

NEBRASKA JUDICIAL BRANCH

# Problem-Solving Courts

## Annual LB50 Report



Legislative Bill 50

LB50, § 1(6)

May, 2024





## **Problem-Solving Courts Annual LB50 Report**

**May 28th, 2024**

This report was completed in compliance with Neb. Rev. Stat. §24-1302, effective date September 2nd, 2023, temporarily enjoined on October 2nd, 2023, pending the outcome of litigation. On June 1<sup>st</sup> of each year, the State Court Administrator shall provide a report to the Legislature.

### **Problem-Solving Courts Origin and Authorization**

Neb. Rev. Stat. §24-1301 (Problem-solving courts – alternatives to incarceration in Nebraska)  
Neb. Rev. Stat. §29-2246 (Authorized probation personnel to operate problem-solving courts)  
Neb. Rev. Stat. §§24-1301, 24-1302, and 29-2246 (Expanded definition of problem-solving courts to include Veterans Treatment Courts, Mental Health Courts, and Reentry Courts)  
Neb. Rev. Stat. §6-1201, et seq. (Rules on problem-solving courts)

### **Acknowledgments**

This report was produced by the Problem-Solving Courts (PSC) and Research and Data (R&D) teams in the Administrative Office of the Courts and Probation (AOCP). These teams work with the AOCP and its invested parties to provide relevant and valuable data for evidence-based decisions. The report is a collaborative effort based on the input and analysis of the following individuals:

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## PROBLEM-SOLVING COURTS OVERVIEW

Nebraska Problem-Solving Courts (PSC) are post-plea or post-adjudicatory intensive supervision treatment programs for high-risk, high-need individuals facing felony convictions. The program aims to reduce recidivism by fostering a comprehensive and coordinated court response using early intervention, appropriate treatment, intensive supervision, and consistent judicial oversight.

PSCs operate in all 12 Nebraska Judicial Districts (see for reference only, Appendix 1) within the district, county, or juvenile courts and include programs established for treating substance use, mental health, or individuals reentering the community from incarceration. Additional courts focus on young adults facing their first felony offense, juveniles needing substance use treatment, and families involved in the court system due to substance use or domestic violence. Current Nebraska PSC models include:

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

There has been notable growth in both the participation rates and the population served by Nebraska PSCs, reflecting their expanding reach and impact within the community (see, for reference only, Appendix 2).

Nebraska PSCs can only be established with the approval of the Nebraska Supreme Court (NSC). The Nebraska Supreme Court Committee on Problem-Solving Courts governs all Nebraska PSCs under the direction of the NSC. Most PSCs in Nebraska operate under the Administrative Office of the Court and Probation (AOCB), except for the Adult Drug Courts in Douglas and Lancaster Counties. Family Treatment Courts typically operate within both the Courts and the Department of Health and Human Services.

PSCs in Nebraska operate under a team approach where a judge, prosecutor, defense counsel, coordinator, supervision officer, law enforcement, and treatment provider(s) work together to design an individualized program. 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.

In accordance with evidence-based research, all PSC participants are screened and assessed for substance use, criminogenic risk to reoffend, mental health concerns, trauma history, and trauma-related symptoms. All Nebraska PSCs adhere to approved Best Practice Standards specific to the court model, which are supported by research and approved by the NSC (<https://supremecourt.nebraska.gov/psc-resources>).

Currently, Nebraska PSCs are working on completing the [2020-2025 Strategic Plan for Nebraska Problem-Solving Courts](#) (approved by the NSC in April 2020). This Strategic Plan seeks to ensure fidelity to evidence-based practices, develop a comprehensive and sustainable training strategy, improve participant access to services, grow and expand PSCs statewide, manage invested parties' relationships, and provide a competent and fair program to all participants. Nebraska's PSCs are dedicated to preparing courts for the future and using data to enhance court operations.

**NOTE:** A Pilot Mental Health Court is included in this report; their relatively recent implementation means that measurable outcomes are limited. Comprehensive data and analyses will be presented only where available, with outcomes of a small *n*. Juvenile Drug Courts and Family Treatment Courts have not been included in this report due to statutory limitations that exclude them from the scope of the current analysis. Data and findings presented herein exclusively pertain to adult PSC programs as mandated by the existing legislation. This report is for the calendar year January 1st, 2023, through December 31st, 2023.

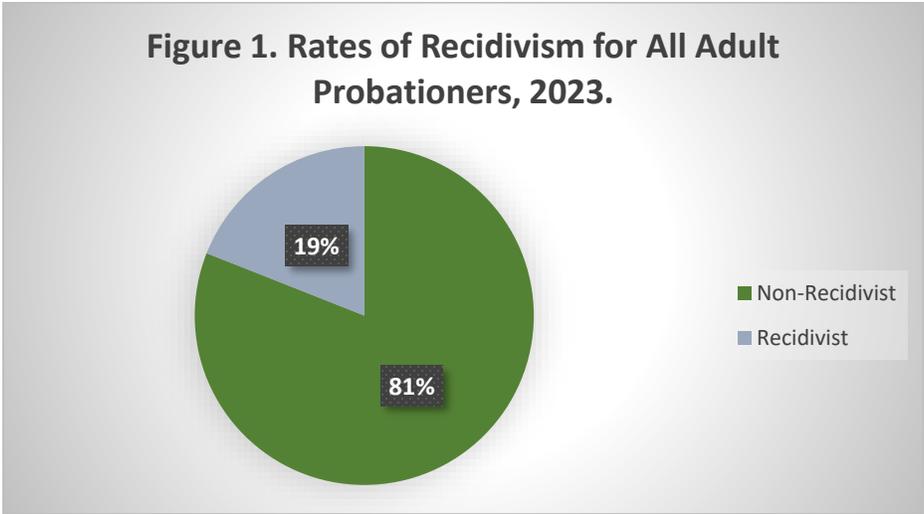
## **RECIDIVISM**

The uniform definition of recidivism, as applied to adult individuals, for Nebraska State Probation and PSCs, is:

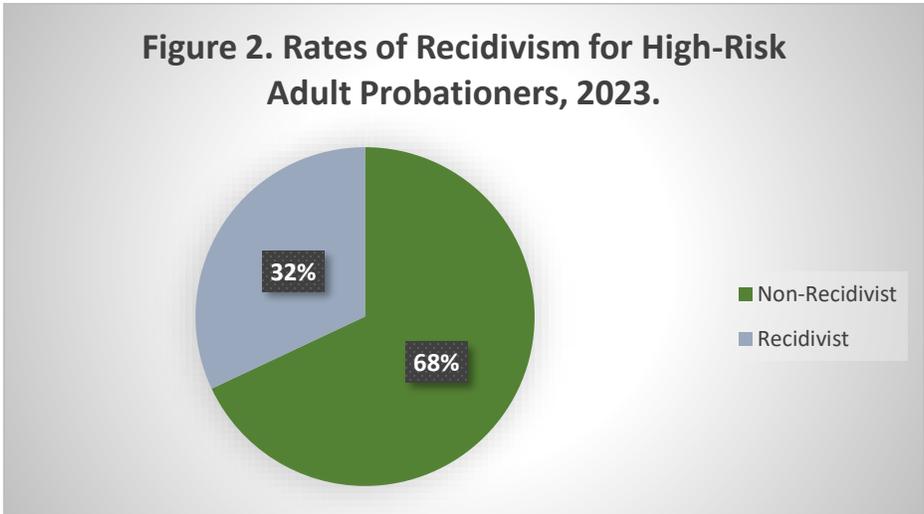
a final conviction of a Class I or II misdemeanor, a Class IV felony or above, or a Class W misdemeanor based on a violation of state law or an ordinance of any city or village enacted in conformance with state law, within 3 years of being successfully released (Neb. Ct. R. §1-1001).

Recidivism can only be measured for those individuals who were successfully released from a PSC three (3) years ago, plus one (1) day, to be correctly calculated. Therefore, some individuals have been discharged in 2020 and 2021.

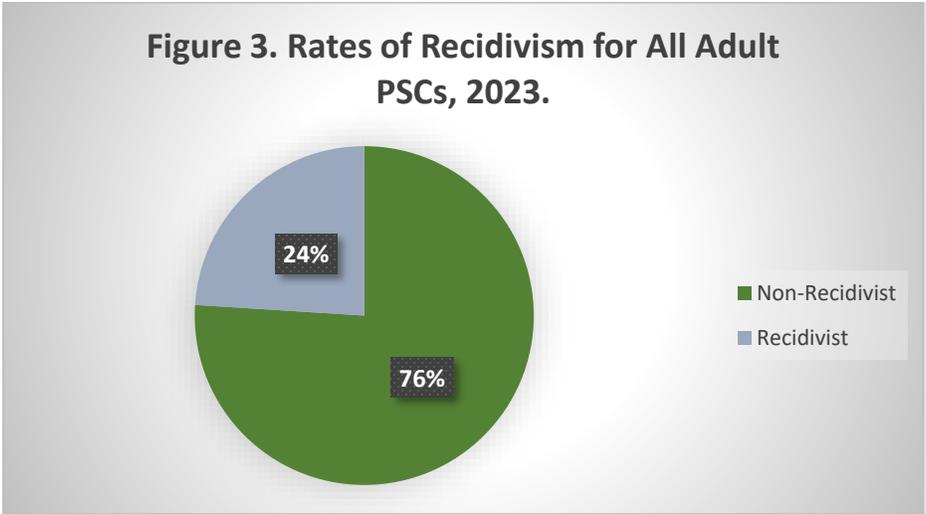
For the calendar year January 1st, 2023, to December 31st, 2023, for all adult probationers in Nebraska, 7,107 individuals met these criteria. Of those individuals, 5,786 (81%) did not recidivate, while 1,321 (19%) recidivated (see Figure 1).



Of all adult probationers above, 2,898 had a total score greater than or equal to 20 on the LSCMI, categorizing them as high-risk to recidivate. Of those high-risk to recidivate individuals, 1,963 (68%) did not recidivate, while 935 (32%) recidivated (See Figure 2).



For the calendar year January 1st, 2023, to December 31st, 2023, for all of Nebraska's adult PSCs, 180 individuals meet the above-referenced recidivism criteria. Of those individuals, 136 (76%) did not recidivate, while only 44 (24%) recidivated (see Figure 3).



The following table summarizes recidivism rates by each PSC model (see Table 1). Data with a small *n* are due to a low number of individuals, or no individuals, who have successfully been released from a PSC and have concluded the 3-year, plus one (1) day, monitoring period. This phenomenon is observable in DUI Courts. Additionally, a small *n* this calendar year will change over time.

**Table 1. Rates of Recidivism by PSC Model, 2023.**

PSC Model	Non-Recidivist		Recidivist	
	Number of Participants	Percent of Participants	Number of Participants	Percent of Participants
DUI	0	0%	0	0%
Drug Court	117	77%	35	23%
Reentry	3	38%	5	63%
Veterans	10	71%	4	29%
Young Adult	6	100%	0	0%

The following table summarizes recidivism rates by each District (see Table 2). Districts 1 and 5 have the lowest recidivism rates, while District 12 has the highest.

**Table 2. Rates of Recidivism for All Adult PSCs by District, 2023.**

Judicial District	Non-Recidivist		Recidivist	
	Number of Participants	Percent of Participants	Number of Participants	Percent of Participants
1	6	100%	0	0%
2	5	71%	2	29%
3A	27	71%	11	29%
4A	38	81%	9	19%
5	8	100%	0	0%
6	7	88%	1	13%
7	5	71%	2	29%
8	7	70%	3	30%
9	13	68%	6	32%
10	8	67%	4	33%
11	11	73%	4	27%
12	1	33%	2	67%

The following table summarizes recidivism rates by demographics (see Table 3). Nebraska PSCs have a higher representation of white individuals than other demographic groups. Individuals who identify as Not Hispanic have a higher rate of non-recidivism when compared to individuals who identify as Hispanic. Although males are more frequently represented, females exhibit higher rates of non-recidivism. Individuals aged 45 to 54 demonstrate the highest rates of recidivism.

**Table 3. Rates of Recidivism for All Adult PSCs by Demographics, 2023.**

Demographics	Non-Recidivist		Recidivist	
	Number of Participants	Percent of Participants	Number of Participants	Percent of Participants
<b>RACE</b>				
American Indian or Alaskan Native	0	0%	2	100%
Asian or Pacific Islander	0	0%	1	100%
Black	9	60%	6	40%
White	116	77%	34	23%
Other	11	92%	1	8%
<b>ETHNICITY</b>				
Hispanic	10	67%	5	33%
Not Hispanic	126	76%	39	24%
<b>SEX</b>				
Female	57	78%	16	22%
Male	79	74%	28	26%
<b>AGE RANGES</b>				
18-24	33	75%	11	25%
25-34	54	75%	18	25%
35-44	30	75%	10	25%
45-54	14	74%	5	26%
55-64	4	100%	0	0%
65 and Older	1	100%	0	0%

## RETURN TO COURT

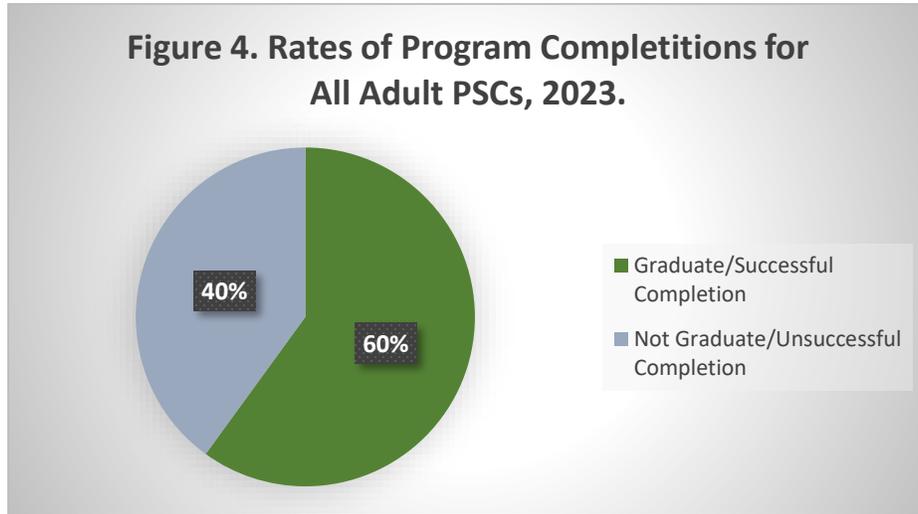
Return to court is defined as a conviction of a new offense (in any criminal court excluding traffic) after supervision terminates, or after PSC participation is completed. If an individual is terminated from PSC and placed on probation, the individual would not be counted in rates of return to court.

A contractor has been engaged to facilitate the integration of essential data elements into the Research and Data Division's environment. This process entails meticulously constructing tables and queries, followed by rigorous validation to ensure accuracy and reliability. Given the complexity and scope of the task, the process is extensive and remains ongoing. This thorough approach is critical to establishing a robust and reliable data infrastructure supporting this annual report.

## PROGRAM COMPLETION

Program completion is determined by those individuals who successfully completed a PSC program (e.g., graduate) or those individuals who did not successfully complete a PSC program (e.g., did not graduate), in the calendar year from January 1st, 2023, through December 31st, 2023.

For all of Nebraska's adult PSCs, 453 individuals completed programs, either successfully or unsuccessfully. Of those individuals, 271 (60%) graduated or had a successful completion, while 182 (40%) were unsuccessful or did not graduate (see Figure 4).

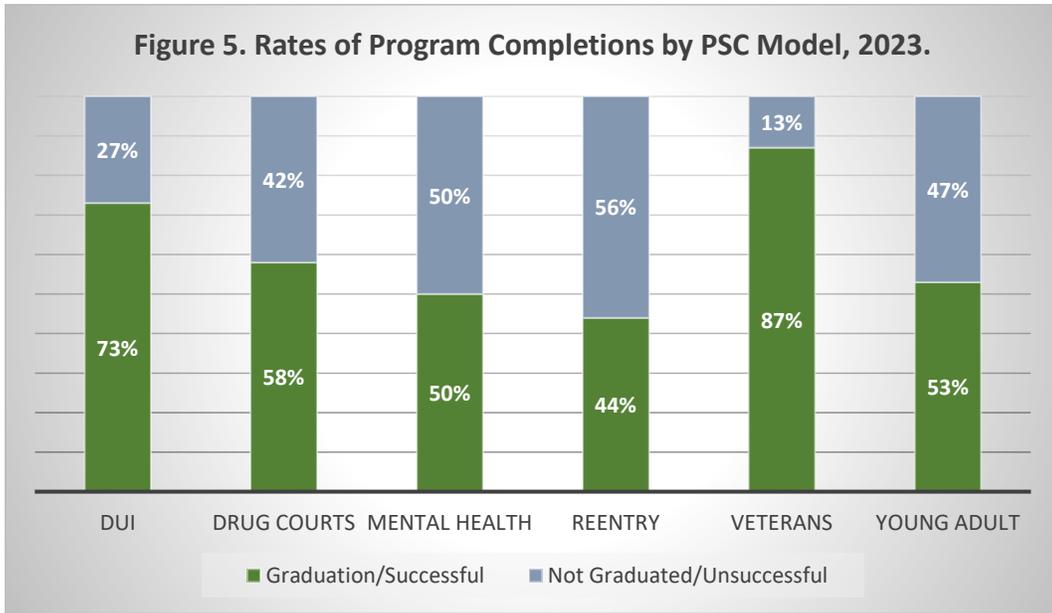


The following table summarizes program completion rates by each PSC model (see Table 4). Mental Health Treatment Courts have a relatively recent implementation, with their first participants entering the program in February 2021; consequently, outcomes have a small *n* and will change over time.

**Table 4. Rates of Program Completions by PSC Model, 2023.**

PSC Model	Graduation/Successful Completion		Not Graduated/Unsuccessful Completion	
	Number of Participants	Percent of Participants	Number of Participants	Percent of Participants
DUI	16	73%	6	27%
Drug Court	196	58%	140	42%
Mental Health	2	50%	2	50%
Reentry	8	44%	10	56%
Veterans	26	87%	4	13%
Young Adult	23	53%	20	47%

The below stack chart summarizes program completions by each PSC model (see Figure 5). Veteran Treatment Courts have the highest graduation or successful completion rate, while Reentry Courts have the lowest graduation or successful completion rate.



The following table summarizes program completions by each District (see Table 5). One individual was not associated with a District and is not included in Table 5. District 8 has the highest graduation or successful completion rate, while District 12 has the lowest graduation or successful completion rate.

**Percent of Participants**

**Table 5. Rates of Program Completions for All Adult PSCs by District, 2023.**

Judicial District	Graduation/Successful Completion		Not Graduated/Unsuccessful Completion	
	Number of Participants	Percent of Participants	Number of Participants	Percent of Participants
1	15	75%	5	25%
2	17	59%	12	41%
3A	49	56%	38	44%
4A	62	50%	61	50%
5	33	75%	11	25%
6	12	60%	8	40%
7	20	87%	3	13%
8	10	91%	1	9%
9	22	63%	13	37%
10	13	62%	8	38%
11	10	45%	12	55%
12	7	41%	10	59%

The following table summarizes program completions by demographics (see Table 6). Nebraska PSCs have a higher representation of white individuals than other demographic groups. There are no differences between Hispanic and non-Hispanic individuals. Males exhibit higher rates of graduation or successful competition than females. Individuals aged 45 to 54 demonstrate the highest graduation rates or successful competition.

**Table 6. Rates of Program Completions for All Adult PSCs by Demographics, 2023.**

Demographics	Graduation/Successful Completion		Not Graduated/Unsuccessful Completion	
	Number of Participants	Percent of Participants	Number of Participants	Percent of Participants
<b>RACE</b>				
American Indian or Alaskan Native	7	50%	7	50%
Asian or Pacific Islander	2	67%	1	33%
Black	22	36%	39	64%
White	219	66%	114	34%
Other	21	50%	21	50%
<b>ETHNICITY</b>				
Hispanic	39	60%	26	40%
Not Hispanic	232	60%	156	40%
<b>SEX</b>				
Female	100	58%	71	42%
Male	171	61%	111	39%
<b>AGE RANGES</b>				
18-24	51	54%	43	46%
25-34	92	56%	71	44%
35-44	70	60%	47	40%
45-54	37	77%	11	23%
55-64	17	71%	7	29%
65 and Older	4	57%	3	43%

## UNDERSERVED POPULATION

While Nebraska has access to a strong network of PSCs, opportunities for further use continue to exist. It is important to note that two conditions must exist to sustain a PSC: participants who meet the target population for the program, and available resources to support the PSC including team members and treatment services. Nebraska PSCs are committed to following Best Practice Standards regarding the program's target population and the importance of all required team members. Additionally, using data to drive decision-making and including invested parties in decision-making regarding the future of PSCs will maximize the use of resources and provide participants with the best opportunity for success.

To determine opportunities for further use of PSCs, the R&D Team in the AOCPC produced the Problem-Solving Court Needs Assessment Phase 1 in September 2022, which focused on the demand for PSCs (potential participants) and Problem-Solving Court Needs Assessment Phase 2 in March 2023, which focused on the interest and willingness of key stakeholders to participate in Nebraska PSC programs.

Determining the number of potential PSC participants is challenging. Nebraska Adult PSC programs all share the following eligibility criteria: adults charged with a felony, charged and residing in Nebraska, who are high-risk to recidivate based on a validated assessment tool and high-need as supported by a clinical evaluation (or otherwise indicated, based on court type). Individual courts determine additional eligibility requirements, which vary across the state. While felony filing information is relatively accessible, appropriateness for the programs cannot be determined without information regarding risk and need levels. This information is only identified in the current system following a referral to a PSC. Problem-Solving Court Needs Assessment

Phase 1, completed in September 2022, found that 4.2% of potentially eligible felony filings are admitted to a PSC. Based on available information, it is difficult to know how many of the remaining 95.8% of felony filings are ultimately dismissed, are served in a diversion program, or do not meet the eligibility criteria regarding risk and/or need.

Judicial and supervision resources are often the focus of requests for new courts and, while they are essential elements of a PSC program, they are not the only resources needed to support a PSC in alignment with approved Best Practice Standards. County attorneys, defense attorneys, law enforcement personnel and treatment providers are essential to a successful PSC. Problem-Solving Court Needs Assessment Phase 2, completed in March 2023, found a statewide interest in expanding PSCs by necessary stakeholders. To gain more information regarding the interest, willingness and needs to support expansion, the NSC is convening a Problem-Solving Court Summit in May 2024, including representatives of all required team members, to work identifying what is needed to expand PSCs collaboratively. At a minimum, an additional meeting will be held in September 2024. These efforts are attached to developing a 2025-2030 Nebraska Problem-Solving Court Strategic Plan, facilitated by the National Center for State Courts (NCSC).

Currently, at least one PSC operates in each of the 12 Judicial Districts; however, several Nebraska Counties do not have access to any PSC due to geographic challenges. Adult Drug Courts are the most prevalent and accessible court model. Nebraska is a largely rural state; therefore, not all counties can support a standalone PSC. To best use available resources, some Adult Drug Court locations serve multiple counties within a district, some Adult Drug Court locations serve a single county, and some counties do not have access to an Adult Drug Court. In addition, some Nebraska counties do not have access to PSC programs due to a lack of county attorney support.

Additional specialized court types are concentrated in the more populated districts, limiting access to PSCs for individuals who do not have a substance use disorder but could be served in a different specialty court based on their location. These courts are as follows:

- Veteran's Treatment Court (Douglas, Lancaster, Sarpy, Hall, Buffalo, and Adams Counties)
- Reentry Court (Sarpy and Hall Counties)
- Young Adult Court (Douglas County)
- Mental Health Court (Sarpy County)
- Juvenile Drug Court (Sarpy County)
- Family Treatment Court (Lancaster County).

## **SERVICE EXPENSES AND NEEDS**

The operation of PSCs in Nebraska requires system-wide collaboration. The 2023 Calendar Year service expenses associated with PSC have been tabulated to provide a general breakdown of money spent for each service type. Table 7 (see below) delineates PSC services' quarterly and annual expenses, revealing significant financial investments toward the success of PSC participants.

**Table 7. Calendar Year 2023 PSC Service Expense.**

Service	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total CY2023 Service Expenses
Evaluation	\$12,182.00	\$17,477.00	\$14,771.00	\$19,147.00	\$63,577.00
Supportive Services	\$12,728.32	\$29,528.00	\$29,687.90	\$17,106.00	\$89,050.22
Transitional Living	\$216,630.00	\$269,235.00	\$287,937.00	\$271,501.00	\$1,045,303.00
Treatment	\$113,095.50	\$117,266.75	\$136,311.00	\$119,363.00	\$486,036.25
Total Expense	\$354,635.82	\$433,506.75	\$468,706.90	\$427,117.00	\$1,683,966.47

For example (in Table 7), evaluation incurred the lowest total expense of \$63,577.00 throughout the year. Quarter 4 had the highest expenditure of \$19,147.00. Transitional living, on the other hand, incurred the highest total expense over the year of \$1,045,303, with the highest expense being in Quarter 3 at \$287,973.00.

With these financial insights in mind, a collection of Nebraska stakeholders convened for a Problem-Solving Court Summit on May 30th, 2024, to properly assess the services and funding needed to expand Nebraska PSCs. The group aimed to assess needs and opportunities and will submit a comprehensive report to the Nebraska Legislature on or before January 1st, 2025.

## **FUNDING NEEDED**

The average per-day cost to supervise a PSC participant is approximately \$11.94. 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, which varies yearly.

PSCs are funded through a combination of General Funds and Cash Funds. The primary source of Cash Fund revenue is monthly fees individuals pay when placed on probation or PSC.

Total appropriations to the Judicial Branch for Fiscal Year 2024 are \$8,055,787. This amount does not include the county's costs regarding county attorneys, defense attorneys, law enforcement, and their participation in PSC teams.

Per Neb. Rev. Stat. §29-2259(5), each county shall provide office space and necessary facilities for probation officers performing their official duties and shall bear the costs incident to maintenance of such offices other than salaries, travel expenses, and data processing and word processing hardware and software that is provided on the state computer network.

Additional funding will be needed to properly resource existing PSCs and examine potential expansion opportunities. An anticipated outcome of the Problem-Solving Court Summit will be an analysis of needed funding. This information will be included in the Summit report submitted to the Nebraska Legislature.

## CONCLUSION

This report has detailed the results of PSCs in Nebraska and their outcomes with specific reference to recent stipulations in Neb. Rev. Stat. §24-1302, LB50. Nebraska PSCs show promise for the future, with positive outcomes for the courts and participants. A few of those outcomes, as described previously, are noted below.

Nebraska PSCs have demonstrated significant impacts on recidivism among high-risk to recidivate individuals. For 2023, 76% of participants in all adult PSCs did not recidivate, while only 24% recidivated, providing evidence for the effectiveness of these highly specialized courts. This was especially pronounced compared to the general high-risk to recidivate population, with 68% of probationers who did not recidivate, while 32% recidivated. The long-term value and impact of PSCs on participants and the judicial system broadly are unequivocally evident.

The completion rates of Nebraska PSCs also show success. In 2023, 60% of PSC participants completed their programs. The Veteran Treatment Court showed the highest success rates. This shows an overall trend with PSCs in providing the necessary support and resources for participants to fulfill completion requirements while adjusting their behaviors to reduce future court involvement.

Despite progress, areas need improvement in the accessibility and use of PSCs. For example, geographic regions and demographic groups are underserved due to resource limitations (the possibility of services) and logistical (the application of resources) challenges. Addressing such gaps is critical to creating a future with equitable justice for all eligible Nebraskans.

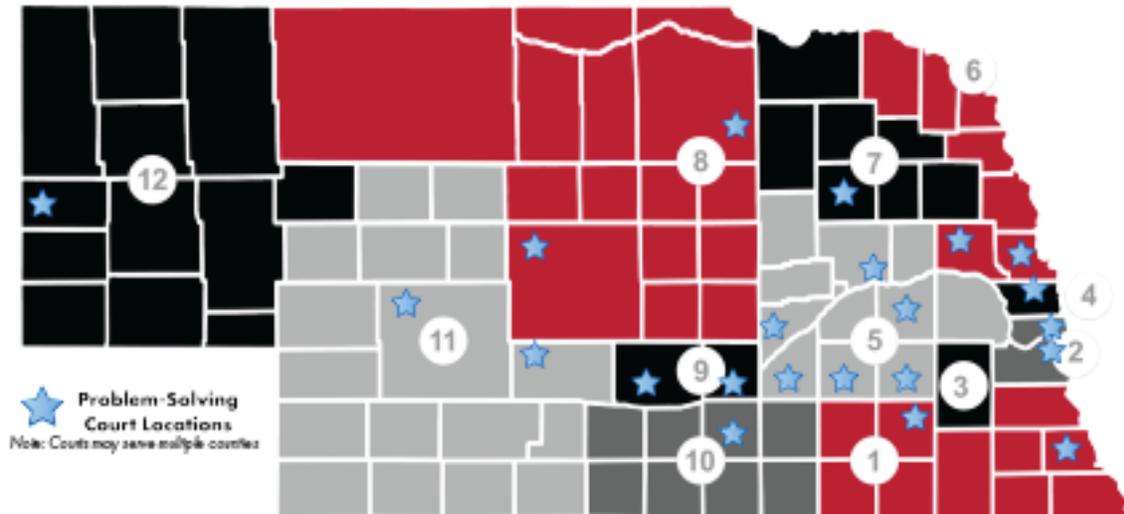
There is an upcoming PSC Summit meeting in May 2024. It will expand and explore access to and address the services for PSCs and identify the future funding required for such services. Specifically, the cost each day of a PSC participant is \$11.94. The appropriations allotted for PSCs for fiscal year 2024 amounted to \$8,055,787. Additional funding, although always needed to improve court systems, is incredibly potent in PSCs as they impact recidivism and other court-involved individuals and their outcomes (as well as the equity of access to courts and fairness to them).

### **Future challenges**

Nebraska's commitment to improving and expanding PSCs is clear, and if history is any guide, integrating essential data elements supports several positive outcomes. Continuous engagement of PSC participants and court personnel is essential; an ongoing and upcoming Strategic Plan for 2025 – 2030 will help imagine an increasingly fair and equitable future for all involved in the courts. This provides better access to a justice system for everyone in the courts, its personnel, those it services, and Nebraskans broadly.

APPENDIX 1

## State of Nebraska Problem-Solving Courts Map



**District 1** Coordinator: Christia Reaca  
 Southeast Nebraska Adult Drug Court: Nemaha Co. (Auburn),  
 Saline Co. (Wilber)

**District 2** Coordinators: Creaton Ashburn, Heather Moran  
 Sarpy County Adult Drug Court: Sarpy Co. (Papillion)  
 Sarpy County Reentry Court: Sarpy Co. (Papillion)  
 Sarpy County Wellness Court (Pilot): Sarpy Co. (Papillion)  
 Sarpy County Juvenile Drug Court: Sarpy Co. (Papillion)  
 Second Judicial District Veterans Treatment Court (Papillion)  
 Cass County Adult Drug Court: Cass Co. (Plainsmouth)

**District 3** Coordinators: Dean Rohwer, Jordan Bois, Talleigh Sorenson  
 Lancaster County Veterans Treatment Court: Lancaster Co. (Lincoln)  
 Lancaster County Adult Drug Court: Lancaster Co. (Lincoln)  
 Lancaster County DUI Court (Pilot): Lancaster Co. (Lincoln)  
 Lancaster County Family Dependency Courts (2): Lancaster Co. (Lincoln)

**District 4** Coordinators: Teresa Noah, Rob Owens  
 Douglas County Veterans Treatment Court: Douglas Co. (Omaha)  
 Douglas County Young Adult Court: Douglas Co. (Omaha)  
 Douglas County Adult Drug Court: Douglas Co. (Omaha)

**District 5** Coordinators: Morgan Campbell, Sarah Ryba  
 5th Judicial District Problem-Solving Court: Butler Co. (David City,  
 serving Calfax and Seward Counties also), Hamilton Co. (Aurora),  
 Merrick Co. (Central City), Platte Co. (Columbus), Saunders Co.  
 (Wahoo), York Co. (York)

**District 6** Coordinator: Brandon Jared  
 District 6 Adult Drug Court: Dodge Co. (Fremont),  
 Washington Co. & Burn Co. (Blair)

**District 7** Coordinator: Mar McManigal  
 Northeast Nebraska Adult Drug Court: Madison Co.  
 (Madison)

**District 8** Coordinator: Doug Stanton  
 North Central Adult Drug Court: Holt Co. (O'Neill), Custer  
 Co. (Broken Bow)

**District 9** Coordinators: Susan Haber, Angela Smith  
 Hall County Reentry Court: Hall Co. (Grand Island)  
 Central Nebraska Veterans Treatment Court: Hall Co. (Grand  
 Island), Buffalo Co. (Keamey)  
 Central Nebraska Adult Drug Court: Hall Co. (Grand Island),  
 Buffalo Co. (Keamey)

**District 10** Coordinators: Susan Haber, Angela Smith  
 Central Nebraska Veterans Treatment Court: Adams Co.  
 (Hastings)  
 Central Nebraska Adult Drug Court: Adams Co. (Hastings)

**District 11** Coordinator: Anne Power  
 Midwest Nebraska Problem-Solving Court: Dawson Co.  
 (Lexington), Lincoln Co. (North Platte)

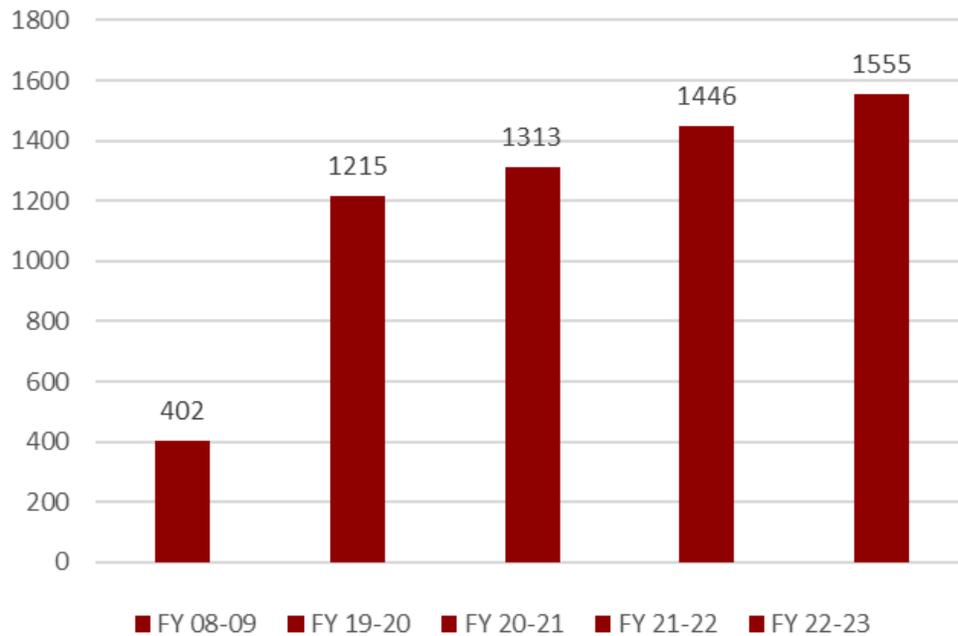
**District 12** Coordinator: Andee Hardesty  
 Scotts Bluff County Adult Drug Court: Scotts Bluff Co. (Gering)  
 Scotts Bluff County DUI Court (Pilot): Scotts Bluff Co. (Gering)



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## APPENDIX 2

### Total # Of Participants



**NOTE:** The data in this report, which is based on the calendar year, cannot be directly compared to the data represented in the above graph, as the graph illustrates information on a fiscal year basis. This information is for reference only (Judicial Resources Committee, 2023).



**Problem-Solving Courts  
Research and Data**

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