

## ***Adult Responsive Case Management Policy***

Approved:  
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### **I. Policy**

The methods utilized to accomplish case management shall include a variety of strategies relative to evidence-based research including assessment, motivational interviewing, matching appropriate treatment, facilitating cognitive behavioral and other groups, developing pro-social skills, engaging positive support systems, case planning, and the use of relevant tools.

Additionally, case management contributes in providing an increased level of safety and welfare for the community. Probation Officer's focus with probationers shall be on the quality of the exchange that occurs and the means by which Probation staff strives to help probationers accomplish meaningful change as an alternative to incarceration. Case management targets risk reduction by focusing on the criminogenic need areas through meaningful contacts and referrals as needed.

Because certain populations of probationers present unique challenges in case management, special approaches to management of these cases shall be taken and special programming used to target these unique needs. Those populations include, but are certainly not limited to:

- A. Sex Offenders
- B. Domestic Violence Offenders
- C. Specialized Substance Abuse Supervision
- D. Problem Solving Courts
- E. High Risk Drunk Drivers
- F. Individuals with Mental Health Issues
- G. Post-Release Supervision Probationers
- H. Very High Risk Probationers

### **II. Purpose**

To ensure the principles of evidence-based practices are fully incorporated into probation supervision practices, probation staff shall transition probationers to lower classification levels as soon as the probationer has earned transition based on their assessed level of risk.

Purpose

To create a seamless system of service delivery, built on the ideals of integrated supervision and coordination of resources in order to provide effective interventions for targeted probationers that produces effective outcomes.

### **III. Reference**

[Neb. Rev. Stat. § 47-619](#), The Community Corrections Act

[Neb. Rev. Stat. § 29-2262.02](#), Intensive Probation Supervision

[Neb. Rev. Stat. § 29-2262.03](#), Intensive Probation Supervision

[Neb. Rev. Stat. § 29-2262.04](#), Intensive Probation Supervision

[Neb. Rev. Stat. § 29-2262.05](#), Intensive Probation Supervision

[Neb. Rev. Stat. § 29-2262.06](#), Intensive Probation Supervision

[Neb. Rev. Stat. § 29-2264](#), Probation; completion; conviction may be set aside; conditions; retroactive effect

[Neb. Rev. Stat. § 29-2266](#), Probation; violation; procedure

[Neb. Rev. Stat. § 29-2267](#), Probation; revocation; procedure

[Neb. Rev. Stat. § 29-2268](#), Probation, violation; court; determination

[Neb. Supreme Court Rule § 6-1901](#). Custodial Sanctions,

[Neb. Supreme Court Rule § 6-1902](#). Custodial Sanctions for Interstate Compact Cases,

[Neb. Supreme Court Rule § 6-1903](#). Early Discharge from Probation.

[Neb. Supreme Court Rule § 6-1904](#). Post-Release Supervision

### **IV. Procedure**

#### **A. Confidentiality**

- a. All probation related information shall be held in strict confidentiality, consistent with the Adult Confidential Record Information Policy.

#### **B. Probation Fees**

- a. Service delivery fees vary depending on the type of services rendered. Notwithstanding court determinations regarding a probationer's ability to pay that might alter a fee schedule, standard service delivery fees as ordered by the Court and as appropriate, should be assessed and collected.

b. Administrative Enrollment and Monthly Programming Fees

- i. Whenever a district or county court sentences an adult to probation, including post-release supervision, the court shall require, per statute, that individual to pay a one-time, \$30.00, administrative enrollment fee and thereafter a monthly programming fee. The monthly probation programming fees are as follows:
1. The Administrative Enrollment Fee shall be paid in a lump sum upon the commencement of probation supervision. The Administrative Enrollment Fee is not subject to waiver and is to be collected each time an individual is sentenced to a term of probation, including post-release supervision.
  2. Individuals placed on probation and post-release supervision shall pay a monthly probation programming fee of twenty-five dollars (\$25.00), no later than the 10th day of each month, for the duration of probation.
  3. Individuals placed on intensive supervision probation shall pay a monthly probation programming fee of thirty-five dollars (\$35.00), no later than the 10th day of each month, for the duration of probation.
  4. No probationer shall be required to pay more than one monthly probation programming fee per month.

c. Court Waiver, Modification, or Suspension of Monthly Programming Fees

- i. The court shall waive the payment of monthly probation programming fees in whole or in part, if, after a hearing, a determination is made that such payment would constitute an undue hardship on the probationer due to limited income, his/her employment or school status, or due to a physical or mental handicap. Such waiver shall be in effect only during the period of time the probationer is unable to pay the monthly probation programming fee.

If at any time during the course of the probation and/or post-release supervision probation the probationer's financial situation improves and the probation officer believes programming fees should be reinstated if full or in part, the probation office shall seek reinstatement or increase of the monthly programming fee.

A probation officer shall not request a waiver of fees unless the probationer can prove undue hardship, including written documentation

required by the probationer to the court per 3(b), unless it is an approved interstate compact transfer out case.

- ii. If a probationer defaults in the payment of monthly probation programming fees or any installment thereof, the court may revoke the individual's probation sentence for non-payment, with the exception that probation shall not be revoked, nor shall the individual be imprisoned for such non-payment, to include custodial sanctions, if the individual is financially unable to make the payment, if he or she so states to the court in writing under oath, and if the court so finds after a hearing.
- iii. If the court determines the default in payment described above was not attributable to a deliberate refusal to obey the order of the court or failure on the probationer's part to make a good faith effort to obtain the funds required for payment, the court may enter an order allowing the probationer additional time for payment, reducing the amount of each installment, or waiving the fees or the unpaid portion in whole or in part.

d. Monthly Programming vs. Service Delivery Fees

The imposition of monthly probation programming fees shall be considered separate and apart from fees associated with the delivery of services.

e. Collection of Probationer Fees Involving Interstate Compact Cases

- i. Any adult probationer accepted for supervision pursuant to Neb. Rev. Stat. § 29-2639 or the Interstate Compact for Adult Offender Supervision shall be assessed a one-time administrative enrollment fee of thirty dollars (\$30.00), a monthly probation programming fee of twenty-five dollars (\$25.00), and a monthly substance abuse testing fee, if applicable, during the period of time the probationer is actively supervised by Nebraska Probation authorities. The Nebraska Probation System Interstate Compact Supervision Fee shall be clearly communicated to the Interstate Compact probationer and shall be retained in the district file.
- ii. Interstate Compact probationers shall be directed to the respective clerk of the county court to render payment of the aforementioned fees.
- iii. To ensure the proper recording of the aforementioned fees by Interstate Compact probationers by staff of the respective county court clerk's office utilizing JUSTICE, Probation staff shall be mindful of clearly informing these probationers what types of fees shall be paid, to secure a receipt of payment from the clerk's office, and thereafter provide a copy of the receipt to their supervising probation officer.

iv. As it applies to Nebraska probationers who are requesting the supervision of their probation term be transferred to another state, fees shall remain in effect until official notification occurs from the receiving state that supervision has been accepted. At that point, it would be appropriate to modify the individual's probation order and eliminate any provisions regarding the administrative enrollment, monthly probation programming, or substance abuse testing fees. Such fees shall be reinstated should the probationer return to the State of Nebraska for supervision.

f. Collection and Recording of Fees

i. In order to assure service delivery fees, the administrative enrollment fee, and monthly probation programming fees are being properly monitored and collected, these respective fees shall be specifically ordered by the court and incorporated within an individual's probation order.

ii. Probation officers shall monitor and enforce the payment of service delivery fees, the administrative enrollment fee, and monthly probation programming fees. Whenever practical and feasible, Probation staff shall direct probationers to the respective county or district court clerks to render the payment of all assessed fees, restitution amounts, and fines or court costs.

iii. Upon payment to the court, a copy of the receipt shall be provided to the probationer and the probationer shall provide a copy of the receipt to his/her supervising probation officer for record-keeping purposes.

iv. Communication between Probation and court staff regarding the waiver or reinstatement of monthly probation programming fees as circumstances might dictate is encouraged.

v. All information relating to the collection of fees or related costs, fines, and restitution shall be recorded within the Nebraska Probation information system.

vi. Any fees paid in advance are nonrefundable.

C. Responsive Case Management

Responsive Case Management levels of supervision are established during the investigation stage or after sentencing if it is a direct probation. Probation officers shall

apply responsive case management strategies in a consistent and comprehensive manner relative to the targeted risk level. Those levels are as follows:

- a. Alternatives to Incarceration (AI)
  - i. Adult probationers involved in Alternatives to Incarceration programming have been targeted to be at the highest level of supervision by the Nebraska Probation Administration.
  - ii. The first priority of supervision resources by the Nebraska Probation Administration shall be the case management of these cases. Probation officers will use all available interventions pertinent to high level of assessed risk, specific to the program in which the probationer is involved, related to and precipitating criminogenic behaviors, and/or as ordered by the Court. Probationers in Alternatives to Incarceration (AI) programming probationers will be intensively supervised.
  - iii. Caseload size for an Adult Alternatives to Incarceration (AI) consisting of specifically IA level cases should not exceed suggested caseload levels consistent with the Nebraska Probation System's Community Safety Impact Model.
  - iv. Adult Alternatives to Incarceration (AI) probationers shall be advised of the expectations of their individual IA program as part of their intake onto probation.
  - v. All probation officers supervising an Adult Alternative to Incarceration (AI) Probation case shall have the appropriate probation experience, training, and skills.
- b. Adult Community-Based Intervention (CBI) Probation
  - i. Adult Community-Based Intervention (CBI) probationers have been targeted to be the second highest level of supervision by the Nebraska Probation Administration.
  - ii. The second priority of supervision resources by the Nebraska Probation Administration shall be the case management of these cases. Probation officers will use available interventions pertinent to high levels of assessed risk, related to and precipitating criminogenic behaviors, and/or as ordered by the Court. Adult Community-Based Intervention (CBI) probationers will be intensively supervised.

- iii. Caseload size for an Adult Community-Based Intervention (CBI) Probation consisting of specifically CBI level cases should not exceed suggested caseload levels consistent with the Nebraska Probation System's Community Safety Impact Model.
  - iv. Adult Community-Based Intervention (CBI) probationers shall be advised of the expectations of CBI as part of their intake onto probation.
  - v. A statutory sentence to intensive supervision probation shall be supervised under Adult Community-Based Intervention (CBI) Probation.
  - vi. All probation officers supervising an Adult Community-Based Intervention (CBI) Probation case shall have the appropriate probation experience, training, and skills.
- c. Adult Community-Based Resource Medium High (CBR-MH) Probation
- i. Adult Community-Based Resource Medium High (CBR-MH) risk probationers have been targeted to be appropriate for a medium-high level of supervision.
  - ii. Probation officer's engagement for Adult Community-Based Resource Medium High (CBR-MH) risk probationers is to be just below that of an Adult Community-Based Intervention (CBI) probationer and shall be the third priority of supervision resources by the Nebraska Probation Administration. Probation officers will broker for targeted services and probationers will be actively supervised with some intensive supervision done on areas identified to be at high risk.
  - iii. Caseload size for an Adult Community-Based Resource, Medium High (CBR - MH) Probation consisting of specifically CBR - MH level cases should not exceed suggested caseload levels consistent with the Nebraska Probation System's Community Safety Impact Model.
  - iv. Adult Community-Based Resource Medium High (CBR-MH) risk probationers shall be advised of the expectations of CBR-MH as part of as part of their intake onto probation.
- d. Adult Community-Based Resource Medium Low (CBR-ML) Probation
- i. Adult Community-Based Resource Medium Low (CBR-ML) risk probationers have been targeted to be appropriate for a medium level of supervision.

- ii. Probation Officer’s engagement is to be below that of an Adult Community-Based Resource Medium High (CBR-MH) risk probationer. In addition, probation officers will broker for targeted services and probationers will be actively supervised.
  - iii. Caseload size for an Adult Community-Based Resource Medium Low (CBR-ML) risk caseload consisting specifically of CBR – ML level cases generally should not exceed caseload levels consistent with the Nebraska Probation System’s Community Safety Impact Model.
  - iv. Adult Community-Based Resource Medium Low (CBR- ML) risk probationers shall be advised of the expectations of CBR-ML as part of as part of their intake onto probation.
- e. Adult Community-Based Resource Low (CBR-L) Probation
- i. Adult Community-Based Resource Low (CBR-L) risk probationers have been targeted to be appropriate for a low level of supervision.
  - ii. Probation staff’s supervision of Adult Community-Based Resource Low (CBR-L) risk cases shall be driven by responsive supervision and the brokering for court-ordered conditions of probation and available services. Probationers will be reactively supervised unless active supervision is necessary for a problem area.
  - iii. Caseload size for an Adult Community-Based Resource Low (CBR-L) risk caseload consisting specifically of CBR – L level cases generally should not exceed caseload levels consistent with the Nebraska Probation System’s Community Safety Impact Model.
  - iv. Adult Community-Based Resource Low (CBR-L) risk probationers shall be advised of the expectations of CBR-L as part of as part of their intake onto probation.
- f. Adult Community-Based Resource Very Low (CBR-VL) Probation
- i. Adult Community-Based Resource Very Low (CBR-VL) risk probationers have been targeted to be appropriate for very low supervision.
  - ii. Probation staff’s supervision of Adult Community-Based Resource Very Low (CBR-VL) risk cases shall be driven by reactive supervision and the brokering of ordered conditions of probation.

- iii. Caseload size for Adult Community-Based Resource Low (CBR-VL) risk caseload consisting specifically of CBR – VL level cases generally should not exceed caseload levels consistent with the Nebraska Probation System’s Community Safety Impact Model.
  - iv. Adult Community-Based Resource Very Low (CBR-VL) risk probationers shall be advised of the expectations of CBR-VL as part of their intake onto probation.
- g. Adult Administrative Override Probation
- i. Adult Administrative Override Probation cases shall fit into one of the following definitions:
    - 1. Traffic cases (not to include Driving Under the Influence, Motor Vehicle Homicide, Felony Driving Under Suspension)
    - 2. Probation term 179 days or less
    - 3. As ordered by a Judge
    - 4. Class V Misdemeanor
  - ii. Probation staff’s supervision of Adult Administrative Override Probation cases shall be driven by passive supervision and the brokering of ordered conditions of probation.
  - iii. Caseload size for an Adult Administrative Override Probation caseload is unlimited.
  - iv. Adult Administrative Override probationers shall be advised of the expectations of Adult Administrative Override Probation as part of as part of their intake onto probation.
- h. Adult Administrative Probation
- i. The probationer placed in the Adult Administrative Probation level of supervision shall fit into one of the following definitions:
    - 1. Interdistrict Transfer and Courtesy Investigations to another district
    - 2. Adult Interstate Compact Cases Supervised by Other States

3. Absconders
  4. Warrants
  5. In Custody for 31 days or longer (i.e., up-front jail time)
  6. Appeals
  7. Those that have been deported.
- ii. Probation staff's supervision of Adult Administrative Probation cases shall require the periodic update of the case details.
  - iii. Caseload size for an Adult Administrative Probation caseload is unlimited.
  - iv. Once an Adult Administrative Probation case has reached a concluding result, the case is to be immediately moved to the assessed supervision level or appropriately closed.
- i. Direct Probation
 

Unless qualified as a case to be classified as Administrative Override:

    - i. Adults placed on direct probation for more than 179 days shall be assessed to determine risk/need level within 30 days of sentence.
    - ii. All adults reporting to the probation office as a result of being placed on direct probation at sentencing shall be required to complete the Probationer Information Worksheet (PIW).

D. Override

- a. At times a probationer may need to be classified at levels higher, or lower, than the formal assessments indicate. Facts of a case, precipitating behaviors or other available information regarding a probationer's history may provide details not accounted for during the formal or informal assessment completed on an individual. In these instances, a case should be considered for an override to a higher, or lower, classification level.
- b. An Override should occur within the first 30 days of a probation sentence. Once case management has commenced in earnest, upward or downward movement in classification shall be considered.

- c. An override can also be considered at the time of a formal reassessment when the assessed level doesn't match with case management needs of the case. Any case scoring as below "high" risk during a formal reassessment and remaining at CBI beyond the time frame shall be reviewed for override.
- d. If overridden, the reasoning behind an override shall be clearly articulated in the Nebraska Probation information system.
- e. Because certain populations are automatically classified as Adult Alternatives to Incarceration or Community Based Intervention, an Override shall not be required at the outset of probation.
- f. Cases classified as Administrative Override shall not be considered for override at any time.

E. Reassessment

- a. All cases classified at Adult Alternatives to Incarceration, Community-Based Intervention (CBI) Probation and Adult Community-Based Resource Medium High (CBR-MH) Probation shall be reassessed at a minimum of every six months or as situations encountered during supervision of the case dictates.
- b. Those cases classified as Adult Community-Based Resource Medium Low (CBR-ML) Probation, Adult Community Based Resource Low (CBR – L) and Adult Community-Based Resource Very Low (CBR-VL) Probation risk cases do not require the completion of routine reassessments unless required due to a relocation request, a new law violation or an identified need for increase in supervision level.

F. Transition

- a. General Transition
  - i. Major violations include new law violations, absconding from supervision or continued evidence of high risk behaviors
  - ii. Probationers will be transitioned based upon their risk assessment when they have had no major violations in the preceding six month period and they are in compliance with probation terms and conditions.
- b. Prior to the reclassification of a probationer to either a higher level of supervision or to a lower level of supervision, the officer shall consider:

- i. The probationer's progress as it applies to their behavior change, as identified through a reduction or increase in dynamic criminogenic need domains.
- ii. Documented indicators of progress or regression in their targeted interventions.
- iii. The probationer's current stage of change:
- iv. Transition/Planning Summary Narrative

Details the probationer's current status and identifies any recommendations for future placements. All officers shall complete a Transition Summary Narrative on all cases being transitioned. For cases being transitioned between AI and CBI, CBI and CBR – MH, or CBR – MH and CBR –ML, a Transition Collaborative Meeting, is required.

c. Transition for Absconders

- i. Any probationer who absconds (An Absconder shall be defined as any probationer that has avoided supervision for a period of at least 15 days (failed to report for appointments, programming, testing, etc. at the probation office, failed to report for required treatment or other services, etc.) and whom the probation officer, despite their best efforts, has been unable to locate through known family members, at home, work, school or other locations) shall be subject to the issuance of an arrest and detention authorization per Neb. Rev. Stat. § 29-2266, submission of a Violation Report to the prosecuting authority and the case shall be moved to an administrative level of supervision.

d. Specialized Transition

- i. Domestic Violence Probationer Transition

No domestic violence offender on probation in adult court shall be transitioned to a lower level of supervision from an Adult Alternatives to Incarceration (AI) or Adult Community-Based Intervention (CBI) Probation level of supervision while on probation without written approval from the Domestic Violence Programs Services Specialist or the Probation Administrator (or Administrator's designee.)

- ii. Sex Offender Probationer Transition

No sex offender on probation in adult court shall be transitioned to a lower level of supervision from an Adult Alternatives to Incarceration (AI) or Adult Community-Based Intervention (CBI) Probation level of supervision while on probation without written approval from the Domestic Violence Programs Services Specialist or the Probation Administrator (or Administrator's designee.)

- iii. If applicable, when transitioning down to a lower level of supervision from Intensive Supervision Probation (ISP), a reduction in fees requiring a modification of the court order to reduce fees from intensive supervised probation to a lower level is necessary

G. Response to Non-Compliance

Administrative sanctions, custodial sanctions or motion to revoke shall be imposed to address probationer incidents of non-compliance with supervision as per Neb. Rev. Stat. § 29-2266, Probation; violation; procedure.

H. Sanctioned Forms of Release from Probation

Probation officers shall request a formal discharge of probationers from their respective Orders of Probation as outlined in Neb. Rev. Stat. § 29-2264 and Nebraska Supreme Court Rule § 6-1903.

I. Testifying:

- a. Probation Staff shall testify at all probation related hearings as requested.
- b. When testifying factual information shall be reported, answers shall be focused on the reason the staff member was requested to testify.
- c. Only necessary items and information related to the hearings focus shall be taken to the hearing.
- d. Attire worn to testify shall comply with the Nebraska Supreme Court Dress Code.

