

2018 DISCHARGE REPORT

Nebraska Board of Parole
Nebraska Department of Correctional Services

Submitted by:



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SCOPE AND INTRODUCTION

Section 83-1,100.03 provides that the Board of Parole (Board) and the Nebraska Department of Correctional Services (NDCS) shall submit a report annually on or before February 1 to the Legislature, Supreme Court, and the Governor. The report is to describe the percentage of offenders sentenced to the custody of NDCS who complete their entire sentence and are released with no supervision. The report is to include the characteristics of individuals released without supervision, including the highest felony class of conviction, offense type of conviction, most recent risk assessment, status of the individualized release or reentry plan, and reasons for release without supervision. The report shall also provide recommendations from the Board and the Department on how to reduce the number of individuals released without supervision.

The Board and NDCS have collaborated on this annual discharge report which provides information about discharges during calendar year 2017. We are committed to working together to continue to reduce the number of discharges without community supervision.

NUMBER OF INDIVIDUALS DISCHARGED WITHOUT SUPERVISION

Between January 1, 2017 and December 31, 2017, a total of 485 individuals were discharged directly from an NDCS facility (or contracted county jail) without community supervision. This group represents 21.7 percent of all NDCS discharges during Calendar Year 2017. This is a decrease of 21.4 % or 132 fewer individuals from 2016, which saw 617 people discharge without supervision. There was also a corresponding 24.2% increase in the total number of individuals who released to community supervision in 2017. This resulted in 280 more inmates transitioning to the community with supervision in 2017 than in 2016.

Persons were excluded from consideration in this report if: they were discharged from NDCS custody to serve terms of post-release supervision (PRS) under the jurisdiction of the Administrative Office of Probation (n=518), their sentence structures did not allow for the possibility of parole supervision (n=253), they were released to another jurisdiction (n=15), or if they discharged their sentence while on parole (n=949). Individuals who were released due to death (n=16) were also excluded.

Of the 485 people who discharged their sentence without supervision, 218 had a prior history of parole and 63 discharged from a community corrections center. Table 1 provides a comparison of discharges from 2016 to 2017.

Table 1 2016-2017 Discharge Comparison

Release Type	2016	2017	Net Change	Percentage Change
Mandatory Discharge	617	485	-132	-21.40%
Mandatory Discharge - No history of parole	406	267	-139	-34.20%
Mandatory Discharge - Prior Parole	211	218	7	0.03%
Discharge w/ community supervision (PRS or Parole)	1181	1467	286	24.22%

CHARACTERISTICS OF INDIVIDUALS DISCHARGED WITHOUT SUPERVISION

This section details characteristics about the 485 individuals discharged without supervision during Calendar Year 2017. Specifically, Tables 2 and 3 below provide distributions of the highest felony class and type of conviction for those discharged and why people may have been released without supervision.

Table 2: Highest Felony Class of Conviction

Class of Conviction	# without Parole History	# with Parole History	Total # of Individuals	Total % of Individuals
IA Felony	0	0	0	0.0%
IB Felony	0	1	1	0.2 %
IC Felony	1	0	1	0.2%
ID Felony	4	5	9	1.9%
II Felony	52	47	99	20.4%
IIA Felony	34	3	37	7.6%
III Felony	67	72	139	28.7%
IIIA Felony	44	13	57	11.8%
IV Felony	62	16	138	28.5%
Felony	1	0	1	0.2%
I Misdemeanor	2	1	3	0.6%
TOTAL	267	218	485	100.0%

Table 3: Highest Felony Conviction Type¹

Class of Conviction	# of Individuals	% of Individuals
Assault	74	15.3%
Drugs	102	21.0%
Theft	70	14.4%
Sex Offenses	64	13.2%
Motor Vehicle	25	5.2%
Burglary	35	7.2%
Weapons	43	8.9%
Robbery	35	7.2%
Fraud	12	2.5%
Other	13	2.7%
Homicide	4	0.8%
Restraint	2	0.4%
Morals	4	0.8%
Arson	2	0.4%
TOTAL	485	100.0%

¹See Appendix for counts of specific offenses within each category.

Status of the Individualized Release or Reentry Plan

Reentry plans are currently not integrated as electronic documents into the inmate and parolee case management systems of NDCS and APA. As a result, NDCS and the Board of Parole are unable to provide aggregate information about the status of individual reentry plans. However, of the 485 people who mandatorily discharged during Calendar Year 2017, 325 (67.0%) met with a reentry specialist within 120 days prior to release to develop and finalize their reentry plans.

Most Recent Risk Assessment

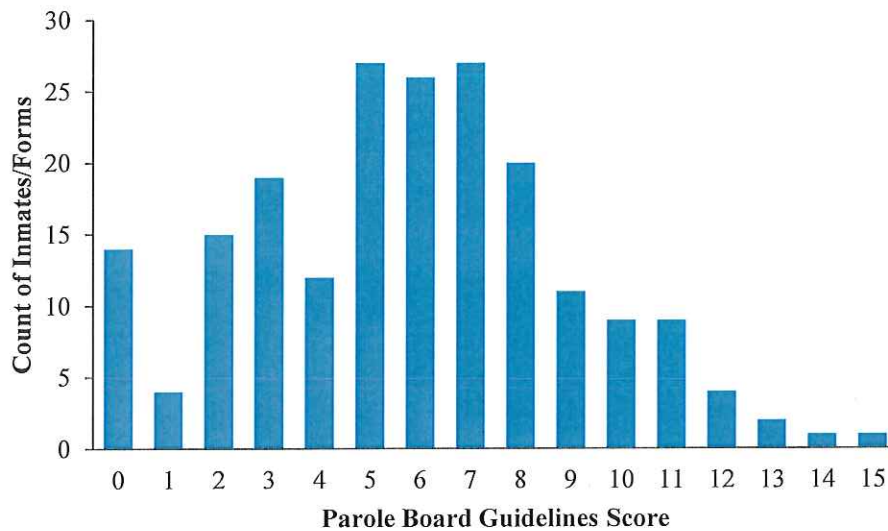
NDCS and Parole Administration (APA) implemented the STRONG-R (Static Risk and Offender Needs Guide – Revised) risk, needs, and responsivity assessment instrument on July 5, 2016. The implementation of a risk assessment instrument was required by LB 605, and the STRONG-R is used to assess risk to reoffend as well as identify criminogenic needs.

The STRONG-R implementation plan prioritized assessments for newly admitted individuals going through the NDCS intake process, those with parole hearings scheduled, and those who had a Board of Parole review scheduled and were within one year of their parole eligibility date. Of the 485 individuals who discharged without community supervision in 2017, 260 had a STRONG-R completed.

Parole Guidelines

The Board of Parole implemented the use of decision-making guidelines with all key reviews and parole hearings starting on April 1, 2017. The objective of the guidelines is to ensure individuals are paroled at the earliest opportunity if they are parole ready and are able to be effectively supervised in the community. Of the 485 people who discharged without supervision, 306 did not have a key review or parole hearing in CY 2017, and, as such, did not receive a parole guidelines score. The remaining 179 inmates had parole guidelines forms submitted; the distribution of the scores received on those forms is displayed in the table 4 below.

Table 4: Distribution of Parole Guidelines Scores for Mandatorily Discharged Inmates



In addition to the use of decision-making guidelines, the Office of Parole Administration began utilizing a sanctions and incentives matrix coupled with custodial sanctions in CY 2017. The matrix is designed to reduce the number of inmates returned to NDCS custody who may then later discharge without a second opportunity to be placed on community supervision. These tools were projected to produce a slight decrease in the number of inmates who reach their mandatory discharge date according to projections from CSG that were developed during the justice reinvestment process. The Board expects to see this decrease in 2018.

Reasons for Release without Supervision

Table 5 provides a distribution of reasons that individuals who mandatorily discharged were not paroled. This does not include individuals who never appeared in front of the Board of Parole (n=26) or individuals who most recently appeared in front of the Board of Parole for a revocation (n=108) or rescission hearing (n=10). The total number of reasons for denial exceeds the number of people who discharged directly from a facility as individuals may have been denied parole for multiple reasons. The range of reasons was between zero and five with an average of 1.3. The reasons listed in Table 5 reflect verbiage used during the parole hearing or review.

Table 5: Reasons for Release without Supervision¹

Reason	# of Individuals	% of Individuals
Because of your past violations of parole and/or probation, there is substantial risk that you will not conform to the conditions of parole.	27	6.1%
The nature/circumstances of your offense(s) indicate that an early release would depreciate from the seriousness of your crime and promote disrespect for the law.	9	2.0%
Due to your prior criminal record.	1	0.2%
Because of your negative attitude and actions toward rules, regulations, and authority, your early release would have a substantially adverse effect on institution discipline.	1	0.2%
Your continued treatment, medical care, vocational training, or other training in the facility will substantially increase your capacity to lead a law-abiding life when released at a later date.	113	25.6%
Not eligible for parole.	18	4.1%
Initial board review and Tentative Release Date do not allow adequate time for parole.	25	5.7%
Waiver/Inmate not available.	123	27.8%
At subject's request.	8	1.8%
Recent misconduct reports.	19	4.3%
Lack of institutional support.	6	1.4%
No recommendation submitted by institution.	1	0.2%
Refuses programming.	64	14.5%
Drug or intoxicant misconduct reports.	0	0.0%
Other.	20	4.5%
Opposition.	1	0.2%
Loss of Good Time.	1	0.2%
Excessive/serious MRs.	1	0.2%
Lack of Board Support	0	0.0%
Failed to Complete SAU/RTC	4	0.9%
TOTAL	442	100.0%

¹The waived appearance/inmate not available category represents individuals who waived their appearance or did not attend their scheduled hearing or review. The Board does not view failure to appear as a reason for denying parole or to defer to mandatory discharge, but views it as a delay in the process until the inmate is available. The policy of the Board of Parole is to set individuals who are not available for another hearing or review at the next available opportunity.

RECOMMENDATIONS TO REDUCE NUMBER OF INDIVIDUALS DISCHARGED WITHOUT SUPERVISION

NDCS/Parole Board collaboration and information sharing

NDCS and the Board are meeting on a monthly basis to ensure that we maintain communication and collaboration on a number of issues affecting both agencies. This collaboration includes discussion of new initiatives, supervision strategies, data analysis as well as reviewing identified problems and potential solutions. Meetings are also occurring to review individuals denied or deferred parole so that NDCS reentry, treatment and case management staff are aware of why an individual was denied and it can be addressed prior to discharge.

Develop strategies for individuals who decline or waive parole hearings

Both agencies are working to develop strategies for individuals who turn down a parole hearing or otherwise refuse community supervision and choose to mandatorily discharge. These include scheduling hearings even if the individual waives and targeting those individuals with cognitive behavioral interventions to challenge/change the thought processes that lead an individual to decline parole.

Reentry focus on preparing for release

NDCS reentry specialists will continue to meet with inmates 120 days from release about preparing for release throughout their incarceration and convey the value of parole. Additional focus has been placed on engaging inmates in reentry immediately upon intake at DEC.

Provide needed programming by PED

NDCS has made a number of changes to ensure that inmates have the opportunity to complete needed programming prior to their parole eligibility date so they may parole at the earliest opportunity. Examples include completing TABE testing, the STRONG-R within 30 days and clinical assessments within 90 days of intake, tripling of the violence reduction program capacity, offering programming to inmates in protective management, and prioritizing waiting lists by PED and discharge date. Based on the level of need, inmates will be referred to the appropriate program well in advance of their PED.

Case management academy

The department's case management academy, a 40 hour training developed by the Crime & Justice Institute, began on January 29th and is designed to provide team members with the tools and strategies to engage and motivate individuals to work toward their release by participating in a program that matches their needs.

Prioritize clinical treatment access

NDCS will continue to prioritize individuals who may discharge into the community without supervision for access to needed clinical treatment or programming, including sex offender treatment, substance abuse treatment and violence reduction programming.

Analyze the effectiveness of evidence based practices.

The Board and NDCS will continue to evaluate the effectiveness of new evidence based supervisions strategies and cognitive interventions with the goal of reducing parole revocations. These strategies include the implementation of graduated sanctions in response to parole violations and the use of cognitive behavioral interventions to help improve motivation in preparation for release.

Discharge Review Team

The NDCS discharge review team (DRT) is a multidisciplinary team consisting of behavioral health, social work, security and case management staff which focuses on developing transition plans for individuals with behavioral health issues who may potentially release into the community without supervision. The DRT also provides notice to local law enforcement for individual with sex offenses who will be discharging and makes referrals to county attorneys for civil commitment.

Targeting key reviews and potential discharges

NDCS and the Board of Parole are continuing efforts to identify individuals who have a key review or parole hearing scheduled in order to ensure they are parole ready, minimizing discharges without supervision. NDCS and the Board of Parole are also identifying individuals with key reviews, parole hearings and discharge dates in 2018 and beyond, which allows for long range planning to address parole readiness.

CONCLUSION

The 24.2% increase in individuals discharged to community supervision and the 21.4% decrease in discharges without supervision from 2016 to 2017 is progress in the right direction. As the number of individuals sentenced to post-release supervision continues to increase, it is projected that the number of individuals with parole eligibility will decrease. Both parole and PRS provide a period of supervision as individuals transition back into our communities. Increasing the number of beds at the community custody level will also ensure that individuals have the opportunity to transition more smoothly to the community with or without a period of supervised release. The Parole Board and NDCS will continue to work to identify new strategies to maximize the number of individuals discharging to community supervision.

Appendix: Specific Felony Convictions by Type *

**Note: The combined total of all tables exceeds the number of people discharged during Calendar Year 2017 because individuals may have had multiple convictions for offenses in the same category (e.g., Assault 2nd Degree and Stalking).*

Table A1: Arson

Offense	# of Individuals	% of Individuals
Arson 2nd Degree	2	66.7%
Arson 3 rd Degree	1	33.3
TOTAL	3	100.0%

Table A2: Assault

Offense	# of Individuals	% of Individuals
Assault Peace Officer/ NDCS Employee 1st Degree	1	1.0%
Assault Peace Officer/ NDCS Employee 2nd Degree	1	1.0%
Assault Peace Officer/ NDCS Employee 3rd Degree	10	10.0%
Assault 1st Degree	14	14.0%
Assault 2nd Degree	13	13.0%
Assault 3rd Degree	11	11.0%
Assault by a Confined Person	4	4.0%
Child Abuse	10	10.0%
Domestic Assault	13	13.0%
Stalking	1	1.0%
Strangulation	7	7.0%
Terroristic Threats	14	14.0%
Vulnerable Adult Abuse	1	1.0%
TOTAL	100	100.0%

Table A3: Burglary

Offense	# of Individuals	% of Individuals
Burglary	35	97.2
Possession of Burglary Tools	1	2.8
TOTAL	36	100.0%

Table A4: Drugs

Offense	# of Individuals	% of Individuals
Create/Distribute a Counterfeit Substance	1	0.9%
Dealing Narcotic/ Controlled Substance	2	1.8
Manufacture, Deliver, Possess Drug Paraphernalia	1	0.9
Manufacture, Distribute, Deliver, Dispense, or Possess with Intent	56	50.0
Possession of a Controlled Substance except Marijuana	51	45.5
Possession of 1 oz. to 1 lb. of Marijuana	1	0.9
TOTAL	112	100.0%

Table A5: Fraud

Offense	# of Individuals	% of Individuals
Criminal Impersonation	1	8.3
Forgery 1st Degree	3	25.0
Forgery 2nd Degree	4	33.3
Violation of Financial Transaction Device	4	33.3
TOTAL	12	100.0%

Table A6: Homicide

Offense	# of Individuals	% of Individuals
Manslaughter	3	75
Murder 2nd Degree	1	25.0%
TOTAL	4	100.0%

Table A7: Morals

Offense	# of Individuals	% of Individuals
Criminal Non-Support	2	50
Incest	2	50
TOTAL	4	100.0%

Table A8: Motor Vehicle

Offense	# of Individuals	% of Individuals
Driving under Revoked License	7	25.9
Driving While Intoxicated	15	55.6
Leaving Scene of Injury Accident	2	7.4
Motor Vehicle Homicide	1	3.7
Operating a Motor Vehicle to Avoid Arrest	1	3.7
Willful Reckless Driving	1	3.7
TOTAL	27	100.0%

Table A9: Other

Offense	# of Individuals	% of Individuals
Accessory to a Felony	3	20
Criminal Mischief	1	6.7
Escape	6	40.0
Resisting Arrest	1	6.7
Tampering	1	6.7
Violation of Protection Order	3	20.0
TOTAL	15	100.0%

Table A10: Restraint

Offense	# of Individuals	% of Individuals
False Imprisonment 1st Degree	2	100%
TOTAL	2	100.0%

Table A11: Robbery

Offense	# of Individuals	% of Individuals
Robbery	35	100.0%
TOTAL	35	100.0%

Table A12: Sex Offenses

Offense	# of Individuals	% of Individuals
Enticement by Electronic Communication Device	2	2.9
Possession of Child Pornography	2	2.9
Sex Offender Registration Act Violation	7	70.0
Sex Assault 1st Degree	23	32.9
Sex Assault 2nd Degree	1	1.4
Sex Assault 3rd Degree	1	1.4
Sex Assault on a Child	3	4.3
Sexual Assault of a Child 1st Degree	11	15.7
Sexual Assault of a Child 3rd Degree	17	24.3
Visual Depictions of Sexually Explicit Conduct	3	4.3
TOTAL	70	100.0%

Table A13: Theft

Offense	# of Individuals	% of Individuals
Theft	4	5.3
Theft by Deception	7	9.2
Theft by Receiving Stolen Property	30	39.5
Theft by Shoplifting	13	17.1
Theft by Unlawful Taking or Disposition	22	28.9
TOTAL	76	100.0%

Table A14: Weapons

Offense	# of Individuals	% of Individuals
Possession of a Firearm by Fugitive/ Felon	2	4.5
Possession of a Deadly Weapon by a Fugitive/ Felon	33	75
Possess/ Receive a Stolen Firearm	3	6.8
Possess/Threaten with a Destructive Device	1	2.3
Transport/ Possess Machine/ Short Gun	1	2.3
Unlawful Discharge of a Firearm	1	1.3
Use of Deadly Weapon to Commit a Felony	3	6.8
TOTAL	44	100.0%