



Getting More for Less with Criminal Justice Reform

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Nebraska's current correctional policy is unsustainable. While prisons are necessary to protect the public from violent, dangerous, and chronic offenders, an emphasis on incarcerating nonviolent offenders without a focus on proven strategies for changing offender behavior, both behind bars and in the community, will not provide Nebraska taxpayers a good public safety return on their dollars. This is the central finding of the Platte Institute's new paper produced in collaboration with the Texas Public Policy Foundation, entitled "Controlling Costs and Protecting Public Safety in the Cornhusker State."

Nebraska, like many other states, has experienced an incarceration binge for the past several decades. In response to rising crime rates, admissions to Nebraska's state prison system rose from 34 out of every 100,000 residents in 1979 to 101 in 1995,^[i] the year property and violent crime peaked.^[ii] However, the admissions rate continued to increase and reached 152 in 2012, the highest percentage on record.^[iii] This increase persisted even while violent and property crime rates continued to decline.^[iv]

As of February 1st, Nebraska is holding 4,981 inmates in state facilities, 155 percent of their original designed capacity.^[v] At the average cost of nearly \$36,000 per inmate annually, Nebraska is at a crossroads: continue down this road and incur even greater costs and perhaps even federal court intervention and its often problematic unintended consequences, or implement evidence-based, commonsense reforms that will not only save the Nebraskan taxpayer money but provide better public safety as well.^[vi]

One potential reform to consider is a graduated sanctions model of probation. Modeled after Hawaii's Opportunity Probation with Enforcement (HOPE) court, participants must call in every morning to determine if they must report for a randomized drug screening. Should they fail the urinalysis, they are automatically sent to jail the following weekend with no chance of appeal. This method delivers swift and certain punishment while allowing violators to maintain employment and community ties. In Hawaii, this has reduced positive drug screens by 91 percent and new arrests by over 65 percent.^[vii]

Also, policymakers should consider restructuring post-release supervision. Once an inmate completes the entirety of their allotted sentence, nearly a third of Nebraska inmates are released back into the community with no transitional monitoring. It comes as no surprise that a Pew study found such "max out" inmates are an estimated 36 percent more likely to reoffend than comparable inmates discharged on to some form of post-release monitoring.^[viii] As community supervision costs markedly less than incarceration, offenders nearing the end of their sentence should be transitioned back into the community rather than being cast out and left to their own devices. Moreover, there are currently 700 Nebraska inmates on a waiting list for treatment programs, some of which will go untreated prior to release. Making the most of prison time to change behavior and accountability upon release can bolster public safety while lowering overall costs.^[ix]

Additionally, under the current funding scheme, probation offices are provided with little incentive to implement evidence-based practices and shepherd their offenders to successful reintegration. To the contrary, successfully shrinking the caseload is more likely to lead to a reduction in funding as fewer officers are deemed necessary.

Legislators should consider implementing a performance-based funding scheme wherein counties can share in the savings achieved through reduced commitments to prison, both from direct sentences and revocations from probation or technical violations such as missing appointments. These funds can be reallocated to local programs that enhance probationer compliance, such as drug courts, electronic monitoring, treatment, and smaller caseloads that facilitate the use of swift, certain, and commensurate sanctions and incentives.

In Arizona, the performance-based funding model led to a 13 percent reduction in probation revocations in its first year.^[x] A similar Ohio policy in the juvenile system known as RECLAIM achieved a recidivism rate 32 percent lower among youths counties diverted from incarceration using the new incentive funding.^[xi] In this model, the savings remitted to counties from fewer commitments should be based not just on sending fewer nonviolent offenders to prison, but also on performance metrics such as reducing recidivism among probationers and increasing the share of probations current on their victim restitution.

The above policies represent just a few of the potential reforms highlighted in the report that can save the Nebraskan taxpayer money, while increasing public safety. Nebraska leaders of both parties reacted favorably to our study and pending legislation encompasses many of its recommendations.

[i] Bureau of Justice Statistics, "Correctional Statistical Analysis Tool (CSAT)." Available at: <http://www.bjs.gov/index.cfm?ty=nps>

[ii] Federal Bureau of Investigation, "Uniform Crime Report: Online Data Tool." Available at: <http://www.ucrdatatool.gov/>

[iii] Bureau of Justice Statistics, 2014.

[iv] Federal Bureau of Investigation, 2014.

[v] Nebraska Department of Corrections, "Data Sheet, January 2014." Available at: <http://www.corrections.nebraska.gov/pdf/datasheets/datasheetJan14.pdf>

[vi] Vera Institute of Justice, "The Price of Prisons: Nebraska." Available at: <http://www.vera.org/files/price-of-prisons-nebraska-fact-sheet.pdf>

[vii] Angela Hawken and Mark Kleiman, "Evaluation of HOPE Probation," Pew Center on the States, July 2008. Available at: http://www.pewcenteronthestates.org/uploadedFiles/HOPE_Research_Brief.pdf

[viii] The Pew Charitable Trusts, "The Impact of Parole in New Jersey," November 2013. Available at: http://www.pewstates.org/uploadedFiles/PCS_Assets/2013/PSPP_NJParole-Brief.pdf

[ix] Nebraska Department of Corrections, "2011 Annual Report." Available at: http://www.corrections.state.ne.us/pdf/annualreports/2011_NDCS_Annual_Report.pdf

[x] Eric Boehm, "Probation Changes Could Solve Prison Dilemma: Shift funds to front end of system to save money, says expert," Pennsylvania Independent, February 10, 2010. Available at: <http://www.paindependent.com/research/detail/probation-changes-could-solve-prison-dilemma>

[xi] Christopher Lowenkamp and Edward Latessa, "Evaluation of Ohio's RECLAIM Funded Programs, Community Correctional Facilities, and DYS Facilities, August 2006." Available at: http://www.uc.edu/ccjr/Reports/ProjectReports/Final_DYS_Cost_Benefit.pdf