



**Pete Ricketts**  
Governor

STATE OF NEBRASKA

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Heather Tubman-Carbone, Ph.D.  
Senior Policy Advisor  
Bureau of Justice Assistance  
Office of Justice Programs  
U.S. Department of Justice  
950 Pennsylvania Avenue  
NW Washington, DC 20530-0001

Jake Horowitz, Director  
Public Safety Performance Project  
The Pew Charitable Trusts  
901 E Street NW, 10th Floor  
Washington, DC 2004

Dear Ms. Tubman-Carbone and Mr. Horowitz:

We write to express Nebraska's interest in receiving technical assistance from the Crime and Justice Institute (CJI) as part of the Justice Reinvestment Initiative, a public-private partnership between the Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts (Pew). Your assistance is requested in support of Nebraska's ongoing efforts to effectively use government resources to reduce crime, enhance public safety, and increase opportunity for all Nebraskans. We believe the inter-branch, evidence-based approach of the Justice Reinvestment Initiative will help us reach our goals. Through the Justice Reinvestment Initiative, we will use criminological research and our own criminal justice data to inform the development of comprehensive recidivism-reduction strategies and shift resources toward more cost-effective public safety strategies.

The most recent Bureau of Justice Statistics (BJS) data from 2018 shows Nebraska with one of the highest custody populations compared to maximum operational and design capacity of the state's correctional facilities. In fiscal year 2020, the average daily population of our state's correctional facilities was 5,540, which represents 115.3 percent of facility operational capacity and 156.7 percent of design capacity. In addition, Nebraska's corrections system is facing aging infrastructure and the need for upgraded facilities that meet 21<sup>st</sup> century safety and programming standards. These issues combined have led Nebraska to upgrade and expand existing facilities and explore additional options, including the construction of a new correctional facility.

While the incarceration rate has declined in most states across the country over the past fifteen years, the incarceration rate in Nebraska has increased by 17% over this time period. Nebraska's growing prison population appears to be driven by increasing prison admissions, longer sentences, and the need for continued improvement in the probation, post-release supervision, and parole systems. Over the last decade, three-year recidivism rates—defined as a return to the custody of the Nebraska Department of Corrections (NDCS)—have gradually increased, particularly for individuals released to parole. Technical violations comprise a substantial share of all parole revocations. Also, NDCS has identified the need to more efficiently and effectively deliver reentry services, resources, and programming.

We are seeking an opportunity to utilize our state's own data to better understand these challenges and develop data-driven, research-based, cost-effective strategies for addressing this vital issue in our state. With CJI's support, we are committed to moving toward a criminal justice system that focuses resources on evidence-based recidivism reduction policies and practices that protect public safety while improving outcomes for all Nebraskans.

Under this proposed partnership, the State of Nebraska will:

- Provide CJJ with full and priority access to the data required for an analysis of our criminal justice system including sentencing and corrections data;
- Establish a task force composed of representatives from across the justice system spectrum to guide the Justice Reinvestment Initiative process;
- Use the findings of the task force to prepare for legislative/administrative actions in 2022; and
- To the extent that any reforms generate cost savings, prioritize reinvestment of a portion of those dollars into programs shown by research to reduce crime and recidivism.

We understand that in requesting assistance we are asking CJJ to:

- Support the staff and chairperson(s) of the task force with facilitation and administrative needs;
- Conduct research on, and analysis of, Nebraska's criminal justice system, including analyzing crime and the sources of prison and jail populations and cost trends;
- Assess Nebraska's sentencing and corrections laws, policies and practices;
- Provide examples of how other states have responded to similar problems and present research studies on recidivism;
- Work with relevant agency officials and task force members to develop projections for the impact of policy options on correctional populations and costs;
- Assist in drafting findings and recommendations to be issued by the task force in anticipation of the 2022 legislative session;
- Work with task force members throughout the legislative process to educate the media, public, stakeholders, and policy makers regarding the task force goals, findings, recommendations and subsequent legislation; and
- Work with the Legislature, the Governor, the Supreme Court and the Office of Probation Administration, the Nebraska Crime Commission and the task force, as needed, in drafting and advancing legislation to be introduced in the 2022 session.

We are committed to using research-based and cost-effective strategies to ensure public safety and improve the quality and functioning of Nebraska's criminal justice system. Thank you for your consideration of this request.

Sincerely,



Pete Ricketts  
Governor



Mike Heavican  
Chief Justice of the Nebraska Supreme Court



Mike Hilgers  
Speaker, Nebraska Legislature



Steve Lathrop  
Chair, Nebraska Legislature Judiciary Committee