



# Justice Reinvestment in Nebraska

## Overview



## Background

In early 2014, Governor Dave Heineman, Chief Justice Michael Heavican, and Speaker Greg Adams requested support from The Pew Charitable Trusts and the U.S. Department of Justice’s Bureau of Justice Assistance to explore a “justice reinvestment” approach to improve public safety, reduce corrections spending, and reinvest savings in strategies that can decrease crime and reduce recidivism. The Council of State Governments Justice Center (CSG Justice Center) was asked to provide intensive technical assistance to help collect and analyze data and develop appropriate policy options.

The Nebraska Unicameral Legislature unanimously passed LB 907 in April 2014 to create the Justice Reinvestment Working Group, which tasks representatives from all three branches of government and state and local criminal justice system stakeholders with studying the state’s criminal justice system using the justice reinvestment approach.<sup>1</sup> The leaders of the three branches will co-chair the Working Group.

Under the direction of the Working Group, CSG Justice Center staff will conduct a comprehensive analysis of extensive data sets collected from various relevant state agencies and branches of government. To build a broad picture of statewide criminal justice trends, jail, crime, and arrest data from local governments will be collected and analyzed. CSG Justice Center staff will also convene focus groups and lead interviews with people working on the front lines of Nebraska’s criminal justice system. Based on these exhaustive quantitative and qualitative analyses, the Working Group will develop options for the legislature’s consideration that are designed both to increase public safety and reduce corrections spending.

This overview highlights some recent criminal justice trends in Nebraska. The Working Group will explore these issues, and many others, in greater depth in the coming months.

# Criminal Justice Trends in Nebraska

## While Nebraska’s resident population is growing, total numbers of reported crimes and arrests have dropped substantially.

- Between 2002 and 2012, Nebraska’s resident population increased 7.5 percent, from 1.73 million to 1.86 million people.<sup>2</sup>
- During the same time period, the number of reported index crimes fell 24 percent, from 73,606 to 55,932, and arrests dropped 17 percent, from 93,335 to 77,665.<sup>3</sup>

## Nebraska’s property and violent crime rates are below the national rates.

- In 2012, Nebraska’s index crime rate was the 24th lowest in the nation, with 3,014 reported crimes per 100,000 residents, compared to the U.S. total index crime rate of 3,246 per 100,000 residents.<sup>4</sup>
- Nebraska had the 14th lowest violent crime rate in the nation in 2012, with 259 reported crimes per 100,000 residents, compared to the U.S. total violent crime rate of 387 per 100,000 residents.<sup>5</sup>
- Nebraska had the 26th lowest property crime rate in the nation in 2012, with 2,755 reported property crimes per 100,000 residents, compared to the U.S. total property crime rate of 2,859 per 100,000 residents.<sup>6</sup>

## While overall crime rates declined, felony district court case filings increased in the last eight years.

- Between 2005 and 2013, criminal felony case filings in district courts rose 10 percent, from 9,364 to 10,317.<sup>7</sup>

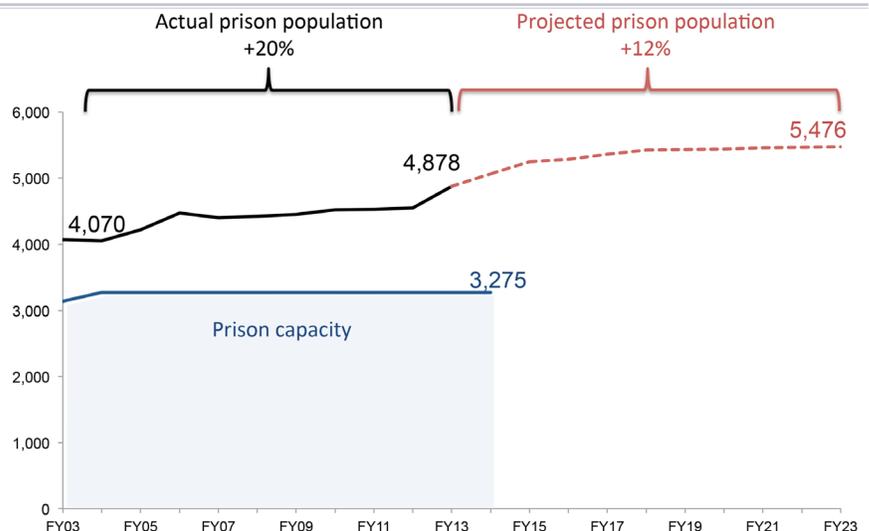
## Nebraska’s rate of adults on probation is among the lowest in the country, and the number of people on probation has decreased.

- In 2012, Nebraska had the 12th lowest probation rate in the nation, with 1,019 probationers per 100,000 residents, compared to the U.S. probation rate of 1,633 probationers per 100,000 residents.<sup>8</sup>
- From 2002 to 2012, the probation population in Nebraska fell 27 percent, from 19,170 to 14,260 people.<sup>9</sup>

## Nebraska’s prison population has grown significantly and is projected to climb.

- Between FY2003 and FY2013, Nebraska’s prison population increased 20 percent, from 4,070 to 4,878 people.<sup>10</sup>
- As of March 2014, Nebraska prisons housed 4,918 people and were operating at 155 percent of capacity.<sup>11</sup>
- According to a March 2013 population forecast, the prison population is projected to grow 12 percent, or by 598 people, by FY2023.<sup>12</sup>

**Figure 1.**  
Nebraska Prison Population and Projected Growth, FY2003–FY2023



**Source:** Nebraska Department of Correctional Services (NDCS) Annual Reports; NDCS Ten-Year Prison Population Projections, FY2012–2022 (Washington, DC: The JFA Institute, 2013).

### **As Nebraska's prison population grew over the past decade, so did state spending on corrections.**

- Between FY2003 and FY2013, state spending on corrections increased 34 percent, from \$117 million to \$157 million.<sup>13</sup>

### **In recent years, prison admissions both exceeded the number of releases and grew at a substantially higher rate.**<sup>14</sup>

- Between FY2003 and FY2013, the number of prison admissions increased 22 percent, from 2,753 to 3,351 people.<sup>15</sup>
- During the same period, the number of releases from prison increased 18 percent, from 2,643 to 3,113 people.<sup>16</sup>
- Between FY2003 and FY2013, new sentences to prison—which include probation revocations—increased 34 percent, from 1,915 to 2,575 people. In FY2013, new sentences to prison accounted for more than 75 percent (2,575 people) of admissions.<sup>17</sup>
- In FY2013, parole violators represented 15 percent (514 people) of prison admissions.<sup>18</sup>

### **The number of admissions to prison for parole violations has grown considerably, especially in recent years.**

- Between FY2003 and FY2013, parole violator admissions to prison increased 132 percent, from 222 to 514 people.<sup>19</sup>
- Between FY2003 and FY2013, the rate of parolees whose supervision was revoked and who were admitted to prison increased 2 percentage points, from 26 percent to 28 percent.<sup>20</sup>
- The increase in prison admissions for parole violations is most significant in recent years: between FY2012 and FY2013, these admissions increased 54 percent, from 332 to 514 people.<sup>21</sup>

### **Average time served in prison remained stable, and the number of people completing relatively short sentences increased.**

- Time served among people released from prison between FY2005 and FY2013 decreased five percent, from 2.18 to 2.07 years.<sup>22</sup>
- In FY2005, 21 percent of individuals leaving prison had served 6 months or less; by FY2013, 26 percent had served 6 months or less.<sup>23</sup>

### **Although the percentage of people released from prison without supervision has decreased, one-third of people who left prison in FY2013 were released without supervision.**

- In FY2003, 51 percent, or 1,347 people, were released from prison without supervision.<sup>24</sup>
- In FY2013, 33 percent of prison releases, or 1,033 people, completed their sentences and were released to the community without supervision.<sup>25</sup>

### **Although the number of adults on parole supervision has increased considerably, Nebraska's rate of parole supervision is among the lowest in the country.**

- Between 2002 and 2012, Nebraska's parole population increased by more than 141 percent, from 574 to 1,383 people.<sup>26</sup>
- In 2012, Nebraska had the 10th lowest parole supervision rate in the nation, with 99 parolees per 100,000 residents, compared to the national parole supervision rate of 353 parolees per 100,000 residents.<sup>27</sup>
- Nebraska has relatively short parole supervision lengths compared to other states, with the average discharge from parole occurring after 9 months. Nationally, the average length of stay on parole was about 21 months in 2012.<sup>28</sup>
- In the past three years, more than 80 percent of successfully discharged parolees served one year or less on supervision and more than 96 percent were supervised for two years or less.<sup>29</sup>

# The Justice Reinvestment Approach

## STEP 1

### Analyze Data and Develop Policy Options

Under the direction of the Justice Reinvestment Working Group, CSG Justice Center staff will conduct a comprehensive analysis of crime, arrest, conviction, sentencing, probation, community corrections, prison, behavioral health, parole, and recidivism data, using hundreds of thousands of individual data records. Examples of analyses that will be conducted include: supervision, community corrections, and prison population trends; length of time served in prison and on supervision; statutory and administrative policies; and availability of treatment and programs to reduce recidivism. Furthermore, to the extent data are available, CSG Justice Center analysis will assess how felony sentencing trends impact community corrections and prison populations, explore contributors to recidivism trends, and examine county jail trends. The analyses will result in findings related to the sources of prison population growth, prison and jail bed capacity, and effectiveness of agency policies and procedures.

To incorporate perspectives and recommendations from across the state, the CSG Justice Center will collect input and recommendations from criminal justice system stakeholders, including prosecuting attorneys, the defense bar, judges, law enforcement executives, supervision officers, behavioral health service providers, victims and their advocates, local officials, and others.

The Justice Reinvestment Working Group, in collaboration with CSG Justice Center staff, will review the analyses and develop data-driven policy options focused on increasing public safety and reducing spending on corrections. Policy options will be available for the legislature's consideration by early 2015.

## STEP 2

### Adopt New Policies and Put Reinvestment Strategies Into Place

If the policy options are enacted as legislation, the CSG Justice Center will work with Nebraska policymakers for a period of 12 to 24 months to translate the new policies into practice. This assistance will help ensure that related programs and system investments achieve projected outcomes and are implemented using the latest research-based, data-driven strategies. CSG Justice Center staff will develop implementation plans with state and local officials, provide policymakers with frequent progress reports, and deliver testimony to relevant legislative committees. Nebraska will also have the opportunity to apply for federal grant funding to meet important one-time implementation needs, such as information technology upgrades and ongoing quality assurance outcomes.

## STEP 3

### Measure Performance

Finally, the CSG Justice Center will continue to assist Nebraska officials to identify metrics to assess the impact of enacted policies on prison populations and rates of reincarceration, criminal activity, and recidivism, and to develop the strategies to monitor these outcomes. Typically, this includes a “dashboard” of multiple indicators that make it easy for policymakers to track the changes occurring in various components of the criminal justice system.

# Notes

1. Legislative Bill 907, Nebraska Legislature (April 2014), <http://nebraskalegislature.gov/FloorDocs/Current/PDF/Final/LB907.pdf>.
2. U.S. Census Bureau, State Intercensal Estimates (2000–2010), accessed April 5, 2014, <https://www.census.gov/popest/data/intercensal/state/state2010.html>; U.S. Census Bureau, State and County Quickfacts—Nebraska, accessed April 5, 2014, <http://quickfacts.census.gov/qfd/states/31000.html>.
3. U.S. Department of Justice, Federal Bureau of Investigation, Unified Crime Report Data Online, <http://www.ucrdatatool.gov/Search/Crime/State/StateCrime.cfm>; Index crimes consist of crime categories collected by law enforcement and reported to the FBI as part of the Uniform Crime Reporting Program and considered representative of the most serious crimes. The crime categories are violent crimes of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault, and the property crimes of burglary, larceny-theft, and motor vehicle theft.
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*
7. Nebraska Supreme Court, “District Court Annual Caseload Report,” (2005, 2013) (Lincoln: Nebraska Supreme Court, 2005, 2013). Annual reports prior to 2005 are unavailable.
8. Laura Maruschak and Thomas Bonczar, “Probation and Parole in the United States,” 2012 (Washington, DC: Bureau of Justice Statistics, 2013).
9. *Ibid.*; Lauren Glaze, “Probation and Parole in the United States,” 2002 (Washington, DC: Bureau of Justice Statistics, 2003).
10. Nebraska Department of Correctional Services (NDCS), “NDCS Annual Report and Statistical Summary FY2003,” (Lincoln: Nebraska Department of Correctional Services, 2003; NDCS, “NDCS Admissions and Releases,” 2013 (Lincoln: NDCS, 2013).
11. NDCS, “Monthly Data Sheet,” March 2014 (Lincoln: NDCS, 2014).
12. Wendy Naro Ware and Roger Ocker, “Nebraska Department of Correctional Services Ten-Year Prison Population Projections, FY2012–2022” (Washington, DC: The JFA Institute, 2013).
13. Nebraska Legislature, “Biennial Budget Report,” (FY2003, FY2013) (Lincoln: Nebraska Legislature, FY2003, FY2013).
14. Between FY2003 and FY2013, prison admissions exceeded the number of prison releases every year except FY2007.
15. NDCS, “NDCS Annual Report and Statistical Summary FY2003”; NDCS, “NDCS Admissions and Releases,” 2013.
16. *Ibid.*
17. *Ibid.*
18. NDCS, “NDCS Admissions and Releases,” 2013; In addition, 8 percent of prison admissions (262 people) included individuals classified as Work Ethic Camp (WEC), who are probationers or lower-security individuals in prison receiving programs and treatment prior to reentry; safekeepers, who are under county jail custody housed in prison at the expense of the respective county; and evaluators, who have been ordered by the courts to undergo a 90-day evaluation prior to sentencing.
19. NDCS, “NDCS Annual Report and Statistical Summary FY2003”; NDCS, “NDCS Admissions and Releases,” 2013.
20. *Ibid.*
21. NDCS, “NDCS Admissions and Releases,” 2013.
22. NDCS, “NDCS Annual Report and Statistical Summary FY2005,” (Lincoln: NDCS, 2005; NDCS, “NDCS Admissions and Releases,” 2013. NDCS data on time served in prison before FY2005 is unavailable.
23. *Ibid.*
24. NDCS, “NDCS Annual Report and Statistical Summary FY2003.”
25. NDCS, “NDCS Admissions and Releases,” 2013.
26. U.S. Department of Justice, Bureau of Justice Statistics, “Corrections Statistical Analysis Tool.”
27. Laura Maruschak and Thomas Bonczar, “Probation and Parole in the United States”, 2012.
28. *Ibid.*
29. NDCS, “NDCS Admissions and Releases,” 2013.

To learn more about the justice reinvestment strategy  
in Nebraska and in other states, please visit:  
[csgjusticecenter.org/jr](http://csgjusticecenter.org/jr)



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### Council of State Governments Justice Center

New York, NY  
Bethesda, MD  
Austin, TX  
Seattle, WA

**PROJECT CONTACT:**  
**Chenise Bonilla**  
Program Associate  
[cbonilla@csg.org](mailto:cbonilla@csg.org)

[csgjusticecenter.org](http://csgjusticecenter.org)