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January 26, 2022

Senator Steve Lathrop, Chair
and Members of the Judiciary Committee
State Capitol, Lincoln NE

RE: LB920

SUPPORT

Dear Senators Lathrop and Members of the Committee:

The League of Women Voters of Nebraska, with appreciation for the wide-reaching fiscal and public safety impact of LB920, supports this effort to decrease the prison custody population that is currently 150% of capacity. We support a correctional system that provides realistic and humane treatment of accused and sentenced offenders as well as protection of the community. We view this legislation and other related smart justice bills as an opportunity to change our correctional system from one of prison overcrowding, chronic recidivism, unsafe conditions for prisoners and staff, and poor return of investment for Nebraskans' tax dollars to one that takes a comprehensive approach to reducing the root causes of excessive incarceration. As a group of 200 police chiefs, prosecutors and sheriffs commented, ". . . we cannot incarcerate our way to safety."

In 2015, Nebraska passed LB605 to reduce prison overcrowding but has fallen far short of reduction projections primarily because sentence reform recommendations for nonviolent crimes weren't adopted. While prosecutors complained and successfully discouraged some changes in sentencing, most citizens, judges and legislators can agree the ultimate goals are to reduce crime, incarceration and recidivism. The 2015 bill didn't go far enough and overcrowding worsened. Now is the time to make those necessary changes to significantly reduce overcrowding while maintaining public safety like many states before us.

- According to a 2018 Brennan Center report, 27 states have successfully reduced prison populations and crime rates in the last decade.
- Last year in Chicago, 3,590 individuals were reported to have successfully graduated from felony diversion programs.
- In Durham County, North Carolina, the county's total jail and prison population was decreased by 40% "without causing an increase in arrests or failures to appear in court."¹
- From 2014 to 2019, Utah reduced 1200 from their prison population, but saw a dramatic increase in drug crimes in 2020. Without sufficient state support for reform to probation, parole and diversion for low-level offenders prison populations continued to grow.²

¹ <https://thecrimereport.org/2021/11/18/reform-prosecutors-claim-success-in-reducing-incarceration/>

² (2) [Nearly 7 years into justice reform initiatives in Utah, are the desired results being seen? – St George News \(stgeorgeutah.com\)](#)

Reforms need to allow the State Parole Board to assess which inmates can be safely released early based on current behavior and data, rather than enforce mandatory minimums and consecutive sentences given many years prior.

A University of Nebraska-Lincoln thesis on the topic of Nebraska's mandatory minimum penalties – compared to Texas, California and Alabama – offers several alternative reforms. For example, the author recommends ridding our penal code of mandatory minimums, opting to rely on judicial discretion instead.³

The use of mandatory minimums and consecutive sentences has contributed to 35% longer stays in prison since 2011. The example outlined in an article in the January 9, 2022, *Omaha World-Herald* demonstrates the human, community and fiscal costs. An 18-year-old with mandatory minimum, consecutive sentences will serve 27 ½ years before being eligible for parole. At \$40,000 annually per inmate, the cost is \$1.1 million while preventing rehabilitated re-entry into the community, his family and the workforce prior to age 45. This is a cost too great.

LB920 is a comprehensive approach to reforming corrections and reducing our prison population. We need an all fronts commitment to make a meaningful and long-lasting difference in our state. Please advance this bill to the floor and work to tell all Nebraskans what it means to them.

Sincerely,

Carol Dennison, Social Policy Director
League of Women Voters of Nebraska

³ <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1115&context=honorstheses>