



LRO SNAPSHOT

A policy brief from the Legislative Research Office

Problem-solving courts: a community solution

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Problem-solving courts are judge-led, sentencing alternatives to incarceration that provide community-based treatment of the underlying factors that lead to criminal behavior. Generally, problem-solving courts focus on criminal offenses associated with substance abuse, domestic violence, and mental health issues; however, a problem-solving court can be created to address any problem believed to be better served by treatment rather than incarceration.¹

The first problem-solving court was established in 1989 in Florida's 11th Judicial Circuit Court. The court was created to address the growing drug problem that existed in the Miami-Dade area.² At the time, judges were spending an inordinate amount of resources on repeat drug offenders and local jails and state prisons were becoming overcrowded. Their solution was the creation of a problem-solving court. Currently, more than 3,000 problem-solving courts are operating in all 50 states, the District of Columbia, Guam, and Puerto Rico. The subjects these courts handle have grown too, ranging from veterans to tribal wellness.³

Problem-solving courts have been operating in Nebraska since 1997.⁴ Nebraska problem-solving courts are post-plea or post-adjudicatory — meaning the participant has pled guilty to an underlying charge and his or her completion of the court program is required to avoid incarceration or detention. The courts provide intensive supervision treatment programs, designed to address the factors motivating criminal behavior and reduce recidivism, while maintaining public safety. Treatment is provided through a collaborative, team-based approach that identifies specific needs of individuals and uses screening tools to develop customized programs designed to help the participants return to a healthy, productive life and avoid reincarceration.



Nebraska Supreme Court Chief Justice Mike Heavican visits Fifth District Court Judge Rachel Daugherty's problem-solving Court in Aurora, Nebraska to talk with court participants.
Photo courtesy Nebraska Judicial Branch

In Nebraska, problem-solving courts are created by the Nebraska Supreme Court Committee on Problem-Solving Courts.⁵ Committee members reflect the treatment teams of each problem-solving court and include judges, defense attorneys, county attorneys, and probation and mental or behavioral health treatment professionals. The courts operate under the auspices of a county, juvenile, or district court. At least one problem-solving court is located in each of the state's 12 district court judicial districts.

Problem-solving courts are financed by a problem-solving court general fund, which consists of funds appropriated by the Legislature and fees paid by participants. According to the Nebraska Administrative Office of the Courts and Probation, the cost of supervision for each participant is \$7.85 per day. For comparison, the Department of Correctional Services lists its cost per day, per inmate, at \$105.83.⁶



Specific Problem-Solving Courts in Nebraska

Adult Drug Treatment Court was the first problem-solving court established in Nebraska. This court admits participants who are nonviolent, have substance abuse issues, and are in need of judicial intervention to increase rehabilitation through treatment, mandatory drug testing, community supervision, and sanctions when appropriate.

DUI/Drug Treatment Court follows the drug court model with impaired drivers. Treatment and other court-mandated requirements are verified through non-adversarial court review hearings, frequent alcohol/drug testing, community supervision, and field and home visits.

Family Dependency Court is a juvenile or family court whose purview is limited to abuse, neglect, and dependency cases when parental substance abuse is the primary factor in the underlying charge. Judges, child protection services providers, and others collaborate to provide safe homes for children while the children’s parents receive treatment and services to become drug- and alcohol-free.

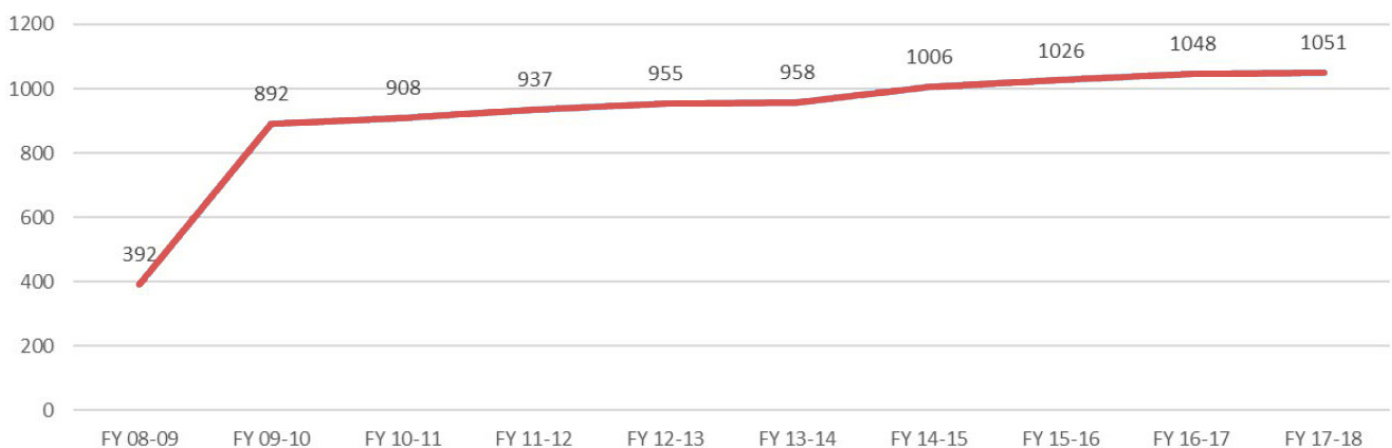
Reentry Court offers programs designed to assist participants’ transition back into the community after incarceration. As do other problem-solving courts, Reentry Court uses a collaborative, team-based approach to provide participants treatment and programming to effect a successful transition back in the community.

Juvenile Drug Treatment Court is a specialized docket within a juvenile court. Court participants with drug or alcohol problems are referred by a judge. Participants typically receive educational and family support, intensive supervision, and mental or behavioral health treatment. The Juvenile Drug Court conducts regular status hearings with the participants and collaborative treatment team.

Young Adult Court is a sentencing alternative for offenders up to age 25 who have been charged with a felony offense. Generally, the young adult program is an 18- to 24-month program, similar to programs offered by the Juvenile Drug Treatment Court. The program provides educational and family support, intensive supervision, and mental or behavioral health treatment, if applicable.

Veterans Treatment Court is one of Nebraska’s newest problem-solving courts. This court is an 18- to 24-month intervention program, which provides intensive supervision and treatment to military veterans. Similar to other problem-solving courts, the Veterans Treatment Court uses a team-based approach, by which a judge, Veterans Health Administration representative, and others, create and implement individual programs for each participant. Compliance with the treatment program is verified through court review hearings, community based supervision, and drug and alcohol testing.

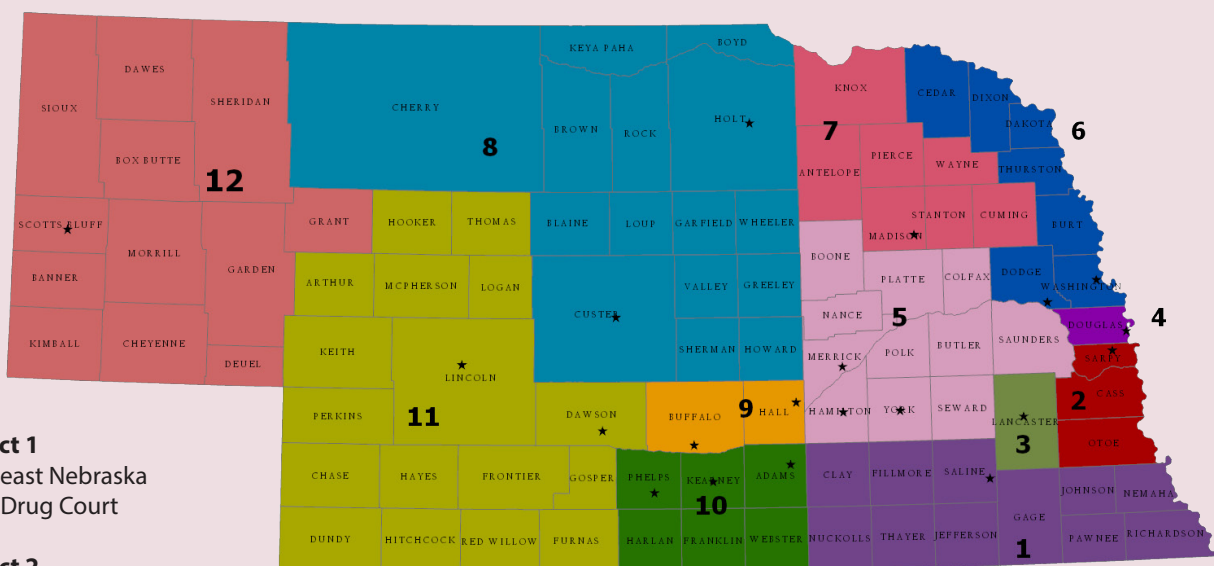
Nebraska Problem-Solving Court Participants by Year



Source: Office of Probation Administration



Nebraska Problem-Solving Courts



District 1
Southeast Nebraska
Adult Drug Court

District 2
Sarpy Co. Adult Drug Court
Sarpy Co. Juvenile Drug Court
Sarpy Co. Family Drug Court

District 3
Lancaster Co. Adult Drug Court
Lancaster Co. Family Dependency Court
Lancaster Co. Juvenile Drug Court
Lancaster Co. Veterans Treatment Court

District 4
Douglas Co. Family Recovery Drug Court
Douglas Co. Impact from Infancy Court
Douglas Co. Adult Drug Court
Douglas Co. Young Adult Court
Douglas Co. Veterans Treatment Court

District 5
5th Judicial Problem-Solving Court

District 6
District Six Adult Drug Court

District 7
Northeast NE Adult Drug Court

District 8
North Central Adult Drug Court

District 9
Central NE Adult Drug Court
Central NE Family Drug Court

District 10
Central NE Adult Drug Court
Central NE Family Drug Court

District 11
Midwest NE Adult Drug Court

District 12
Scottsbluff Co. Adult Drug Court
Scottsbluff Co. DUI Court

Map by:
Tim Erickson, GIS Analyst

In his 2019 State of the Judiciary Speech to the Nebraska Legislature, Nebraska Supreme Court Chief Justice Mike Heavican, advocating for Nebraska's problem-solving courts, noted the courts' good work, including diverting individuals from incarceration at state institutions. However, the Chief Justice expressed concern that lack of funds was impeding the implementation of mental health problem-solving courts at a time when the state is seeing an increase in offenders with mental health needs. According to Chief Justice Heavican, Nebraska spends \$38,627 per year to incarcerate an offender, while the annual cost per participant in a problem-solving court is \$2,865.⁷ During a time of fiscal concern, problem-solving courts provide the state a positive alternative.

References

1. Wolf, Robert V. (Summer 2009). "A New Way of doing Business." Journal of Court Innovation.
2. Kaufman, Leslie; Eaton, Leslie (April 26, 2005). "In Problem-Solving Court, Judges Turn Therapist". New York Times.
3. Suzanne M. Strong, Ramona R. Rantala and Tracey Kyckelhahn. Census of Problem-Solving Courts (2016), Justice Dept.
4. Problem-solving courts were codified via the passage of Laws 2004, LB 454.
5. Neb. Ct. R. Section, Article 12: Problem-Solving Courts.
6. Nebraska Department of Correctional Services, Annual Cost Report (2018).
7. State of the Judiciary (2019), Nebraska Supreme Court Chief Justice Michael G. Heavican. www.supremecourt.ne.gov.