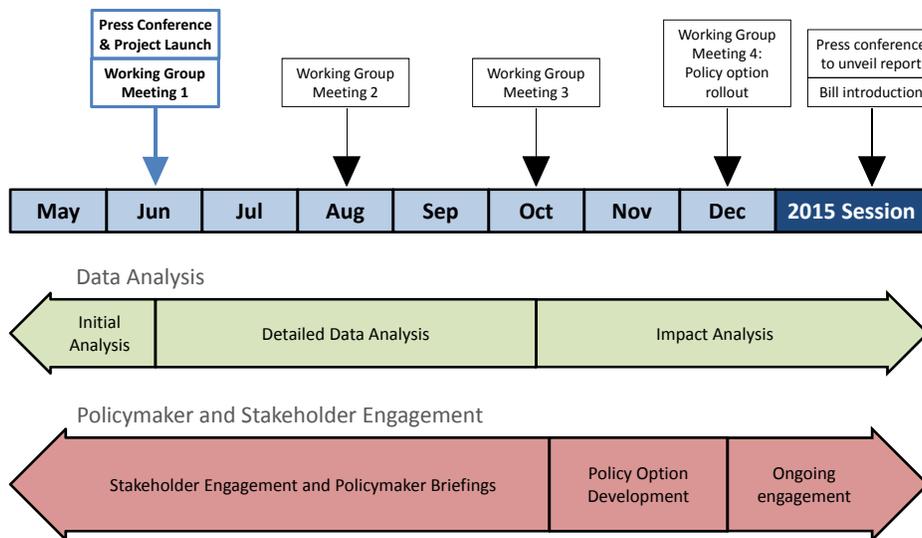
(3) How can recidivism be reduced for those leaving prison, and why are so many unsupervised?



Data analysis questions:

- Are resources prioritized based on risk and need?
- How is parole supervision affected by relatively short supervision terms?
- Are graduated responses applied consistently to supervision violations?
- Can victim safety planning be developed for jammers?

For discussion purposes, possible Justice Reinvestment project timeline



Thank You

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