Overview

- Working Group Objective
- The Case for the Justice Reinvestment Initiative (JRI)
- Iron Law of Prison Population Growth
- Admissions Trends
  - Nebraska Department of Correctional Services
  - Nebraska Administrative Office of the Courts and Probation
- Next Steps
Working Group Objective

Purpose of JRI Working Group

State leadership has instructed the Working Group to:

"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."

Letter signed by:

- Governor Pete Ricketts
- Chief Justice Mike Heavican
- Speaker Mike Hilgers
- Chairman Steve Lathrop
Objective of JRI Working Group

The Working Group has 3 primary objectives:

1. Use data to identify what is driving Nebraska's correctional population and costs
2. Study research on proven best practices and consider examples from other states
3. Develop policy recommendations based on the assessed drivers that are suited to NE's unique needs and goals

*Overall goal for Working Group is to make effective and efficient use of Nebraska's resources*
While Arrest Rates Decrease, Imprisonment Rates Climb

Sources: BJS and UCR

Nebraska's Prison Population is Growing

Source: Nebraska Department of Correctional Services, Average Daily Population and Capacity Chart
Nearly Every Facility Operating Above Design and Operational Capacity

Operational and Design Capacity of NDCS Facilities*, Quarter 1 2021

*In addition, about 25 individuals committed to NDCS were housed in local jails.

Corrections Expenditures Grew 34% Since 2011

Notes: Expenditures include general cash, federal, construction, and revolving funds
Source: NDCS Budget Reports for 2011, 2016, and 2020

+ $230 million for new prison in 2021 proposal
Recidivism Rates Increased Over Time

Statewide Three-Year Return to NCDS Custody Rate, 2008-2018 Release Cohorts

Recidivism Rate

Year of Release

Source: Nebraska Department of Correctional Services, Quarterly Reports 2021

Iron Law of Prison Population Growth
Iron Law of Prison Population Growth

Admissions + Time Served
= Nebraska Department of Correctional Services Population

Factors Influencing Admissions

- Law Enforcement Practices
- Crime Rates
- Alternatives to Incarceration
- Parole and Probation Supervision
- Judicial Discretion
Data Sources

- Summary-level data from
  - Nebraska Department of Correctional Services (NDCS)
    - All admissions to NDCS custody by calendar year 2011-2020
    - Annual population data submitted to National Corrections Reporting Program for 2011-2020
  - Nebraska Division of Parole Supervision
    - All Parole discharges by calendar year 2011-2020
  - Administrative Office of the Courts & Probation
    - All admissions to Probation custody by calendar year 2011-2020

Data Sources II

- Publicly available data from
  - U.S. Department of Justice, Bureau of Justice Statistics
  - Federal Bureau of Investigation, Uniform Crime Reporting Program
  - U.S. Census Bureau
Data Notes

- Unless stated otherwise, all data presented were analyzed by CJI in consultation with NE agencies.
- Data presented here may not match agency reports due to different methodologies for analysis.
  - This presentation examines trends in admissions cohorts.
- Offense data is for the most serious offense, as reported by NDCS, related to the current admission.
- NDCS initial admissions include probation revocations.
- Judicial admissions are for district probation only.

NDCS Admissions
Who is Entering Prison?

• Admission type and administrative status
• Demographics
• Geographic patterns
• Offense patterns
  • Offense Type
  • Offense Class

NDCS Admissions by Type and Administrative Status
Data Definition: Admission Type

- Admission type
  - **Initial Admission**: An individual entering NDCS on a new sentence, including probation revocations
  - **Parole Violation**: An individual returning to NDCS as the result of a parole revocation
  - **Return from PRS**: An individual returning to NDCS as the result of a post-release supervision revocation
  - **Return from Escape**: An individual returning to NDCS after escaping

Total Admissions Down 21% Since 2011

Prison Admissions, 2011 - 2020

- Admissions:
  - 2011: 3,130
  - 2012: 3,330
  - 2013: 3,020
  - 2014: 2,800
  - 2015: 2,500
  - 2016: 2,475
  - 2017: 2,350
  - 2018: 2,200
  - 2019: 2,547
  - 2020: 2,469
Average Daily Population Dropped Slightly During COVID-19

Average Daily Population, Q1 2020 v Q1 2021

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Average Daily Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1 2020</td>
<td>5,697</td>
</tr>
<tr>
<td>Q1 2021</td>
<td>5,127</td>
</tr>
</tbody>
</table>

Source: Nebraska Department of Correctional Services, Quarterly Reports 2020, 2021

Despite Overall Decreases, Admissions of Parole Violations Increased

Admissions by Admission Type, 2011 & 2020


*Safekeepers are part of the initial admits figures; excludes return from FRS.*
One in Six Admissions Comes From Parole or PRS Failures

Prison Admissions by Admission Type, 2020

- Return from Escape: 1%
- Return from PRS: 2%
- Parole Violator: 15%
- Initial Admit: 82%

*Safekeepers included in the Initial Admit category of Admission Type.

Data Definitions: Administrative Status

- Administrative Status
  - Regular Admission: An individual who is serving their first sentence at NDCS
  - Multiple Offender: An individual who has served at least one prior sentence with NDCS prior to their current sentence
  - Safekeeper: An individual serving pretrial being temporarily housed at NDCS through an agreement with another jurisdiction
Nearly 60% of Admissions Have No Prior NDCS History

Admissions by Administrative Status, 2020

- Regular Admission: 59%
- Multiple Offender: 37%
- Safekeeper: 4%

Half of Parole Revocation Admissions Have No Prior NDCS History

Parole Revocations with Previous NDCS involvement**, 2011 & 2020

- 2011: 50%
- 2020: 45%

*Safekeepers excluded from analysis.
**These individuals’ previous NDCS involvement occurred prior to the current sentence for which they have a parole revocation.
Data Definitions: Sentencing Terms

- **Habitual Offender**: A sentence enhancement that is applicable when an individual has been convicted of a felony at least twice prior (in Nebraska or any other state) and had been sentenced for terms no less than a year.

- **Mandatory Minimum**: A sentence that requires an individual to serve every day of that minimum sentence and no shorter period of time.

Habitual Offenders Account for Less Than 1% of Admissions Per Year

Total Number of Habitual Offenders, 2011-2020

*Safekeepers excluded from figures; based on initial admissions only.*
Admissions With Mandatory Minimums Have More Than Doubled

Percentage of Admissions with Mandatory Minimum Sentences, 2011 - 2020

- 4% in 2011
- 5% in 2012
- 7% in 2013
- 7% in 2014
- 7% in 2015
- 11% in 2016
- 15% in 2017
- 16% in 2018
- 14% in 2019
- 12% in 2020

*Safekeepers not included.

NDCS Demographic Patterns
Male Admissions Down 22%; Female Admissions Down 18%

Prison Admissions by Gender, 2011 - 2020

Most Admissions to NDCS Are 35 and Under But Average Age Increased

Admissions by Age Group, 2011 & 2020
Admissions for Native Americans Increased 9%; All Others Decreased

Prison Admissions by Race, 2011 - 2020

Due to the small number of Asian, Hawaiian Islander, and Pacific Islander individuals in the dataset, they have been included in the Other category.

1 in 25 Nebraskans is Black, But 1 in 5 People Admitted to Prison is Black

Due to the small number of Hawaiian Islander and Pacific Islander individuals in the dataset, they have been included in the Other category.
Black Individuals Overrepresented in Parole Violation Admissions

Distribution of Race by Initial Admissions v. Parole Revocation, 2020

Drug Crimes Are Top Offenses Across All Races

Top Offenses at Admission, 2020

<table>
<thead>
<tr>
<th>Race</th>
<th>Possession with Intent to Deliver or Distribute</th>
<th>Possession of a Controlled Substance (Except Marijuana)</th>
<th>Possession of a Controlled Substance (Except Marijuana)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>Possession with Intent to Deliver or Distribute</td>
<td>Possession of a Controlled Substance (Except Marijuana)</td>
<td>Possession of a Controlled Substance (Except Marijuana)</td>
</tr>
<tr>
<td>Hispanic</td>
<td>Possession with Intent to Deliver or Distribute</td>
<td>Possession of a Controlled Substance (Except Marijuana)</td>
<td>Possession of a Controlled Substance (Except Marijuana)</td>
</tr>
<tr>
<td>Native American</td>
<td>Possession with Intent to Deliver or Distribute</td>
<td>Possession of a Controlled Substance (Except Marijuana)</td>
<td>Possession of a Controlled Substance (Except Marijuana)</td>
</tr>
<tr>
<td>White</td>
<td>Possession with Intent to Deliver or Distribute</td>
<td>Possession of a Controlled Substance (Except Marijuana)</td>
<td>Possession of a Controlled Substance (Except Marijuana)</td>
</tr>
</tbody>
</table>

Robbery
Possession of a Controlled Substance (Except Marijuana)
Terroristic Threats
Possession with Intent to Deliver or Distribute

Possession of a Controlled Substance (Except Marijuana)
Sexual Assault (1st Degree)
Possession with Intent to Deliver or Distribute
Terroristic Threats

*Safekeepers excluded from analysis. Due to the small number of Asian and individuals identified as an Other race, they have also been excluded from this analysis.
NDCS Geographic Patterns

Total Admissions Down 21%

Prison Admissions, 2011 - 2020

Year:

Admissions:
3,130 3,200 3,000 2,500 2,000 2,500 3,000 3,500

Note: The data shows a downward trend in admissions from 2011 to 2020, with a significant decrease of 21% overall.
More than Half of All Admissions from Just Two Counties

Counties with the Highest Number of Admissions, 2020

<table>
<thead>
<tr>
<th>County</th>
<th>Total Number of Admissions</th>
<th>% of Statewide Admissions</th>
<th>% of Total Nebraska Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas</td>
<td>906</td>
<td>38%</td>
<td>30%</td>
</tr>
<tr>
<td>Lancaster</td>
<td>347</td>
<td>15%</td>
<td>17%</td>
</tr>
<tr>
<td>Madison</td>
<td>109</td>
<td>5%</td>
<td>2%</td>
</tr>
<tr>
<td>Sarpy</td>
<td>104</td>
<td>4%</td>
<td>10%</td>
</tr>
<tr>
<td>Hall</td>
<td>98</td>
<td>4%</td>
<td>3%</td>
</tr>
<tr>
<td>Buffalo</td>
<td>76</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Dodge</td>
<td>64</td>
<td>3%</td>
<td>2%</td>
</tr>
<tr>
<td>Scotts Bluff</td>
<td>60</td>
<td>3%</td>
<td>2%</td>
</tr>
<tr>
<td>Platte</td>
<td>46</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Dakota</td>
<td>40</td>
<td>2%</td>
<td>1%</td>
</tr>
<tr>
<td>Total</td>
<td>1,850</td>
<td>79%</td>
<td>72%</td>
</tr>
</tbody>
</table>

*Analysis limited to counties with at least 20 admissions to NDCS; safekeepers excluded from figures.

Madison County Has Highest Admission Rate Per 10,000 Residents

Total Admissions to NDCS Per 10,000 Residents

*Analysis limited to counties with at least 20 admissions to NDCS; safekeepers excluded from figures.
Madison County Has Highest Initial Admission Rate Per 10,000 Residents

Counties with the Highest Rate of Initial Admissions Per 10,000 Residents, 2020

<table>
<thead>
<tr>
<th>County</th>
<th>Total Number of Initial Admissions</th>
<th>Rate Per 10,000 Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Madison</td>
<td>92</td>
<td>26.3</td>
</tr>
<tr>
<td>Dakota</td>
<td>36</td>
<td>17.9</td>
</tr>
<tr>
<td>York</td>
<td>22</td>
<td>16.2</td>
</tr>
<tr>
<td>Dodge</td>
<td>55</td>
<td>15.2</td>
</tr>
<tr>
<td>Gage</td>
<td>30</td>
<td>13.9</td>
</tr>
<tr>
<td>Hall</td>
<td>82</td>
<td>13.3</td>
</tr>
<tr>
<td>Scotts Bluff</td>
<td>46</td>
<td>13.1</td>
</tr>
<tr>
<td>Douglas</td>
<td>756</td>
<td>13.0</td>
</tr>
<tr>
<td>Dawson</td>
<td>26</td>
<td>11.2</td>
</tr>
<tr>
<td>Buffalo</td>
<td>56</td>
<td>11.1</td>
</tr>
</tbody>
</table>

*Analysis limited to counties with at least 20 admissions to NDCS; safekeepers excluded from figures.

Lincoln Has Highest Percentage of Parole Revocation Admissions

Counties with Highest Percentage of Admissions to NDCS for Parole Revocations, 2020

*Analysis limited to counties with at least 20 admissions to NDCS; safekeepers excluded from figures.
Despite State Decreases, Total Admissions Up from Douglas County

Prison Admissions by Region, 2011 & 2020

Douglas County Increase Driven by Growth in Drug and Person Offenses

Initial Admissions by Offense Type – Douglas County Only, 2011 & 2020

*Safekeepers excluded from figures.*
In Counties Other Than Douglas, Decrease Driven by Property Offenses

Initial Admissions by Offense Type (Excluding Douglas County) 2011 & 2020

Property Offenses Down 10%

Key Takeaways

- Admissions have decreased 6% between 2011 and 2019
  - This is largely driven by a decrease in admissions of initial admits, whereas parole revocations are increasing
- Nearly 60% of individuals being admitted on a new offense had no prior NCDS involvement
- Admissions have increased for the Native population, and Black individuals are largely overrepresented in admissions
- While admissions decreased statewide, admissions increased in Douglas County, largely for person and drug offenses

*Safekeepers excluded from figures.*
Offense Patterns: Offense Type

More Than Half of Initial Admissions Are For Non-Person/Non-Sex Offenses

Initial Admissions by Offense Category, 2020

- Person: 34%
- Drug: 26%
- Sex: 30%
- Property: 12%
- Other: 18%

*Safe keepers excluded from figures.
Drug Offenses Account For Nearly Half of Non-Person/Non-Sex Offenses

Initial Admissions for Non-Person/Non-Sex Offenses by Offense Category, 2020

- Drug: 45%
- Property: 25%
- Other: 33%

*Safekeepers excluded from figures.

5 of Top 10 Offenses at Admission Are Non-Person/Non-Sex

<table>
<thead>
<tr>
<th>Offense</th>
<th>Percent of Initial Admissions 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession of a Controlled Substance (Except Marijuana)</td>
<td>13%</td>
</tr>
<tr>
<td>Possession with Intent to Deliver or Distribute</td>
<td>11%</td>
</tr>
<tr>
<td>Terroristic Threats</td>
<td>6%</td>
</tr>
<tr>
<td>Possession of a Deadly Weapon by a Prohibited Person</td>
<td>5%</td>
</tr>
<tr>
<td>Domestic Assault</td>
<td>5%</td>
</tr>
<tr>
<td>Burglary</td>
<td>5%</td>
</tr>
<tr>
<td>Robbery</td>
<td>4%</td>
</tr>
<tr>
<td>Driving While Intoxicated</td>
<td>4%</td>
</tr>
<tr>
<td>Assault (2nd Degree)</td>
<td>3%</td>
</tr>
<tr>
<td>Sexual Assault (1st Degree)</td>
<td>3%</td>
</tr>
</tbody>
</table>
Terroristic Threat Most Common Among Person Offenses

Initial Admissions for Person Offenses by Offense, 2020

- Terroristic Threat: 125
- Domestic Assault: 99
- Robbery: 23
- Assault (2nd Degree): 66
- Child Abuse: 51
- Assault of Peace Officer or BCS Employee (3rd Degree): 39
- Assault (1st Degree): 34
- Assault (2nd Degree): 32
- Assault by a Confinement Person: 31
- Strangulation: 30

*Safekeepers excluded from figures.

Possession of a Controlled Substance (Except Marijuana) Most Common Among Drug Offenses

Initial Admissions for Drug Offenses by Offense, 2020

- Possession of Controlled Substance (Except Marijuana): 251
- Possession of a Schedule I or II Substance: 214
- Distribution or Trafficking: 11
- Distribution of a Controlled Substance to a Minor: 30
- Reckless Endangerment of a Controlled Substance: 2
- Possession of Firearm During the Commission of a Felony: 2

*Safekeepers excluded from figures.
Possession of a Deadly Weapon is Most Common Among Other Offenses

Initial Admissions for Other Offenses by Offense, 2020

- Possession of a Deadly Weapon: 101
- Other: 72
- Safekeeper excluded from figures.

Burglary Most Common Among Property Offenses

Initial Admissions for Property Offenses by Offense, 2020

- Burglary: 89
- Theft: 50
- Safekeeper excluded from figures.
Sex Assault (1st Degree) Most Common Among Sex Offenses

Initial Admissions for Sex Offenses by Offense, 2020

- Sexual Assault (1st Degree): 57
- Sexual Assault of Child (1st Degree): 41
- Sexual Assault, Adult: 29
- Sex Offender Registration Act Violation: 27
- Possession/Use of Obscene Material: 12
- Drug Abuse: 5
- Other: 4

*Safekeepers excluded from figures.

Majority of Admissions of Each Offense Type Had No NDCS History

Initial Admissions by Previous NDCS Involvement and Offense Category, 2020

- Person: 67% (Prior), 33% (No Prior)
- Sex: 77% (Prior), 23% (No Prior)
- Property: 42% (Prior), 58% (No Prior)
- Drug: 63% (Prior), 37% (No Prior)
- Other: 60% (Prior), 40% (No Prior)

*Safekeepers excluded from figures.
Half of Parole Revocation Admissions From Individuals on Parole for Non-Person/Non-Sex Offenses

Original Offense of Parole Revocation Admissions, 2011 & 2020

Offense Patterns: Offense Class

*Safekeepers excluded from figures.
# Sentencing Ranges for Felonies

<table>
<thead>
<tr>
<th>Offense Class</th>
<th>Sentence Range</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felony I</td>
<td>Death</td>
<td>Aggravated first degree murder</td>
</tr>
<tr>
<td>Felony IA</td>
<td>Life</td>
<td>First degree murder, kidnapping</td>
</tr>
<tr>
<td>Felony IB</td>
<td>20 years – Life</td>
<td>140+ grams possession*</td>
</tr>
<tr>
<td>Felony IC</td>
<td>5 years (mandatory) – 50 years</td>
<td>28-140 grams possession*</td>
</tr>
<tr>
<td>Felony ID</td>
<td>3 years (mandatory) – 50 years</td>
<td>10-28 grams possession*</td>
</tr>
<tr>
<td>Felony II</td>
<td>1 year – 50 years</td>
<td>Possession of a firearm while committing a felony, first degree sexual assault</td>
</tr>
</tbody>
</table>

Note: Sentence ranges apply to all convictions from 8/30/15 onward.

Possession of Cocaine, Crack Cocaine, Heroin, or Methamphetamine.

---

# Sentencing Ranges for Felonies

<table>
<thead>
<tr>
<th>Offense Class</th>
<th>Sentence Range</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felony IIA</td>
<td>No min – 20 years</td>
<td>Burglary, Theft $5000+</td>
</tr>
<tr>
<td>Felony III</td>
<td>No min – 4 years and/or $25k fine</td>
<td>Possession of a deadly weapon (non-firearm) while committing a felony</td>
</tr>
<tr>
<td>Felony IIIA</td>
<td>No min – 3 years and/or $10k fine</td>
<td>Schedule IV or V commercial drug offenses*</td>
</tr>
<tr>
<td>Felony IV</td>
<td>No min – 2 years and/or $10k fine</td>
<td>Possession of a controlled substance (1lb or more for marijuana), Theft $1500-5000</td>
</tr>
</tbody>
</table>

Note: Sentence ranges apply to all convictions from 8/30/15 onward.

Commercial Drug Offenses include: manufacture, distribute, deliver, dispense, or possess with the intent to do any of those things.
Over Half of Initial Admissions For Felony IIIA or IV Offenses

Initial Admissions by Felony Offense Class, 2020

*Salekeepers and misdemeanors excluded from figures.

Over 50% of Nearly All Offense Classes Are Non-Person and Non-Sex Offenses

Initial Admissions by Felony Offense Class and Offense Types, 2020

*Salekeepers and misdemeanors excluded from figures.
**Excludes felony offense classes with less than 20 admissions in 2020.
### Possession of a Deadly Weapon Most Common Felony ID Offense

<table>
<thead>
<tr>
<th>Offense</th>
<th>Percent of Felony ID, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession of Deadly Weapon by a Prohibited Person</td>
<td>46%</td>
</tr>
<tr>
<td>Possession of Weapon by a Prohibited Person</td>
<td>22%</td>
</tr>
<tr>
<td>Possession with Intent to Deliver or Distribute</td>
<td>21%</td>
</tr>
<tr>
<td>Unlawful Discharge of a Firearm</td>
<td>6%</td>
</tr>
<tr>
<td>Possession of a Controlled Substance (Except Marijuana)</td>
<td>4%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

*Safeguards excluded from figures.

### Possession with Intent to Deliver Most Common Felony II Offense

<table>
<thead>
<tr>
<th>Offense</th>
<th>Percent of Felony II, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession with Intent to Deliver or Distribute</td>
<td>34%</td>
</tr>
<tr>
<td>Possession of a Deadly Weapon by a Prohibited Person</td>
<td>11%</td>
</tr>
<tr>
<td>Robbery</td>
<td>11%</td>
</tr>
<tr>
<td>Sexual Assault (1st Degree)</td>
<td>11%</td>
</tr>
<tr>
<td>Sexual Assault of Child (1st Degree)</td>
<td>9%</td>
</tr>
<tr>
<td>Possession of Weapon by a Fugitive or Felon</td>
<td>8%</td>
</tr>
<tr>
<td>Assault (1st Degree)</td>
<td>4%</td>
</tr>
<tr>
<td>Possession of a Controlled Substance (Excluding Marijuana)</td>
<td>2%</td>
</tr>
<tr>
<td>Unlawful Discharge of a Firearm</td>
<td>2%</td>
</tr>
<tr>
<td>Use of a Firearm to Commit a Felony</td>
<td>1%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>93%</strong></td>
</tr>
</tbody>
</table>

*Safeguards excluded from figures.*
### Possession with Intent to Deliver Most Common Felony IIA Offense

<table>
<thead>
<tr>
<th>Offense</th>
<th>Percent of Felony IIA, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession with Intent to Deliver or Distribute</td>
<td>19%</td>
</tr>
<tr>
<td>Burglary</td>
<td>15%</td>
</tr>
<tr>
<td>Assault (2nd Degree)</td>
<td>10%</td>
</tr>
<tr>
<td>Robbery</td>
<td>10%</td>
</tr>
<tr>
<td>Sexual Assault (1st Degree)</td>
<td>6%</td>
</tr>
<tr>
<td>Driving While Intoxicated</td>
<td>6%</td>
</tr>
<tr>
<td>Assault (1st Degree)</td>
<td>4%</td>
</tr>
<tr>
<td>Theft by Receiving Stolen Property</td>
<td>4%</td>
</tr>
<tr>
<td>Possession of Receiving Stolen Firearm</td>
<td>3%</td>
</tr>
<tr>
<td>Theft by Unlawful Taking</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>80%</strong></td>
</tr>
</tbody>
</table>

*Safekeepers excluded from figures.

### Arson Most Common Felony III Offense

<table>
<thead>
<tr>
<th>Offense**</th>
<th>Percent of Felony III, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arson (2nd Degree)</td>
<td>55%</td>
</tr>
<tr>
<td>Defacing a Firearm</td>
<td>7%</td>
</tr>
<tr>
<td>Escape</td>
<td>7%</td>
</tr>
<tr>
<td>Forgery (1st Degree)</td>
<td>5%</td>
</tr>
<tr>
<td>Fraudulent Insurance Act</td>
<td>5%</td>
</tr>
<tr>
<td>Leaving the Scene of Injury Accident</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>83%</strong></td>
</tr>
</tbody>
</table>

*Safekeepers excluded from figures.

**Ten additional offenses accounted for 1 initial admission each.
### Territorial Threats Most Common Felony IIIA Offense

<table>
<thead>
<tr>
<th>Offense</th>
<th>Percent of Felony IIIA, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Terroristic Threats</strong></td>
<td>21%</td>
</tr>
<tr>
<td>Domestic Assault</td>
<td>15%</td>
</tr>
<tr>
<td>Driving While Intoxicated</td>
<td>9%</td>
</tr>
<tr>
<td>Child Abuse</td>
<td>6%</td>
</tr>
<tr>
<td>Burglary</td>
<td>5%</td>
</tr>
<tr>
<td>Sexual Assault of a Child (3rd Degree)</td>
<td>5%</td>
</tr>
<tr>
<td>Assault of Police Officer/DCS Employee (3rd Degree)</td>
<td>5%</td>
</tr>
<tr>
<td>Possession with Intent to Deliver or Distribute</td>
<td>5%</td>
</tr>
<tr>
<td>Strangulation</td>
<td>5%</td>
</tr>
<tr>
<td>Assault (2nd Degree)</td>
<td>5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>80%</td>
</tr>
</tbody>
</table>

*Safekeepers excluded from figures.*

### Possession of a Controlled Substance Most Common Felony IV Offense

<table>
<thead>
<tr>
<th>Offense</th>
<th>Percent of Felony IV, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Possession of a Controlled Substance (Except Marijuana)</strong></td>
<td>50%</td>
</tr>
<tr>
<td>Theft by Unlawful Taking</td>
<td>6%</td>
</tr>
<tr>
<td>Theft by Shoplifting</td>
<td>6%</td>
</tr>
<tr>
<td>Territorial Threats</td>
<td>4%</td>
</tr>
<tr>
<td>Theft by Receiving Stolen Property</td>
<td>4%</td>
</tr>
<tr>
<td>Operating a Motor Vehicle to Avoid Arrest</td>
<td>3%</td>
</tr>
<tr>
<td>Assault of a Peace Officer or NDCS Staff (3rd Degree)</td>
<td>3%</td>
</tr>
<tr>
<td>Possession of Over 1LB of Marijuana</td>
<td>2%</td>
</tr>
<tr>
<td>Possession of Money From Controlled Substance Violation</td>
<td>2%</td>
</tr>
<tr>
<td>Assault by a Confined Person</td>
<td>2%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>81%</td>
</tr>
</tbody>
</table>

*Safekeepers excluded from figures.*
More Than One-Third of Property Offenses are Felony IV

Distribution of Initial Admissions for Property Offenses by Offense Class, 2020

Felony IV 35%
Felony IIIA 21%
Felony III 6%
Felony IIIA 17%
Felony III 5%

*Salekeepers and misdemeanors excluded from figures.

More Than Half of Drug Offenses are Felony IV

Distribution of Initial Admissions for Drug Offenses by Offense Class, 2020

Felony IV 55%
Felony IIIA 17%
Felony III 6%
Felony IIIA 0%
Felony III 3%

*Salekeepers and misdemeanors excluded from figures.
More Than Half of Felony IV Admissions Had No Prior NDCS History

Key Takeaways

- More than half of initial admissions are for non-person and non-sex offenses
  - 5 of the top 10 offenses at admission are non-person and non-sex offenses
- More than half of initial admissions are for the lowest two felony classes, felony IIIA and IV offenses
  - More than half of the felony IV initial admissions had no prior NDCS history
Probation Admissions

Who is on Probation?

- Admission type
- Demographics
- Geographic patterns
- Offense patterns
  - Offense Class
Admission Type

Data Definitions: Probation Types

- **Traditional Probation**: adult, district-level probation
- **Post-Release Supervision**: a community-based supervision sentence occurring after release from jail or an NDCS facility for Class III, IIIA, and IV felonies
Probation Admissions Up 70% Between 2011 and 2020

![Graph showing probation admissions from 2011 to 2020]

Nearly 2/3 of 2020 Admissions to Traditional Probation

![Graph showing district probation admissions by type from 2011 to 2020]
Probation Demographics

Female Admissions to Probation Increased Over Time

Distribution of District Probation Admissions by Sex, 2011 & 2020

* District probation excludes post-release supervision.
Post-Release Supervision Population Overwhelmingly Male

Distribution of Post-Release Supervision Admissions by Sex, 2016 & 2020

Probation Admissions Decrease for Young Adults

Distribution of District Probation Admissions by Age, 2011 & 2020
Minority Admissions to Probation Increases Over Time

Distribution of District Probation Admissions by Race, 2011 & 2020

<table>
<thead>
<tr>
<th>Race</th>
<th>2011</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian or Alaska</td>
<td>2%</td>
<td>4%</td>
</tr>
<tr>
<td>Asian or Pacific Islander</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Black</td>
<td>13%</td>
<td>17%</td>
</tr>
<tr>
<td>Other</td>
<td>11%</td>
<td>10%</td>
</tr>
<tr>
<td>White</td>
<td>74%</td>
<td>69%</td>
</tr>
</tbody>
</table>

Black and Native Populations Very Overrepresented in Probation Admissions

Racial Distribution of District Probation v. General Populations, 2019/2020

<table>
<thead>
<tr>
<th>Race</th>
<th>Total Population 2019</th>
<th>Probation Admissions 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian or Alaska</td>
<td>2%</td>
<td>4%</td>
</tr>
<tr>
<td>Asian</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>Black</td>
<td>5%</td>
<td>17%</td>
</tr>
<tr>
<td>Other</td>
<td>1%</td>
<td>10%</td>
</tr>
<tr>
<td>White</td>
<td>82%</td>
<td>69%</td>
</tr>
</tbody>
</table>
Probation Geographic Patterns

Probation Admissions Driven by Douglas County

Distribution of District Probation Admissions in the Largest Counties*, 2020

*Largest counties are determined by those with the largest probation (district probation plus PRS) populations, not the largest overall populations.
Douglas County Represents Growing Share of Probation Admissions

Distribution of District Probation Admissions by County, 2011 & 2020

Lancaster County's PRS Admissions Six Times Larger in 2020 than 2016

Distribution of Post-Release Supervision Admissions by County, 2016 & 2020
Douglas and Lancaster Account for Over 50% of PRS Admissions

Distribution of Post-Release Supervision Admissions in the Largest Counties*, 2020

- Douglas: 46%
- Lancaster: 27%
- Out of State: 5%
- Cuyahoga: 6%
- Hamilton: 30%
- Scioto: 21%
- Franklin: 6%
- Trumbull: 3%
- Montgomery: 3%
- Boardman: 3%
- Stark: 1%

*Largest counties are determined by those with the largest probation (district probation plus PRS) populations, not the largest overall populations.

Offense Patterns: Offense Class
Felonies Represent Decreasing Share of Probation Admissions

Distribution of District Probation Admissions by Offense Class, 2011 & 2020

Admissions for Felony III and IV Convictions Decreasing

Distribution of District Probation Admissions by Offense Class, 2011 & 2020
Key Takeaways

• Probation admissions are up 70% between 2011 and 2020
• Black and Native populations are significantly overrepresented nearly four times in probation admissions cohort
• Probation admissions are largely driven by Douglas County, with Douglas County representing a growing share of the admissions compared to other counties

Next Steps
Next Steps

• Next meeting: Early September
  • Sentencing, time served, release, parole and reentry practices

• Roundtables: September and October
  • Law Enforcement
  • Victims/Advocates/Survivors
  • CJ-Impacted People
  • Behavioral Health Providers

• Subgroup Meetings: October and November
  • Admissions
  • Length of Stay/Release
  • Community Supervision

• Final Meeting: December

Questions/Contact

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Disclaimer

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