

NEBRASKA JUDICIAL BRANCH

Assistant Probation Officer Pilot

An Initial Report



Legislative Bill 50

LB50, § 12(5)

May, 2024





Administrative Office of the Courts and Probation

Assistant Probation Officer Pilot

May 24th, 2024

This report was completed in compliance with Legislative Bill 50, LB50, § 12(5).

Acknowledgments

This report was produced by the Adult Probation Services Division and Research and Data (R&D) teams in the Operations Division of the Administrative Office of the Courts and Probation (AOCB). This project was led by Eric Maly, Director of the Field Services Unit with the Division of Adult Probation Services. The report is a collaborative effort based on the input and analysis of the following individuals:

District 6 Probation Team:

Patty Lyon, *Chief Probation Officer*
Steve Ortmeier, *Deputy Chief Probation Officer*
Mike Carlson, *Reporting Center Coordinator*

Adult Probation Services Team:

Eric Maly, *Program Director*
Michael Tolley, *Programs and Services Specialist*
Bob Denton, *Deputy Administrator for Adult Probation and Rehabilitative Services*

Operations Division:

Hazel Delgado, *Director of Research and Data*
Brandon Holding, *Research and Data Specialist*
Rick Hixson, *Lead Report Analyst*
Ben Johnson, *Performance Management*

Suggested citation:

Adult Probation Services (2023). *Assistant Probation Officer Pilot Report: An Initial Report*. Nebraska Judicial Branch, May 2024



Administrative Office of the Courts and Probation

Assistant Probation Officer Pilot

Executive Summary

The Nebraska Judicial Branch, under the mandate of Legislative Bill 50 (2023), initiated a pilot program employing Assistant Probation Officers (APO) with the primary objective of improving probation services and outcomes for individuals at a higher risk of recidivating in District 6. This report provides an initial assessment of the pilot program's implementation and outcomes, reflecting on the period from January 1st, 2024, to May 1st, 2024.

APOs in the pilot program undertook comprehensive responsibilities, including:

- assisting in supervision, case planning, and monitoring of high-risk offenders.
- conducting home visits, substance use testing, and employment support.
- preparing investigative reports and conducting assessments.
- monitoring compliance through electronic/GPS systems, and
- assisting with pre-sentence investigations, while maintaining various reports.

District 6 was selected for the pilot based on its higher-than-average recidivism rates and varying rates of successful probation discharges. Nine APOs were hired between September and October 2023. The program focused on probationers who were high-risk recidivists and were under traditional supervision before the pilot. Data were collected for 293 case closures, with 145 involving APOs funded by LB50.

Key performance metrics included the number of administrative sanctions, motions to revoke probation (MTRs), and detailed demographic and criminal history information.

- Out of the 145 individuals under the APO pilot, 76 received at least one administrative sanction, totaling 335 sanctions, averaging approximately 4.4 sanctions per individual.
- Nineteen individuals within the APO pilot program were subject to motions to revoke probation, with 27 MTR filings.
- One-hundred-eight (108) probationers had high scores in their assessment domains such as leisure/recreation (78), alcohol/drug problems (35), and criminal history (34).
- Feedback from probation officers involved in the pilot highlighted several positive outcomes. Officers reported improved job satisfaction and better management of their caseloads due to the support provided by APOs.

While the APO Pilot program has been temporarily halted, the initial findings provide valuable insights into its potential benefits. The preliminary qualitative and quantitative data suggest that APOs positively contribute to probation management, enhancing officer satisfaction, and probationer outcomes. Further research and continued legislative support are necessary to fully evaluate and optimize the program's impact on Nebraska's probation system. If the program resumes post-litigation, continued data collection and rigorous analysis will be crucial to assess its long-term impact and inform future probation policies.

Table of Contents

Introduction.....	5
Setting.....	5
APOs.....	5
Probation Participants.....	6
Demographic information.....	6
Figure 1. <i>APO Probationers Broken into Male or Female Groups</i>	6
Figure 2. <i>APO Probationers Broken into Racial Groups</i>	7
Criminal History.....	7
Table 1. <i>Last LSCMI High Scale Scores</i>	7
Administrative Sanctions.....	8
Motions to Revoke (MTR).....	8
Figure 3. <i>Motions to Revoke</i>	9
Discharge Type.....	9
Table 2. <i>Probationers by Discharge Type</i>	9
Conditions of Probation.....	10
Table 3. <i>Descriptive Statistics for Conditions of Probation of Final Order</i>	10
Figure 4. <i>Conditions of Probation of Final Order Counted by the Number of Conditions</i>	10
Qualitative Descriptions of Outcomes.....	11
Caveat and Discussion.....	11
Future Work.....	12

Introduction

The Nebraska Judicial Branch, in ongoing efforts to enhance the effectiveness of its probation services, in conjunction with Legislative Bill 50 (2023), § 12, created a pilot program that evaluated Assistant Probation Officers (APOs) alongside Probation Officers, at a one-to-one ratio. The goal was to address critical issues within the probation system and improve outcomes (supervision and behavioral) for probation officers and services and outcomes for high-risk to recidivate probationers.

This initial report describes the probationers in the pilot program (that had one of the APOs hired using LB50 money assigned to them). The pilot program stopped operations because LB50 has been temporarily enjoined as of October 2nd, 2023, pending the outcome of litigation. Nevertheless, the pilot group or APO group is described below. Descriptive information is provided for probationers with discharge dates between 1/1/2024 and 5/1/2024. This report ends with summaries and intentions for future research if/when the pilot program continues in its limited capacity or is expanded with LB50 post-litigation.

Setting

In consultation with the AOCB, District 6 was selected based on presumed higher recidivism rates, Motions to Revoke (MTR), and differing rates of successful discharges from probation. Moreover, District 6 was well positioned geographically to collect a pool of possible individuals to hire as APOs in addition to APOs already on the District 6 team. Specifically, 9 APOs were hired between 9/2023 and 10/2023 before LB50 was challenged in the courts. It should be noted that the District 6 adult individuals with a discharge date between 1/1/24 and 5/1/2024 were being supervised before the pilot program but without the support of the APOs. As such, the setting restricts our capacity to make inferences about the unique effect of the APO pilot study.

APOs

The responsibilities of the typical APO in Nebraska are myriad. The distinction in this pilot study is that the focus was originally only on high-risk recidivate individuals on probation in District 6. Some of those responsibilities are listed below:

- a) assisting in performing supervision, case planning, and/or monitoring of offenders at high risk to re-offend, including recreational, home, educational, treatment, and community activities, b) performing interviews for preparation of investigative reports; c) performing home visits, d) substance use testing, e) assessments, and assisting probationers in retaining employment under the direct supervision of the Chief Probation Officer or designee, f) monitor probationers through electronic/GPS monitoring under direction of a Probation Officer to ensure compliance with court regulations, g) assist with pre-sentence investigations and evaluations of candidates being considered for probation, and h) prepare, update, and submit a variety of reports and/or databases, including progress updates, court appearance paperwork, home-visit logs, and location reports.

Probation Participants

Data were extracted using Cognos in conjunction with the Nebraska Probation Application for Community Safety (NPACS).

Between January 1st, 2024, and May 1st, 2024, District 6 experienced 293 case closures. Of these, 145 cases had an Assigned Probation Officer (APO) who was hired with funds associated with LB50. It is important to note that these cases were closed within the specified timeframe, though the probation periods varied in length before implementing the pilot program.

The average age of the individuals within the identified data set was 36.32 years, with a minimum age of 19.67 years, and a maximum age of 82.97 years. Next, we provide additional descriptive statistics associated with individuals within the pilot program.

Demographic information

Figure 1 shows APO probationers by gender; Figure 2 does so by race.

Figure 1. *APO Probationers Broken into Male or Female Groups.*

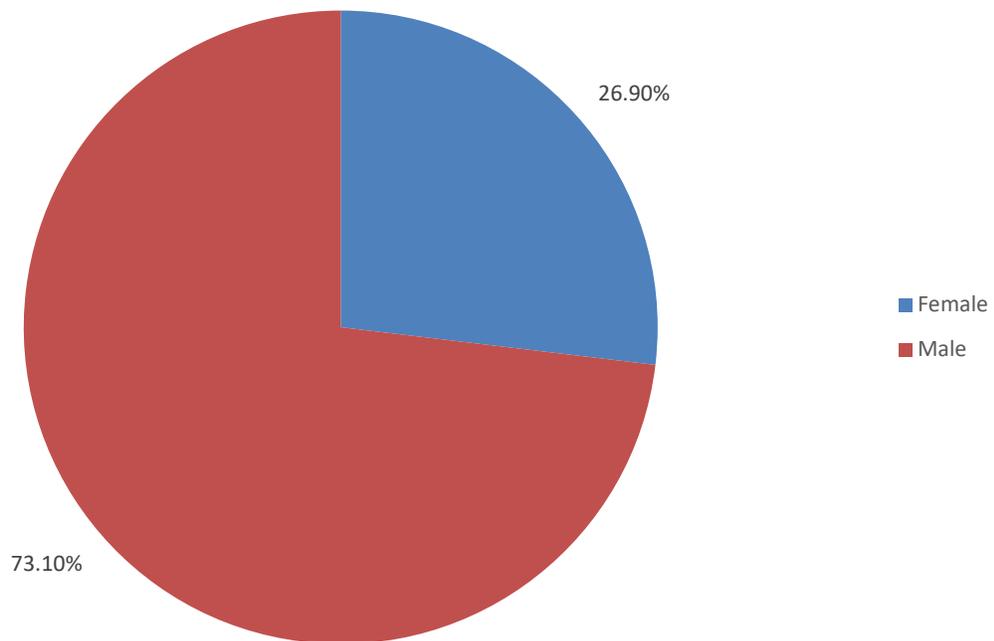
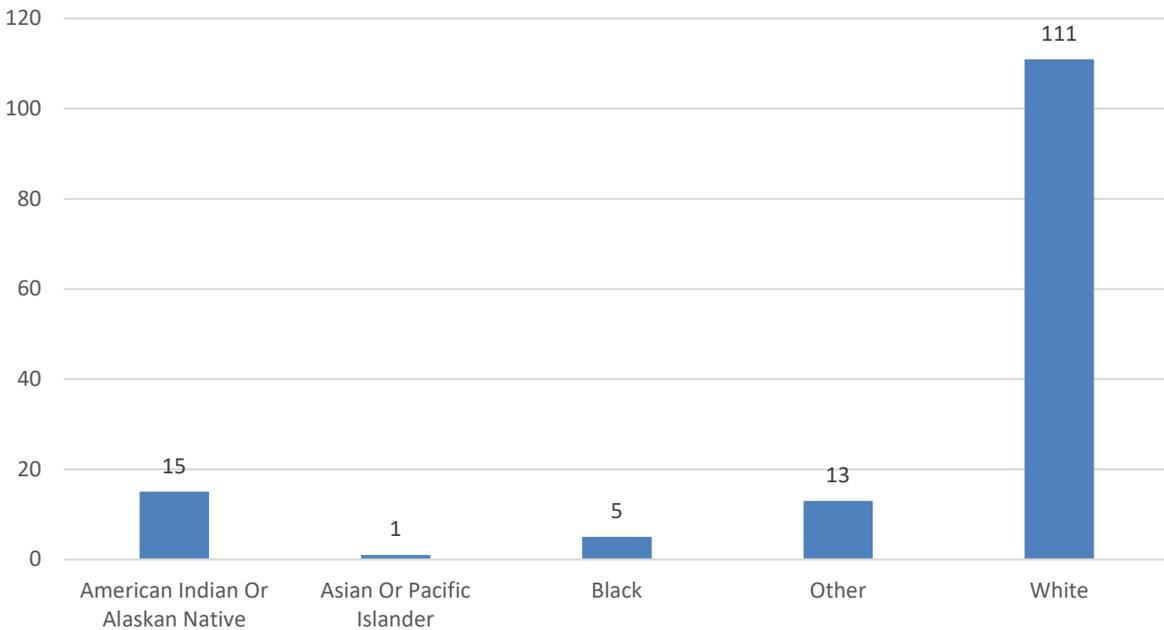


Figure 2. *APO Probationers Broken into Racial Groups.*



Criminal History

108 of the 145 individuals within the data set were assessed using the Level of Service/Case Management Inventory (LS/CMI), the remaining 37 individuals were assessed utilizing the NAPS, an assessment tool validated on the Nebraska population. The LS/CMI combines 8 domains to determine validated risk to recidivate level, while each domain informs the officers on which needs they should be targeting. The various high-risk domain scores highlight the multifaceted needs and vulnerabilities of the probationers, necessitating targeted and comprehensive interventions. The role of APOs to assist the probation officers in their efforts to implement increased supervision, personalized support, and tailored rehabilitation programs is crucial.

Table 1. *Last LSCMI High Scale Scores.*

*Last LSCMI	Individuals Scoring High in the Domain
Criminal History High	34
Education/Employment - High	20
Family/Marital – High	21
Leisure/Recreation – High	78
Companions – High	19
Alcohol/Drug – High	35
Pro-criminal Attitude – High	18
Antisocial Pattern – High	31
Total unique probationers-LSCMI	108

Administrative Sanctions

Administrative Sanctions may include but are not limited to (per Nebraska Revised Statute 29-2266 § (2)(a)-(h):

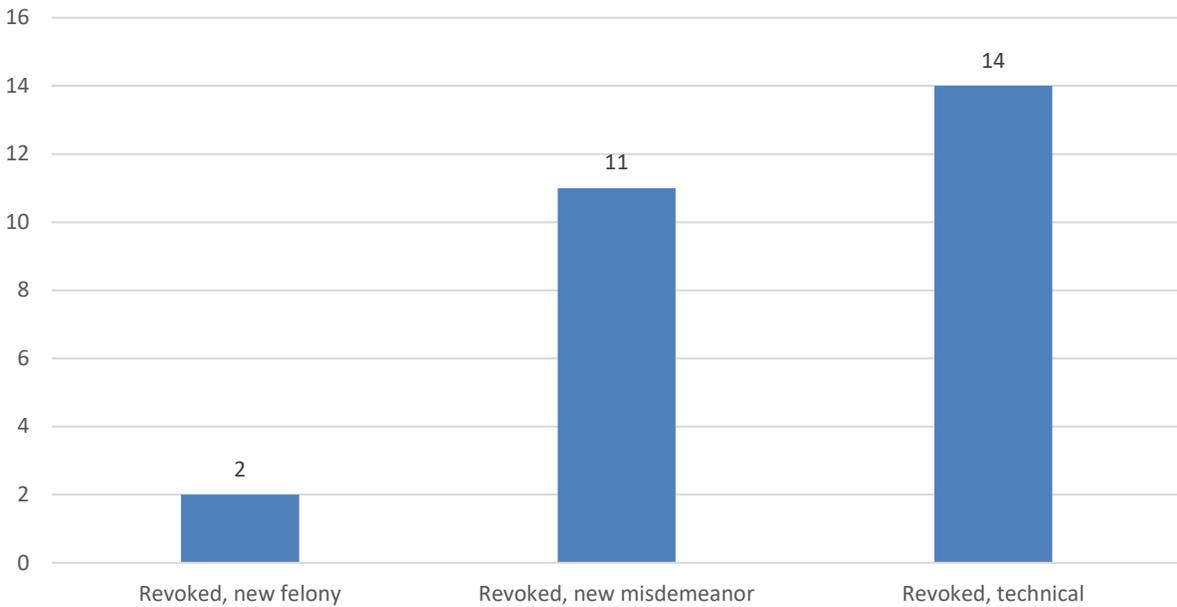
- counseling or reprimand by their probation officer;
- increased supervision contact requirements;
- increased substance abuse testing;
- referral for substance abuse or mental health evaluation or other specialized assessment, counseling, or treatment;
- imposition of a designated curfew for a period not to exceed thirty days;
- community service for a specified number of hours;
- travel restrictions to stay within their county of residence or employment unless otherwise permitted by the supervising probation officer and
- restructuring court-imposed financial obligations to mitigate their effect on the probationer.

Seventy-six of the 145 APO pilot program participants received at least one administrative sanction. These sanctions serve as corrective interventions to address behavioral issues without requiring formal court involvement. These 76 individuals were subject to 335 administrative sanctions, averaging approximately 4.4 per person. Specifically, within the District #6 Problem Solving Court subset, two individuals were included, and they received a combined total of 27 administrative sanctions, averaging about 13.5 sanctions per individual. There is debate about whether or not to include the PSC individuals in this study. The resolution of this issue is saved for a fuller, empirical comparison of APO and non-APO probationers.

Motions to Revoke (MTR)

Nineteen of the 145 individuals in the APO pilot program received a Motion to Revoke Probation (MTR). With multiple MTR filings possible, a total of 27 motions were filed, averaging approximately 1.421 filings per individual who received an MTR (please note: motions to revoke for APO probationers may have occurred before an APO, hired with LB50 money, was assigned to them; there are implications for future research below). These motions are often contrasted with administrative sanctions to understand their outcomes. Probation officers may file an MTR for one of three primary reasons, as documented in the data management system. These reasons are illustrated in Figure 3 below.

Figure 3. Motions to Revoke.



Most MTRs were associated with technical violations (14), then with new misdemeanors (11), and finally with new felonies (2).

Lastly, per LB50, we identified the number of probationers based on the types of discharges from probation that occurred. Those results are shown below in Table 2.

Discharge Type

From January 1st, 2024, to May 1st, 2024, a total of 145 probationers were assigned to APOs. Various discharge types were observed (see Table 2 below). This distribution highlights the diverse range of probation outcomes and underscores the necessity of examining discharge types to understand the effectiveness and areas for improvement within the pilot program.

Table 2. Probationers by Discharge Type.

Discharge Description	Probationers
Completion of Probation	69
Death	2
Deported	1
Early Release	15
PRS Elim Before Supervision (ADULT)	14
Revoked/Retaken	24
Straight Sentence (ADULT ONLY)	3
Unsatisfactory	17
Total Probationers	145

Conditions of Probation

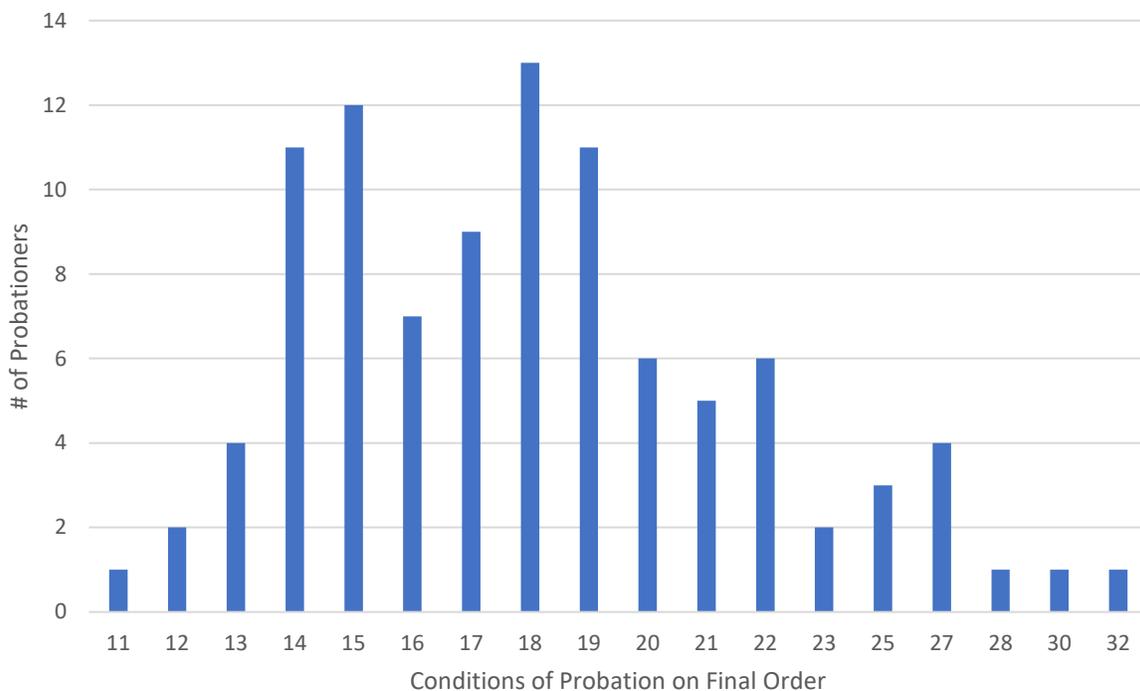
From January 1st, 2024, to May 1st, 2024, varied numbers of probation conditions for the final order were counted (see Table 3 below).

Table 3. *Descriptive Statistics for Conditions of Probation of Final Order.*

Conditions of Probation on Most Recent Order	
mean	18.3
minimum	11
maximum	32
mode	18

This distribution highlights the diverse range of probation outcomes and underscores the necessity of examining discharge types to understand the effectiveness and areas for improvement within the pilot program (shown below in Figure 4).

Figure 4. *Conditions of Probation of Final Order Counted by the Number of Conditions.*



Qualitative Descriptions of Outcomes

Mission to be quantitative outcomes already noted, apos themselves reported positive outcomes from the pilot. When solicited, responses from the probation officer included:

- I have seen a benefit in relationships with client when the client and I don't necessarily see eye to eye. The APO can relate better to a handful of clients on my caseload, and they have responded better to him than me.
- Job satisfaction has personally increased for me. It is nice not be so busy every day. Even having 39 clients currently, it is manageable.
- Having an APO has been helpful so that I can delegate things that I was never able to before. Prior to this project, it was often hard for me to get all my engagements in within the allotted time frame, but this has not been an issue since the project started.
- The biggest benefit to date is the team approach to handling a caseload. When out of the office or otherwise occupied, I can now rely on someone who is familiar with my caseload, already has rapport and a positive relationship with clients.
- My APO also meets with clients who are struggling to gain employment and helps them apply for jobs. She has also helped clients look into what they will need to do to obtain valid licenses. These are things I have not had time for in the past."
- Some positives that I have noticed are provider contacts. My APO does a good job at keeping up with providers as it can be a challenge. In the past, if one client took up a lot of my time, there would be times I would not get a third contact a month on someone and others would have 15 or more due to their need.
- An average of 18.3 conditions were placed on probationers on their final order.

Although the data collection methods limited the responses, future efforts will gather additional qualitative information, relevant artifacts, and interview transcripts to identify themes associated with the APO pilot study. This will be conducted in conjunction with continuous comparison, open coding, grounded theory, or other qualitative methods to be determined.

Caveat and Discussion

Due to the limited duration of the pilot program thus far, no case closures have involved an APO for the entirety or even near the entirety of their probation term. The maximum period individuals in this set have been involved with the APO pilot program is four months, depending upon the individual's discharge date. Generally, probation terms range from 12 to 18 months.

As the pilot program progresses, we will be able to observe and analyze cases where individuals have been involved with the APO pilot program for a significantly greater portion of their probation terms, allowing for a more comprehensive evaluation and comparison of its impact.

Within the 293 case closures, 14 had individuals whose probation was terminated by the Court before exiting the correctional facility (these are in the probation information management system with a discharge description of "PRS eliminated before supervision"). Therefore, these individuals received no probation supervision, intervention, or programming.

Future Work

To sensibly evaluate the impact of the APO program under Legislative Bill 50 (LB50), future research must employ rigorous statistical testing and comparative analysis of various groups within the probation system. This will involve collecting extensive longitudinal data to capture the long-term effects of APOs on recidivism rates, probation compliance, and overall behavioral outcomes. For example, using advanced statistical techniques such as propensity score matching, researchers can account for confounding variables and ensure that comparisons between groups are as unbiased as possible.

Continuing the example above, propensity scores analysis allows for creating matched samples that simulate random assignment, thus enabling a more accurate assessment of the APOs' impact. This will involve comparing aggregate outcomes and conducting subgroup analyses to understand how different demographic and risk-based populations respond to APO interventions. For instance, comparing outcomes among high-risk recidivists versus lower-risk probationers or examining differences across gender and racial groups, can provide valuable insights into the program's differential impact.

Additionally, future evaluations should integrate mixed-methods approaches, combining quantitative data with qualitative insights from probation officers and probationers. This holistic approach will validate the pilot's quantitative outcomes and provide a contextual, statistical, and ultimately fuller understanding of how and why APOs affect probationer behavior.



Adult Probation Services
Research and Data

Administrative Office of the Courts and Probation
Nebraska State Capitol Building, Room 1209
Lincoln, NE 68510