

FY 2021

ANNUAL REPORT

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

Probation Programs & Field
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 2021 – July 1, 2020 to June 30, 2021

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.

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Administrative Office of the Courts and Probation 2020-2021 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 2020-21, 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 FY20-21 the Administrative Office of the Courts and Probation:

- ❖ Completed 10,599 presentence investigations (PSIs), and 733 post-release supervision plans.
- ❖ Provided case management for 9,238 new, high-risk individuals in their communities.
- ❖ Supervised 1,995 individuals under post-release supervision, an increase of 955 individuals over the previous fiscal year.
- ❖ Observed a reduction in the overall risk-level of high-risk individuals in both probationers and problem solving court participants upon successful completion of supervision.
- ❖ Collected 340,466 drug tests on 19,887 unique individuals or an average of 17 chemical tests per adult under supervision.
- ❖ Use of Administrative and Custodial Sanctions decreased this year. Administrative Sanction use decreased 6.6% to 16,309 and Custodial Sanctions decreased 1.2% to 1,755.
- ❖ 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 415 in FY19-20 to 352 in FY20-21, a reduction of 63. This is a 15% decrease.

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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 20-21, probation community supervision costs by individual:
 - Approximately \$4.01 per day to supervise a medium to low risk to reoffend probationer
 - Approximately \$5.57 for a high-risk to reoffend probationer
 - Approximately \$12.63 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 \$12.13 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 2020-21, there were over 58,000 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 AOCB 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 five service centers operating across Nebraska. Communities served include O'Neill, Seward, York, Fairbury, Blair and Broken Bow. 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

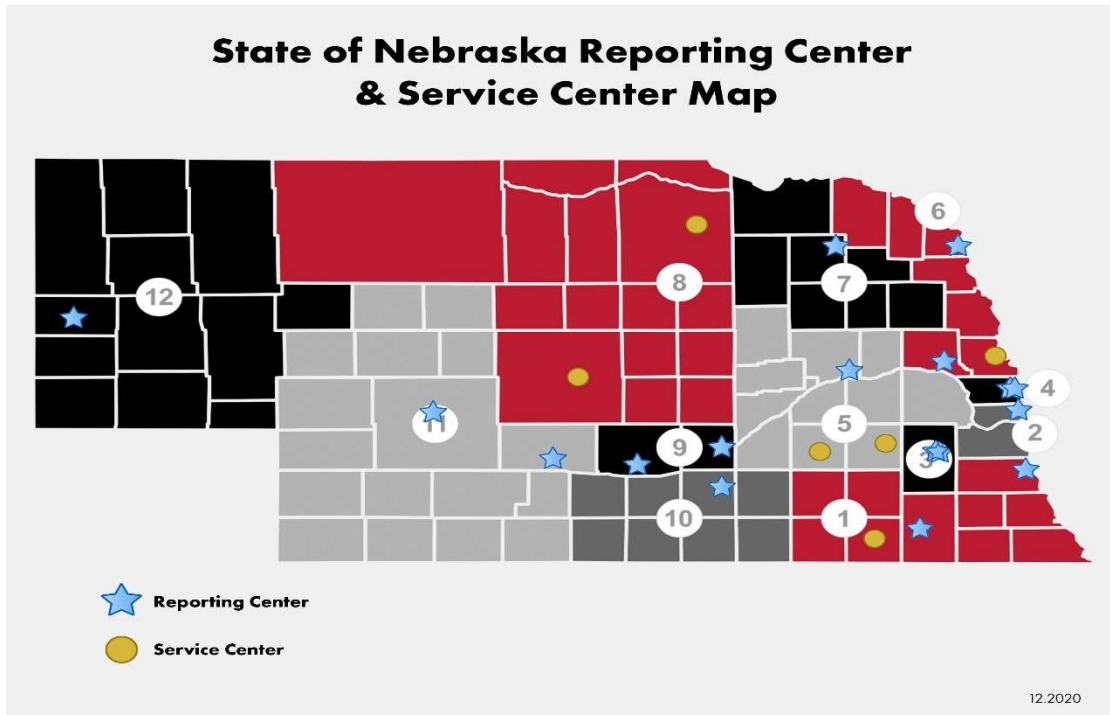
Fiscal Year	FY18-19	FY 19-20	FY 20-21
Unique Individuals Served	5,114	3,699	4,124
Programming Referred	8,591	4,902	6,389

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
FY18-19	295	1,708	902	284	189	1,097	1,365	544
FY 19-20	189	813	585	154	150	801	652	217
FY 20-21	266	991	592	187	170	891	963	350

Nebraska Reporting Center Programming Costs

Fiscal Year	FY18-19	FY 19-20	FY 20-21
Reporting Center Programming dollars	\$2,037,79	\$1,607,424	\$1,668,542



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ALTERNATIVES TO INCARCERATION (AI)

Adult Alternatives to Incarceration (AI) Probation is a supervision approach intended for 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 probation or 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 \$12.63.

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 18-19	FY 19-20	FY 20-21
Female	434	401	279
Male	1577	1,594	1,296
Total PRS Individuals	2,011	1,995	1,575
Age			
Under 18	15	15	9
18 to 20	112	115	99
21 to 25	316	338	232
26 to 30	374	376	321
31 to 35	378	350	275
36 to 40	280	291	241

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41+	536	510	398
Race			
American Indian or Alaska Native	102	90	67
Asian or Pacific Islander	13	13	12
Black	465	401	308
Other	191	193	153
White	1,240	1,298	1,035
Ethnicity			
Hispanic Origin	227	244	201
Not of Hispanic Origin	1,784	1,751	1,374
Marital Status			
Single	1,292	1,283	1,014
Married	211	196	151
Separated/Divorced/Widowed	295	310	251
Unknown	213	206	159
Education Level at Entry			
8th Grade Or Less	117	179	153
9th Through 11th Grade	627	562	448
12th Grade or GED	994	992	775
Vocational/Some College	196	193	147
College or Above	40	36	36
Unknown	37	33	16

Offense Category PRS		FY18-19	FY 19-20	FY 20-21
Assaultive Acts	Felony	130	156	153
	Misdemeanor	6	4	4
Burglary	Felony	4	6	8
	Misdemeanor	0	0	0
Compliance	Felony	96	88	67
	Misdemeanor	2	2	2
Dangerous Drugs	Felony	626	556	324

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	Misdemeanor	5	8	2
Family Offense	Felony	0	0	0
	Misdemeanor	0	0	0
Homicide	Felony	2	3	4
	Misdemeanor	0	0	0
Kidnapping	Felony	9	10	15
	Misdemeanor	0	0	0
Property Fiscal	Felony	312	278	167
	Misdemeanor	8	5	6
Robbery	Felony	0	0	0
	Misdemeanor	0	0	0
Sex Offense	Felony	105	109	97
	Misdemeanor	0	0	0
Traffic Offense	Felony	287	298	268
	Misdemeanor	10	9	4
Weapon Offense	Felony	73	81	74
	Misdemeanor	0	0	1
Unknown	Felony	497	528	493
	Misdemeanor	7	5	8
Total	Felony	2,141	2,113	1,670
	Misdemeanor	38	33	27

**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.*

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

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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.

PLEASE NOTE: New programming developed in response to JRI, designed to meet the individual needs of those without substance use issues, or those with high criminogenic risk/needs in all categories, commenced in January 2017. Until that date, the highest risk individuals to reoffend were supervised within the SSAS program. As of January 1, 2017, those individuals not specifically fitting the SSAS Criteria were referred to either the Reframe Program or the Transitional Intervention Program (TIP). They were, however, still counted as being part of the SSAS population as the other classifications did not exist in the case management system.

SSAS Demographics	FY18-19	FY 19-20	FY 20-21
Female	217	259	246
Male	520	571	531
Total SSAS Individuals	737	830	777
Age			
Under 18	4	4	8
18-20	73	85	76
21-25	136	152	125
26-30	148	161	154
31-35	111	134	128
36-40	86	115	106
41+	179	179	180
Race			
American Indian or Alaskan Native	31	37	43
Asian or Pacific Islander	6	5	5
Black	92	117	114
Other	75	88	77
White	533	583	538

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Ethnicity			
Hispanic Origin	99	109	102
Not of Hispanic Origin	638	721	675
Marital Status			
Single	512	575	525
Married	72	79	81
Separated/Divorced/Widowed	125	142	131
Unknown	28	34	40
Educational Level at Entry			
8th Grade or Less	50	82	81
9th through 11th Grade	216	240	242
12th Grade or DED	364	402	368
Vocational/Some College	89	85	68
College or Above	18	21	16
Unknown	0	0	2

Offense Category SSAS		FY18-19	FY 19-20	FY 20-21
Assaultive Acts	Felony	20	18	29
	Misdemeanor	2	2	3
Burglary	Felony	29	28	27
	Misdemeanor	0	0	0
Compliance	Felony	12	16	15
	Misdemeanor	1	2	2
Dangerous Drugs	Felony	338	385	348
	Misdemeanor	12	9	10
Family Offense	Felony	0	0	0
	Misdemeanor	0	0	0
Homicide	Felony	0	0	0
	Misdemeanor	0	1	0
Kidnapping	Felony	1	1	2
	Misdemeanor	0	0	0
Property Fiscal	Felony	78	93	91
	Misdemeanor	2	2	2
Robbery	Felony	4	5	8

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	Misdemeanor	0	0	0
Sex Offense	Felony	6	5	3
	Misdemeanor	0	0	00
Traffic Offense	Felony	92	93	93
	Misdemeanor	20	21	18
Weapon Offense	Felony	27	29	22
	Misdemeanor	1	1	0
Unknown	Felony	130	151	150
	Misdemeanor	4	10	5
Total	Felony	737	824	788
	Misdemeanor	42	48	40

**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 offenses 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/forms-publications>.

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Reframe – is designated for the highest risk individuals to reoffend 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	FY18-19	FY 19-20	FY 20-21
Female	106	122	122
Male	205	241	254
Total Reframe Individuals	311	363	376
Age			
Under 18	3	4	6
18 to 20	46	48	42
21 to 25	41	47	65
26 to 30	72	80	73
31 to 35	45	67	63
36 to 40	35	32	49
41+	69	85	78
Race			
American Indian or Alaska Native	21	20	17
Asian or Pacific Islander	4	3	5
Black	63	78	81
Other	26	29	33
White	197	233	240
Ethnicity			
Hispanic Origin	30	30	41
Not of Hispanic Origin	281	333	335
Marital Status			

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Single	217	243	255
Married	33	40	39
Separated/Divorced/Widowed	51	68	63
Unknown	10	12	19
Education Level at Entry			
8th Grade Or Less	22	27	33
9th Through 11th Grade	112	130	126
12th Grade or GED	142	163	181
Vocational/Some College	30	39	28
College or Above	5	4	7
Unknown	0	0	1

Offense Category Reframe		FY18-19	FY 19-20	FY 20-21
Assaultive Acts	Felony	12	13	16
	Misdemeanor	2	2	1
Burglary	Felony	13	17	19
	Misdemeanor	0	0	0
Compliance	Felony	7	7	7
	Misdemeanor	2	0	1
Dangerous Drugs	Felony	135	155	154
	Misdemeanor	3	2	3
Family Offense	Felony	0	0	0
	Misdemeanor	0	0	0
Homicide	Felony	0	0	0
	Misdemeanor	0	2	0
Kidnapping	Felony	0	0	3
	Misdemeanor	0	0	0
Property Fiscal	Felony	56	63	62
	Misdemeanor	3	4	3
Robbery	Felony	4	0	2
	Misdemeanor	0	3	0
Sex Offense	Felony	0	0	1
	Misdemeanor	0	0	0
Traffic Offense	Felony	9	19	17

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	Misdemeanor	3	4	4
Weapon Offense	Felony	9	17	17
	Misdemeanor	2	0	1
Unknown	Felony	66	76	82
	Misdemeanor	4	3	3
Total	Felony	311	376	380
	Misdemeanor	19	14	16

**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	FY18-19	FY 19-20	FY 20-21
Female	1	1	1
Male	3	6	1
Total TIP Individuals	4	7	2
Age			
Under 18	0	0	0
18 to 20	0	0	0
21 to 25	0	2	0
26 to 30	0	0	0
31 to 35	1	2	1
36 to 40	1	2	1
41+	2	1	0

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

Offense Category TIP		FY18-19	FY 19-20	FY 20-21
Assaultive Acts	Felony	0	1	0
	Misdemeanor	0	0	0
Burglary	Felony	0	1	0
	Misdemeanor	0	0	0
Compliance	Felony	1	0	0
	Misdemeanor	0	0	0
Dangerous Drugs	Felony	2	3	1
	Misdemeanor	0	0	0

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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	0	1	0
	Misdemeanor	0	0	0
Unknown	Felony	0	0	0
	Misdemeanor	0	0	0
Total	Felony	4	7	2
	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 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.

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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 average cost to supervise a CBI/ISP probationer per-day is approximately \$5.57.

CBI/ISP Demographics CBI	FY18-19	FY 19-20	FY 20-21
Gender			
Female	1,552	1,613	1,664
Male	4,765	4,813	4,844
Total CBI/ISP Individuals	6,317	6,426	6,508
Age			
Under 18	35	33	32
18-20	560	569	552
21-25	1,227	1,173	1,152
26-30	1,244	1,240	1,195
31-35	996	1,027	1,052
36-40	791	861	878
41+	1,464	1,523	1,647
Race/Ethnicity			
American Indian or Alaskan Native	250	244	221
Asian or Pacific Islander	54	58	82
Black	881	926	928
Other	653	660	763

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

White	4,479	4,538	4,514
Hispanic Origin	826	870	973
Not of Hispanic Origin	5,491	5,556	5,535
Marital Status			
Single	4,051	4,137	4,184
Married	912	927	928
Separated/Divorced/Widowed	1,147	1,142	1,179
Unknown	207	220	217
Education Level at Entry			
8th Grade or Less	244	412	429
9th Through 11th Grade	1,666	1,585	1,581
12th Grade or GED	3,328	3,390	3,527
Vocational/Some College	827	781	736
College or Above	244	256	231
Unknown	4	2	4

Offense Category CBI/ISP	Offense Type	FY18-19	FY 19-20	FY 20-21
Assaultive Act	Felony	168	157	141
	Misdemeanor	1326	1,298	1,325
Burglary	Felony	56	52	51
	Misdemeanor	0	0	0
Compliance	Felony	54	55	57
	Misdemeanor	404	424	457
Dangerous Drugs	Felony	561	557	519
	Misdemeanor	484	518	454
Family Offense	Felony	0	0	0
	Misdemeanor	6	5	3
Homicide	Felony	3	2	2
	Misdemeanor	5	4	2
Kidnapping	Felony	17	15	11
	Misdemeanor	13	19	34
Property & Fiscal	Felony	235	227	212
	Misdemeanor	328	296	295

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

Robbery	Felony	11	8	10
	Misdemeanor	0	0	0
Sex Offense	Felony	161	184	196
	Misdemeanor	84	65	56
Traffic Offense	Felony	320	356	340
	Misdemeanor	1,107	1,143	1,307
Weapon Offense	Felony	40	57	46
	Misdemeanor	53	65	72
Unknown	Felony	519	578	585
	Misdemeanor	804	788	841
Total	Felony	2145	2,248	2,170
	Misdemeanor	3,507	4,625	4,846

**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 \$4.01.

CBR Demographics	FY18-19	FY 19-20	FY 20-21
Gender			
Female	3,543	3,300	3,002
Male	7,428	6,727	6,334
Total CBR Individuals	10,971	10,027	9,336
Age			
Under 18	31	20	26
18-20	853	751	780
21-25	2,220	1,887	1,695

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26-30	2,005	1,872	1,653
31-35	1,595	1,458	1,334
36-40	1,206	1,163	1,089
41+	3,060	2,876	2,759
Race			
American Indian or Alaskan Native	216	183	219
Asian or Pacific Islander	173	149	124
Black	1,025	931	827
Other	1,268	1,240	1,204
White	8,289	7,524	6,962
Ethnicity			
Hispanic Origin	1,628	1,549	1,538
Not of Hispanic Origin	9,343	8,478	7,798
Marital Status			
Single	6,597	6,042	5,622
Married	2,130	1,916	1,748
Separated/Divorced/Widowed	1,850	1,684	1,609
Unknown	394	385	357
Education Level at Entry			
8th Grade or Less	491	560	541
9th Through 11th Grade	1,440	1,266	1,256
12th Grade or GED	5,624	5,364	4,868
Vocational/Some College	2,265	1,868	1,687
College or Above	1,147	966	983
Unknown	4	3	1

Offense Category CBR	Offense Type	FY18-19	FY 19-20	FY 20-21
Assaultive Act	Felony	132	127	102
	Misdemeanor	642	584	568
Burglary	Felony	58	64	50
	Misdemeanor	0	0	0
Compliance	Felony	32	33	31

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	Misdemeanor	415	384	322
Dangerous Drugs	Felony	706	675	558
	Misdemeanor	380	392	356
Family Offense	Felony	0	0	0
	Misdemeanor	3	10	5
Homicide	Felony	7	7	5
	Misdemeanor	31	25	24
Kidnapping	Felony	3	0	0
	Misdemeanor	3	5	3
Property & Fiscal	Felony	414	407	375
	Misdemeanor	495	427	405
Robbery	Felony	14	17	14
	Misdemeanor	0	0	0
Sex Offense	Felony	5	8	9
	Misdemeanor	3	7	8
Traffic Offense	Felony	388	373	360
	Misdemeanor	6,338	5,717	5,413
Weapon Offense	Felony	52	52	61
	Misdemeanor	64	57	57
Unknown	Felony	394	386	376
	Misdemeanor	669	554	490
Total	Felony	2,205	2,149	1,941
	Misdemeanor	9,043	8,162	7,651

**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 AOC, with the exception of the Adult Drug Courts in Douglas and Lancaster Counties, and the Central Nebraska Adult Drug Court, which serves the 9th and 10th Judicial/Probation Districts. 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.

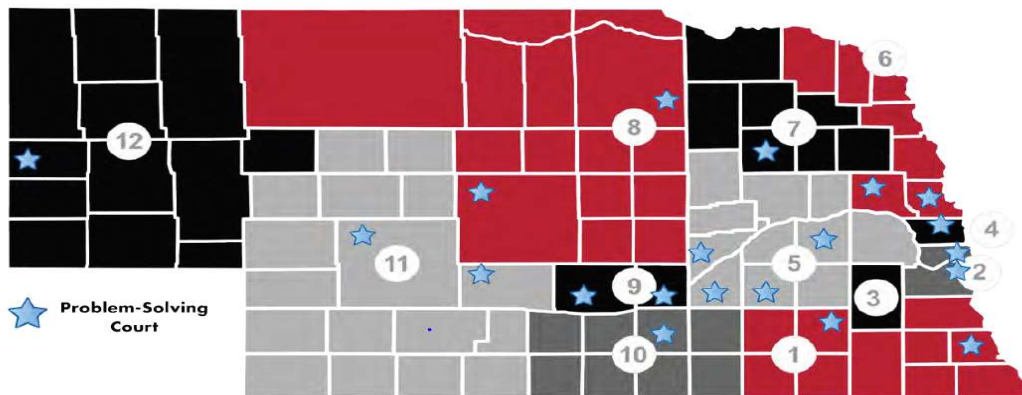
Funding for Problem-Solving Courts comes from the Problem-Solving Court general fund. The average per-day cost to supervise a Problem-Solving Court participant is approximately \$12.13.

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

Nebraska Adult Problem-Solving Court models include:

- Young Adult Courts
- Adult Drug and DUI Courts
- Veterans Treatment Courts
- Reentry Courts
- Mental Health Courts

State of Nebraska Problem-Solving Courts Map



District 1

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

District 2

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

District 3

Lancaster County Veterans Treatment Court: Lancaster Co. (Lincoln)
 Lancaster County Adult Drug Court: Lancaster Co. (Lincoln)
 Lancaster County DUI Court: Lancaster Co. (Lincoln)

District 4

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

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

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

District 7

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

District 8

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

District 9

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

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

District 11

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

District 12

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	FY18-19	FY 19-20	FY 20-21
Gender			
Female	11	12	18
Male	47	62	81
Total Young Adult Court Individuals	58	74	99
Race			
American Indian or Alaska Native	2	3	4
Asian or Pacific Islander	0	0	1
Black	13	20	30
Other	14	13	20
White	29	38	44
Ethnicity			
Hispanic Origin	14	16	23
Not of Hispanic Origin	44	58	76
Age			
Under 18	0	0	0
18-20	33	43	51
21-25	24	31	48
26-30	1	0	0

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

ADULT DRUG AND DUI COURTS

Nebraska Adult Drug and DUI Courts utilize a specialized team process that functions within the existing court structure. Adult Drug and DUI 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 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 and DUI Court Demographics	FY18-19	FY 19-20	FY 20-21
Gender			
Female	384	450	470
Male	537	580	621
Unknown	0	1	1
Total Adult Drug and DUI Court Individuals	923	1031	1092
Race			
American Indian or Alaska Native	20	21	29
Asian or Pacific Islander	9	5	5
Black	57	55	60
Other	83	102	114
White	752	848	883
Ethnicity			
Hispanic Origin	117	123	134
Not of Hispanic Origin	804	907	957
Unknown	2	1	1

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

Age			
18-20	87	80	75
21-25	246	245	249
26-30	206	240	232
31-35	160	184	204
36-40	93	120	143
41+	131	162	188

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	FY18-19	FY 19-20	FY 20-21
Gender			
Female	6	7	6
Male	51	60	68
Total	57	67	74
Race			
American Indian or Alaska Native	0	0	0
Asian or Pacific Islander	1	1	0
Black	8	12	15
Other	3	3	3
White	45	51	56

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Ethnicity			
Hispanic Origin	4	3	2
Not of Hispanic Origin	53	64	72
Age			
18-20	0	0	0
21-25	2	0	3
26-30	14	13	7
31-35	10	10	16
36-40	9	10	8
41+	22	34	40

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	FY18-19	FY 19-20	FY 20-21
Gender			
Female	3	6	3
Male	31	37	37
Total	34	43	40
Race			
American Indian or Alaska Native	0	0	0
Asian or Pacific Islander	1	2	2

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

Black	3	6	6
Other	4	5	4
White	26	30	28
Ethnicity			
Hispanic Origin	8	9	8
Not of Hispanic Origin	26	34	32
Age			
18-20	1	1	2
21-25	14	13	7
26-30	7	11	13
31-35	5	8	11
36-40	3	4	4
41+	4	6	3

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

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
Gender	
Female	5
Male	3
Total	8
Race	
American Indian or Alaska Native	1
Asian or Pacific Islander	0
Black	0
Other	0
White	7
Ethnicity	
Hispanic Origin	0
Not of Hispanic Origin	8
Age	
18-20	1
21-25	3
26-30	2
31-35	0
36-40	1
41+	1

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

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.

Adult Problem Solving Court Substance Use Testing

Fiscal Year	FY18-19	FY18-19	FY 19-20	FY 19-20	FY 20-21	FY 20-21
	Number of Participants	Number of Drug Tests	Number of Participants	Number of Drug Tests	Number of Participants	Number of Drug Tests
Young Adult Court	119	3,366	74	2,027	99	2,141
Adult Drug and DUI Courts	923	48,969	1,031	50,784	1,092	46,348
Veteran's Treatment Courts	57	2,399	67	3,501	74	4,024
Reentry Courts	34	1,232	43	1,461	40	901
Mental Health Court	NA	NA	NA	NA	8	109
Total	1,133	55,966	1,215	57,773	1,313	53,523

The first Mental Health Court was established in 2020-21.

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

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 AOCP's case management system.

Adult Problem-Solving Court Risk Reduction

	Average LSCMI at Entrance	Average LSCMI Score at Discharge	Difference in Score	% Change	N
FY18-19	19.42	12.44	-6.98	-35.96	229
FY19-20	20.08	12.50	-7.58	-37.74	235
FY20-21	22.70	12.37	-10.33	-45.51	240

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

SUPPORTIVE SERVICE TOOLS

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.

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

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

	FY18-19	FY 19-20	FY 20-21
Classification	# of Drug Tests	# of Drug Tests	# of Drug Tests
CBI	89,618	78,185	70,006
CBI DUI	13,656	13,325	10,484
CBI Domestic Violence	35,366	35,111	28,828
SSAS	32,498	27,831	21,515
PRS	55,306	48,216	28,020
Reframe	8,061	9,020	7,742
TIP	75	204	59
Sex Offender	6,814	5,810	5,724
CBR	148,779	119,117	79,656
Other	55,790	42,929	34,457
Unclassified	7,788	540	452
Grand Total	453,751	380,288	286,943

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 All Programs

Electronic Monitoring	FY 18-19	FY 19-20	FY 20-21
Individuals Served	138	158	96

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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	FY18-19	FY 19-20	FY 20-21
Number Served	805	736	722

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

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	FY18-19	FY 19-20	FY 20-21
Number Served	4,485	4,798	1,238

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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 change 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 administrative or custodial sanctions.

	FY18-19	FY 19-20	FY 20-21
Administrative Sanctions	23,178	17,463	16,309
Custodial Sanctions	1,944	1,778	1,755

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.

	FY18-19	FY 19-20	FY 20-21
Total Investigations	11,158	10,517	10,599

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

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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 18-19	FY 19-20	FY 20-21
Total PRS Plans	984	800	733

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.

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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 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.

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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 the individual when financial barriers exist. Individuals are expected to contribute toward the financial obligations associated with services using the AOC'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 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.

Adult Behavioral Health Financial Assistance by service type. Please note non-clinical services are not included in this report.

Service Type	Amount FY18-19	Amount FY19-20	Amount FY20-21
Substance Use Evaluation	\$295,067	\$335,550	\$336,027
Short-Term Residential	\$2,910,601	\$3,353,810	\$3,236,440
Intensive Outpatient	\$995,941	\$1,181,094	\$1,152,070
Outpatient Counseling	\$1,280,067	\$1,292,065	\$1,377,676
Co-Occurring Evaluation	\$194,861	\$235,686	\$193,762
Co-Occurring Short Term Residential	\$234,055	\$118,944	\$36,898
Pretreatment – Reporting Center	\$218,073	\$155,087	\$326,681
Relapse Group – Reporting Center	\$304,885	\$272,436	\$563,135
Mental Health Evaluation/Assessment	\$42,168	\$59,725	\$39,366
Mental Health Outpatient Treatment	\$211,482	\$350,225	\$425,309

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Adults who Sexually Harm Assessment and Treatment	\$292,093	\$297,141	\$335,622
Reporting Center Behavioral Health Contracts	\$1,270,839	\$1,607,424	\$2,391,641
Total	\$8,250,132	\$9,259,187	\$10,414,627

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.

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

	FY18-19	FY19-20	FY 20-21
Assistance by Fiscal Year	\$3,466,008	\$5,733,558	\$5,317,085

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DISCHARGES AND REVOCATIONS

Discharges and Revocations of Adults Sentenced to Probation

Discharges	Successful Completion	Revoked New Crime	Revoked Technical Violation	Revoked Other or Not Specified	Other	N
FY 2018-2019	72%	9%	8%	2%	10%	9,137
FY 2019-2020	75%	8%	7%	2%	8%	9,567
FY 2020-2021	72%	7%	8%	2%	11%	8,536

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 2018-2019	48%	21%	12%	12%	4%	3%	1,498
FY 2019-2020	54%	13%	12%	13%	4%	4%	2,019
FY 2020-2021	51%	11%	12%	12%	3%	11%	1,343

**An "unsuccessful completion" arises when a court terminates 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 is defined as "Death," "Deported," or, in one instance, "referral to a problem solving court."*

Risk Reduction of High Risk to Reoffend Individuals who successfully completed their supervision term.

Calculated on individuals who came into probation or post-release supervision with a high or very high score on the LS/CMI when compared to their LS/CMI score upon discharge.

Probation

Fiscal Year	Average 1st LSCMI Score	Average Last LSCMI Score	Change in LSCMI Score	% change
FY 2018-2019	25.70	20.40	-5.30	-20.70%
FY 2019-2020	25.50	20.40	-5.10	-20.00%
FY 2020-2021	25.70	21.00	-4.70	-18.20%

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Post-release Supervision

Fiscal Year	Average 1 st LSCMI Score	Average Last LSCMI Score	Change in LSCMI Score	% change
FY 2018-2019	27.90	26.30	-1.60	-5.80%
FY 2019-2020	27.86	26.74	-1.12	-4.03%
FY 2020-2021	28.30	26.60	-1.60	-5.80%

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	FY18-19	FY19-20	FY 20-21
Prison	169	143	133
County jail	231	272	219
Total	400	415	352
% to Prison	42%	32%	38%
Technical Violations	FY18-	FY19-20	FY 20-21
Prison	83	84	78
County jail	229	266	240
Total	312	350	318
% to Prison	27%	24%	25%