

July. 1, 2013 – June. 30, 2014

## 2013 State of Nebraska Continuous Alcohol Monitoring (CAM) Summary Report

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### Background

#### RULE GOVERNING APPROVAL OF CONTINUOUS ALCOHOL MONITORING (CAM) DEVICES AND MEANS OF INSTALLATION

**1. Statutory Authority.** This rule is promulgated under the authority of Neb.Rev.Stat. § 60-6,211.09 (Cum. Supp. 2006).

**2. Purpose.** The purpose of this rule is to establish standards for continuous alcohol monitoring and for the approval, installation and use of such devices by individuals sentenced to probation.

The goal of the CAM Program is to offer the courts, Parole Board, Probation and Parole Officers technology in context to the supervision strategies of offenders with a substance-abuse problem and under community supervision. The objective is to provide a meaningful period of abstinence that would promote behavioral change. Ideally, the technology would be ordered in conjunction with a substance-abuse evaluation and if deemed appropriate, some form of treatment. The Office of Probation Administration provides a financial- assistance component to the offender based on federal poverty guidelines.

### Target Populations

The target populations for the CAM program are as follows: Any adult offender as determined by the courts, Parole Board, Problem-Solving Court; part of a sanction that requires alcohol abstinence as a condition of supervision; Offenders engaged in a chemical dependency treatment program that have demonstrated an inability to refrain from the use of alcohol while under supervision. Participants are eligible for financial assistance for up to 120 days of CAM monitoring.

### CAM Program Summary (2013)

- ❑ 1,413 CAM program participants were supervised in 2013. (1000 Probation vs. 413 Parole)
- ❑ 58 County Courts (73 judges), 12 District Court Districts (28 judges), 12 Probation Districts (166 probation officers), 11 Parole Office locations (67 parole officers) utilized the program.
- ❑ 111,627 total monitored days were provided to the courts.
- ❑ 5,188,479 transdermal alcohol tests / Avg. 3,672 transdermal tests per participant.
- ❑ 79 days average length of time of SCRAM monitoring.
- ❑ 85% Compliance rate (an overall period of monitoring with no confirmed tamper or drinking events).
- ❑ 106,046 Sober Days or 99.5% (defined as a 24 hour period of time where the program participant had no confirmed drinking or tamper events)
- ❑ 303 total active participants at the end of 2013.

## CAM Program over Time

The CAM program saw a slight increase in the number of program participants that were supervised. In 2013 there were 1,413 program participants compared to 1,195 program participants in 2012. To date there have been a total of 7,098 CAM program participants since the inception of the program. Compliance rates continue to remain steady (85%) over the past two years, when compared to (77%) when the program was first implemented in 2007. Several possibilities can account for the increase in program utilization and subsequent increase in compliance rates. Possibilities include technological advancements in the monitoring technology, education and awareness campaigns, consistency from the judicial bench in addressing issue of noncompliance to ensuring swift and certain responses from probation and parole officers. Over the past five years, one of the keys to the success of the program has been the executive leadership and oversight of the program from the AOC office. Activities such as ongoing education and training for the judges and probation / parole officers have also contributed to the success of the program

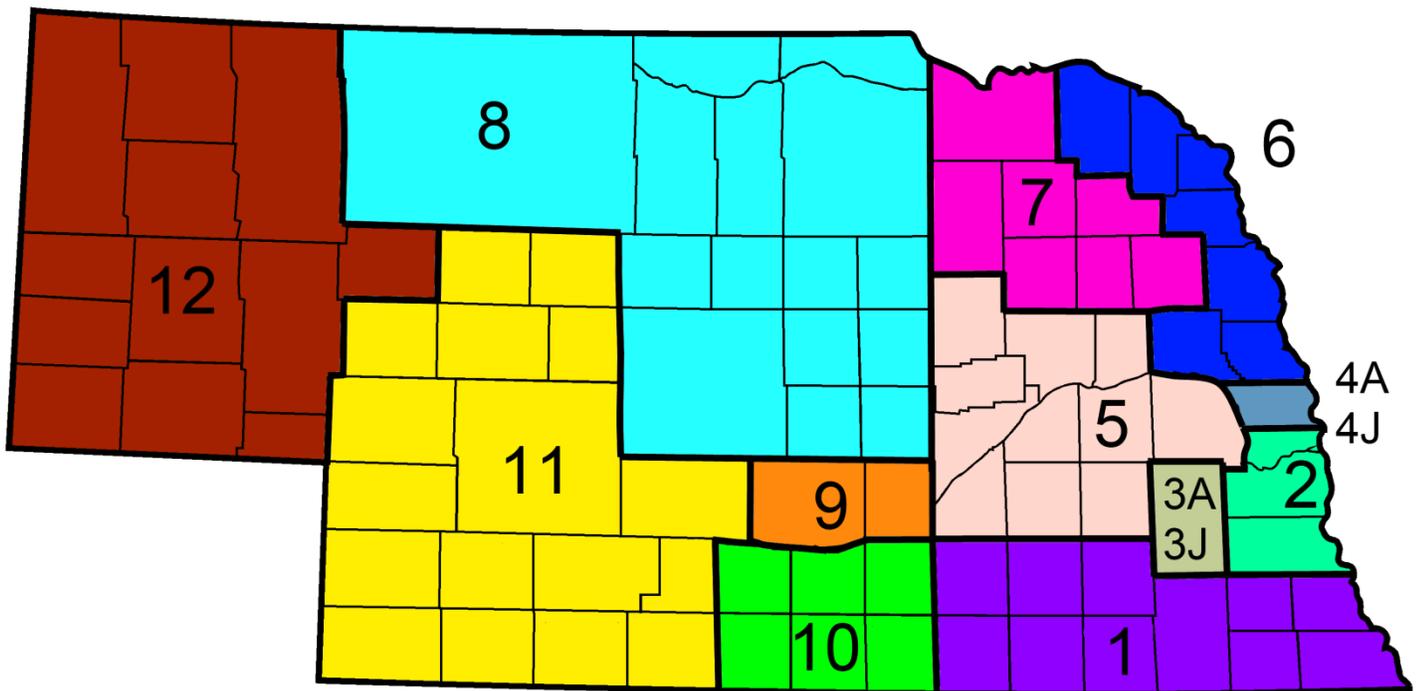
## CAM Program Summary

| <b>Year</b>  | <b>Participants Monitored</b> | <b>Participants Exiting Program</b> | <b>Compliance Rate</b> | <b>Avg. Time Assigned For Exiting Participants</b> | <b>Total Monitored Days</b> |
|--------------|-------------------------------|-------------------------------------|------------------------|--|-----------------------------|
| 2007         | 489                           | 325                                 | 0.777                  | 74.0 days  | 36,186                      |
| 2008         | 677                           | 530                                 | 0.811                  | 78.6 days  | 53,212                      |
| 2009         | 1,055                         | 819                                 | 0.791                  | 86.3 days  | 91,047                      |
| 2010         | 1,146                         | 949                                 | 0.869                  | 79.5 days  | 91,680                      |
| 2011         | 1,092                         | 925                                 | 0.847                  | 78.4 days  | 85,613                      |
| 2012         | 1,195                         | 1040                                | 0.87                   | 77.8 days  | 93,210                      |
| 2013         | 1,413                         | 1,201                               | 0.85                   | 79 days  | 111,627                     |
| <b>Total</b> | <b>7,098</b>                  | <b>5,789</b>                        | <b>0.837</b>           | <b>78 days</b>                                     | <b>562,578</b>              |

## The CAM Service Provider Network

The State of Nebraska AOC office has a list of approved CAM service providers who have been approved and authorized to deliver CAM services across the state. The authorized provider network must meet specific standards established by the AOC office. The provider network is subject to quality control audits to ensure compliance with rules and regulations.

- ❑ Vigilnet of Nebraska in Omaha.(Probation Districts 1, 2, 3A, 3J, 4A, 4J, 5, 6, 7, 8, 9 and 10)
- ❑ Addiction Counseling & Consultation in Scottsbluff (Probation District 12)
- ❑ The Counseling Center in North Platte (Probation District 11)



## CAM Referral Sources

CAM program participants are referred from three distinct entities across the state of Nebraska -- County Courts, District Courts, and the Parole Offices / Parole Board. In 2013 reporting data indicated that 102 unique judges issued CAM orders across a variety of different alcohol related offenses.

- ❑ 28 District Court Judges representing all 12 Judicial Districts
- ❑ 91 County Court Judges representing 65 County Courts.
- ❑ All Probation and Parole Districts participated in the program.

## CAM Program Daily Monitoring Cost Analysis

### Daily Monitoring Cost Breakdown

Below is a chart illustrating annual subsidy dollar amounts spent on CAM including separate Probation and Parole billing data. This data is helpful in determining the different costs and subsidy rates associated with the different referral sources. The data suggests that Parole cases receive a significantly higher rate of fee subsidy than Probation cases. This is because Parole participants are assessed and determined to be less able to pay a portion of the CAM daily fee. As you can see the Parole population accounts for a much smaller population, only 30% of the days monitored, yet accounted for 40% or \$257,160 of the total amount subsidized. The average daily subsidy cost for Parole cases is \$9.77 while Probation is \$8.60. This data suggests that Parole cases receive roughly 14% more subsidy than Probation cases.

| Client type | Total Subsidized | % of Amount Billed | Avg. Daily Cost | % of Monitored Days |
|-------------|------------------|--------------------|-----------------|---------------------|
| Probation   | \$399,281        | 60%                | \$8.60          | 70%                 |
| Parole      | \$257,160        | 40%                | \$9.76          | 30%                 |

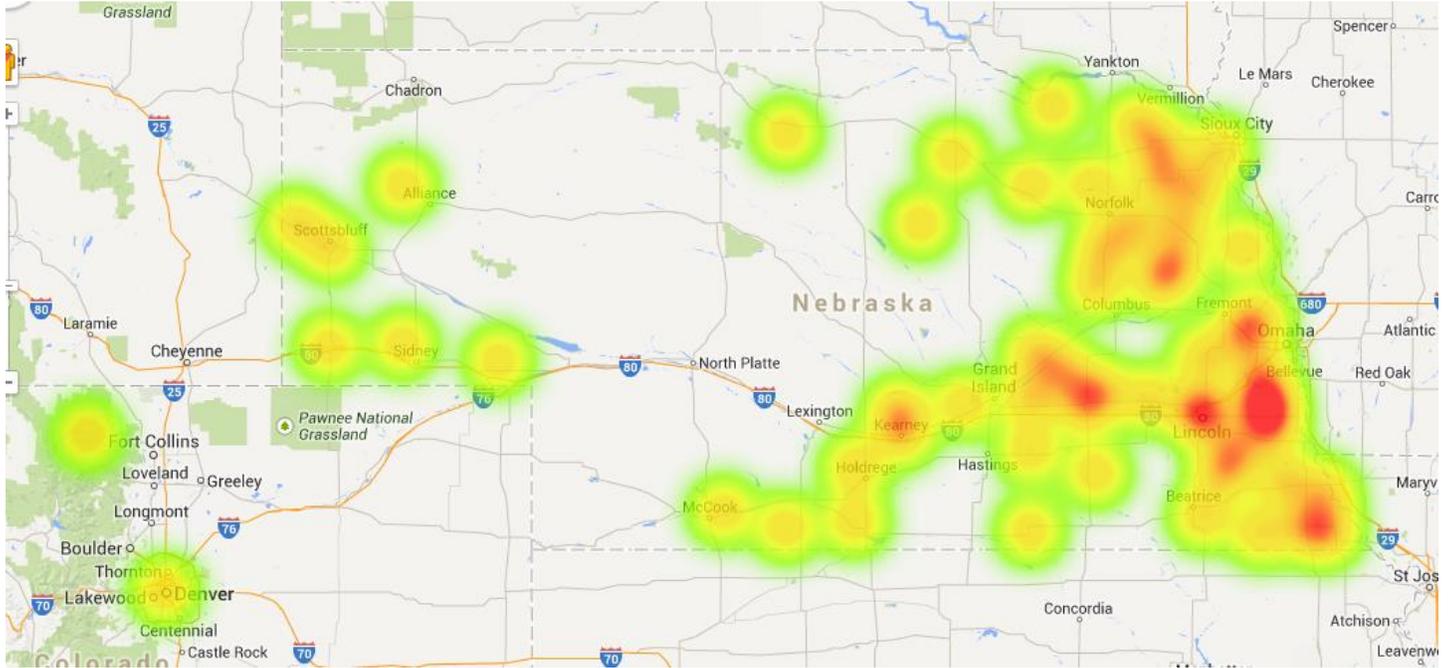
### Agency Type

- Program participation broken down by supervising / referring agency.

| Sentence Type | N    | Percent |
|---------------|------|---------|
| Probation     | 1000 | 71%     |
| Parole        | 413  | 29%     |

There was statically no change in utilization from Probation and Parole from 2012. Both Probation and Parole have increased usage of the CAM program which can be attributed to an increase in direct parole orders from the parole board and increase in community supervision orders from parole officers and Probation continued education of the CAM program and Officer acceptance.

## Heat map of Participants Monitored by County



| County            | # | County     | # | County   | # | County   | # | County   | #  | County       | #   |
|-------------------|---|------------|---|----------|---|----------|---|----------|----|--------------|-----|
| Brown             | 1 | Nemaha     | 1 | Kearney  | 2 | Antelope | 4 | Holt     | 7  | Gage         | 20  |
| Cass              | 1 | Nuckolls   | 1 | Merrick  | 2 | Cuming   | 4 | Thurston | 7  | Red Willow   | 24  |
| Dawson            | 1 | Pawnee     | 1 | Pierce   | 2 | Hamilton | 4 | Kimball  | 8  | Platte       | 27  |
| Denver, Colorado  | 1 | Richardson | 1 | Stanton  | 2 | Otoe     | 4 | Furnas   | 10 | Scotts Bluff | 68  |
| Fillmore          | 1 | Washington | 1 | Thayer   | 2 | Saunders | 4 | Adams    | 13 | Buffalo      | 75  |
| Johnson           | 1 | York       | 1 | Valley   | 2 | Burt     | 5 | Wayne    | 14 | Sarpy        | 82  |
| Knox              | 1 | Box Butte  | 2 | Clay     | 3 | Cedar    | 5 | Dakota   | 16 | Lancaster    | 224 |
| Larimer, Colorado | 1 | Cass       | 2 | Colfax   | 3 | Seward   | 5 | Dodge    | 16 | Madison      | 196 |
| Morrill           | 1 | Deuel      | 2 | Garfield | 3 | Phelps   | 6 | Cheyenne | 17 | Douglas      | 407 |
|                   |   | Harlan     | 2 | Polk     | 3 | Dixon    | 7 | Lincoln  | 19 | Hall         | 54  |

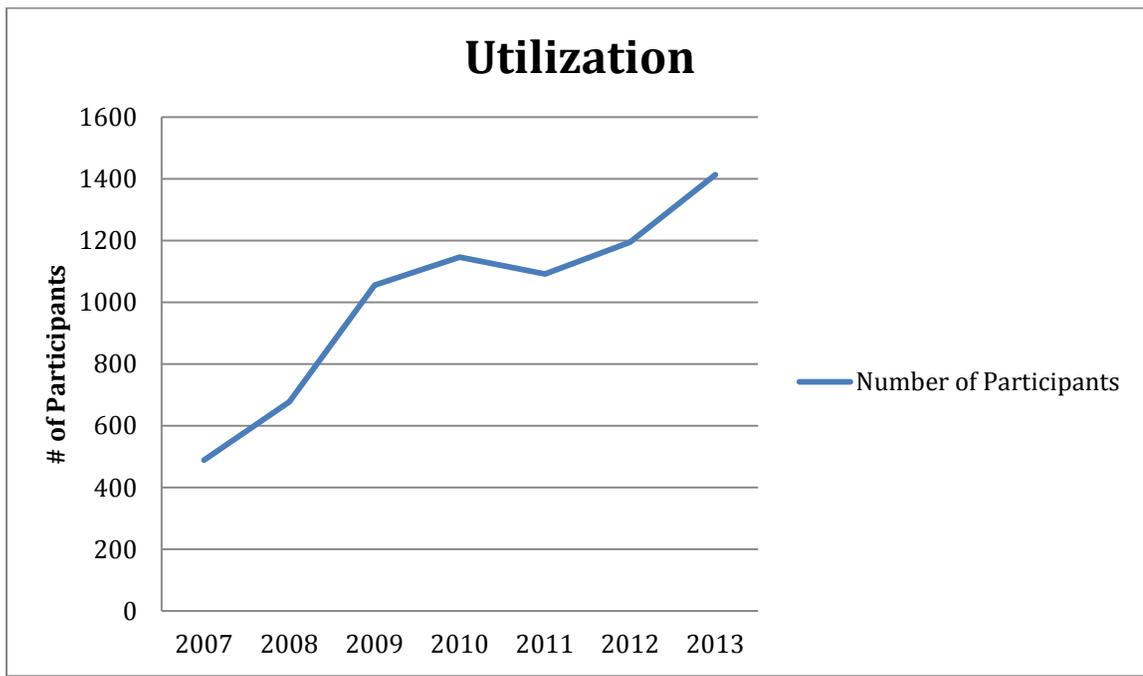
## CAM Utilization

2013 utilization trends showed stable participation across the probation and parole agencies and an increase in the utilization of referral sources coming from the District and County Courts. There was

an overall 18% increase in program utilization in 2013 totaling (218 clients). It is important to note that every probation district and parole office supervised clients in the program. The heat map depicts the counties with the highest number of clients enrolled in the CAM program. The counties with the largest populations (Douglas, Sarpy) naturally have the largest number of CAM program participants.

- ❑ 1,413 CAM Program Participants
- ❑ 12 Probation Districts (166 probation officers) – net Increase of 16 probation officers.
- ❑ 11 Parole Office locations (67 parole officers) – net increase of 14 parole officers.
- ❑ 303 Active Clients under SCRAM Supervision – net increase of 53 clients to avg. daily population. (+6%)
- ❑ Probation accounts for 71% of referrals vs. Parole who accounts for 29% of referrals

What is noted in the 2013 report is that there was a continued increase in the Parole utilization from 2012 (354 participants) to the 2013 number (413 participants) this is an increase of 59 participants (+17%) over the last year. Probation also continues its increased usage of the CAM program from its 2012 (841 Participants) to its 2013 numbers of (1000 Participants) an increase of 159 Participants or +19%.



## CAM Program Participant Demographic Data

### Age & Gender & Ethnicity

- Offender profiles of program participants identified 1132 males (80%) and 280 (20%) females which was statically the same as the 2012 number.
- The average age for program participants is 35 yrs.
- The most prominent age group for men and women are those born between the years of 1980 – 1990. (550+ program participants)
- The oldest age group represented was those born between the years of 1940 – 1950. (20+ program participants that range between 64 and 74 yrs. old.
- The youngest age groups represented were those born between the ages of 1991 – 1996. (200+ program participants)

**Offense Type**

Participants enter the program for a variety of offenses, but most of the participants (67%) enter the program for DUI offenses. The table below outlines the distribution of offense types among participants. It appears that alcohol related offenses (DUI, Agg. Assault, Assault, MIP, DV) account for ¾ of the participants in the program.

| <b>Offense Type</b> | <b># of Offenders</b> | <b>Percent</b> |
|---------------------|-----------------------|----------------|
| DUI Offenses        | 944                   | 67%            |
| Aggravated DUI      | 46                    |                |
| 1st                 | 366                   |                |
| 2nd                 | 153                   |                |
| 3rd                 | 243                   |                |
| 4th                 | 107                   |                |
| 5th                 | 29                    |                |
| Narcotics           | 91                    | 6%             |
| Assault             | 52                    | 4%             |
| Burglary            | 45                    | 3%             |
| MIP                 | 33                    | 2%             |
| Resisting Arrest    | 31                    | 2%             |
| Robbery             | 16                    | 1%             |
| Domestic Violence   | 23                    | 1%             |
| Probation Violation | 17                    | 1%             |
| Larceny             | 8                     | >1%            |
| Other               | 153                   | 12%            |
| <b>Total</b>        | <b>1413</b>           | <b>100%</b>    |

## Ethnicity

Enclosed is a comparison of the program participant's race demographic vs. 2012 U.S. Census Data for Nebraska.

| <b>Ethnicity</b>                  | <b># of Offenders</b> | <b>Percent</b> | <b>Nebraska Census</b> |
|-----------------------------------|-----------------------|----------------|------------------------|
| White, not of Hispanic Origin     | 1037                  | 73%            | 89.9%                  |
| Hispanic                          | 121                   | 9%             | 9.7%                   |
| Black, not of Hispanic Origin     | 108                   | 8%             | 4.8%                   |
| American Indian or Alaskan Native | 66                    | 5%             | 1.3%                   |
| Asian or Pacific Islander         | 11                    | 1%             | 2.0%                   |
| Unspecified                       | 70                    | 5%             |                        |

## Measures of Success (Compliance Rate vs. Sober Days)

Successful program completion can be defined in two different ways. In the past AMS has started with the assumption that a period of time where an individual is ordered by the court to abstain from drinking as monitored by a continuous alcohol monitoring device is the benchmark for determining compliant behavior. The second successful completion is measured as completion of the assigned monitor period without a confirmed tamper or drinking event. Participants exiting the program in 2012 were considered. The other way to measure success is to provide a quantification of the total number of days a program participant was sober during their period of monitoring as defined by a 24 hour period of monitoring where there were no confirmed drinking or tamper events thus a sober day.

- 85% compliance rate (212 of 1413 non-compliant participants).
- 99.5% sober day rate (106,046 out of 111,627 total monitored day were sober days)

- 4% of participants had at least one confirmed drinking event (60 out of 1413 participants).
- 13% of participants had at least one confirmed tamper event (153 out of 1413 participants).
- 3% of participants had both confirmed tamper and confirmed drinking events (32 out of 1413 participants).
- 106,046 Sober Days provided by the Nebraska CAM Program.

### **Non-Compliance (Definition)**

**Protocol:** Non-compliance (confirmed drinking or tampering event) during the court ordered period of CAM monitoring is reported to the supervising entity according to the officer's individual preference (e-mail or phone call). Confirmed drinking or tampering events result in notification to the supervising officers within one business day per AOC standards. The supervising officer has the discretion to respond to the confirmed drinking or tamper event with several options. The response options range from issuing a verbal reprimand to administrative sanctions, a formal violation hearing, or termination from CAM supervision and possible revocation proceedings.

**Drinking:** A confirmed drinking event is triggered when SCRAMx device detects a transdermal alcohol level of .020 or greater. The confirmed drinking event must meet specific absorption and elimination rates that are specific to how the human body processes alcohol. AMS will provide several forms of court support once a confirmed drinking event has been identified.

- There were a total of 60 clients (4%) that had confirmed drinking events
- There were a total of 165 confirmed drinking events
- The highest total confirmed drinking event count was 16 for 1 individual participant
- There were 29 individuals who had 1 confirmed drinking event representing 48% of the 60 participants with confirmed alcohol consumption.

**Tampering:** A confirmed tamper is defined as an attempt to defeat the SCRAMx technology by preventing the transdermal alcohol testing process from occurring over a defined period of time (6-8 hours). Confirmed tampers will result in notification within one business day to the supervising entity. The client is then faced with a possible increase in administrative sanctions, a formal violation, or termination from SCRAMx supervision. In most cases, tampers are handled differently based on the type and severity of the tamper.

- There were a total of 169 clients (12%) that had confirmed tamper events
- There were a total of 324 confirmed tamper events
- The highest total confirmed tamper event count was 19 for 1 individual participants
- There were 106 individuals who had 1 confirmed tamper event representing 63% of the non-compliant individuals

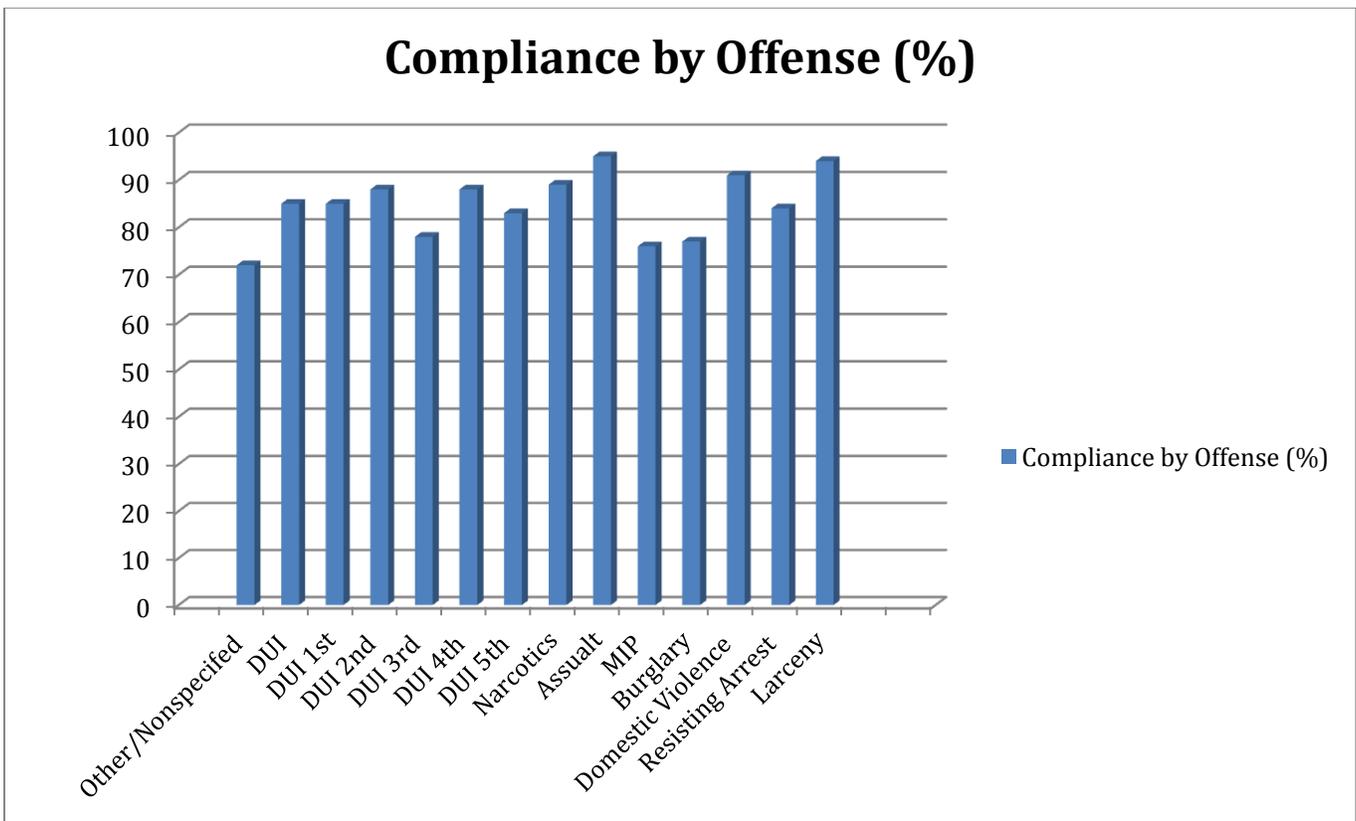
**Drinking and Tampering:** Individuals are classified when they have both a confirmed drinking and tamper event while under SCRAMx supervision.

- There were 37 individuals who has both confirmed drinking and tamper events

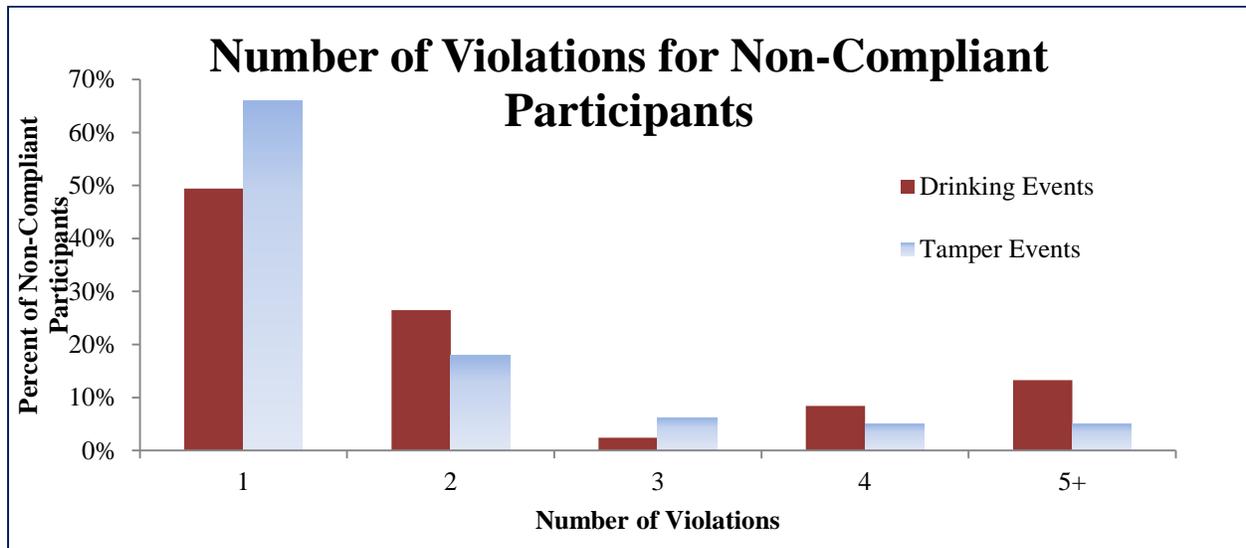
- The individual with the highest total drinking (16) and tamper (14) events was monitored for a total of 120 days

**Compliance by Offense**

Below Compliance is broken down by the Offense Type category. These charts show the Compliance rates of each offense type individually. These numbers are comprised from total population of the program. The chart below the graph shows each offense type broken down and illustrates confirmed drinking and tampering events. Take note a single individual can account for multiple drinking and tampering confirmations.



| <b>Offense Type</b> | <b>Compliance by Offense (%)</b> | <b># of Offenders</b> | <b>Confirmed Alcohol</b> | <b>Confirmed Tamper</b> |
|---------------------|----------------------------------|-----------------------|--------------------------|-------------------------|
| DUI (ALL)           | 85%                              | 944                   | 93                       | 195                     |
| DUI 1st             | 85%                              | 366                   | 43                       | 66                      |
| DUI 2nd             | 88%                              | 153                   | 17                       | 20                      |
| DUI 3rd             | 78%                              | 243                   | 27                       | 79                      |
| DUI 4th             | 88%                              | 107                   | 5                        | 21                      |
| DUI 5th             | 83%                              | 29                    | 1                        | 9                       |
| Narcotics           | 89%                              | 91                    | 7                        | 13                      |
| Assault             | 95%                              | 52                    | 0                        | 5                       |
| MIP                 | 76%                              | 33                    | 10                       | 6                       |
| Burglary            | 77%                              | 45                    | 15                       | 6                       |
| Domestic Violence   | 91%                              | 23                    | 0                        | 4                       |
| Resisting Arrest    | 84%                              | 31                    | 1                        | 9                       |
| Larceny             | 94%                              | 8                     | 0                        | 1                       |
| Other/Nonspecific   | 72%                              | 232                   | 39                       | 85                      |
| <b>Total</b>        |                                  | <b>1413</b>           | <b>165</b>               | <b>324</b>              |



### Compliance by Ethnicity

Enclosed is a breakdown of Compliance by Ethnicity. The chart below illustrates the different ethnicities Compliance rates as well as Confirmed Alcohol and Tampering events. These compliance rates are based off entire population of the program.

| <b>Ethnicity</b>               | <b># of Offenders</b> | <b>Confirmed Alcohol</b> | <b>Confirmed Tampers</b> | <b>Compliance by Ethnicity</b> |
|--------------------------------|-----------------------|--------------------------|--------------------------|--------------------------------|
| Caucasian                      | 1037                  | 90                       | 195                      | 73%                            |
| Hispanic                       | 121                   | 10                       | 28                       | 88%                            |
| Black, not of Hispanic Origin  | 108                   | 31                       | 44                       | 89%                            |
| American Indian/Alaskan Native | 66                    | 21                       | 21                       | 85%                            |
| Asian or Pacific Islander      | 11                    | 0                        | 19                       | 85%                            |
| Unspecified                    | 70                    | 13                       | 17                       | 88%                            |
| <b>Total</b>                   | <b>1413</b>           | <b>165</b>               | <b>324</b>               |                                |

### Compliance by Gender

Below is the breakdown of Compliance rates by Gender. The chart below illustrates the different gender's Compliance rates as well as Confirmed Alcohol and Tampering events. These compliance rates are based off entire population of the program.

| <b>Gender</b> | <b># of Offenders</b> | <b>Confirmed Alcohol</b> | <b>Confirmed Tamper</b> | <b>Compliance by Gender</b> |
|---------------|-----------------------|--------------------------|-------------------------|-----------------------------|
| Male          | 1132                  | 44                       | 135                     | 84%                         |
| Female        | 281                   | 16                       | 33                      | 83%                         |

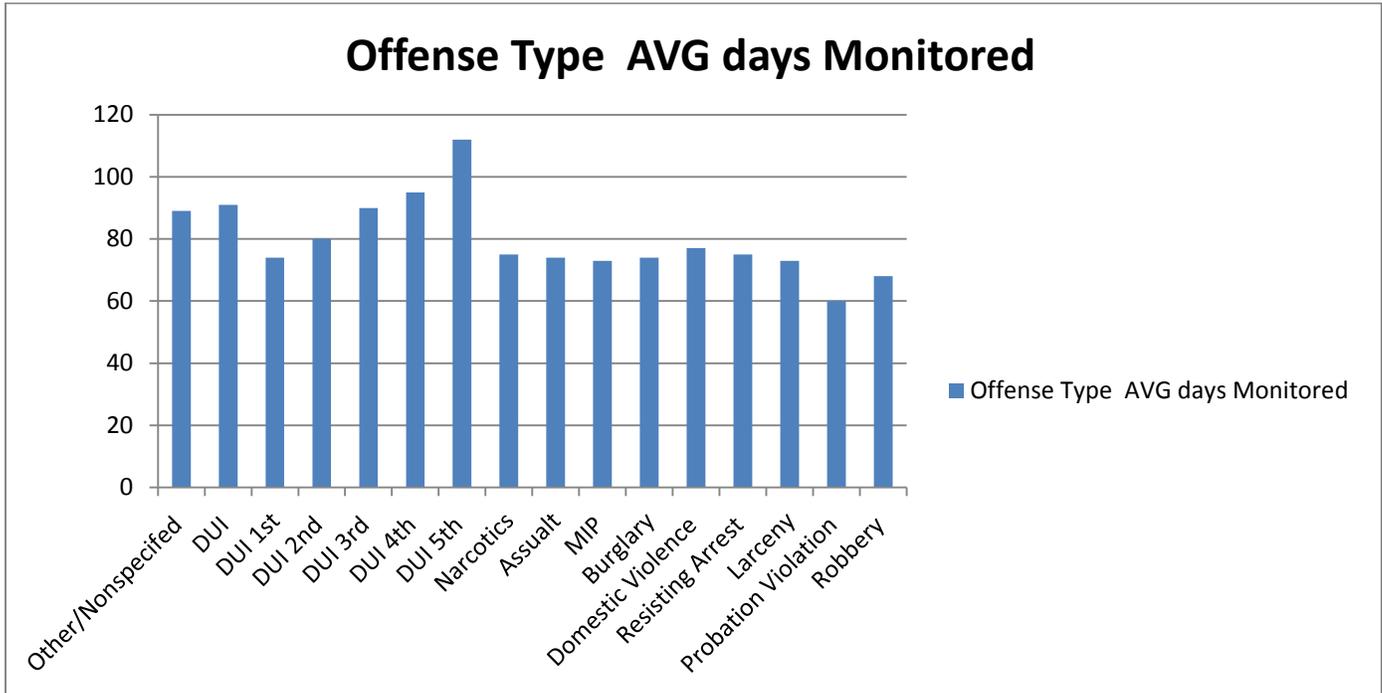
### Days Monitored Until First Non-Compliant Event

The chart below illustrates the Ave. time on the program. It shows the total monitoring days of 111,627 at which 106,046 or 99.5% of those days were Sober Days. It continues to illustrate the Avg. number of days a Compliant Offender and Non-Compliant offender spend on the program. This chart also shows the average number of days until the first offense/violation (48).

|   |                  |
|---|------------------|
| <b>Total Monitored Days</b>                 | 111,627          |
| <b>Sober Days</b>                           | 106,046 or 99.5% |
| <b>Avg. Days on Program</b>                 | 79               |
| <b>Avg. Days on Program (Complaint)</b>     | 74               |
| <b>Avg. Days on Program (Non-Compliant)</b> | 84               |
| <b>Avg. Days to First Offense</b>           | 48               |

## Average Days Monitored by Offense

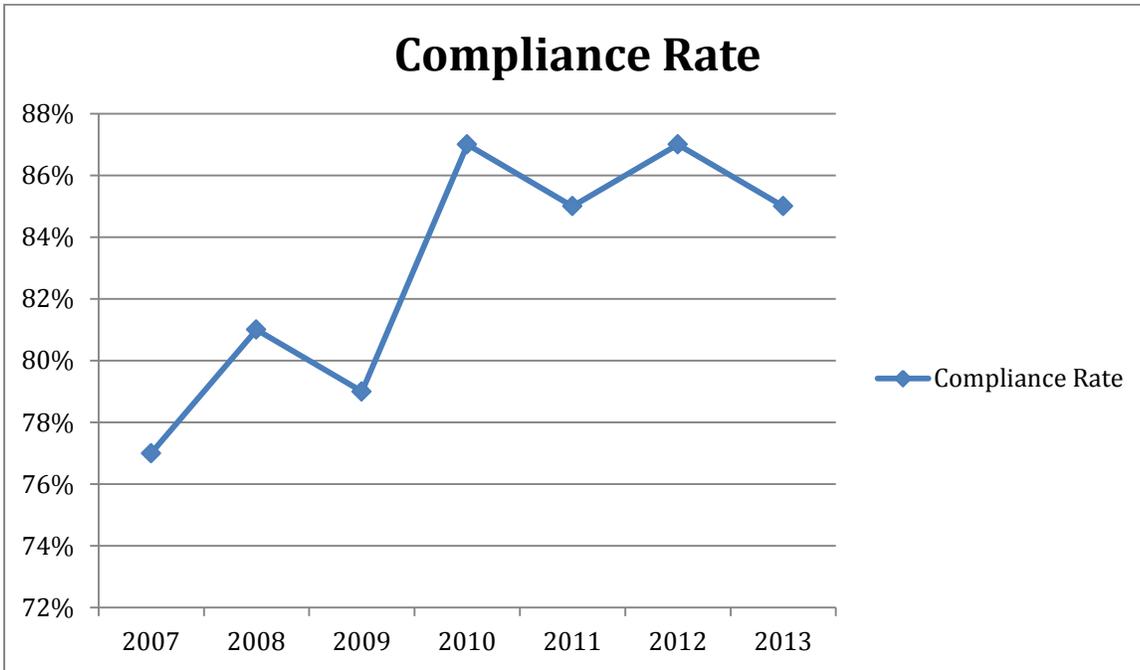
The graph below illustrates the Avg. number of days spent on the program broken down by offense type.



## Non-Compliant Participants

There is not a difference in compliance rates among most factors of the participant demographics. Age is the only factor seen that is significantly correlated with compliance. Counties and service providers also do not differ significantly in their compliance rates. A graph showing the distribution of number of confirmed tampers and confirmed drinking events for non-compliant participants is given below.

- The median age of non-compliant participants is 3 years older than that of the compliant participants (a statistically significant difference).
- There is no difference in compliance rates across gender or offense type.
- Non-compliant participants had 1.06 confirmed drinking events and 1.54 confirmed tamper events on average. A small number of participants had a very high number of non-compliance events; they are outlined in the table below.



CAM program compliance rates have increased slightly, but it is important to note that the increases are statistically significant. From 2007 – 2009 the compliance rate averaged at 79% compliance, from 2010 - 2013 the compliance rate increased to an astonishing 85% which is +5% higher than 2007-2009 and +5% higher than the national average (80% national compliance rate). The difference in compliance rates is driven by a decline in confirmed tampers over time and quick sanction on participants that accumulate multiple tampers and alcohol events. The NE CAM Program continues to grow while maintaining a high Compliance Rate and an astonishing Sober Day rate of 99.5% which is also well over the national average of 99.3%. Continued training and support of all NE Probation and Parole districts will continue to support this growth and success rate.