

FY 2022

ANNUAL REPORT

Adult Community Corrections, Programs, Centers, Tools, Services, and Supervision

Adult Probation and
Rehabilitative Services
Division

Administrative Office of the
Courts & Probation

Nebraska Judicial Branch



ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

Adult Community Corrections Programs, Centers, Tools, Services and Supervision Annual Report

Fiscal Year 2022 – July 1, 2021 to June 30, 2022

This annual report contains information on the development and performance of Nebraska Probation’s Adult Community Corrections programs, centers, tools, services and supervision. The report is required according to Neb. Rev. Stat. 47-624(11), amended in 2010 by AM1679 to LB864, which requires the Crime Commission to report annually to the Legislature and the Governor on the development and performance of community corrections facilities and programs. This annual report fulfills this statutory obligation.

The purpose of this report is to properly identify the most important factors related to the community correction’s population on community supervision, evaluate costs of programming, and to conduct an evaluation of the progress made in expanding community corrections centers, programs, and services statewide.

Reports are available at:

https://supremecourt.nebraska.gov/forms-publications?field_publication_report_type_tid=2829

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

Administrative Office of the Courts and Probation 2021-2022 Fiscal Year Report on Adult Community Corrections Programs, Centers, Tools, Services and Supervision

Executive Summary

The Administrative Office of the Courts and Probation (AOC) make lasting changes in local communities by assisting both juveniles and adults to become productive members of society. Nebraska Probation utilizes individualized approaches, focused on evidence-based principles and practices, and employs a dedicated and skilled professional staff to meet its goals. Providing purposeful interventions, Nebraska Probation strives to positively impact community safety across all 93 of Nebraska's counties and 12 Judicial Districts. Probation's programs and services were implemented in such a way as to create constructive change through rehabilitation, collaboration, and partnerships, in order to provide meaningful services to communities, victims and courts.

Probation utilizes actuarial based, normed and validated risk and needs-based assessment tools to guide in its decision-making, resource allocation, service provision and case management. These assessment instruments are the foundation for everything the Probation Officer does, which includes the compilation of Presentence Investigations (PSIs), the classification of adult probationers for supervision and case management, and the determination of interventions needed to help reduce the risk of recidivism or mitigate the needs that led the individual before the Court.

Probation is community corrections at its very core. As a true alternative to incarceration, probation "supervises," or provides case management across a myriad of risk levels – from those individuals assessed to be at the very highest risk to recidivate to those assessed to be at the very low risk to recidivate – covering a gamut of misdemeanor and felony offenses.

With the passing of Justice Reinvestment Initiatives (JRI) during the 2015 and 2016 Legislative Sessions, JRI officially commenced in Nebraska during the 2015-2016 fiscal year. As such, all individuals convicted of lower level felonies (Class 3, 3A, and 4 Felonies) committed after the effective date of the new law were presumed to be destined for probation.

In an effort to reduce the number of individuals revoked from probation for technical (non- criminal, substance use, etc.) reasons, administrative and custodial sanctions are included in probation's incentives and sanctions matrix as an alternative for Courts and Probation in lieu of formal revocation proceedings. Once probation officers have exhausted all reasonable efforts to gain compliance through the utilization of administrative sanctions, such as treatment or other program referrals, they may request the imposition of custodial sanctions. Only the court can impose the custodial sanction.

Statutorily, custodial sanctions of "up to three days," and "up to 30 days," are included on probation's Incentives and Sanctions Matrix. An individual must serve a minimum of 90 days of custodial sanctions, as imposed by the court, before formal revocation proceedings can be initiated in felony cases.

A tenet of evidenced-based practice and justice reinvestment efforts calls for the reinforcement or incentivizing of positive behavior change. Probation's Incentives and Sanctions Matrix provides for probationers, with limited exceptions, to earn an early discharge from their term of probation and post-release supervision in accordance with Supreme Court Rule, based on their performance while under supervision and a measurable reduction in their assessed risk to recidivate. This is also a critical feature of JRI, as probation resources continue to shift towards case managing the highest risk individuals, making it imperative that lower-risk individuals are released when appropriate, freeing up the probation resources needed to make this successful.

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Under the structure of the Nebraska Supreme Court and the Administrative Office of the Courts and Probation, Probation has worked faithfully to improve the safety of all Nebraskans, ensure crime- victims have a voice and, moreover, to assist all juveniles and adults under our supervision to become productive citizens. Nebraska Probation utilizes individualized approaches focused on evidence-based principles and practices and employs a dedicated and skilled professional staff to meet its goals.

During Fiscal Year 2021-22, the positive impact Probation made on community safety was demonstrable. Justice Reinvestment (JRI) efforts in Nebraska continue to reflect how Probation is a cost-effective means of accomplishing community safety and exemplifies community corrections.

The following data solely focuses on adult individuals served by the Administrative Office of the Courts and Probation.

During FY21-22 the Administrative Office of the Courts and Probation:

- ❖ Completed 10,373 presentence investigations (PSIs), and 668 post-release supervision plans.
- ❖ Provided case management for 9,126 new, high-risk to recidivate individuals in their communities.
- ❖ Supervised 1,288 individuals under post-release supervision, a decrease of 707 individuals over the previous fiscal year.
- ❖ Observed a reduction in the overall risk-level of high-risk to recidivate individuals in probation, post-release supervision, and problem-solving courts upon successful completion of supervision.
- ❖ Collected 352,875 drug tests on 17,999 unique individuals or an average of 19 chemical tests per adult individual under supervision.
- ❖ Use of Administrative and Custodial Sanctions decreased this year. Administrative Sanction use decreased 8.1% to 14,982 and Custodial Sanctions decreased 7% to 1,629.
- ❖ Reduced the number of individuals with felonies revoked to a state correctional facility. The number of individuals revoked off probation to a state prison for a new law violation decreased from 352 in FY20-21 to 325 in FY21-22, a reduction of 27 individuals or a 7.7% decrease.
- ❖ As of June 30th, 2022, the statewide recidivism rate for the adult probation population is 18%.
- ❖ During Fiscal Year 2021-2022, Nebraska Probation Reporting Centers had over 64,000 visits by probation, post-release supervision, and problem-solving court individuals who accessed programming or groups.

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Office of the Court's and Probation:

- ❖ Continued to be a cost-effective means of rehabilitation and community safety. During FY 21-22, probation community supervision costs by individual:
 - Approximately \$4.11 per day to supervise a medium to low risk to reoffend probationer
 - Approximately \$5.69 for a high-risk to reoffend probationer
 - Approximately \$15.00 per day to supervise individuals in Alternatives to Incarceration programs such as Specialized Substance Abuse Supervision (SSAS), Reframe, Post-Release Supervision (PRS) and Transitional Intervention Program (TIP).
 - Approximately \$14.88 per day to supervise participants in a Problem-Solving Court.

Adult programs and services are funded through a combination of General Funds and Cash Funds. The major source of Cash Fund revenue are monthly fees paid by individuals when placed on probation. Additional resources which help to support victim services, transitional housing and incentives are received from federal resources.

- Please note the approximate cost per day to supervise an individual is based on the total cost of probation personnel and operating expenses divided by the total population of individuals supervised.

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PROGRAMS & RESPONSIVITY

Methods used by the Nebraska Probation System to accomplish case management includes a variety of program strategies relative to evidence-based research. These include assessment, motivational interviewing and developing professional alliance, identifying the driver of precipitating behaviors, treatment matching, facilitating cognitive behavioral groups and skill building, engaging positive support systems, case planning, and the use of relevant supervision tools.

Additionally, case management contributes to an increased level of safety and welfare for the community. Case management targets risk reduction by focusing on the assessed criminogenic need areas through meaningful contacts and referrals as needed. Because certain populations of individuals present unique challenges in case management, special approaches to case management and intentional programming are used to target these unique needs.

SERVICES

Reporting Centers – Reporting centers across Nebraska were created to establish a central location for a continuum of services accessed by individuals under supervision in their communities as a means of providing community safety, accountability, and rehabilitation. By pooling state and county resources, these reporting centers provide structured programming that target an individual’s need and enhance their ability to make long lasting positive changes and to be a successful member of the community. These programs and services are evidence-based and tailored to meet the needs of individuals with a wide range of challenges. Services are provided by local community stakeholders, bridging criminal justice and behavioral health. Reporting centers engage high-risk individuals in structured supervision activities targeted to reduce the likelihood of the individual to reoffend. Nebraska Reporting Centers are intended to increase community safety while reducing the high cost of incarceration and prison overcrowding in Nebraska.

Reporting centers are funded by a combination of general fund (staff), cash fund (services through offender fees) and county dollars (operations) under:
Nebraska Revised Statute 47-624 (Develop reporting centers in Nebraska)
Nebraska Revised Statute 47-624.01 (Plan for implementation and funding of reporting centers)
Nebraska Revised Statute 90-540 (Legislative intent to fund Nebraska Probation reporting centers)

The Core programming components offered in each reporting center include:

- Substance Abuse Interventions (Pre-Treatment/Relapse Groups)
- Employment and Educational Classes
- Life Skills Programing
- Cognitive-behavioral groups focused on changing criminal thinking which impacts behavior
- Victim Impact Programming

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Reporting centers bring together probation staff and focused community providers to strategically supervise individuals on probation in their communities. Supervision strategies include creating a positive relationship with the individual, having consistent meetings and groups, referring individuals to appropriate programming, and the use of regular and random drug/alcohol testing. All reporting centers have teleservice capability, allowing for shared interaction across Nebraska.

Reporting centers also offer ancillary programming in the following areas:

- Parenting
- Anger Management
- Money Management
- Behavior Change Skill Building
- Domestic Violence Classes
- Trauma groups

Due to the success of the Nebraska State Probation's Reporting Center model, funding was allotted to expand reporting centers to seventeen locations across the State (LB907; LB605). During Fiscal year 2021-22, there were over 64,000 Reporting Center visits to access programming and groups. Each successfully discharged reporting center individual who does not reoffend and returns to their community and neighborhood contributes to the overall impact on community safety and reduces the fiscal cost of incarceration and the problem of prison overcrowding.

The Legislature has tasked the AOCF with expansion of community correction alternatives across Nebraska as a means of reducing prison overcrowding while keeping community safety as a priority through offender rehabilitation and accountability (LB605 and Justice Reinvestment).

Service Centers -- Probation Service Centers were created in 2011 for the benefit of Judicial Districts that did not currently have a reporting center. The service centers were created to assist individuals in fulfilling court-ordered obligations, addressing high-risk needs, and completing programming or other requirements instituted through the sanctioning process. Service centers serve the same population as reporting centers but are limited in the number of clinical and rehabilitative services offered. There are currently nine service centers operating across Nebraska. Communities served include Broken Bow, Auburn, Fairbury, Falls City, Geneva, O'Neil, Seward, Tecumseh, and York. Service centers are funded by general and cash funds of the Community Corrections program.

Probation Teleservices -- Reporting and service centers have the ability to offer programming via Probation Teleservices. Through the use of audio and visual technology, teleservices help bridge geographical distances that may limit access to resources, such as evaluations and counseling. Teleservice grants Probation the ability to overcome the barriers of the rural nature of the state and provide access to programs and other services where they would otherwise be unavailable.

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Nebraska Reporting and Service Centers

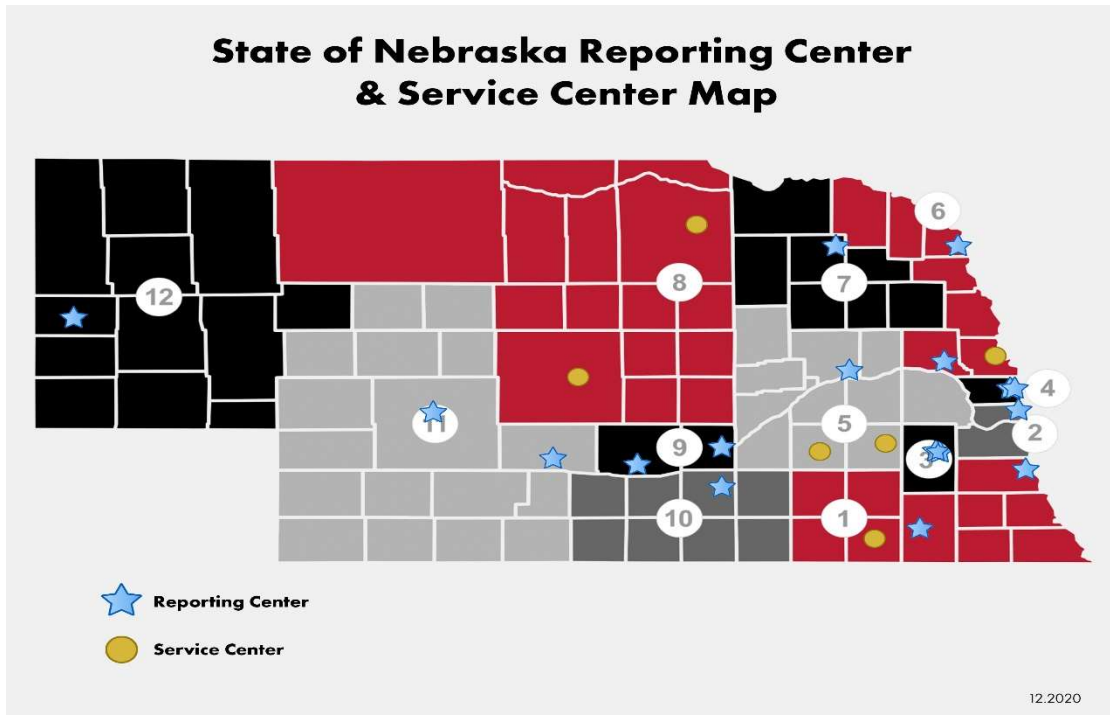
Fiscal Year	FY 19-20	FY 20-21	FY 21-22
Unique Individuals Served	3,699	4,124	6,995
Programming Referred	4,902	6,389	8,055

This table is a sampling of unique individual's attendance in programming accessed at a reporting center.

Program	Anger Management	Crime Victim Empathy	Employment Services	Money Management	Parenting	Relapse Group	Life Skills	Trauma Group
FY 19-20	189	813	585	154	150	801	652	217
FY 20-21	266	991	592	187	170	891	963	350
FY 21-22	251	1,047	340	160	183	842	931	341

Nebraska Reporting Center Programming Costs

Fiscal Year	FY 19-20	FY 20-21	FY 21-22
Reporting Center Programming dollars	\$1,607,424	\$1,668,542	\$1,896,625



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ALTERNATIVES TO INCARCERATION (AI)

Adult Alternatives to Incarceration (AI) Probation encompasses individuals who are considered to be at the highest risk to reoffend, are being supervised by specialized probation officers within a specialized program and/or are participating in problem solving courts. These individuals may also be on post-release supervision (PRS) after completing a term of incarceration for a crime requiring a “split sentence” and are the first priority of supervision resources for the Nebraska Probation System. This supervision level is most successful when a highly intensive level of supervision is utilized in conjunction with appropriate cognitive behavioral interventions, treatment services, and monitoring.

Probation officers use varied hours of operation, field work, close collaborations with community partners, treatment, cognitive programming and all available interventions pertinent to high level of assessed risk, specific to the program in which the probationer is involved, related to any precipitating criminogenic behaviors, and/or as ordered by the Court.

Caseload sizes for officer-to-individual ratios at Alternatives to Incarceration populations is 1-24, with Problem Solving Court caseload sizes also carrying a ratio of 1-24.

Funding for Alternatives to Incarceration (AI), which includes Specialized Substance Abuse Supervision (SSAS), Post-Release Supervision (PRS), Reframe and the Transitional Intervention Program (TIP) comes from the probation general fund. The average cost to supervise an AI probationer per-day is approximately \$15.00.

Post-Release Supervision (PRS) – With limited exceptions, certain felonies committed on or after August 30, 2015, carry a term of post-release supervision probation. PRS probation is required any time a term of incarceration is imposed by the Court, regardless of the duration, in any Class III or IIIA felony. The passage of LB 686 in 2019 modified the minimum PRS term of nine-months for Class IV Felonies. The maximum PRS terms of up to 12 months is allowed in Class IV Felonies, 18 months in Class IIIA Felonies and up to 24 months on Class III felonies.

Post Release Supervision Demographics	FY 19-20	FY 20-21	FY 21-22
Female	401	279	215
Male	1,594	1,296	1,073
Total PRS Individuals	1,995	1,575	1,288
Age			
Under 18	15	9	10
18 to 20	115	99	79
21 to 25	338	232	185
26 to 30	376	321	244
31 to 35	350	275	225
36 to 40	291	241	187

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41+	510	398	358
<i>Race</i>			
American Indian or Alaska Native	90	67	57
Asian or Pacific Islander	13	12	13
Black	401	308	234
Other	193	153	129
White	1,298	1,035	855
<i>Ethnicity</i>			
Hispanic Origin	244	201	169
Not of Hispanic Origin	1,751	1,374	1,119
<i>Marital Status</i>			
Single	1,283	1,014	828
Married	196	151	138
Separated/Divorced/Widowed	310	251	218
Unknown	206	159	104
<i>Education Level at Entry</i>			
8th Grade Or Less	179	153	139
9th Through 11th Grade	562	448	390
12th Grade or GED	992	775	610
Vocational/Some College	193	147	111
College or Above	36	36	33
Unknown	33	16	5

Offense Category PRS		FY 19-20	FY 20-21	FY 21-22
Assaultive Acts	Felony	156	153	5
	Misdemeanor	4	4	427
Burglary	Felony	6	8	4
	Misdemeanor	0	0	0
Compliance	Felony	88	67	5
	Misdemeanor	2	2	46
Dangerous Drugs	Felony	556	324	202
	Misdemeanor	8	2	2

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Family Offense	Felony	0	0	0
	Misdemeanor	0	0	0
Homicide	Felony	3	4	4
	Misdemeanor	0	0	0
Kidnapping	Felony	10	15	21
	Misdemeanor	0	0	0
Property Fiscal	Felony	278	167	110
	Misdemeanor	5	6	4
Robbery	Felony	0	0	0
	Misdemeanor	0	0	0
Sex Offense	Felony	109	97	91
	Misdemeanor	0	0	0
Traffic Offense	Felony	298	268	214
	Misdemeanor	9	4	5
Weapon Offense	Felony	81	74	63
	Misdemeanor	0	1	0
Unknown	Felony	528	493	196
	Misdemeanor	5	8	2
Total	Felony	2,113	1,670	1378
	Misdemeanor	33	27	23

**Offense category may not match the number of individuals. This metric is based on most serious offense as identified by the Felony or Misdemeanor class associated with the probationer. In cases where there are multiple convictions of the same class charge that falls into different categories, a single probationer is counted in multiple offense type categories.*

The Administrative Office of the Courts and Probation participated in a research project with the University of Nebraska-Lincoln's Law/Psychology Program, focused on recidivism of the PRS population. The report titled **Predicting Recidivism for Post Release Supervision Releases**, examined the strongest predictors of recidivism for all release types and identified a Post-Release Supervision recidivism rate of 27%. This study also focused on the efficacy of cognitive-behavioral programming offered through Reporting Centers across the state and determined that engagement in Reporting Center programming led to decreased recidivism for individuals under Post-Release Supervision. This factor was so significant that the author concluded that attendance at Reporting Center programming offsets some of the effects of prior criminal history, one of the most powerful predictors of recidivism.

The complete results of this study can be found on the Nebraska Judicial Branch website at <https://supremecourt.nebraska.gov/research-shows-positive-outcomes-felony-probation-supervision>.

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Specialized Substance Abuse Supervision (SSAS) – The first of probation’s evidenced based programs, dating to 2006, the SSAS program is designated for individuals with the highest risk to reoffend and who have a convicted felony drug offense, serial drunk drivers (Third offenses or above), post-release supervision or other individuals assessed at a high risk in alcohol/drug problems and high levels of antisocial thinking or patterns.

Justice Reinvestment efforts called for the expansion of SSAS. Although individuals are supervised with “SSAS-like conditions” statewide, to be considered to be truly involved in a SSAS program, the individual must be involved at a location with a reporting center and under the supervision of a SSAS Officer. As such, there are several categories of SSAS individuals. These include: SSAS, PRS-SSAS and CBI-SSAS. CBI-SSAS individuals are those supervised with “SSAS like conditions”, but in a location without a SSAS officer or a reporting center. Historically the SSAS program was a single case management population but since 2015 has been expanded to the population above and is reflected as such in the reporting below.

As part of their case management, SSAS individuals receive substance use services to include evaluation and treatment, relevant reporting center services, random and frequent substance use testing, and cognitive groups. Probation officers work varied, field-based hours and are heavily engaged with treatment providers, employers and other community support networks.

All participants meeting financial criteria are eligible for financial assistance to obtain substance use and/or mental health services, housing or other qualifying services.

SSAS Demographics	FY 19-20	FY 20-21	FY 21-22
Female	259	246	240
Male	571	531	505
Total SSAS Individuals	830	777	745
Age			
Under 18	4	8	5
18-20	85	76	71
21-25	152	125	109
26-30	161	154	149
31-35	134	128	132
36-40	115	106	99
41+	179	180	180
Race			
American Indian or Alaskan Native	37	43	50
Asian or Pacific Islander	5	5	7
Black	117	114	115

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Other	88	77	75
White	583	538	498
<i>Ethnicity</i>			
Hispanic Origin	109	102	110
Not of Hispanic Origin	721	675	635
<i>Marital Status</i>			
Single	575	525	498
Married	79	81	74
Separated/Divorced/Widowed	142	131	136
Unknown	34	40	37
<i>Educational Level at Entry</i>			
8th Grade or Less	82	81	67
9th through 11th Grade	240	242	248
12th Grade or DED	402	368	352
Vocational/Some College	85	68	62
College or Above	21	16	16
Unknown	0	2	0

Offense Category SSAS		FY 19-20	FY 20-21	FY 21-22
Assaultive Acts	Felony	18	29	52
	Misdemeanor	2	3	1
Burglary	Felony	28	27	28
	Misdemeanor	0	0	0
Compliance	Felony	16	15	19
	Misdemeanor	2	2	0
Dangerous Drugs	Felony	385	348	345
	Misdemeanor	9	10	10
Family Offense	Felony	0	0	0
	Misdemeanor	0	0	0
Homicide	Felony	0	0	0
	Misdemeanor	1	0	0
Kidnapping	Felony	1	2	3
	Misdemeanor	0	0	0
Property Fiscal	Felony	93	91	95

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	Misdemeanor	2	2	4
Robbery	Felony	5	8	7
	Misdemeanor	0	0	0
Sex Offense	Felony	5	3	2
	Misdemeanor	0	0	0
Traffic Offense	Felony	93	93	81
	Misdemeanor	21	18	5
Weapon Offense	Felony	29	22	32
	Misdemeanor	1	0	1
Unknown	Felony	151	150	111
	Misdemeanor	10	5	5
Total	Felony	824	788	775
	Misdemeanor	48	40	26

**Offense category may not match the number of individuals. This metric is based on most serious offense as identified by the Felony or Misdemeanor class associated with the probationer. In cases where there are multiple convictions of the same class charge that falls into different categories, a single probationer is counted in multiple offense type categories.*

During calendar year 2018, the AOCB commissioned the University of Nebraska Law/Psychology Program (LPUNL) to conduct a process and outcome study on its SSAS Program. The study concluded:

“The results of this process and outcome analysis show strong empirical evidence that the SSAS program succeeds in meeting all of its major goals for high risk, substance abusing offenders with felony convictions: 1) offering a program of intensive supervision, 2) increasing the likelihood of successful completion of probation, and 3) lowering recidivism after discharge from probation. After carefully constructing equivalent SSAS treatment and non-SSAS “business as usual” comparison groups, LPUNL was able to demonstrate that while SSAS clients received more violations and a greater number of sanctions, they were more likely to successfully complete probation and less likely to be revoked. Furthermore, these process and outcome differences are not due to demographic, criminogenic risk or criminal charge differences between the groups because successful propensity matching controlled all these differences. Furthermore, compared to other probationers not in the SSAS program, SSAS clients were significantly less likely to recidivate using the Nebraska Supreme Court’s definition of recidivism, measured in a three year window. LPUNL concludes that Nebraska Probation’s SSAS program is an effective intervention that successfully treats high risk, felons with serious substance use problems. We encourage its continued and expanded use in Nebraska and recommend further study of its processes and outcomes to demonstrate that SSAS is a fully evidence based program and as such it can serve as a valuable alternative to incarceration for treating high risk/high need, substance abusing felons.¹²

¹² Most program evaluators would agree that in order to achieve fully Evidence Based status, SSAS would need a replication study, again showing positive results.”

The complete results of this study can be found on the Nebraska Judicial Branch website at <https://supremecourt.nebraska.gov/evaluation-probations-specialized-substance-abuse-supervision-ssas-program-demonstrates-program>.

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Reframe – is designated for the highest risk individuals to recidivate who do NOT have elevated levels of criminogenic (crime-producing) need in the area of alcohol and/or controlled substance involvement. The interventional-focus for a Reframe individual is on criminal-thinking and other recurring behaviors that have led the individual to involvement with the Courts.

Probation officers managing a Reframe caseload work varied, field-based hours and are heavily engaged with treatment providers, employers and other community support networks.

All Reframe individuals meeting financial criteria are eligible for financial assistance to obtain mental health services, housing or other qualifying services.

Reframe Demographics	FY 19-20	FY 20-21	FY 21-22
Female	122	122	118
Male	241	254	257
Total Reframe Individuals	363	376	375
Age			
Under 18	4	6	4
18 to 20	48	42	48
21 to 25	47	65	67
26 to 30	80	73	80
31 to 35	67	63	51
36 to 40	32	49	47
41+	85	78	78
Race			
American Indian or Alaska Native	20	17	15
Asian or Pacific Islander	3	5	3
Black	78	81	111
Other	29	33	36
White	233	240	210
Ethnicity			
Hispanic Origin	30	41	48
Not of Hispanic Origin	333	335	327

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Marital Status			
Single	243	255	267
Married	40	39	41
Separated/Divorced/Widowed	68	63	45
Unknown	12	19	22
Education Level at Entry			
8th Grade Or Less	27	33	37
9th Through 11th Grade	130	126	138
12th Grade or GED	163	181	173
Vocational/Some College	39	28	22
College or Above	4	7	3
Unknown	0	1	2

Offense Category Reframe		FY 19-20	FY 20-21	FY 21-22
Assaultive Acts	Felony	13	16	22
	Misdemeanor	2	1	1
Burglary	Felony	17	19	17
	Misdemeanor	0	0	0
Compliance	Felony	7	7	7
	Misdemeanor	0	1	1
Dangerous Drugs	Felony	155	154	158
	Misdemeanor	2	3	3
Family Offense	Felony	0	0	0
	Misdemeanor	0	0	0
Homicide	Felony	0	0	0
	Misdemeanor	2	0	0
Kidnapping	Felony	0	3	0
	Misdemeanor	0	0	0
Property Fiscal	Felony	63	62	66
	Misdemeanor	4	3	4
Robbery	Felony	0	2	4
	Misdemeanor	3	0	0
Sex Offense	Felony	0	1	2

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	Misdemeanor	0	0	0
Traffic Offense	Felony	19	17	20
	Misdemeanor	4	4	1
Weapon Offense	Felony	17	17	20
	Misdemeanor	0	1	2
Unknown	Felony	76	82	66
	Misdemeanor	3	3	1
Total	Felony	376	380	382
	Misdemeanor	14	16	13

**Offense category may not match the number of individuals. This metric is based on most serious offense as identified by the Felony or Misdemeanor class associated with the probationer. In cases where there are multiple convictions of the same class charge that falls into different categories, a single probationer is counted in multiple offense type categories.*

Transitional Intervention Program (TIP): is designated for the highest of the high-risk individuals to reoffend who have demonstrated elevated levels of criminogenic (crime-producing) need in all assessed areas. The interventional-focus for a TIP individual is on criminal-thinking and compliance monitoring.

Probation officers managing a TIP caseload work varied, field-based hours and are heavily engaged with law enforcement, treatment providers, employers and other community support networks. TIP individuals are frequently monitored for a period of time on global-positioning electronic monitoring.

All TIP individuals meeting financial criteria are eligible for financial assistance to obtain substance use and/or mental health services, housing or other qualifying services.

TIP Demographics	FY 19-20	FY 20-21	FY 21-22
Female	1	1	2
Male	6	1	2
Total TIP Individuals	7	2	4
Age			
Under 18	0	0	0
18 to 20	0	0	0
21 to 25	2	0	0
26 to 30	0	0	1
31 to 35	2	1	1
36 to 40	2	1	2

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41+	1	0	0
<i>Race</i>			
American Indian or Alaska	1	0	0
Asian or Pacific Islander	0	0	0
Black	0	0	1
Other	3	0	0
White	3	2	3
<i>Ethnicity</i>			
Hispanic Origin	3	0	0
Not of Hispanic Origin	4	2	4
<i>Marital Status</i>			
Single	5	1	3
Married	1	0	0
Separated/Divorced/Widow	0	0	0
Unknown	1	1	1
<i>Education Level at Entry</i>			
8th Grade Or Less	1	1	2
9th Through 11th Grade	5	1	2
12th Grade or GED	1	0	0
Vocational/Some College	0	0	0
College or Above	0	0	0
Unknown	0	0	0

Offense Category TIP		FY 19-20	FY 20-21	FY 21-22
Assaultive Acts	Felony	1	0	0
	Misdemeanor	0	0	0
Burglary	Felony	1	0	0
	Misdemeanor	0	0	0
Compliance	Felony	0	0	0
	Misdemeanor	0	0	0

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Dangerous Drugs	Felony	3	1	3
	Misdemeanor	0	0	0
Family Offense	Felony	0	0	0
	Misdemeanor	0	0	0
Homicide	Felony	0	0	0
	Misdemeanor	0	0	0
Kidnapping	Felony	0	0	0
	Misdemeanor	0	0	0
Property Fiscal	Felony	1	1	1
	Misdemeanor	0	0	0
Robbery	Felony	0	0	0
	Misdemeanor	0	0	0
Sex Offense	Felony	0	0	0
	Misdemeanor	0	0	0
Traffic Offense	Felony	0	0	0
	Misdemeanor	0	0	0
Weapon Offense	Felony	1	0	0
	Misdemeanor	0	0	0
Unknown	Felony	0	0	0
	Misdemeanor	0	0	0
Total	Felony	7	2	4
	Misdemeanor	0	0	0

**Offense category may not match the number of individuals. This metric is based on most serious offense as identified by the Felony or Misdemeanor class associated with the probationer. In cases where there are multiple convictions of the same class charge that falls into different categories, a single probationer is counted in multiple offense type categories.*

COMMUNITY BASED INTERVENTION/INTENSIVE SUPERVISION PROBATION (CBI/ISP)

CBI/ISP targets those individuals assessed at an elevated risk to reoffend, or those individuals under supervision for specialized convictions such as sex offenses, domestic violence offenses and/or repeated episodes of driving under the influence. Probation officers use varied hours of operation, treatment, field contacts, cognitive groups, and all available interventions pertinent to high levels of assessed risk, related to the driver of criminogenic behaviors, and/or as ordered by the court, to intensively supervise individuals in this classification.

Additionally, those individuals serving probation terms for convictions relating to domestic violence, sexual offenses, and third offense or greater drunk drivers, as well as those with other unique

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

circumstances such as gang members, those with significant mental illness, lower-risk post-release supervision probationers, etc., may be required to participate in programming related to their precipitating behaviors and will be supervised intensively.

Individuals on probation involving aspects of, or with a history of domestic violence, are referred to a domestic violence intervention or batterers intervention program and supervised intensively unless scoring as situational offenses on the DV Matrix assessment.

Individuals on probation involving aspects of sexual deviancy are referred for a sex offender evaluation and treatment and supervised intensively.

Individuals serving probation following a conviction for a DWI Third offense or above will be substance use tested frequently, referred for substance use evaluation and treatment and supervised intensively.

It should also be noted that those individuals assessed at reduced levels of risk to reoffend, but coming out of a term of incarceration on post-release supervision will be supervised intensively for at least the first 60 days in the community before being considered for transition to a lower level of supervision upon demonstration of stability in their work, sobriety and living situations.

Guided by national standards, caseload sizes for officer-to-individual ratios at Community Based Intervention/Intensive Supervision is 1-50.

Funding for Community Based Intervention/Intensive Supervision Probation (CBI/ISP) comes from the probation general fund. The cost to supervise a CBI/ISP probationer per-day is approximately \$5.69.

CBI/ISP Demographics CBI	FY 19-20	FY 20-21	FY 21-22
<i>Gender</i>			
Female	1,613	1,664	1,688
Male	4,813	4,844	5,026
Total CBI/ISP Individuals	6,426	6,508	6,714
<i>Age</i>			
Under 18	33	32	28
18-20	569	552	548
21-25	1,173	1,152	1,141
26-30	1,240	1,195	1,192
31-35	1,027	1,052	1,097
36-40	861	878	940
41+	1,523	1,647	1,768
<i>Race/Ethnicity</i>			
American Indian or Alaskan Native	244	221	227
Asian or Pacific Islander	58	82	75

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Black	926	928	986
Other	660	763	866
White	4,538	4,514	4,650
Hispanic Origin	870	973	1,066
Not of Hispanic Origin	5,556	5,535	5,648
<i>Marital Status</i>			
Single	4,137	4,184	4,371
Married	927	928	934
Separated/Divorced/Widowed	1,142	1,179	1,183
Unknown	220	217	226
<i>Education Level at Entry</i>			
8th Grade or Less	412	429	455
9th Through 11th Grade	1,585	1,581	1,702
12th Grade or GED	3,390	3,527	3,559
Vocational/Some College	781	736	719
College or Above	256	231	277
Unknown	2	4	2

Offense Category CBI/ISP	Offense Type	FY 19-20	FY 20-21	FY 21-22
Assaultive Act	Felony	157	141	341
	Misdemeanor	1,298	1,325	1,721
Burglary	Felony	52	51	43
	Misdemeanor	0	0	0
Compliance	Felony	55	57	49
	Misdemeanor	424	457	564
Dangerous Drugs	Felony	557	519	523
	Misdemeanor	518	454	420
Family Offense	Felony	0	0	0
	Misdemeanor	5	3	2
Homicide	Felony	2	2	2
	Misdemeanor	4	2	2
Kidnapping	Felony	15	11	9
	Misdemeanor	19	34	36

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Property & Fiscal	Felony	227	212	176
	Misdemeanor	296	295	283
Robbery	Felony	8	10	11
	Misdemeanor	0	0	0
Sex Offense	Felony	184	196	209
	Misdemeanor	65	56	68
Traffic Offense	Felony	356	340	330
	Misdemeanor	1,143	1,307	1,468
Weapon Offense	Felony	57	46	69
	Misdemeanor	65	72	80
Unknown	Felony	578	585	329
	Misdemeanor	788	841	439
Total	Felony	2,248	2,170	2,091
	Misdemeanor	4,625	4,846	5,083

**Offense category may not match the number of individuals. This metric is based on most serious offense as identified by the Felony or Misdemeanor class associated with the probationer. In cases where there are multiple convictions of the same class charge that falls into different categories, a single probationer is counted in multiple offense type categories.*

COMMUNITY BASED RESOURCES (CBR)

Adult Community-Based Resource Probation Officers will broker, or refer, for targeted services within the local community, and individuals at a medium to low risk to reoffend will be actively supervised with focused supervision done on areas identified by the risk assessment tool to be at highest risk.

Guided by national standards, caseload sizes for officer-to-individual ratios at Community Based Resources vary from 1-100 for those assessed at CBR-medium-high to 1-500 or more, for those that are in administrative status or are assessed as very low risk to reoffend.

Funding for Community Based Resources (CBR) comes from the probation general fund. The average cost to supervise a CBR probationer per-day is approximately \$4.11.

CBR Demographics	FY 19-20	FY 20-21	FY 21-22
Gender			
Female	3,300	3,002	2,780
Male	6,727	6,334	6,093
Total CBR Individuals	10,027	9,336	8,873
Age			

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Under 18	20	26	25
18-20	751	780	731
21-25	1,887	1,695	1,556
26-30	1,872	1,653	1,562
31-35	1,458	1,334	1,248
36-40	1,163	1,089	1,102
41+	2,876	2,759	2,649
Race			
American Indian or Alaskan Native	183	219	257
Asian or Pacific Islander	149	124	115
Black	931	827	801
Other	1,240	1,204	1,265
White	7,524	6,962	6,435
Ethnicity			
Hispanic Origin	1,549	1,538	1,649
Not of Hispanic Origin	8,478	7,798	7,224
Marital Status			
Single	6,042	5,622	5,402
Married	1,916	1,748	1,707
Separated/Divorced/Widowed	1,684	1,609	1,431
Unknown	385	357	333
Education Level at Entry			
8th Grade or Less	560	541	548
9th Through 11th Grade	1,266	1,256	1,232
12th Grade or GED	5,364	4,868	4,691
Vocational/Some College	1,868	1,687	1,494
College or Above	966	983	906
Unknown	3	1	2

Offense Category CBR	Offense Type	FY 19-20	FY 20-21	FY 21-22
Assaultive Act	Felony	127	102	157
	Misdemeanor	584	568	558
Burglary	Felony	64	50	51

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	Misdemeanor	0	0	0
Compliance	Felony	33	31	43
	Misdemeanor	384	322	420
Dangerous Drugs	Felony	675	558	582
	Misdemeanor	392	356	275
Family Offense	Felony	0	0	0
	Misdemeanor	10	5	5
Homicide	Felony	7	5	6
	Misdemeanor	25	24	27
Kidnapping	Felony	0	0	2
	Misdemeanor	5	3	3
Property & Fiscal	Felony	407	375	328
	Misdemeanor	427	405	370
Robbery	Felony	17	14	5
	Misdemeanor	0	0	0
Sex Offense	Felony	8	9	9
	Misdemeanor	7	8	13
Traffic Offense	Felony	373	360	353
	Misdemeanor	5,717	5,413	5,201
Weapon Offense	Felony	52	61	64
	Misdemeanor	57	57	64
Unknown	Felony	386	376	250
	Misdemeanor	554	490	319
Total	Felony	2,149	1,941	1,850
	Misdemeanor	8,162	7,651	7,255

**Offense category may not match the number of individuals. This metric is based on most serious offense as identified by the Felony or Misdemeanor class associated with the probationer. In cases where there are multiple convictions of the same class charge that falls into different categories, a single probationer is counted in multiple offense type categories.*

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

PROBLEM-SOLVING COURTS

Research shows problem-solving courts are an effective strategy to reduce substance use and recidivism among substance-using, nonviolent individuals with criminal histories. Nationally, 75% of drug court graduates remain arrest-free at least two years after their release from the program (Finigan, M., Carey, S. M., & Cox, A. 2007).

Nebraska Problem-Solving Courts are post-plea or post-adjudicatory intensive supervision programs designed for high-risk to reoffend and high-need individuals. Nebraska Problem-Solving Courts can only be established with the approval of the Nebraska Supreme Court.

All Nebraska Problem-Solving courts are governed by the Nebraska Supreme Court Committee on Problem-Solving Courts under the direction of the Nebraska Supreme Court. Members include representatives of courts, probation, law enforcement, and the legal and treatment community. Nebraska Problem-Solving Courts operate within the district, county or juvenile courts in all 12 Nebraska Judicial Districts.

Most problem-solving courts in Nebraska operate under the AOCPS, with the exception of the Adult Drug Courts in Douglas and Lancaster Counties. Family Treatment Courts typically operate within both the Courts and the Department of Health and Human Services.

Problem-Solving Courts in Nebraska operate under a team approach where a judge, prosecutor, defense counsel, coordinator, community supervision officer, law enforcement and treatment provider(s) work together to design an individualized program for each participant. Compliance with treatment and court orders is verified by frequent alcohol/drug testing, close community supervision, and interaction with a judge in non-adversarial court review hearings. Problem-Solving Courts enhance close monitoring of participants using home and field visits.

In accordance with evidenced-based research, all problem-solving court participants are screened and assessed for substance use, criminogenic risk to reoffend, mental health concerns, trauma history, and trauma-related symptoms. Nationally, over one-quarter of drug court participants reported having experienced a serious traumatic event, such as a life-threatening car accident, work-related injury, or physical/sexual abuse (Cissner et al., 2013; Green & Rempel, 2012).

The Nebraska Supreme Court Committee on Problem-Solving Courts recognized statewide standards were essential for expanding capacity and ensuring the establishment of best practices and quality assurance. As a result, Best Practice Standards for Young Adult Courts, Adult Drug and DUI Courts, Veterans Treatment Courts, Reentry Courts, and Mental Health Courts were collaboratively developed by stakeholders across Nebraska and approved by the Nebraska Supreme Court. All Nebraska problem-solving courts adhere to approved Best Practice Standards.

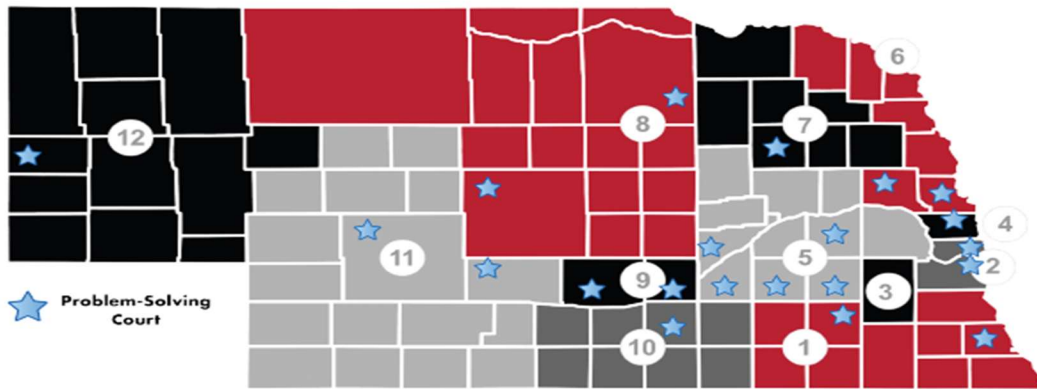
Funding for Problem-Solving Courts comes from the Problem-Solving Court general fund. The average per-day cost to supervise a Problem-Solving Court participant is approximately \$14.88.

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

Nebraska Adult Problem-Solving Court models include:

- Young Adult Courts
- Adult Drug Treatment Courts
- Veterans Treatment Courts
- Reentry Courts
- Mental Health Courts (Pilot)
- DUI Treatment Court (Pilot)

State of Nebraska Problem-Solving Courts Map



District 1 Coordinator: Christina Reece

Southeast Nebraska Adult Drug Court: Nemaha Co. (Auburn), Saline Co. (Wilber)

District 2 Coordinator: Creston Ashburn

Sarpy County Adult Drug Court: Sarpy Co. (Papillion)
 Sarpy County Reentry Court: Sarpy Co. (Papillion)
 Sarpy County Wellness Court (Pilot): Sarpy Co. (Papillion)
 Sarpy County Juvenile Drug Court: Sarpy Co. (Papillion)
 Cass County Adult Drug Court: Cass Co. (Plattsmouth)

District 3 Coordinators: Dean Rohwer, Erminda Millan-Groves

Lancaster County Veterans Treatment Court: Lancaster Co. (Lincoln)
 Lancaster County Adult Drug Court: Lancaster Co. (Lincoln)
 Lancaster County DUI Court (Pilot): Lancaster Co. (Lincoln)
 Lancaster County Family Dependency Courts (2): Lancaster Co. (Lincoln)

District 4 Coordinators: Teresa Noah, Rob Owens

Douglas County Veterans Treatment Court: Douglas Co. (Omaha)
 Douglas County Young Adult Court: Douglas Co. (Omaha)
 Douglas County Adult Drug Court: Douglas Co. (Omaha)

District 5 Coordinator: Morgan Campbell

5th Judicial District Problem-Solving Court: Hamilton Co. (Aurora), Merrick Co. (Central City), York Co. (York), Saunders Co. (Wahoo) Butler Co. (David City), Seward Co. (Seward)

District 6 Coordinator: Brandon Jerred

District 6 Adult Drug Court: Dodge Co. (Fremont), Washington Co. & Burt Co. (Blair)

District 7 Coordinator: Matt McManigal

Northeast Nebraska Adult Drug Court: Madison Co. (Madison)

District 8 Coordinator: Doug Stanton

North Central Adult Drug Court: Holt Co. (O'Neill), Custer Co. (Broken Bow)

District 9 Coordinators: Susan Huber, Angela Smith

Hall County Reentry Court: Hall Co. (Grand Island)
 Central Nebraska Veterans Treatment Court: Hall Co. (Grand Island), Buffalo Co. (Kearney)
 Central Nebraska Adult Drug Court: Hall Co. (Grand Island), Buffalo Co. (Kearney)

District 10 Coordinators: Susan Huber, Angela Smith

Central Nebraska Veterans Treatment Court: Adams Co. (Hastings)
 Central Nebraska Adult Drug Court: Adams Co. (Hastings)

District 11 Coordinator: Anne Power

Midwest Nebraska Problem-Solving Court: Dawson Co. (Lexington), Lincoln Co. (North Platte)

District 12 Coordinator: Andee Hardesty

Scotts Bluff County Adult Drug Court: Scotts Bluff Co. (Gering)
 Scotts Bluff County DUI Court: Scotts Bluff Co. (Gering)



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ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

YOUNG ADULT COURTS

The Douglas County Young Adult Court is a judicially supervised program that provides a sentencing alternative, for youthful adults up to age 26, who have been charged with a felony offense. Key aspects of the Young Adult Court are community supervision, substance use treatment, mental health assistance, education, employment and frequent drug testing. The goal of this 18 to 24 month program is to stabilize participant's lives by providing tools for success, thus reducing recidivism.

Young Adult Court Demographics	FY 19-20	FY 20-21	FY 21-22
<i>Gender</i>			
Female	12	18	18
Male	62	81	87
Total Young Adult Court Individuals	74	99	105
<i>Race</i>			
American Indian or Alaska Native	3	4	4
Asian or Pacific Islander	0	1	1
Black	20	30	32
Other	13	20	22
White	38	44	46
<i>Ethnicity</i>			
Hispanic Origin	16	23	25
Not of Hispanic Origin	58	76	80
<i>Age</i>			
Under 18	0	0	0
18-20	43	51	49
21-25	31	48	56
26-30	0	0	0

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

ADULT DRUG TREATMENT COURTS

Nebraska Adult Drug Treatment Courts utilize a specialized team process that functions within the existing court structure. Adult Drug Treatment Courts are designed to achieve a reduction in recidivism and substance use among high-risk to reoffend and high-need individuals with substance use disorders. The court’s goal is to protect public safety and increase the participant’s likelihood of successful rehabilitation by utilizing validated risk and need assessments, early and individualized behavioral health treatment, frequent and random substance use testing, incentives, sanctions, and other rehabilitative and ancillary services. Intense community supervision and interaction with a judge in non-adversarial court hearings verify compliance with treatment and other court ordered terms.

There are presently 20 Adult Drug Treatment Courts operating in Nebraska. These courts serve the following counties: Gage; Saline; Jefferson; Fillmore; Thayer; Otoe; Johnson; Nemaha; Pawnee; Richardson; Sarpy; Cass; Lancaster; Douglas; Merrick; Hamilton; York; Butler; Saunders; Colfax; Seward; Dodge; Washington; Burt; Madison; Antelope; Wayne; Knox; Cuming; Pierce; Holt; Boyd; Rock; Brown; Howard; Sherman; Garfield; Greeley; Custer; Valley; Hall; Buffalo; Adams; Phelps; Kearney; Dawson; Lincoln; Frontier; Gosper; Furnas; and Scotts Bluff. Nebraska’s two DUI Courts operate in Scotts Bluff and Lancaster Counties.

Adult Drug Treatment Court Demographics	FY 19-20	FY 20-21	FY 21-22
<i>Gender</i>			
Female	450	470	478
Male	580	621	701
Total Adult Drug Treatment Court Individuals	1,030	1,091	1,179
<i>Race</i>			
American Indian or Alaska Native	21	29	36
Asian or Pacific Islander	5	5	5
Black	55	60	90
Other	101	113	105
White	848	883	943
<i>Ethnicity</i>			
Hispanic Origin	123	134	141
Not of Hispanic Origin	907	957	1,038
Unknown	1	1	0
<i>Age</i>			

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Under 18	0	0	1
18-20	80	75	81
21-25	245	249	241
26-30	240	232	229
31-35	184	204	226
36-40	120	143	167
41+	162	188	234

VETERANS TREATMENT COURTS

In April 2016, the Nebraska Legislature passed LB919, which authorized the expansion of the definition of Problem-Solving Courts to include Veterans Treatment Courts. Just six months after receiving authorization, Nebraska’s first Veterans Treatment Court opened on November 4, 2016 in Douglas County. Nebraska’s second Veterans Treatment Court opened on April 19, 2017 in Lancaster County. On January 13, 2021, the Nebraska Supreme Court authorized the Central Nebraska Veterans Treatment Court to operate in the Ninth and Tenth Judicial District.

Nebraska Veterans Treatment Courts are designed to reduce recidivism in high-risk to reoffend and high- need veterans through a comprehensive and coordinated court response utilizing early intervention, behavioral health treatment, intensive supervision, and consistent judicial oversight. Similar to other problem-solving courts, Veterans Treatment Courts operate under a team approach where a judge, prosecutor, defense counsel, coordinator, community supervision officer, law enforcement, treatment provider(s), Veterans Health Administration and other key team members work together to design an individualized program for each participant.

Veterans Treatment Courts utilize trained volunteer Veteran Mentors to act as role models and provide guidance for veterans. Veteran Mentors help with readjustment issues to assist with reentry into civilian life.

Veterans Treatment Court Demographics	FY 19-20	FY 20-21	FY 21-22
<i>Gender</i>			
Female	7	6	4
Male	60	68	70
Total	67	74	74
<i>Race</i>			
American Indian or Alaska Native	0	0	2
Asian or Pacific Islander	1	0	0
Black	12	15	16
Other	3	3	3
White	51	56	53

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

<i>Ethnicity</i>			
Hispanic Origin	3	2	2
Not of Hispanic Origin	64	72	72
<i>Age</i>			
18-20	0	0	0
21-25	0	3	3
26-30	13	7	8
31-35	10	16	14
36-40	10	8	12
41+	34	40	37

REENTRY COURTS

In April 2016, the Nebraska Legislature passed LB919, which authorized the expansion of the definition of Problem-Solving Courts to include Reentry Courts. At the direction of the Nebraska Supreme Court’s Problem-Solving Court Committee, a group of Nebraska stakeholders created the Nebraska Reentry Court Best Practice Standards. The Nebraska Supreme Court approved the standards on June 20, 2017. The Nebraska Supreme Court authorized the establishment of Nebraska’s first Reentry Court in the 9th Judicial District on August 23, 2017. The Nebraska Supreme Court authorized the establishment of a Reentry Court in the 2nd Judicial District on January 3, 2018. Nebraska Reentry Courts are designed for high-risk to reoffend and high-need individuals who are reentering society from incarceration on a term Post-Release Supervision.

Similar to other problem-solving courts, Reentry Courts operate under a team approach where a judge, prosecutor, defense counsel, coordinator, community supervision officer, law enforcement, treatment provider(s), and other key team members work together to design an individualized program for each participant. The court’s goal is to protect public safety and reduce recidivism. Intensive community supervision and interaction with a judge in non-adversarial court hearings verifies compliance with treatment and other court ordered terms.

Reentry Court Demographics	FY 19-20	FY 20-21	FY 21-22
<i>Gender</i>			
Female	6	3	7
Male	37	37	34
Total	43	40	41
<i>Race</i>			
American Indian or Alaska Native	0	0	1
Asian or Pacific Islander	2	2	0
Black	6	6	2

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Other	5	4	7
White	30	28	31
<i>Ethnicity</i>			
Hispanic Origin	9	8	10
Not of Hispanic Origin	34	32	31
<i>Age</i>			
18-20	1	2	0
21-25	13	7	12
26-30	11	13	10
31-35	8	11	8
36-40	4	4	4
41+	6	3	7

MENTAL HEALTH COURTS

In April 2016, the Nebraska Legislature passed and the Governor signed LB919, broadening the definitions of problem-solving courts to include Mental Health Courts. In response, the Nebraska Supreme Court Committee on Problem-Solving Courts appointed a Mental Health Court Subcommittee to establish implementation plans that included the development of best-practice standards for Mental Health Courts. On April 22, 2020, the Nebraska Supreme Court approved the Nebraska Mental Health Court Best Practice Standards. On August 6, 2020, Governor Ricketts signed into law LB1008 providing appropriations to establish Nebraska’s first Mental Health Court.

On December 23, 2020, the Nebraska Supreme Court approved the Sarpy County Wellness Court to serve as Nebraska’s first pilot mental health court. The Sarpy County Wellness Court is designed to stabilize, assist, and reduce the risk of future offenses for persons with mental illness who have become involved in the Criminal Justice System by providing supervision, treatment, and community resources. The Sarpy County Wellness Court entered its first participant into the program in February 2021.

Wellness Court Demographics	FY 20-21	FY 21-22
<i>Gender</i>		
Female	5	8
Male	3	12
Total	8	20
<i>Race</i>		
American Indian or Alaska Native	1	1
Asian or Pacific Islander	0	0
Black	0	2

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

Other	0	0
White	7	17
Ethnicity		
Hispanic Origin	0	1
Not of Hispanic Origin	8	19
Age		
18-20	1	2
21-25	3	5
26-30	2	5
31-35	0	0
36-40	1	4
41+	1	4

DUI TREATMENT COURTS

On March 24, 2021, the Lancaster County DUI Court was approved as a Pilot Court by the Nebraska Supreme Court and admitted their first participant on July 6th, 2021.

The Lancaster County DUI Court is a post-plea, presentence court program for individuals charged with a felony third offense, aggravated felony DUI, or a felony fourth offense DUI. The Pilot DUI Court targets individuals for admission who have indicators of substance use disorders and are at substantial risk for reoffending or failing to complete a less intensive intervention, such as standard probation or pretrial supervision.

Clinical assessments are utilized to determine the recommended behavioral health treatment for each participant. Validated risk and need assessments are utilized to determine the programming and services needed to address criminogenic needs. Frequent and random chemical testing, intense community supervision, and interaction with a judge in non-adversarial court hearings verify compliance with treatment and other court ordered terms.

DUI Treatment Court	FY 21-22
Gender	
Female	7
Male	26
Unknown	0
Total Adult Drug and DUI Court Individuals	33

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

<i>Race</i>	
American Indian or Alaska Native	2
Asian or Pacific Islander	0
Black	10
Other	4
White	17
<i>Ethnicity</i>	
Hispanic Origin	5
Not of Hispanic Origin	28
Unknown	0
<i>Age</i>	
Under 18	0
18-20	0
21-25	1
26-30	7
31-35	11
36-40	6
41+	8

PROBLEM-SOLVING COURT SUBSTANCE USE TESTING

Drug courts that perform urine drug testing more frequently experience better outcomes in terms of higher graduation rates, lower drug use, and lower criminal recidivism amongst participants (National Institute on Drug Abuse, 2006). Drug court participants consistently identified frequent drug and alcohol testing as being among the most influential factors for successful completion of the program (Gallagher et al., 2015).

Upon entering a Nebraska Problem-Solving Court, participants receive a clear and comprehensive explanation of their rights and responsibilities related to drug and alcohol testing. Nebraska Problem-Solving Courts adhere to evidenced-based practices to ensure frequent and random drug and alcohol testing. Testing may occur at any time, including non-traditional work hours, evenings, weekends and holidays.

During Fiscal year 2020-21, in response to the COVID-19 pandemic, Nebraska Problem-Solving Courts modified substance use testing strategies to include the application of drug testing patches. This provided continuous monitoring of substance use of individuals while not requiring them to frequently report. However, this strategy did affect the overall number of drug tests, as the patch is continuous for 7-14 days, but only counted as one test during this period.

The following is a substance use testing summary for all Nebraska Problem-Solving Court participants. This information was collected and analyzed through the AOC's case management system.

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

Adult Problem-Solving Court Substance Use Testing

Fiscal Year	FY 19-20	FY 19-20	FY 20-21	FY 20-21	FY 21-22	FY 21-22
	Number of Participants	Number of Drug Tests	Number of Participants	Number of Drug Tests	Number of Particip	Number of Drug Tests
Young Adult Court	74	2,027	99	2,141	105	2,507
Adult Drug and DUI Courts	1,031	50,784	1,092	46,348	1,208	76,251
Veteran's Treatment Courts	67	3,501	74	4,024	74	3,939
Reentry Courts	43	1,461	40	901	41	1,710
Mental Health Court	NA	NA	8	109	20	1,131
Total	1,215	57,773	1,313	53,523	1,446	85,538

The first Mental Health Court and DUI Treatment Court were established in 2020-21.

PROBLEM-SOLVING COURT RISK REDUCTION

Nebraska Problem-Solving Courts target individuals for admission who have indicators of substance use and/or mental health disorders who are at substantial risk for reoffending or failing to complete a less intensive intervention, such as standard probation or pretrial supervision. These individuals are commonly referred to as high-risk to reoffend and high-need individuals. A substantial body of research shows that drug courts that focus on high-risk/high-need defendants reduce crime approximately twice as much as those serving less serious defendants (Cissner et al., 2013; Fielding et al., 2002; Lowenkamp et al., 2005).

The Level of Service/Case Management Inventory (LS/CMI) identifies the risk/need areas and specific criminogenic factors most likely to influence the individual's probability of continuing criminal behavior. These areas are Criminal History, Education/Employment, Family/Marital, Leisure/Recreation, Companions, Alcohol/Drug Problems, Pro-Criminal Attitude/Orientation, and an Anti-Social Pattern.

The following table summarizes LS/CMI admission and discharge scores for adult Problem-Solving Court participants. The table clearly shows significant risk reduction at the end of the Problem-Solving Court intervention. This data was collected and analyzed from the AOC's case management system.

Adult Problem-Solving Court Risk Reduction

	Average LSCMI at Entrance	Average LSCMI Score at Discharge	Difference in Score	% Change	N
FY19-20	20.08	12.50	-7.58	-37.74	235
FY20-21	22.70	12.37	-10.33	-45.51	240
FY 21-22	23.62	12.97	-10.65	-45.08	228

*Overall, the average risk score of participants decreased more than 10 points at the time of discharge.

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SUPPORTIVE SERVICES

Substance Use Testing – is conducted as directed by the Court; adult probationers are subject to random, unannounced testing to assist in establishing a period of sobriety. Effective alcohol and other substance testing is an integral part of effective community supervision and can provide an objective measure of treatment effectiveness. The results of these tests can provide the basis for incentives, sanctions and therapeutic interventions, all which are the underlying pillars for individual’s success. As alcohol and other substances vary substantially in their windows of detection, a variety of testing methodologies are available to assist individuals in abstaining from substance use. Drug screens can be conducted on-site, in-home, and in the field utilizing multiple matrices such as urine analysis, mouth swabs, sweat patches and preliminary breath tests.

During Fiscal year 2020-21, in response to the COVID-19 pandemic, Nebraska Problem-Solving Courts modified substance use testing strategies to include the application of drug testing patches. This provided continuous monitoring of substance use of individuals while not requiring them to frequently report. However, this strategy did affect the overall number of drug tests, as the patch is continuous for 7-14 days, but only counted as one test during this period.

When applicable, individuals are assessed a monthly fee of \$5.00 towards the cost of testing, which is supported by the Substance Use Testing cash fund.

Number of Drug Tests by Classification

	FY 19-20	FY 20-21	FY 21-22
Classification	# of Drug Tests	# of Drug Tests	# of Drug Tests
CBI	78,185	70,006	87,412
CBI DUI	13,325	10,484	11,423
CBI Domestic Violence	35,111	28,828	37,223
SSAS	27,831	21,515	26,726
PRS	48,216	28,020	31,199
Reframe	9,020	7,742	7,998
TIP	204	59	29
Sex Offender	5,810	5,724	7,284
CBR	119,117	79,656	100,249
Other	42,929	34,457	31,231
Unclassified	540	452	925
Grand Total	380,288	286,943	352,875

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Electronic Monitoring (EM) - encompasses two (2) types of electronic devices designed to enhance supervision: Radio Frequency and Global Positioning System (GPS), which requires a tamper-proof monitoring anklet to be worn by the individual twenty-four (24) hours a day and seven (7) days a week. The individual shall remain on EM for the entire period as directed by the sentencing court or sanctioning officer. While use of these devices does not guarantee community safety or exclusively manage behavior on its own, such monitoring does enhance an individual's ability to be supervised in the community while participating in daily pro-social activities such as employment, education, treatment or other programming.

EM is an administrative cost for individuals meeting the target population and criteria and funded by general and cash funds of the Community Corrections program.

Electronic Monitoring - Probation and Problem-Solving Courts

Electronic Monitoring	FY 19-20	FY 20-21	FY 21-22
Individuals Served	158	96	54

Continuous Alcohol Monitoring (CAM) - measures the individual's perspiration for the presence of alcohol excreted trans-dermally through the skin. It is a tool of supervision for use when an individual is involved in substance use treatment, has an extensive history of alcohol-related incidents, demonstrates continued use of alcohol despite negative consequences and shows an unwillingness to discontinue use.

Individuals are financially responsible for payment for the costs associated with CAM. Said costs are subject to a sliding fee scale.

Funding for CAM comes from both the general and cash funds of the Community Corrections program.

Continuous Alcohol Monitoring - Probation and Problem-Solving Courts

Continuous Alcohol Monitoring	FY 19-20	FY 20-21	FY21-22
Number Served	736	722	606

Electronic Reporting System (ERS) -- is a service used to help manage large caseloads of those individuals assessed as the lowest risk to recidivate. Individuals on ERS report through a telephonic system monthly to provide relevant changes regarding their information.

Individuals supervised through ERS are required to comply with their Order of Probation, submit to substance use testing as ordered, meet financial requirements, and participate in any programming required by the Court

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ERS maintains all case notes and contact history. A recent program enhancement now doubles the number of notifications to individuals late on their reporting calls to help promote successful completion of their monthly check-in requirement. This feature enables a text to be sent first with the call back number followed by the standard automated phone call.

Staff are also able exchange text messages directly with individuals through ERS and send reminders for important requirement deadlines.

Funding for ERS comes from both the general and cash funds of the Community Corrections program.

Electronic Reporting	FY 19-20	FY 20-21	FY 21-22
Number Served	4,798	1,238	4,684

Incentives and Administrative and Custodial Sanctions -- Probation staff are trained to swiftly, certainly, and consistently employ incentives and apply administrative and/or custodial sanctions.

All positive progress towards life stability, positive behavior changes and program completion is recognized and incentivized, while all episodes of non-criminal, technical violations (positive substance use testing, missed appointments, failure to pay fines and fees, etc.) are addressed through the imposition of graduated administrative or custodial sanctions.

	FY 19-20	FY 20-21	FY 21-22
Administrative Sanctions	17,463	16,309	14,982
Custodial Sanctions	1,778	1,755	1,629

The Administrative Office of the Courts and Probation participated in a research project with the Urban Institute who assessed Nebraska’s incarceration response for the community supervision population. The study, **An Assessment of Community Supervision Incarceration Responses in Nebraska and Utah**, analyzed Nebraska’s implementation of justice reinvestment initiatives ushered in by 2015’s LB605. The report commented on Nebraska Probation supervising more individuals with felony convictions (50% increase) and those with a higher risk of recidivism. A key takeaway detailed that after the implementation of custodial sanctions not only was there an increase in successful completions of supervision but also a measured reduction in revocations for technical violations. Despite the population of high-risk probationers growing due to legislative changes, the number of violations resulting in incarcerations decreased.

The complete results of this study can be found on the Nebraska Judicial Branch website at <https://supremecourt.nebraska.gov/research-shows-positive-outcomes-felony-probation-supervision>.

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COURT ORDERED INVESTIGATIONS

Presentence Investigations (PSI) -- are ordered by the Court and are designed to assist a judge in determining an appropriate sentence. PSI's present the court with verified information relating to an individual's criminal history, victim's input, details of a crime and relevant personal and environmental background information, in accordance with state statute.

PSI's are also used by the probation office to assist in the assessment of an individual's risk to recidivate and criminogenic needs, which guides the level of supervision and case management of any individual under community supervision.

The presentence investigation is forwarded to the Nebraska Department of Correctional Services (NDCS) for their use in classification and/or program planning.

	FY 19-20	FY 20-21	FY 21-22
Total Investigations	10,517	10,599	10,373

Post-release Supervision (PRS) Plans – are compiled in collaboration with the Nebraska Department of Correctional Services (NDCS), the Office of Parole Administration (Parole), or a county jail. The post-release supervision plan details all programming completed, evaluations conducted, misconduct reports, classification studies, institutional assessments and services received, while the individual was incarcerated or under the supervision of parole, as well as any reductions in risk associated with completed programming and documented behavior change.

Prior to an inmate's discharge from NDCS custody on to PRS, Probation staff submit a revised Post-Release Supervision Plan to the sentencing court including a community needs and services assessment which details specifics related to proposed plans for housing, employment, medication management and health care plans, child support, if ordered, available positive supports, and victim status and safety plans.

JRI legislation modified several Nebraska Statutes, providing for post-release supervision on certain Class III, IIIA and IV Felony offenses committed on or after the bills effective date of 8/30/2015. The first post-release supervision eligible individual transitioned out of prison in early 2016 and the first post-release supervision plan occurred on February 18, 2016.

	FY 19-20	FY 20-21	FY 21-22
Total PRS Plans	800	733	668

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RISK ASSESSMENT INSTRUMENTS

Level of Service/Case Management Inventory (LS/CMI) – is an internationally recognized, normed and validated actuarial based risk assessment tool designed to assist in determining an individual’s overall risk to reoffend, as well as to prioritize the management and case and treatment planning for male and female adults. The LS-CMI is used in all District Court cases, as well as other specified misdemeanor populations out of Nebraska’s County Courts.

The LS-CMI was re-validated for use within Nebraska Probation in a study conducted by the University of Nebraska Law and Psychology Department in 2015. During this study, the Law and Psychology Department also looked for, and ruled out, bias in the statewide application of the tool, and helped identify a need for enhanced training to improve interrater reliability across tool application. On the heels of the research, the AOCB developed quality assurance measures and undertook LS-CMI refresher training for all staff to enhance the fidelity in instrument application.

Nebraska Adult Probation Screen-Risk (NAPS-R) – is a screening tool utilized in County Court criminal and driving under the influence (DUI) cases, to determine an appropriate assessment instrument to administer, as well as determining risk of recidivism and suitability for probation supervision. This instrument is an objective, numerically scored, gender-specific instrument designed and validated, based on Nebraska 2004-2009 male and female populations.

The NAPS-R is administered to all individuals placed on direct probation, as well as those individuals referred for investigation by the County Court. The NAPS –R was re-validated for use within Nebraska Probation in a study conducted by the University of Nebraska Law and Psychology Department in 2015.

Nebraska Adult Probation Screen-Needs (NAPS-N) – is an assessment tool developed specifically for Driving under the Influence (DUI) and/or misdemeanor criminal offenses and is designed to determine the supervision level and criminogenic needs of an individual in conjunction with the Nebraska Adult Probation Screen – Risk.

The NAPS –N was re-validated for use within Nebraska Probation in a study conducted by the University of Nebraska Law and Psychology Department in 2015.

Vermont Assessment of Sex Offender Risk-2 (VASOR-2) – assesses risk among adult males who have been convicted of at least one qualifying sex offense. It is composed of a 12-item re-offense risk scale, and a 4-item severity factors checklist. The re-offense risk scale is statistically derived, and designed to assess risk for sexual and violent recidivism. The factors checklist is clinically derived and is designed to describe the severity of the offense.

Sex Offender Treatment Intervention and Progress Scale (SOTIPS) – is a 16-item statistically-derived dynamic measure designed to aid clinicians, correctional caseworkers, and probation and parole officers in assessing risk, treatment and supervision needs, and progress among adult male sex

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offenders. The SOTIPS is scored initially and in conjunction with the VASOR-2 and is also completed for purposes of reassessment every 180 days or as needed upon significant circumstances within a case.

The VASOR-2 and SOTIPS can be used as part of a static and dynamic risk assessment, and combined scores have predicted sexual recidivism better than either instrument alone. The VASOR-2 and SOTIPS are utilized in addition to the LS-CMI in any adult male case in which the precipitating behavior was sexual in nature.

Domestic Violence Offender Matrix (DV Matrix) – is a risk assessment utilized in addition to the LS-CMI in any offense in which the precipitating behavior included aspects of domestic violence. While it is not a prediction of future behavior, it is an assessment of current behaviors and how they relate to overall risk to the victim.

Reassessment – While probation officers informally perform assessment of on-going risk at each interaction, all probation cases are formally reassessed at a minimum of once every six months on the highest-risk populations, unless there is a significant occurrence that prompts the need to reassess the case outside of that timeframe.

REHABILITATIVE SERVICES

Rehabilitative Services, Financial Assistance – Created in 2006 to reduce the financial barriers for high risk and need adult individuals in need of evaluation and/or treatment services. The Nebraska Legislature allocated funds to Probation to provide financial assistance for individuals who otherwise would be unable to access/afford need behavioral health supports and services. Financial assistance initially covered only substance use disorders, however, in 2014 services were expanded to include mental health/co-occurring evaluations and treatment and sex offense specific services. In 2015 treatment for gambling was added.

This financial assistance is not intended to eliminate the need for accountability and financial responsibility, rather, it serves as another resource available to an individual when financial barriers exist. Individuals are expected to contribute toward the financial obligations associated with services using the AOCP's sliding fee scale. Financial assistance is available only after all other financial resources have been exhausted.

By Supreme Court Rule, any individual receiving services must receive those services through a Probation Registered Service Provider. These services may be provided in an office setting or remotely through a teleservices network.

Adult Fee for Service, Financial Assistance is funded by both general and cash funds of the Community Corrections program.

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Adult Behavioral Health Financial Assistance by Service Type

Service Type	Amount FY19-20	Amount FY20-21	Amount FY21-22
Substance Use Evaluation	\$335,550	\$336,027	\$246,518
Short-Term Residential	\$3,353,810	\$3,236,440	\$1,414,075
Intensive Outpatient	\$1,181,094	\$1,152,070	\$835,689
Outpatient Counseling	\$1,292,065	\$1,377,676	\$925,767
Co-Occurring Evaluation	\$235,686	\$193,762	\$155,232
Co-Occurring Short Term Residential	\$118,944	\$36,898	\$24,316
Pretreatment – Reporting Center	\$155,087	\$326,681	\$204,193
Relapse Group – Reporting Center	\$272,436	\$563,135	\$314,022
Mental Health Evaluation/Assessment	\$59,725	\$39,366	\$35,671
Mental Health Outpatient Treatment	\$350,225	\$425,309	\$193,471
Adults who Sexually Harm Assessment and Treatment	\$297,141	\$335,622	\$285,233
Reporting Center Behavioral Health Contracts	\$1,607,424	\$2,391,641	\$1,308,512
Total	\$9,259,187	\$10,414,627	\$5,942,699

(Please note non-clinical services are not included in this report. It is also noted with the expansion of Medicaid in Nebraska beginning October 1, 2020, many more individuals on probation, post-release supervision, and problem-solving courts have become eligible for this benefit.)

Transitional Living Financial Assistance - Created to increase success for probation, post-release supervision, and problem-solving court individuals. Transitional Living provides short-term, stable housing for individuals at high risk to reoffend while improving community safety. The initiative places individuals in a supportive environment, enabling them to concentrate on treatment and/or employment, reintegrating into the community, with the goal of becoming self-sufficient. Simultaneously, this provides a greater ability to know the whereabouts of individuals under court ordered supervision.

Transitional Living Financial Assistance is funded by combined federal, general and cash funds.

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Transitional Living Eligibility Requirements

- Supervised on probation, post-release supervision or problem-solving courts
- Sentenced as a felony offense or as a Class I Misdemeanor for Domestic Violence, Sex Offense or DUI-III or higher
- High Risk to reoffend
- Housing instability
- Lack resources to pay for suitable housing
- Ordered to Transitional Living through the Courts

Levels of Transitional Living

- Transitional Living Halfway House
 - 24-hour structured treatment/recovery facilities licensed by DHHS
 - Qualifies for reimbursement up to \$139 per day for 12 weeks (84 days)
- Transitional Living Level 1
 - Overnight Staffing (10:00 PM – 6:00 AM)
 - Qualifies for reimbursement up to \$45 per day for 12 weeks (84 days)
- Transitional Living Level 2
 - 24/7 Staffing
 - Onsite supportive case management related to housing needs
 - Qualifies for reimbursement up to \$90 per day for 12 weeks (84 days)

Transitional Living Housing Assistance

	FY19-20	FY 20-21	FY 21-22
Assistance by Fiscal Year	\$5,733,558	\$5,317,085	\$5,112,615

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DISCHARGES AND REVOCATIONS

Discharges and Revocations of Adults Sentenced to Probation

Discharges	Successful Completion	Unsuccessful Completion	Revoked New Crime	Revoked Technical Violation	Revoked Other or Not Specified	Other	N
FY 2019-2020	75%	7%	8%	7%	2%	1%	9,567
FY 2020-2021	73%	8%	7%	8%	2%	1%	8,536
FY 2021-2022	72%	9%	7%	8%	2%	2%	9,045

Discharges and Revocations of Adults Sentenced to Post-Release Supervision

Discharges	Successful Completion	Unsuccessful Completion	Revoked New Crime	Revoked Technical Violation	Revoked Other or Not Specified	Other	N
FY 2019-2020	54%	13%	12%	13%	4%	4%	2,019
FY 2020-2021	51%	11%	12%	12%	3%	11%	1,343
FY 2021-2022	41%	20%	14%	16%	3%	6%	1,301

**Unsuccessful Completion arises when courts terminate an order of post-release supervision when financial obligations have not been met, required days of custodial sanctions have not been met to face revocation, or other factors have intervened not allowing the post-release individual to satisfy all conditions and case management included in the Court Order. Other includes Death, Deported, or district override.*

Felony revocations to incarceration - Please note there are a number of possible outcomes when an individual is revoked from a term of probation. These include, but may not be limited to, revocation to the department of corrections, a county jail, imposition of a fine, and/or additional probation. The information below only addresses those individuals with a term of probation revoked on a felony charge, out of a District Court sentenced to a term of incarceration upon revocation.

Individuals revoked due to a new law violation are indicated as such. These would not include minor traffic offenses or infractions. Technical violations are wide ranging and include all probationer non-compliance from failure to pay fines and fees, to missed or positive substance use testing, failure to attend or complete treatment, to absconding from supervision, among other things.

Law Violation	FY19-20	FY 20-21	FY 21-22
Prison	143	133	125
County jail	272	219	200

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Total	415	352	325
% to Prison	32%	38%	38%
Technical Violations	FY19-20	FY 20-21	FY 21-22
Prison	84	78	107
County jail	266	240	248
Total	350	318	355
% to Prison	24%	25%	30%

Risk Reduction of High Risk to Reoffend Individuals - Calculated on individuals who successfully completed a term of probation or post-release supervision and assessed at a high to very high risk to reoffend score on the LS/CMI and compared with their LS/CMI reassessment score upon discharge.

Probation

Fiscal Year	Average 1st LSCMI Score	Average Last LSCMI Score	Change in LSCMI Score	% change
FY 2019-2020	25.50	20.40	-5.10	-20.00%
FY 2020-2021	25.70	21.00	-4.70	-18.20%
FY 2021-2022	25.50	21.10	-4.40	-17.20%

Post-Release Supervision

Fiscal Year	Average 1st LSCMI Score	Average Last LSCMI Score	Change in LSCMI Score	% change
FY 2019-2020	27.86	26.74	-1.12	-4.03%
FY 2020-2021	28.30	26.60	-1.60	-5.80%
FY 2021-2022	27.90	25.40	-2.50	-9.10%