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Risk Assessments in Nebraska's Criminal Justice Agencies

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Executive Summary

In 2024, the Nebraska Legislature enacted Legislative Bill 631 (LB631), reflecting a statewide commitment to evidence-based practices in the criminal justice system. Among its provisions, LB631 required the Nebraska Department of Correctional Services (NDCS) to complete a study examining risk assessment tools employed by the department, the Nebraska Board of Parole (NBOP), and the Administrative Office of the Courts and Probation (AOCP). It further requires the department to evaluate the feasibility of establishing a unified risk assessment framework across all criminal justice agencies. At the time the bill was introduced, each of these three agencies were responsible for different groups within the criminal justice system. Upon passing, LB631 combined parole supervision (formerly under NBOP) and NDCS, resulting in two agencies relevant to this provision of the bill. As such, the focus of this report is primarily on NDCS and AOCP.

When NDCS assumed responsibility for parole supervision, the decision was made to unify its assessment efforts and utilize the Ohio Risk Assessment System (ORAS). This decision resulted in monetary savings as well as strengthening continuity in the transition from incarceration to community supervision. It should be noted that the NBOP utilizes risk/needs information from NDCS. Currently, ACOP employs the Level of Service/Case Management Inventory (LS/CMI). While the ORAS and LS/CMI are validated and widely used nationally, they were developed with different populations and operational contexts in mind. The LS/CMI is designed primarily for community supervision and probation populations with integrated case management whereas the ORAS emphasizes flexibility across custody and community supervision stages.

The presence of multiple tools raises important questions about consistency, efficiency, and comparability across the pre- and post-sentence stages of the system. This report examines the feasibility of a unified risk assessment system in Nebraska, considering whether to recommend continuing with the current tools, adopting a single existing tool across all agencies, or developing a new instrument tailored specifically to Nebraska's offender populations. By evaluating the operational, technical, organizational, psychometric and financial implications of each approach, this report provides a roadmap for aligning risk assessment practices across AOCP and NDCS while maintaining fidelity to evidence-based principles and improving outcomes for justice-involved individuals.

Introduction

The Nebraska Criminal Justice System

The Nebraska criminal justice system consists of multiple components responsible for working with individuals at pre- and post-sentence stages, including pre-sentence investigation, probation, incarceration, parole, and post-release supervision. The system balances public safety with individual rehabilitation and reintegration, utilizing structured supervision, programming, and evidence-based assessments to guide decisions. The key agencies of focus are the Administrative Office of the Courts and Probation (AOCP), which supervises community-based probationers and individuals sentenced to a period of post-release supervision; and the Nebraska Department of Correctional Services (NDCS), which manages individuals in custody and on community supervision and provides risk assessment information to the Nebraska Board of Parole. The focus of this report is on NDCS and AOCP, each of which serve a distinct, but overlapping population, creating a diverse landscape of individual needs and supervision requirements at different points in time as they move through the stages of the criminal justice system.

Administrative Office of the Courts and Probation (AOCP)

AOCP conducts pre-sentence investigations and serves individuals sentenced to community-based supervision. Historically, AOCP has served a population consisting of primarily first-time and lower-risk offenders. However, legislation (i.e., LB605) has resulted in AOCP serving an increased number of higher-risk individuals through the restructuring of sentencing guidelines and expansion of alternatives to incarceration. Probation officers use risk assessments to determine supervision levels, guide case management, and inform court decisions.

Nebraska Department of Correctional Services (NDCS)

NDCS is responsible for the incarceration and treatment of individuals sentenced to prison in Nebraska. Its population includes individuals convicted of a wide range of offenses, from property crimes to violent offenses, and individuals serving varying sentence lengths. NDCS focuses on institutional programming and preparation for reentry and parole supervision. NDCS uses risk assessments for multiple purposes, including guiding decisions related to inmate classification, housing, programming, and overall management.

Key Differences in Populations

AOCP supervises individuals diverted from incarceration and sentenced to community supervision, as well as those individuals sentenced to a term of incarceration followed by post-release supervision (PRS). NDCS serves individuals in secure custody, those preparing for reentry into the community, and community-based supervision of those individuals granted parole by the NBOP. NDCS populations typically have higher criminogenic needs, longer histories of criminal justice involvement, and greater reentry challenges compared to the traditionally lower-risk probation population. However, restructured sentencing guidelines and expanded alternatives to incarceration programs have led to an increasingly more diverse probation population, which includes more higher-risk individuals. These dynamics are important to consider when evaluating the feasibility of aligning a risk assessment system across agencies.

Risk Assessment in the Criminal Justice System

Risk assessment tools have become a cornerstone of evidence-based corrections, guided by the Risk-Needs-Responsivity (RNR) model. The RNR framework emphasizes three key principles:

- Risk: Match the intensity of intervention to an individual's risk of reoffending.
- Needs: Target criminogenic needs or dynamic risk factors that can be changed.
- Responsivity: Tailor interventions to an individual's characteristics, such as learning style, motivation, and mental health.

In practice, validated assessment tools are widely used in state criminal justice agencies to guide sentencing, case management, supervision, and parole decisions. These tools provide structured, evidence-based measures of an individual's likelihood of reoffending and help identify criminogenic needs that can be targeted through intervention. While each state uses a distinct assessment system, risk tools are typically developed and/or selected to focus on the "Central Eight," which are considered the most important domains to be assessed and targeted in risk assessment and management efforts. These domains include:

1. History of antisocial behavior
2. Antisocial personality pattern
3. Antisocial cognition
4. Antisocial associates
5. Family and/or marital problems
6. School and/or work problems
7. Leisure and/or recreation problems
8. Substance abuse

The following sections describe common tools used in state assessment systems.

Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)

The COMPAS (Brennan et al., 2009) is a structured risk and needs assessment tool widely used in probation, parole, and sentencing decisions. It combines actuarial scoring with structured professional judgment to evaluate an offender's likelihood of recidivism and violent behavior. COMPAS assesses multiple domains, including criminal history, social relationships, substance use, employment, and attitudes, generating risk scores that categorize individuals into low, medium, or high risk. The tool aims to improve fairness, consistency, and objectivity in decision-making.

While COMPAS is praised for its comprehensive approach and widespread use, it has faced scrutiny over potential bias in risk scoring, particularly related to race and socioeconomic factors. Nonetheless, it provides actionable information for case management and supervision planning by identifying dynamic risk factors that can be targeted through interventions. Agencies using COMPAS often integrate the results with professional judgment to create individualized supervision and treatment plans while monitoring outcomes to refine predictive accuracy.

Level of Service/Case Management Inventory (LS/CMI)

The LS/CMI (Andrews et al., 2004) is a widely used risk and needs assessment instrument designed for adult offenders, with applications in probation, parole, and institutional settings. It measures both static risk factors, such as prior criminal behavior, and dynamic factors, including employment, substance use, and antisocial attitudes. This dual focus allows practitioners to assess not only the likelihood of recidivism but also the areas of need that, if addressed, can reduce future offending. The LS/CMI's structured scoring system helps ensure consistent evaluations across offenders and practitioners.

Beyond risk classification, LS/CMI supports case management by guiding individualized intervention planning. It provides recommendations for supervision levels and identifies programs or services that address criminogenic needs, promoting rehabilitation and reintegration. Its emphasis on linking risk assessment directly to treatment planning makes it a powerful tool for correctional agencies committed to evidence-based practices, and its reliability and predictive validity have been established through extensive research.

Ohio Risk Assessment System (ORAS)

The ORAS (Latessa et al., 2010) is a dynamic, structured, actuarial tool used across multiple stages of the criminal justice system to assess an individual's risk of reoffending and identify criminogenic needs. It is used in corrections departments, probation and parole services, pretrial assessments, reentry programs, and specialty courts. Its primary purpose is to determine factors contributing to criminal behavior and connect individuals with appropriate interventions and services to improve rehabilitation outcomes.

ORAS also includes multiple assessment tools tailored to different stages of the justice process, such as the Community Supervision Assessment Tool (ORAS-CST) and reentry-focused instruments. The system emphasizes both risk and criminogenic needs, directly linking assessment results to individualized case plans and interventions.

Short-Term Risk/Needs Guideline – Revised (STRONG-R)

The STRONG-R (Hamilton et al., 2019) is a brief, evidence-based instrument designed to assess short-term risk of recidivism and identify criminogenic needs. It is intended for use across correctional settings, including probation, parole, and institutional supervision. STRONG-R focuses on dynamic factors that can change over time, such as substance use, antisocial attitudes, or social support, providing guidance for immediate intervention priorities. Its concise design allows for quick assessment without sacrificing reliability or predictive validity.

The tool is particularly useful for agencies seeking rapid, practical insights to inform supervision decisions and allocate resources efficiently. By identifying both risk and needs, STRONG-R supports targeted intervention strategies that address the factors most likely to influence short-term reoffending. Its evidence-based framework helps correctional practitioners make informed decisions about supervision intensity, treatment referrals, and case management, reinforcing the broader goal of reducing recidivism and promoting successful reintegration into the community.

The Nebraska Context for Risk Assessment

The Nebraska criminal justice system includes the use of multiple tools to reflect the populations and responsibilities of the agencies of focus in LB631: the Level of Service/Case Management Inventory (LS/CMI) is used by the AOCP while the Ohio Risk Assessment System (ORAS) is used by both NDCS and NBOP. Table 1 provides a detailed comparison of the tools used in Nebraska.

Table 1. Comparison of the LS/CMI and ORAS

	LS/CMI	**ORAS**
Risk Assessment	Evaluates factors empirically linked to recidivism, including both static (criminal history) and dynamic (substance use, antisocial attitudes, leisure activities) factors.	Unlike static-only tools, evaluates factors that may change over time, such as substance use, pro criminal attitudes, education, employment, and peer influences.
Assessment Domains	Criminal history, education, employment, family, marital status, companions, substance abuse, criminal attitudes, and antisocial patterns.	Criminal history, education/employment, financial situation, family/social support, neighborhood, substance abuse, peer associations, and criminal attitudes/behavioral patterns.
Applications	Guides supervision levels, sets conditions for release, informs treatment plans, and	ORAS is applied across pretrial, prison intake, community supervision, and

	aids in program eligibility determination.	reentry, including assessments for misdemeanor cases.
Process	Assessment involves an interview with the individual, often supplemented by file reviews to gather information from multiple sources.	Assessment involves structured questioning on the offender's background, including criminal history, education, employment, family, and social support.
Goal	To provide a comprehensive, evidence-based system for assessing risk and criminogenic needs to inform the development of treatment plans and guide case management decisions.	To improve consistency in assessment and decision-making, and to connect individuals with targeted programming to reduce recidivism.
Users	Probation and parole officers, corrections officers, institutional case managers, treatment providers, social workers, and accountability court staff.	Corrections departments, probation and parole officers, pretrial services, reentry programs, and specialty courts.
Validity	Extensively validated, LS/CMI accurately predicts recidivism across diverse probation populations (Andrews et al., 2006; Lowenkamp et al., 2012).	Research demonstrates moderate to strong predictive validity for both incarcerated and community-supervised populations (Latessa et al., 2010).

Table 1 and the summary of each tool above demonstrate the fundamental differences in the LS/CMI and ORAS. The LS/CMI is a comprehensive case management tool for adult offenders, combining static and dynamic risk factors to produce detailed guidance on both risk and criminogenic needs. Its focus is on long-term supervision, rehabilitation, and treatment planning, offering a deep analysis of an individual's strengths, deficits, and risk-reducing interventions. ORAS, in contrast, is a modular system tailored to the offender's stage in the criminal justice process, with separate assessments for pretrial, probation, and reentry populations. ORAS emphasizes practical decision-making at specific junctures—such as determining supervision levels or identifying immediate intervention priorities—rather than providing a holistic case management plan.

Additionally, LS/CMI and ORAS differ in scope and flexibility. LS/CMI applies a uniform framework across correctional populations, focusing on detailed scoring and intervention linkage across multiple domains, which supports individualized long-term supervision. ORAS is more context-specific, offering targeted tools that match the procedural needs of each stage of the justice system, making it adaptable for rapid assessments in pretrial settings or for identifying short-term intervention priorities during reentry. These distinctions highlight that LS/CMI is a depth-oriented, treatment-focused tool, whereas ORAS is a stage-oriented, decision-support system, demonstrating that while both assess risk and needs, they serve different operational purposes and inform decision-making in complementary but distinct ways.

Aligning Tools Across the Criminal Justice System

One of the most significant challenges criminal justice agencies have faced is sharing critical information collected from assessments with other agencies within the criminal justice system. To address this issue, a growing number of states are developing statewide standardized assessment systems that allow information to more readily flow from one system point to the next. Many of these systems have been driven by legislation like LB631 in Nebraska.

For instance, The Illinois Crime Reduction Act of 2009 (Illinois General Assembly, 2009) required Illinois criminal justice agencies including parole, probation, and correctional institutions, to adopt validated RNR assessments across the system. It also emphasized evidence-based practices in supervision, treatment matching, and resource allocation. By mandating the use of consistent assessment frameworks, Illinois sought to reduce recidivism, improve coordination across agencies, and ensure that individuals received services aligned with their criminogenic needs. Nebraska's proposed examination of the feasibility of aligning assessment tools under LB631 parallels this approach, offering an opportunity to learn from Illinois's statewide implementation and long-term validation efforts.

Ohio serves as another example of a state that relied on legislation to align their assessment system. The Ohio statutory framework for risk and needs assessment required the Department of Rehabilitation and Correction to select and use a single validated assessment tool statewide for individuals involved in the criminal justice system (Ohio Revised Code §5120.114, 2019). Through this legislation, the state adopted the ORAS as its primary instrument across courts, prisons, community supervision, and reentry settings. By standardizing around ORAS, Ohio promotes consistency in risk classification, supervision level assignment, and case planning while reducing duplication and improving data sharing across agencies. The statute emphasizes statewide implementation, validation, and accountability, making Ohio's model closely aligned with the goals of LB631.

LB631 addresses the challenges inherent in sharing assessment information across agencies comprising the Nebraska criminal justice system. While the bill does not mandate a particular tool, its intent aligns with broader efforts to ensure fairness, transparency, and public safety through consistent, evidence-based decision-making. This report was developed in response to LB631's mandate to assess the feasibility of aligning risk assessment practices across AOCP and NDCS (including NBOP and community supervision).

Feasibility of a Unified Assessment System

Aligning risk assessment tools across AOCP and NDCS offers potential benefits in terms of consistency in decision-making, streamlined workflows, and improved data sharing. A single framework could allow agencies to more effectively compare risk levels across custody, parole, and probation populations and promote coordinated interventions. However, implementing a unified system faces significant feasibility challenges that extend beyond differences in offender populations.

Operationally, the two differ in mission and workflow. AOCP manages probationers who are largely community-supervised and may or may not have prior custodial experience. NDCS primarily functions within a custodial environment, focusing on prison intake, programming, and reentry planning while also providing assessment scores to NBOP to aid in evaluating parole readiness. Each agency has distinct decision points and supervision goals, meaning a single risk assessment tool would need to accommodate multiple workflows, stages of intervention, and operational priorities. In addition, staff expertise varies across agencies, and successful adoption of a unified system would require extensive cross-agency training, ongoing fidelity checks, and consistent scoring practices to maintain reliability and accuracy. Resource constraints, including high caseloads, staffing limitations, and time required to complete comprehensive assessments, further complicate implementation, particularly if the chosen tool is more intensive in administration.

From a technical standpoint, aligning risk assessments requires integration of existing data systems. Currently, LS/CMI and ORAS rely on different platforms and data collection methods, including structured interviews, file reviews, and self-report questionnaires. Additionally, each agency has invested in programming to incorporate the risk assessment tool utilized into their respective electronic case management system and this dictates workflow and case management decisions within each system. Consolidating these systems into a single platform would demand significant IT infrastructure investment, including secure databases, user access protocols, and potentially custom software to ensure interoperability. Differences in administration methods, digital tools, and reporting mechanisms must also be considered to avoid disruptions in supervision or case management.

Organizational and policy considerations present additional barriers. Each agency has developed policies, procedures, and cultural norms around risk assessment and case management, which may lead to resistance against a standardized tool. Legal mandates require that assessments guide parole decisions, account for individualized factors, and align with statutory decision guidelines. These legal requirements limit flexibility in instrument selection and necessitate careful attention to ensure compliance. Union agreements or labor policies may also influence the feasibility of implementing new assessments, particularly if they affect workload, roles, or training obligations.

Psychometrically, the predictive validity of risk assessment tools can vary depending on population and context. LS/CMI has been validated primarily with probation and community-supervised populations, including Nebraska's probation population (Jimenez et al., 2014; 2018), whereas ORAS has been validated across custody, parole, and reentry populations. Applying a single tool universally could reduce predictive accuracy if the instrument is not calibrated for a particular population. Responsivity considerations, which ensure interventions match an offender's cognitive abilities, motivation, and learning style, may also be inconsistently addressed depending on the chosen tool. A unified tool must balance both accurate risk prediction and effective case management across multiple environments, including correctional facilities and community supervision, to align with the principles of the RNR model.

Financial feasibility is another critical factor with each agency heavily invested in their current assessment system. Licensing, training, and implementation costs for either LS/CMI or ORAS can vary, and expanding one tool across all agencies would require budget allocations for software, staff training, and ongoing administrative support. Long-term sustainability also requires investment in ongoing fidelity monitoring, refresher training, and periodic validation studies, particularly if modifications are necessary to adapt the tool for multi-agency use.

In summary, while a unified risk assessment framework in Nebraska could improve consistency and data sharing, multiple operational, technical, organizational, psychometric, and financial barriers make a fully standardized approach challenging. A hybrid strategy, where ORAS is retained for NDCS and NBOP populations and LS/CMI continues to be used for pre-sentence investigations and probation supervision populations, may offer a more practical solution. Such an approach could be complemented by standardized training, a crosswalk between assessment scores for comparability, and investments in data infrastructure to facilitate coordinated decision-making and case management across agencies, all while maintaining fidelity and alignment with evidence-based practices aimed at reducing recidivism.

Conclusion

Practical challenges suggest that a hybrid approach or state-specific development may be most feasible if the goal is to establish a unified risk assessment system across Nebraska's criminal justice agencies. While doing so could improve consistency and coordination across agencies, the challenges inherent in building an aligned assessment system are considerable. There is an alternative solution that leverages the collaborative relationship that currently exists between AOCP and NDCS. Namely, by restructuring NDCS to include all post-release populations, including those on PRS, AOCP and NDCS could maintain their current assessment systems. AOCP could continue to utilize the LS/CMI, which provides a comprehensive, validated approach for probation populations with integrated case management and responsivity considerations. Likewise, NDCS could continue to utilize the ORAS, which is well-suited for custodial, parole, and PRS populations due to its stage-specific tools and domain-focused risk assessment. The feasibility of this restructuring could be explored through a workgroup consisting of members from AOCP and NDCS to determine what is needed to implement these changes. It is very likely legislation would be needed to restructure post-release supervision as it is now a function of the court which is what makes AOCP appropriate to supervise this population. Without those structural changes, it may be difficult for NDCS to supervise this population. This solution would also allow each agency to maintain predictive accuracy, fidelity to evidence-based practices, and compliance with LB631's statutory requirements. In doing so, Nebraska could optimize risk assessment practices, improve outcomes for justice-involved individuals, and support public safety.

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