

Probation Semi-Annual Report January – June 2018



Chief Justice Michael Heavican and State Court Administrator Corey Steel present Probation Administrator Ellen Fabian Brokofsky with the first annual probation Exemplary Leadership Award, The Ellen Fabian Brokofsky Award. This award recognizes exemplary leadership by a probation employee who has had a significant and positive impact on the entire Probation system.



STATE OF
NEBRASKA
JUDICIAL BRANCH

Administrative Office
of the Courts & Probation

Statement of Purpose

This report was completed in compliance with Neb. Rev. Stat. § 29-2252.01 (Appended 2001). On December 31 and June 30 of each year the Administrator shall provide a report to the Department of Administrative Services and the Legislative Fiscal Analyst.

Note: In this report traditional probation is referred to as Community-Based Resources and Intensive Supervision Probation is referred to as Community-Based Intervention.

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Our Mission

We the leaders in community corrections, juvenile and restorative justice are unified in our dedication to delivering a system of seamless services which are founded on evidence-based practices and valued by Nebraska’s communities, victims, offenders and courts. We create constructive change through rehabilitation, collaboration, and partnership in order to enhance safe communities.

Our Vision

Be a nationally recognized leader in the field of justice committed to excellence and safe communities.

INTRODUCTION

The Nebraska Probation System is organizationally aligned within the judicial branch of government. In performing its function, Probation strives to achieve intertwined goals of community protection, offender accountability and competency development. Trusted and valued by Nebraska's courts and citizens, Probation's dedicated professional staff has provided quality investigations, supervision and service for over 50 years.

While there is significant carryover in the number of individual served over each six-month reporting period, between January 1, 2018 and June 30, 2018, there were 24,497 unique individuals served by probation in Nebraska, including 20,103 adult and 4,394 juvenile probationers in both regular and intensive programs. Probation officers across the state work within a range of probation programs to assess, supervise, educate and refer probationers to a host of treatment and skill-building programs. Probation officers assess individuals level of risk and criminogenic needs, as well as determine the skills they require to make amends to victims/communities and avoid further criminal and/or delinquent behavior. Probationers are supervised within the community according to their assessed risk level, and they are referred to appropriate community-based treatment and skill-based programs, based upon their assessed needs. Caseload standards are modeled after the American Probation and Parole Association's evidenced based research.

The first half of 2018 continued in transition for Nebraska's Probation System. In service to our courts and the citizens of this great state, the Administrative Office of Probation continued to carry out the provisions of Legislative Bills having an impact on probation, through Justice Reinvestment (JRI) and Juvenile Justice Reform.

Nebraska Probation is driven by a belief that a system focused on evidence-based policies and practices will produce positive individual outcomes in addition to meeting our goals.

Our Goals:

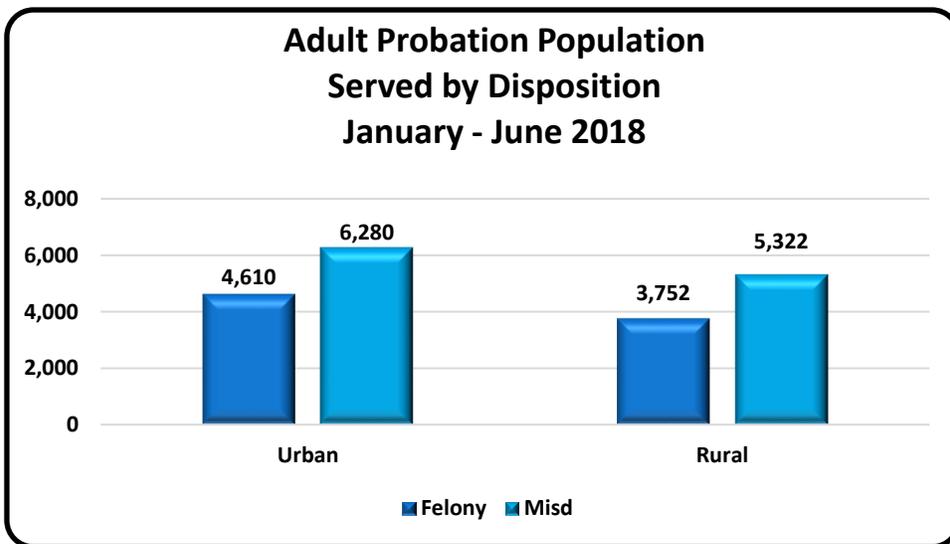
- *Provide courts with effective sentencing and dispositional alternatives.*
- *Reduce recidivism in both juvenile and criminal justice populations.*
- *Provide for a more efficient and effective use of Probation's limited staff resources.*
- *Support community-based programs and services initiatives to reduce prison overcrowding.*
- *Enhance community safety.*

Adult Probation

From January 1, 2018 and June 30, 2018, 20,103 adult probationers were supervised, an increase of 1,794 cases from the same time period in 2017 and an increase of 1,065 when compared to the last six months of 2017.

Throughout this report urban and rural areas are referenced. Urban Probation districts include District 2 (Cass, Otoe and Sarpy Counties), District 3 Adult, District 3 Juvenile (Lincoln/Lancaster), District 4 Adult, and District 4 Juvenile (Omaha/Douglas). Rural data includes Districts 1, 5, 6, 7, 8, 9, 10, 11 and 12. (See map on page 12 for District information.)

- 7,390 felony cases with 3,448 in rural areas (47%) and 3,942 in urban areas (53%). The first half of 2018 shows an increase in felony cases of 1,363 when compared to the same time period in 2017 and an increase of 786 when compared to the last six months of 2017.
- 11,502 adult misdemeanor cases were on probation, with 5,309 (46%) in rural areas and 6,193 (54%) in urban areas. This total represents an increase of 335 in adult misdemeanor cases as compared to the same time period in 2017 and an increase of 144 when compared to the last six months of 2017.



146 cases overall exist where the felony or misdemeanor classification did not exist in the system.

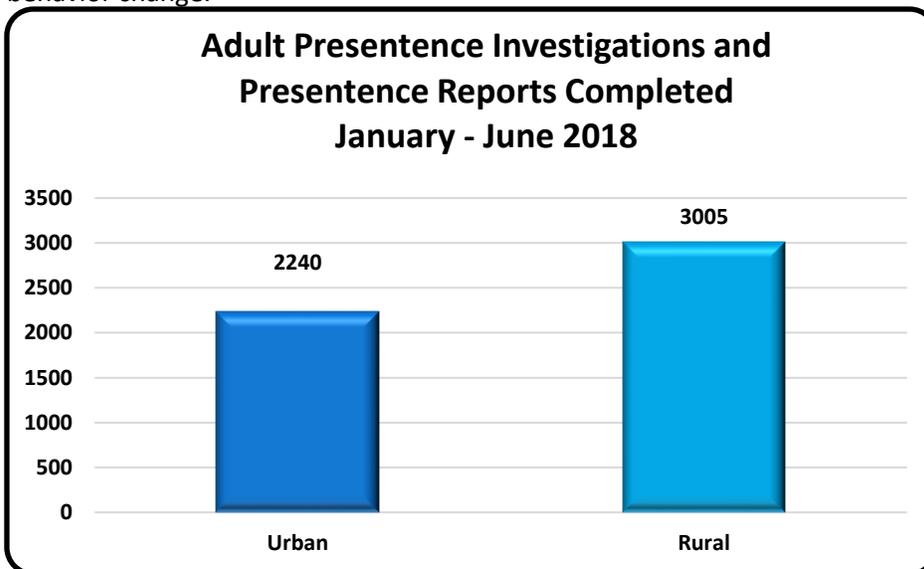
The Nebraska Probation System uses a public safety approach to case management. Probationers are prioritized for supervision and treatment services according to an assessment of their risk of reoffending using a normed and validated, actuarial-based risk assessment tool.

- The highest level of supervision while on probation is Community-Based Intervention (CBI), which is equivalent to intensive supervision probation as referred to in statute. This supervision combines intensive supervision and treatment resources to maximize community safety. On June 30, 2018, there were a total of 4,842 probationers on CBI, or 36% of the total adult population.
- Probationers supervised at the Community-Based Resources (CBR) level include 39% of probationers or a total of 5,189. CBR supervision levels are guided by different responsive case management standards and is equivalent to traditional probation as referred to in statute.

Adult Investigations

Investigations provide the court with timely, relevant, and accurate information about a probationer prior to the sentencing of a case. A presentence investigation (PSI) is used for high-risk probationers, and/or those convicted of felonies, class I misdemeanors, as well as those who may be convicted of lower level crimes but score higher on validated risk assessments, while a presentence report (PSR) is used for those convicted of lower level crime and score medium or low on the risk assessment. A PSR is used for those convicted of lower level misdemeanors who score lower, comparatively, on validated risk assessments. Investigations tool that provide the court with information regarding the probationer’s background and information. It includes victim impact statements, probationer’s statement, official version of the offense and the probation officer’s summary to the court. This information is provided to the court in order to determine the sentencing of an individual.

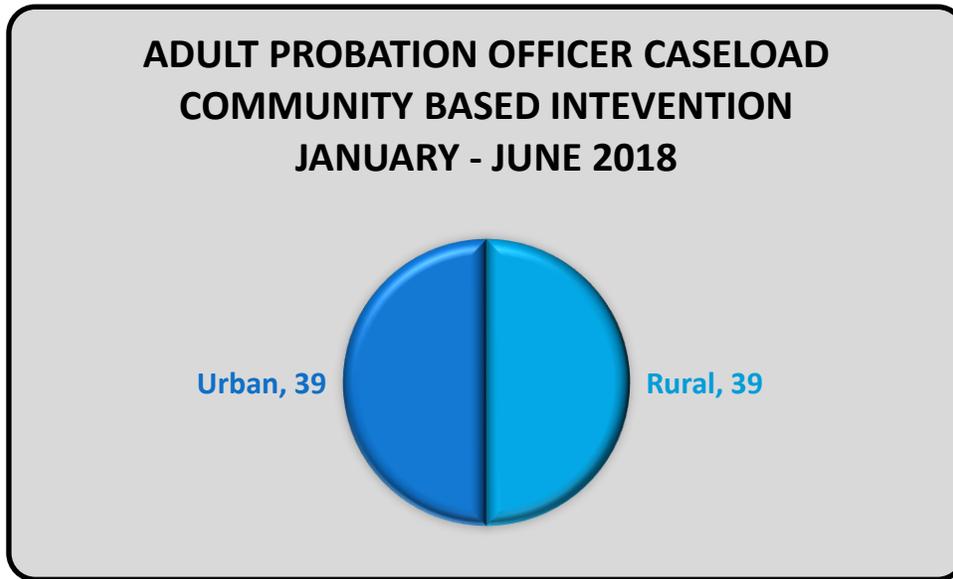
The presentence investigation is comprised of the officer’s analysis of factors presented through an interview with the individual and other information collected throughout the process. Probation officers complete a research based, actuarial assessment on each probationer that helps to identify specific risk and need factors. Factors explored include past criminal history, family history and family support, educational and employment history and current status, alcohol/drug or mental health concerns, and overall attitude regarding the offense. Officers work through the assessments to not only identify concerning factors, but also areas of strength for the individual. From there, the officer will investigate the history and current status of the individual through collection of information from a variety of sources to include the individual’s employer, treatment providers and/or evaluators, family and friends and victims. All of this information is analyzed to assist the officer in preparing a document for the court. In many jurisdictions across the state, the probation officer is required to use their own skills of analysis and investigation to make a recommendation to the court regarding sentencing. Then the officers will use the information they have obtained throughout the investigation to suggest specific interventions for the individual that will assist with overall behavior change.



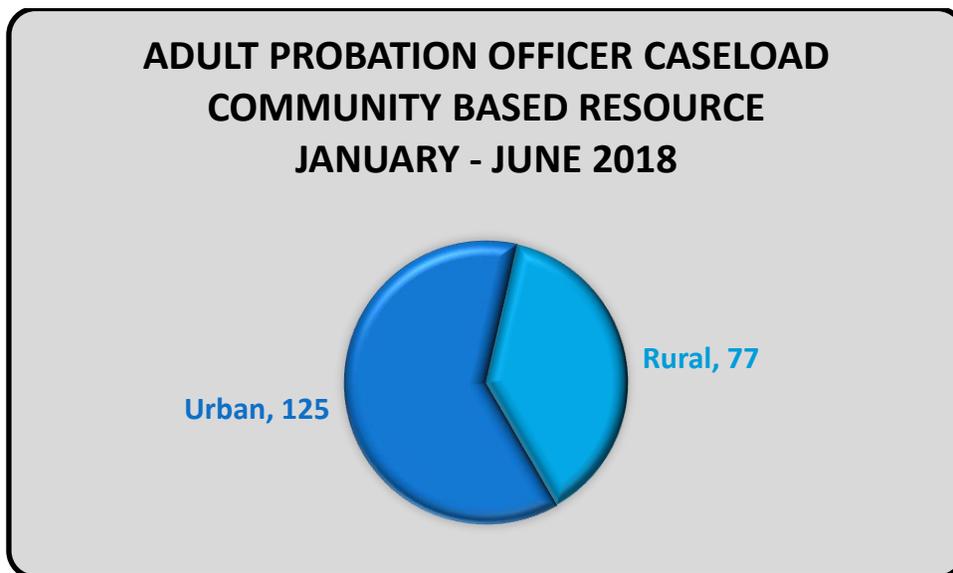
- For the first six months of 2018, a total of 5,245 Adult investigations were completed, with 57% occurring in the rural areas and 43% in urban areas. In the last six months of 2017 there were 4,880 adult investigations completed, with 58% in the rural areas and 42% in urban areas. This is an increase of 365 adult investigations. When compared to the first six months of 2017 this is a increase of 174 adult investigations.

Adult Probation Officer Caseloads

Nebraska Probation has officers supervising probationers in 12 judicial districts, serving all 93 counties in Nebraska. Caseloads are not measured by felony and misdemeanor but rather by risk to reoffend. Probation uses a number of assessment tools to determine the potential for reoffending.

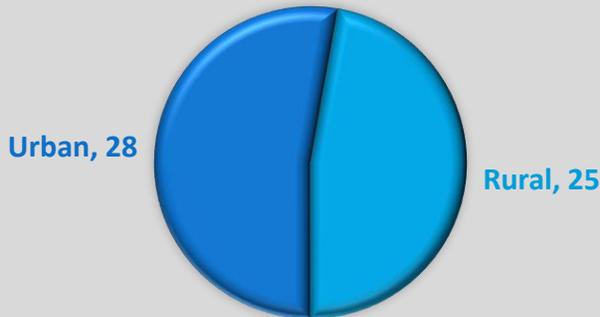


- The average caseload for Adult Probation CBI Officers was 39 probationers for rural areas and 39 for urban areas. CBI cases involve the supervision of a high/very-high risk specific probationers group. Thirty-nine percent of adult probationers are CBI, which can be felony or misdemeanor.



- The average caseload for Adult CBR Officers was 77 for rural areas and 125 for urban areas. CBR cases involve the supervision of a moderate-risk specific probationer group. Thirty-five percent of probationers are CBR, which can be felony or misdemeanor.

**ADULT PROBATION OFFICER CASELOAD
SPECIALIZED SUBSTANCE ABUSE
SUPERVISION (SSAS)
JANUARY - JUNE 2018**



- The average caseload of an Adult Probation Specialized Substance Abuse Officer was 25 for rural areas and 28 for urban areas. At the end of June 2018, a total of 1,177 (7.9%) of the state’s adult probation system are involved in SSAS.

Specialized Substance Abuse Supervision (SSAS) was created in response to prison overcrowding experienced in Nebraska specifically in the 2000’s. Drawn from evidence-based practices, SSAS is a sentencing alternative that combines intensive supervision with substance abuse treatment as a means of crime control. Highly trained officers work with a select drug population who are also identified as having anti-social, pro-criminal tendencies.

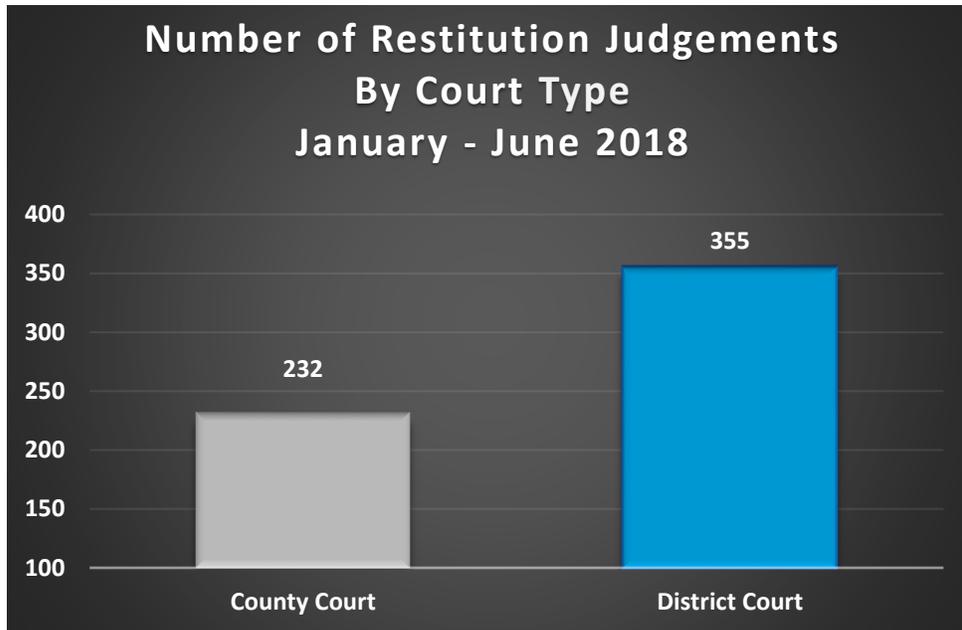
The target population for the program is cases with substance abuse problems; and probation has developed risk assessment tools to identify appropriate candidates. Founded on evidence-based principles shown to reduce recidivism by targeting the treatment needs of the probationer, the program combines substance abuse treatment in the community with intensive case management by specially trained probation officers.

Goals of the SSAS Program are to:

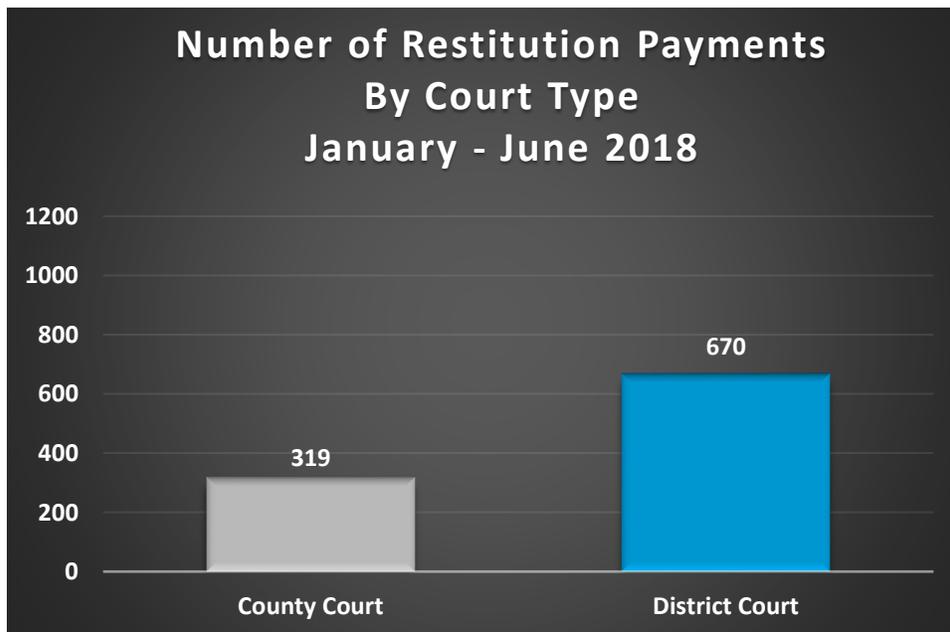
- Lower Levels of Recidivism and Relapse
- Improve Education and Enhance Employability
- Facilitate Reintegration into the Community

Restitution

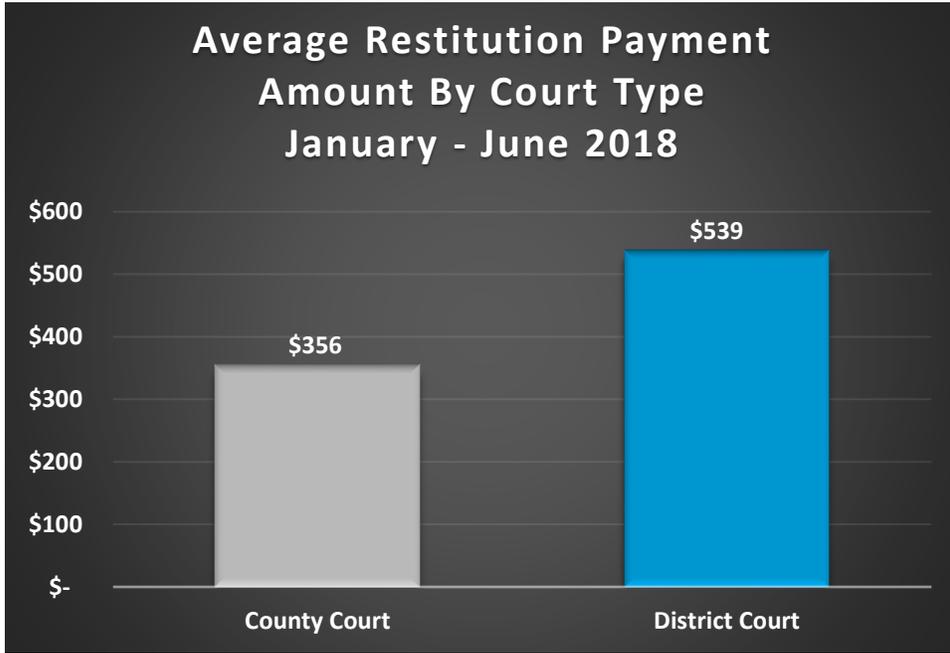
In compliance with state statute, the following charts represent restitution judgements and payments for both county and district courts for the first six months of 2018.



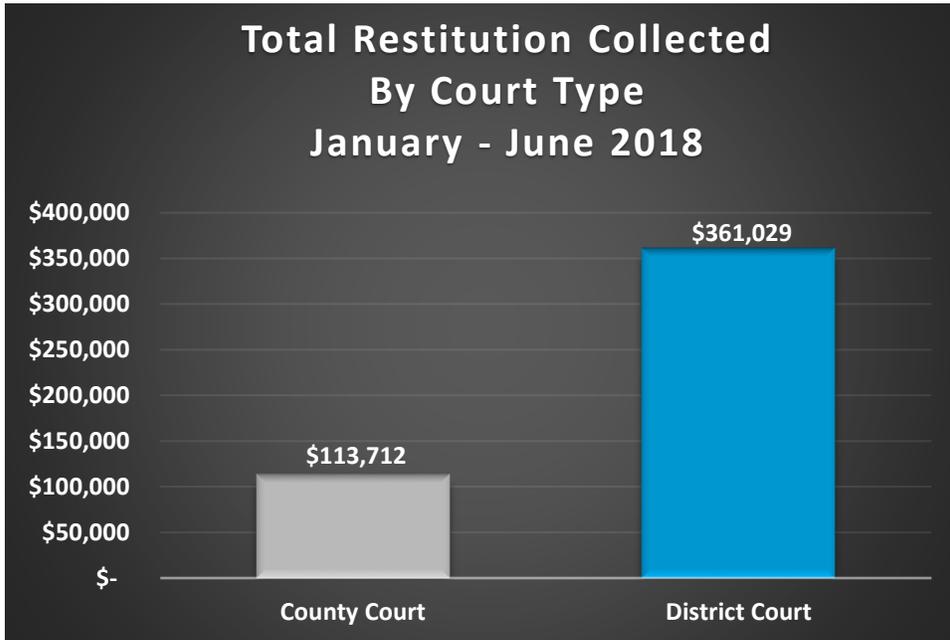
- A total of 587 judgements for restitution were made during the first six months of 2018, with 232 (40%) in county court and 355 (60%) in district court.



- A total of 989 payments were made in the first six months of 2018, with 319 (32%) in county court and 670 (68%) in district court.



- The average restitution payment amount in county court for the first six months of 2018 was \$356 compared to \$539 in district court for the same time period.



- Total restitution collected in county court for the first six months of 2018 totaled \$113,712 compared to \$361,029 in district court for the same time period.

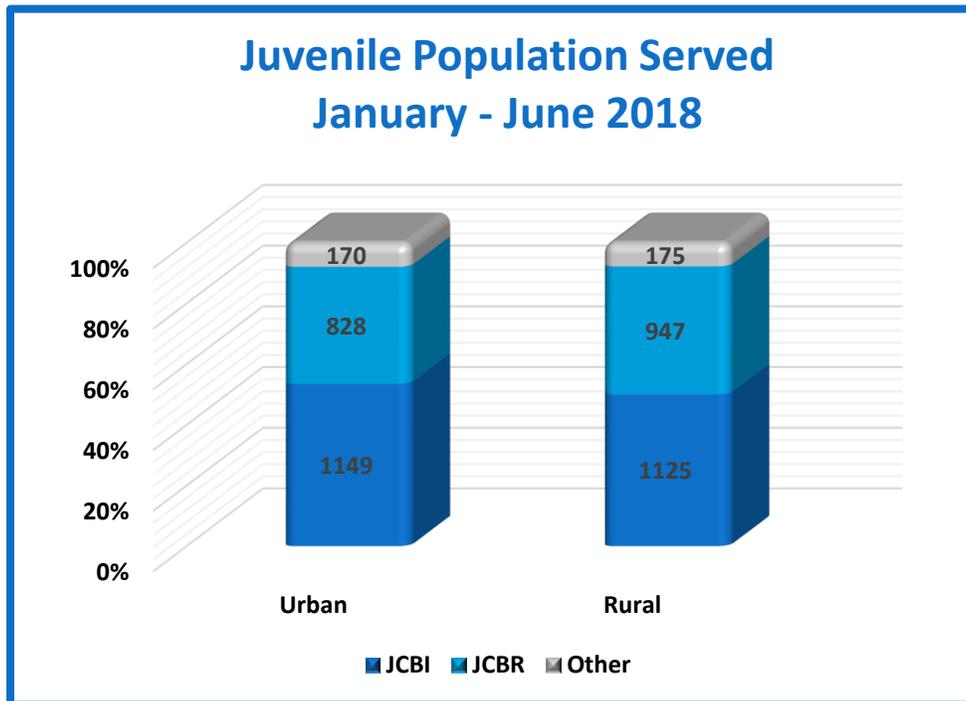
Juvenile Probation Cases

Maximizing community safety and youth development are key approaches to juvenile probation. Juveniles are prioritized for supervision and treatment services according to their risk of continuing delinquent behaviors.

The highest level of supervision for juveniles on probation is the Juvenile Community-Based Intervention (JCBI) level. JCBI combines intensive supervision with treatment resources that correspond with each juvenile’s risk and needs.

Juvenile Community-Based Resource (JCBR) level juvenile probationers are also provided rehabilitative services according to risk, while under community supervision for optimum success.

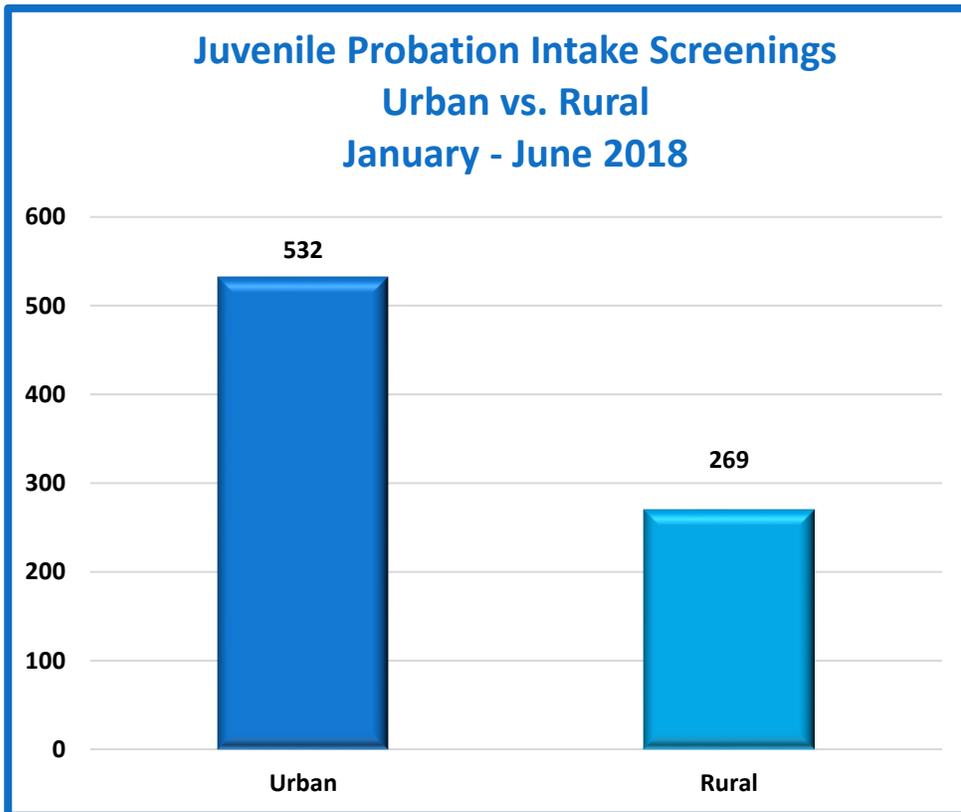
- From January 1, 2018 through June 30, 2018, 4,694 juvenile probationers were supervised, an increase of 212 cases from the same time period in 2017 and a decrease of 213 from the last six months of 2017.



- Active juvenile cases for the first six months of 2018 totaled 4,694 with 2,247 cases (51%) in rural areas compared to 2,147 cases (49%) in urban areas.
- For the first six months of 2018 a total of 1,775 juveniles were served in the Community-Based Resource level. There were 2,274 juveniles served in the Community-Based Intervention level, the highest level of supervision for juveniles on probation.
- The Other category consists of small numbers of individuals that have a case management classification status that does not meet the criteria for JCBI or JCBR.

Juvenile Intake

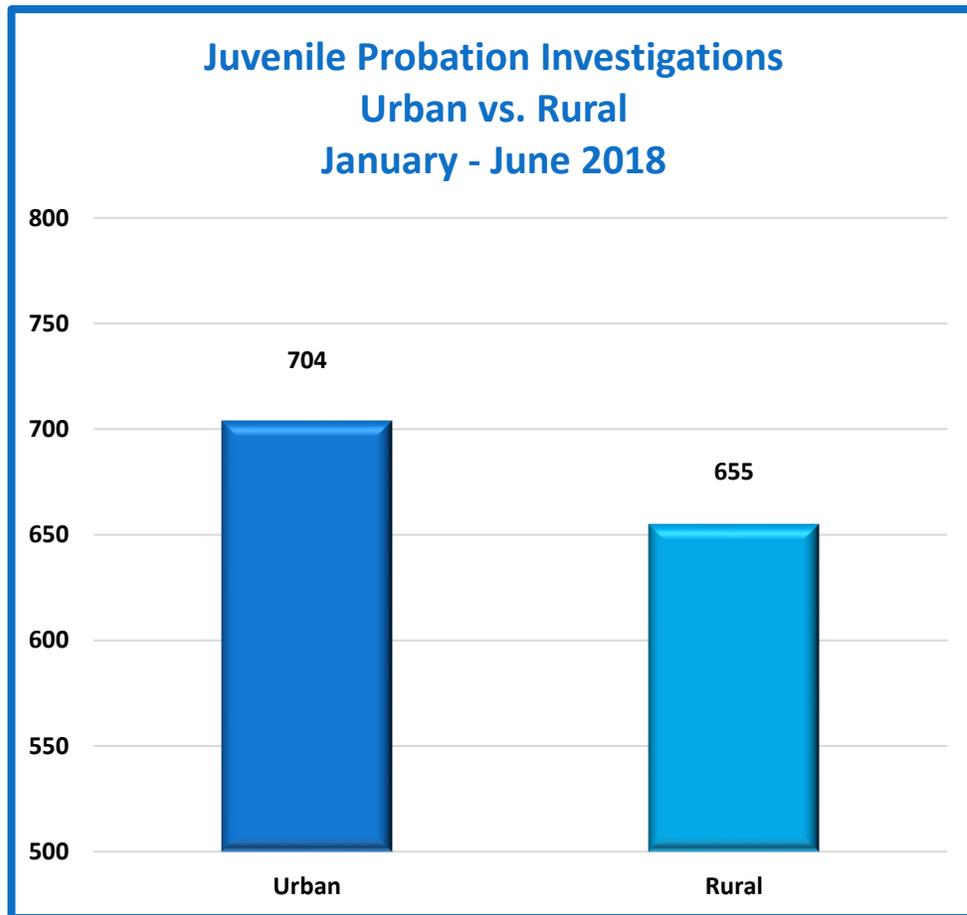
Nebraska state statute § 43-250 and § 43-260 authorizes probation to manage the juvenile intake function. Public safety and accountability are the primary goals of the juvenile intake process. This is accomplished through a standardized risk assessment tool that is administered when law enforcement contacts probation for the purpose of assessing an intake decision. The detention screening instrument examines the youth’s risk of reoffending before the next court hearing and the risk of failing to appear for the court hearing. Juvenile intake is designed to promote the most appropriate services which are the least intrusive and least restrictive to the juvenile and family, balancing what is in the best interest of the juvenile and safety of the community.



- Juvenile Probation Intake Screenings for the first six months of 2018 totaled 801 with 66% occurring in urban areas and 34% in rural areas. Public safety and accountability are the primary goals of the juvenile intake process. This is accomplished through a standardized risk assessment tool that is administered when law enforcement contacts probation for the purpose of assessing an intake decision.
- Of the Intake screenings completed, 285 were detained in secure detention at a rate of 36% and 117 were placed at staff secure at a rate of 15%.

Juvenile Predisposition Investigations

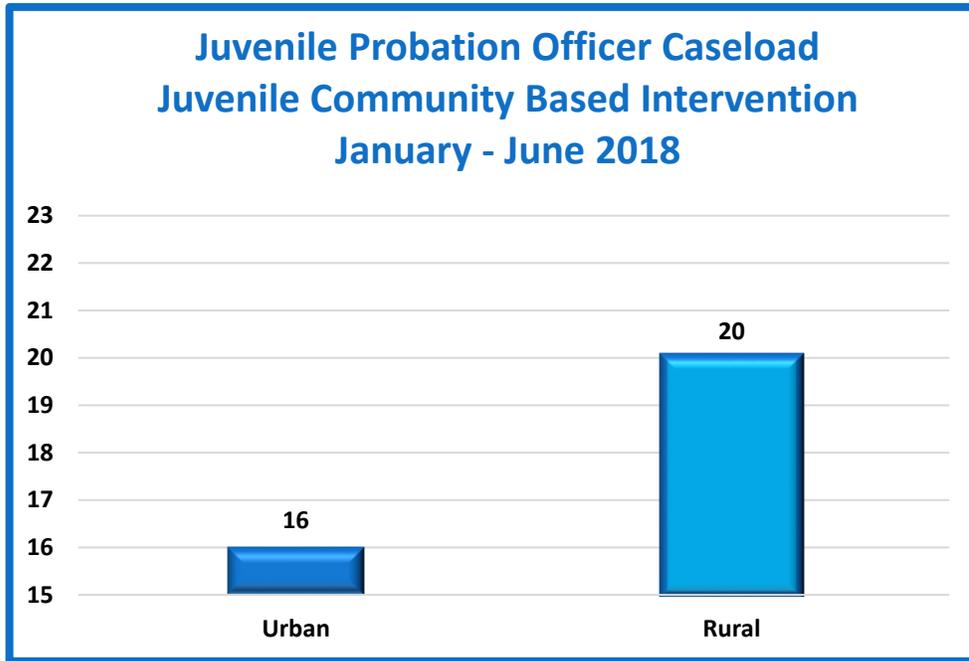
Probation utilizes a variety of investigation, assessment, and evaluative tools not only to support the juvenile and family in the early stages of the court process, but also to aid the court in making the best decision possible surrounding the needs of each juvenile. If necessary, and as ordered by the court, a juvenile can receive services and supervision at their first court appearance. After being found responsible for the delinquent act the court may order an investigation, during which the probation office coordinates a plan with the family to address why the juvenile is appearing in court. Proper evaluation and assessment early on in the juvenile justice process assist establishment of recommendations, to the court including targeted supervision and service needs that are most effective in reducing the juvenile’s risk for continued delinquent behaviors.



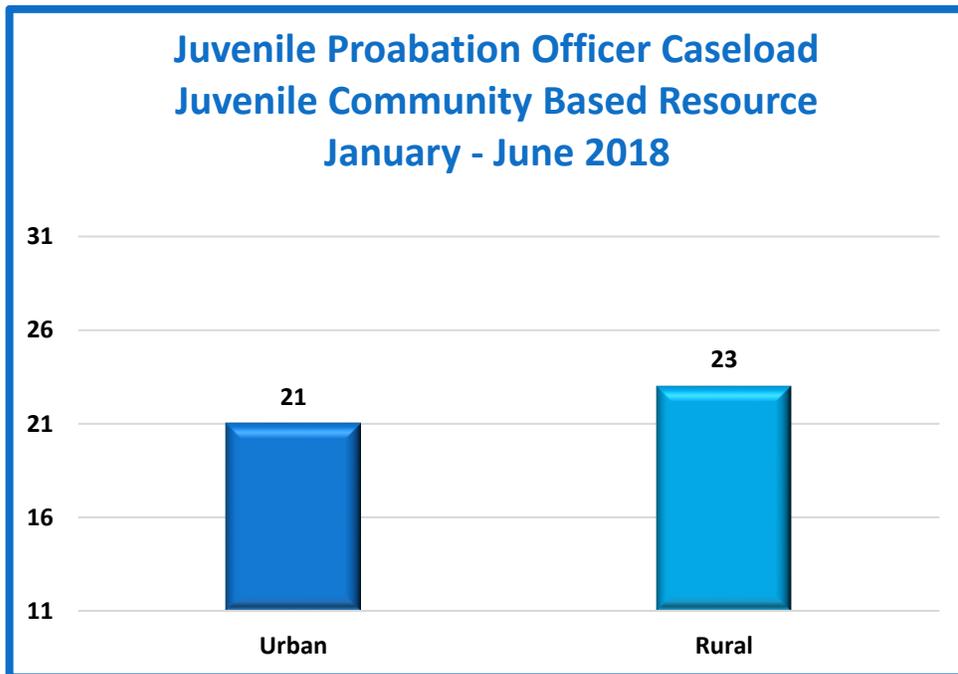
- Juvenile Probation investigations completed for the first six months of 2018 totalled 1,359 with 704 (52%) for urban areas compared to 655 (48%) for rural areas.

Juvenile Probation Officer Caseloads

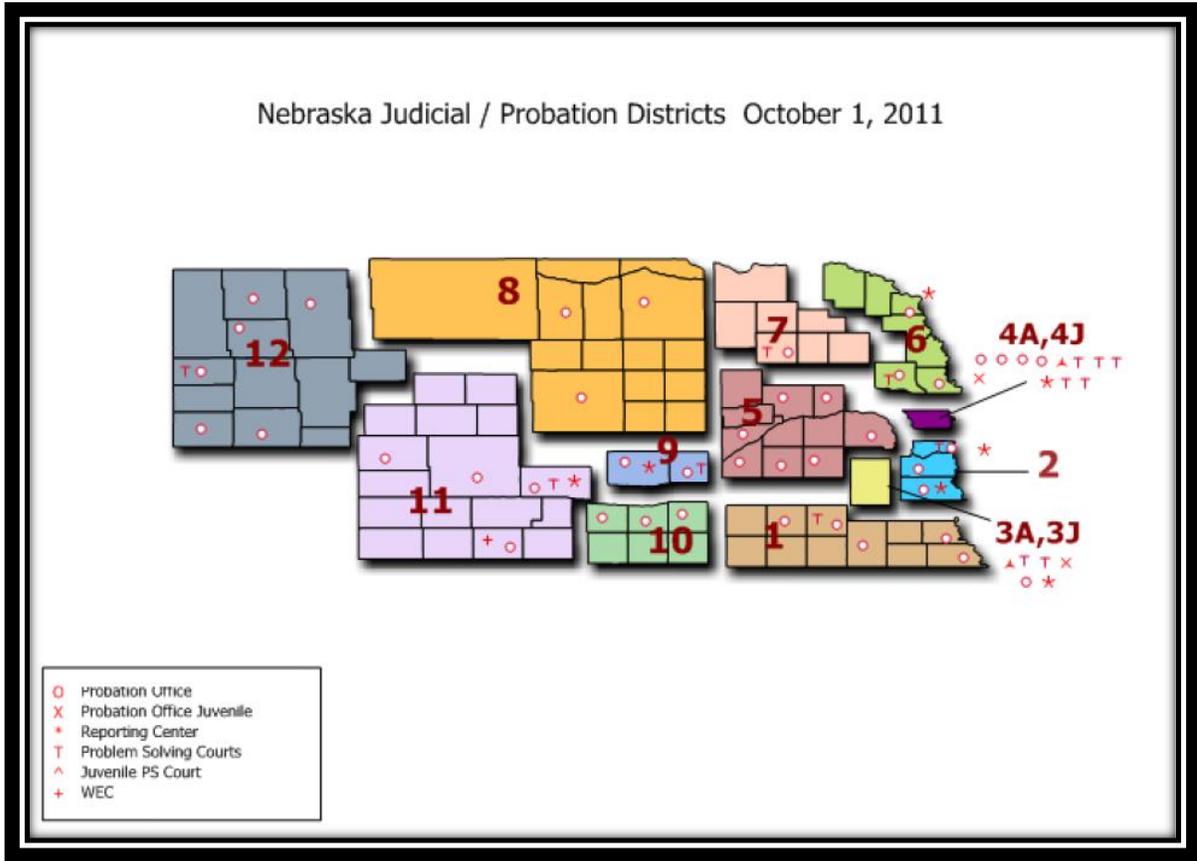
The Nebraska Probation System has officers supervising probationers in 12 judicial districts, serving all 93 counties in Nebraska.



- For the first half of 2018, the average caseload for a JCBI Probation officer was 16 cases in urban areas and 20 cases in rural areas.



- The average caseload for JCBR officer was 21 in urban areas and 23 in rural areas.



Specialized Probation Programs:

<p><u>Adult</u></p> <ul style="list-style-type: none"> Presentence Investigation/Risk & Needs Assessment Screening Community-Based Intensive Intervention Young Adult Court/Drug Courts Specialized Substance Abuse Supervision Day & Evening Reporting Centers Fee for Service Voucher Interstate Compact Work Ethic Camp Strength-Based Case Management 	<p><u>Juvenile</u></p> <ul style="list-style-type: none"> Juvenile Intake 24/7 Predisposition Investigation/Risk & Needs Assessment Screening Community-Based Intervention Drug Courts Interstate Compact Victim Services Rural Improvement for Schooling & Employment (RISE) Strength-Based Case Management Reentry Services Juvenile Services Financial Assistance
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