

Stakeholder Training Manual

Probation 101



STATE OF
NEBRASKA
JUDICIAL BRANCH

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ADMINISTRATIVE OFFICE OF THE COURTS AND PROBATION:

The Judicial Branch

STATUTE:

The Administrative Office of the Courts and Probation oversees the statewide system of probation in Nebraska and is part of the judicial branch. For additional information, Probation is authorized by Nebraska Revised Statute 29-2262.

8-4-1:

The 8-4-1 are the guiding principles that create a foundation for the work and has been referred to as the next phase of Evidence-based Practices by current Probation Administrator, Deb Minardi.



The “8” represents the eight evidence-based principles that were established by the National Institute of Corrections in 2002. The principles were then implemented into practice in Nebraska probation in 2006 under the leadership of Ellen Fabian-Brokofsky, then Probation Administrator. The eight principles include: 1. Assess Actuarial Risk/Needs, 2. Enhance Intrinsic Motivation, 3. Target Interventions, 4. Skill Train with Directed

Practice, 5. Increase Positive Reinforcement, 6. Engage Ongoing Support in Natural Communities, 7. Measure Relevant Processes/Practices and 8. Provide Measurement Feedback.

The “4” represents the Advanced Coaching for Excellence (AC4E) 4 core elements which link directly to the 8 principles, but create a streamlined approach to enhance investigation and supervision.

Finally, the “1” represents one Vision and as leaders in the field of justice this includes, one less crime, one less victim and one step closer to community safety.

VISION:

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

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.

VALUES AND BELIEF STATEMENTS:

To reach our Vision and accomplish our Mission, the Nebraska Probation System is guided by the following **Values and Beliefs**:

We Believe in Dignity, Respect and Integrity: As Officers of the court, we are held to a higher ethical standard. We take responsibility for treating employees, victims, offenders, and all others with dignity and respect in all interactions. Victims of crime are ensured a voice. Staff are valued and respected for who they are and what they do. We appreciate the cultural and gender differences of all.

We Believe in Professionalism: Probation staff adhere to a standard of excellence and serve as role models for all offenders. We value and show professionalism toward the courts, victims, offenders, colleagues, and community partners. We value a well-trained, highly-skilled professional staff. Being sensitive to the needs of victims and offenders is key to the success of our mission.

We Believe in Resourcefulness: We value evidence-based community correctional programming as a cost-effective alternative to incarceration. A creative and innovative staff is our greatest resource. Investing in juvenile justice ultimately reduces recidivism.

We Believe in Excellence in Strength-Based Services: Vital to rehabilitation and accountability is community-based cooperation and collaboration. Solid Probation practices based on proven research is fundamental to our success. Positive change is achievable.

Treatment is a means of crime control: Developing competencies in the youth of today will lead to better citizens of tomorrow. Building on the strengths of offenders creates a basis for positive growth and change.

CODE OF ETHICS:

The intent of the Nebraska Probation System Code of Ethics is to define our values, beliefs, and conduct by demonstrating responsibility toward our courts, communities, victims, probationers, and colleagues.

As Probation staff, we commit to demonstrating the highest standards of personal and professional integrity by practicing honesty, respecting the dignity and individuality of human beings, and providing professional and compassionate service. We further resolve to conduct ourselves in a professional manner, so as to avoid the appearance of impropriety and increase the public trust and confidence in the Nebraska Probation System.

- I will carefully guard my reputation of good moral character and citizenship. I will use time, resources, facilities, and information for their intended purpose.
- I will seek to preserve the dignity and rights of all individuals by practicing courtesy, respect, and responsiveness.
- I will conduct myself at all times in a professional manner regarding appearance, conduct, and speech.

- I will model policies, procedures, and personal practices which will enable others to conduct themselves in accordance with our values and beliefs.
- I will neither accept nor grant favors in connection with my position.
- I will continue to work against discrimination based on race, sexual orientation, gender, age, creed, nationality, cultural, physical or economic conditions.
- I will refrain from activities which conflict or appear to conflict with my official duties and responsibilities, which includes inappropriate relationships, misuse of alcohol/drugs, and unlawful acts.
- I will perform my duties in a timely, relevant, and accurate manner.
- I will exercise professional judgment and not allow external pressures to influence my decisions.
- I will advance my professional competency by continuing education and training consistent with evidence-based practices.
- I will safeguard all verbal, written, and electronic information concerning offenders, colleagues, victims, and others.
- I will report any corrupt or unethical behavior which could affect an offender, colleague, or the integrity of the Probation System.

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ADVANCED COACHING FOR EXCELLENCE (AC4E) 4 CORE:

The AC4E initiative was created as the second phase of evidence-based practices. It empowers officers to streamline the four core tenants of officer engagement:

- Assessment, case (success) planning & case management
 - Use of validated risk assessment tools is required to determine focus and goals of the success plan. The goals and steps are implemented through individualized case management which target interventions to develop skills.
- Engagement to enhance motivation
 - Probation officers shall use motivational interviewing skills to engage individuals and their families in behavior change. Additionally, engaging stakeholders and pro-social supports helps to create lasting behavior change.
- Skill train with directed practice
 - Probation officers facilitate cognitive restructuring and skill development with individuals to enhance critical thinking, strengthen skills and reduce risk.
- Incentives & Sanctions
 - Through an adolescent development and individualized approach, incentives and sanctions are used to reinforce behavior change, as well as respond to transgressions.



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History:

AC4E was created in 2017 as a result of management feedback reflecting officers were requesting additional clarification around key components of supervision. AC4E supports officers in the identification of the factors that lead those we serve to our doors, prioritizes the identification of skill building opportunities and the creation of robust case plans, and the utilization of targeted interventions.

IMPLEMENTATION SCIENCE:

Implementation science is all about the “*IT*” and is defined as “the systematic study of variables and conditions that lead to full and effective use of evidence-based programs and other effective innovations in typical human service settings.” – Blase and Fixsen, 2010, National Implementation Research Network.

There are ten key Implementation Science facts which are essential when considering implementing. These facts are supported by research and Robin Jenkins, Advanced Implementation Specialist and Associate Director at the University of North Carolina, Chapel Hill. He is an expert trainer and resource for this topic.

10 Key Implementation Science Facts

1. Implementation is messy
2. Takes most 2-5 years
3. All innovation requires tailoring to local context
4. Readiness (leading cause of failure)
5. Teaming structure, actively supported by leadership
6. Define clear roles
7. Data systems and culture are the heartbeat of effective implementation
8. Ensure confident/competent staff
9. Communication
10. Adaptive leadership

Implementation Science is based on the utilization of these facts and five buckets to support and enhance successful long-term implementation. The buckets include the following key tenets; co-creation, leadership teams, workforce development, quality & outcome monitoring and media, networking & communication as essential to all implementation.

ADULT PROBATION SYSTEM GOAL:

Outcome: Prevent adults from returning to the criminal justice system by:

Goal: *Implement the following strategies to decrease recidivism and increase public safety.*

- Focus case management on high criminogenic risk factors.
- Eliminate barriers to accessing effective treatment and services.
- Partner with employment and community stakeholders to assure coordinated case management, focused accountability, and improved outcomes.

Performance Measures:

Safe Communities

- Prioritize case management strategies and services for individuals at high risk to reoffend.
- Reduce the amount of time under supervision for adults who have been identified as low risk or demonstrated a reduced risk of reoffending.

Risk Reduction

- Target top three high criminogenic risk factors with interventions for individuals at high risk to reoffend.
- Reduce assessed risk of individuals at high risk to reoffend upon release from supervision.

Behavior Change

- Increase effective graduated sanctions to reduce the occurrence of violations.
- Increase the rate of employment for individuals at high risk to reoffend.

JUVENILE PROBATION SYSTEM GOAL:

- Preventing juveniles from returning to the juvenile justice system or entering the criminal justice system by:
 - Engaging juveniles and their families in the juvenile court process.
 - Eliminating barriers to families accessing effective treatment and services.
 - Partnering with educational and community stakeholders to assure coordinated case management, focused accountability, and improved outcomes.

Performance Measures:

Risk Reduction

- Youth involved in the juvenile justice system will receive targeted services that reduce assessed risk to reoffend upon release from supervision.

Placement

- Utilization of community-based services will reduce the use of out-of-home placements.

Detention

- Reduce the number of youth placed in detention who are not high risk to reoffend.

Non-Delinquent Status Youth

- An increase in status youth who are diverted from the juvenile justice system or receive a decreased term of probation supervision.

Education and Employment

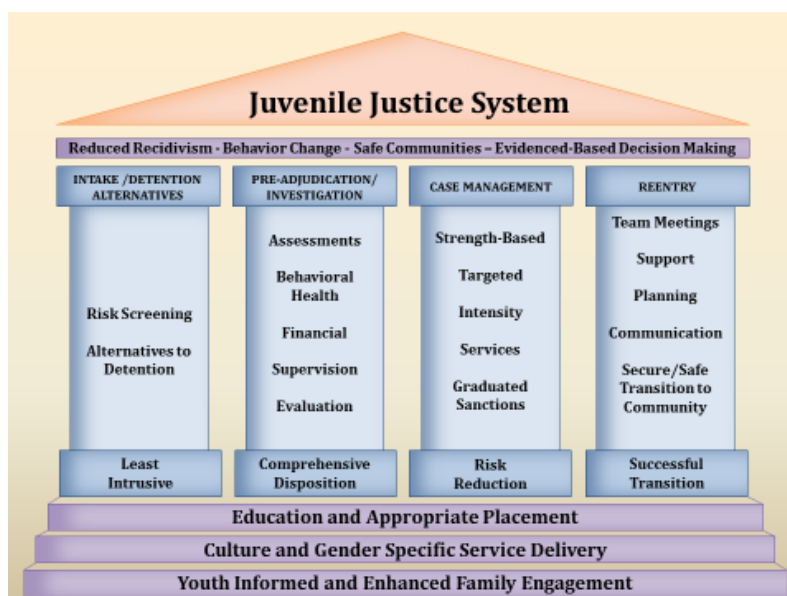
- A higher percentage of youth will be involved in pro-social activities including school and employment.

ADOLESCENT DEVELOPMENT:

Juvenile justice best practice and research have continued to focus on the distinct differences between adolescents and adults over the past several years. These include Federal Supreme Court rulings such as abolishing the death penalty and banning the use of life without parole for juveniles. Additionally, research supporting brain development and key differences of adolescents continues to grow. An article published by the Robert F. Kennedy National Resource Center for Juvenile Justice, titled “*Translating the Science of Adolescent Development to Sustainable Best Practice*” details how adolescents differ from adults in three specific ways; adolescents are less able to regulate their own behavior in emotionally charged contexts, adolescents are more sensitive to external influences such as the presence of peers and the immediacy of rewards, and adolescents are less able to make informed decisions that require consideration of the long-term. Additionally, the article identifies strategies that can be used to put the science into practice, such as collaborative leadership, risk-needs-responsivity tools, trauma screening and treatment, positive youth development, family engagement and multiple additional techniques.

THE FOUR PILLARS OF THE JUVENILE JUSTICE SYSTEM:

Along with the juvenile probation goal, the pillars are the foundation of the juvenile justice system. In this manual the pillars will be discussed in detail, as well as, the foundational base which is education, appropriate placement, culture and gender specific delivery and youth informed and family engaged supervision.



RECIDIVISM AS DEFINED BY THE NEBRASKA SUPREME COURT

§ 1-1001. Uniform definitions of recidivism for Nebraska State Probation and Nebraska Problem-Solving Court.

For the purpose of accurately assessing post-program recidivism across justice programs, Nebraska State Probation and Nebraska Problem-Solving Courts shall utilize the following uniform definitions of recidivism for all adults and juveniles within their respective programs.

(A) Adults:

As applied to adults, recidivism shall mean a final conviction of a Class I or II misdemeanor, a Class IV felony or above, or a Class W misdemeanor based on a violation of state law or an ordinance of any city or village enacted in conformance with state law, within 3 years of being successfully released.

(B) Juveniles:

(1) As applied to juveniles, recidivism shall mean that within 1 year of being successfully released from a probation or problem-solving court program the juvenile has:

(a) an adjudication pursuant to Neb. Rev. Stat. § 43-247(1) or (2).

(b) for a juvenile 14 years or older, a final conviction for a Class W misdemeanor based on a violation of state traffic laws or ordinances of any city or village enacted in conformance with state law; or

(c) a prosecution and final conviction as an adult for any crimes set forth in subsection (A) above.

(2) For juveniles that age out of the juvenile system within 1 year of program exit and who did not recidivate post-program as juveniles, the adult definition of post-program recidivism, including any drug-related or alcohol-related conviction, shall apply.

§ 1-1001 adopted September 25, 2013.CULTURE:

As defined by Merriam-Webster: *“a way of thinking, behaving, or working that exists in a place or organization (such as a business).”*

Culture Statement

During the spring 2014 Management Meeting, the leadership of each probation district participated in a reflective dialogue group that facilitated development of a “Culture Statement” for each district. These statements laid out the expectations of the district, by the district, of attitudes and behaviors displayed by the staff at all levels.

EVIDENCE-BASED PRACTICES:

Nebraska Probation is founded on the principles of Evidence-Based Practices (EBP), which assist in accomplishing our mission. EBP is about creating definable outcomes that are measured and practical by building on lessons learned and research. In 2002, Latessa, Cullen & Gendreau found that programs that adhere to the “Principles of Effective Intervention” have consistently been more successful at reducing recidivism. Therefore, the purpose of probation is to assist probationers to change their behavior. With full successful implementation, probationer outcomes will include both safe communities and productive citizens.

THE INTEGRATED MODEL:

The Integrated Model emphasizes the importance of focusing equally on evidence-based principles, organizational change and collaboration to achieve successful and lasting change. The merging of these three separate areas of focus create clarity regarding how to implement interventions and achieve improved outcomes that research is showing result in reduced recidivism.



ORGANIZATIONAL DEVELOPMENT:

It is essential to not only focus on the principle but also include Organizational Development which is required to successfully move into an EBP focused district. Ensuring the probation culture supports EBP and is about “the business” is essential for success.

COLLABORATION:

Another key element is stakeholder collaboration. Probation staff are empowered to engage with judges, committees, schools, law enforcement and other stakeholders. This ensures that relationships are built to increase the services and access to support for probationers.

EVIDENCE-BASED PRINCIPLES:

There are eight guiding principles for Evidence-Based Practices which are the foundation for probation. Below you will find a chart including the eight principles and how they relate to probation officer case management.

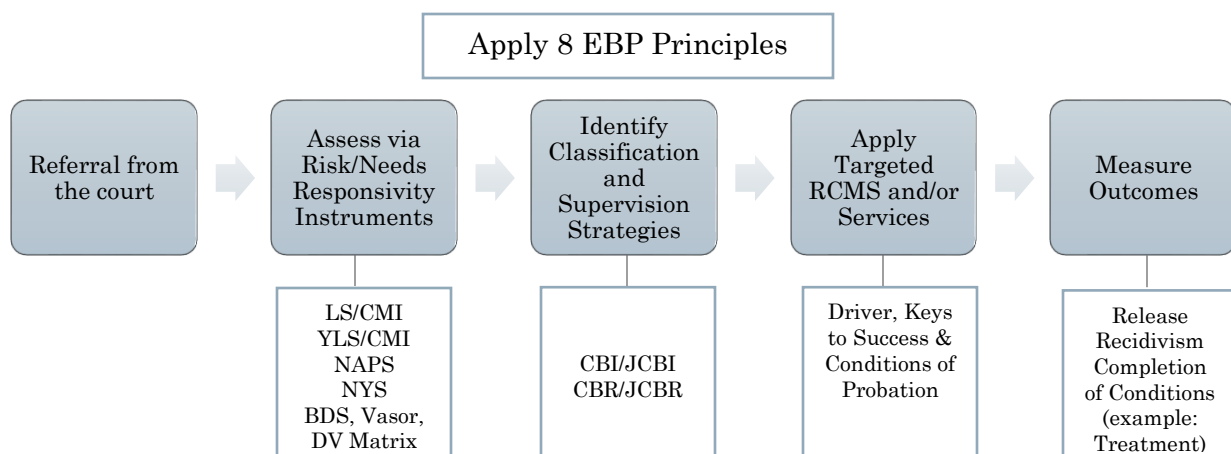
For additional information regarding EBP: *Implementing EBP in Community Corrections*, 2nd Ed. http://www.crj.org/cji/entry/publication_integratedmodel

8 Evidence-Based Principles for Effective Intervention with probationers

1. **Assess Risk/Need** - Level of Service Inventories/NAPS/BDS/New Juvenile Intake Assessment Instrument
2. **Enhance Intrinsic Motivation** - Motivational Interviewing
3. **Target Interventions** -
 - a) Specialized Substance Abuse Supervision (SSAS)
 - b) Standardized Model for the Delivery of Substance Use Services
 - c) Fee for Service Voucher Program
 - d) Reporting Centers
4. **Skill Train with Directed Practice** – Cognitive Behavioral Groups
5. **Increase Positive Reinforcement** – Incentive Program
6. **Engage Ongoing Support** – Collaboration/Tools/RISE
7. **Measure Process/Practices** - Development of Performance and Outcome Measures
8. **Provide Measurement Feedback** – Employ “only” What Works

UNDERSTANDING THE FOUNDATION OF “THE BUSINESS”:

As discussed previously one of the essential foundational supports of probation is to ensure the work done is always focused on “the business.” This is accomplished by ensuring the 8 evidence-based principles are considered at each stage of probation. The graph below identifies each step in a probation case and the implemented system support that ensures the principle is taken into consideration.



RESPONSIVITY:

The Community Safety Impact Models assists in probationer “responsivity,” which is the matching of probationer skills and characteristics with programming and supervision approaches. When an officer takes the time to assess the service that will best match with the probationer they will see success increase.

THE STAGES OF CHANGE:

Stage One: Pre-contemplation

This stage is when the person is not yet acknowledging that there is a problem behavior that needs to be changed. Example, “I don’t have a problem, you do.”

Stage Two: Contemplation

At this stage there is an acknowledgment that there is a problem but are not yet ready or sure they want to make a change. Example, “Maybe I should make some changes.”

Stage Three: Preparation/Determination

During this stage of change they are getting ready to change. Example: “What can I do about my problem?”

Stage Four: Action/Willpower

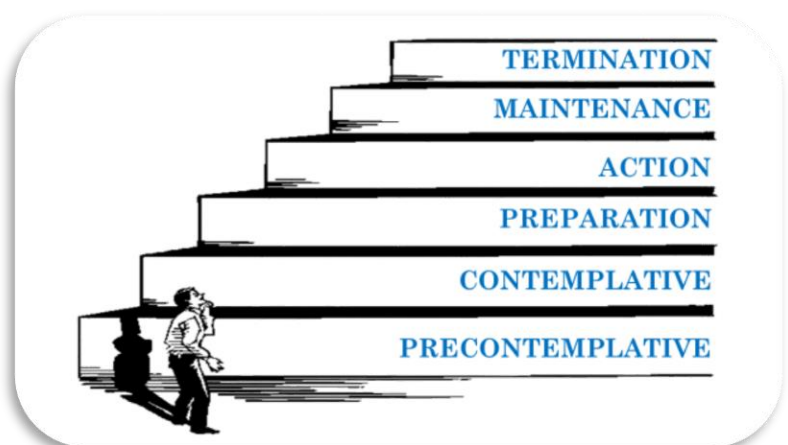
This is the stage where they are actively changing behavior. Example: “I’m working on it.”

Stage Five: Maintenance

During this stage they have made the change and are maintaining the behavior change. Example: “It doesn’t bother me much anymore.”

Stage Six: Termination

At this stage they have fully implemented the changed behavior. Example: “I used to have a problem.”



The Stages of Change and Relapse:

Ultimately the “Stages of Change” demonstrate that people move through various stages while making changes in their lives and that specific techniques are best employed within specific stages. Conversely, applying the wrong technique in the wrong stage cannot only be ineffective, but counter-productive. For example, teaching someone the skills to solve a

problem, when they do not think they have a problem, is usually an unprofitable endeavor. Changes are more likely to occur when a person is receiving assistance formulated to match their current state.

Additionally, understanding that “Relapse” is a piece of making change. For example, if I make a resolution to eat better, I may move to action, but stop before being able to maintain the behavior change. I may need to move back to preparation, or another stage to get back on track with my resolution. This process is dynamic and must be followed up on regularly. Understanding “Stages of Change” will assist a probation officer in successful supervision.

Resource for this information and additional information regarding Leadership Styles is located at <http://www.addictioninfo.org>

PRINCIPLE #1 – ASSESSING PROBATIONER RISK (Risk/Need/Responsivity)

JUVENILE INTAKE/DETENTION ALTERNATIVES:

Nebraska Revised Statute 43-250, authorizes Probation to carry out the function of juvenile intake. Law enforcement requesting detention of a youth shall contact Probation, and the intake probation officer will administer the standardized statewide detention risk assessment instrument.

Extensive research shows that even minimal time in a secure juvenile detention facility has long term harmful impacts on youth. It is important to remember that at this point in the system, the decision probation officers are making is to determine whether the juvenile is at risk of failing to appear in court and/or re-offending prior to their court appearance. An objective tool assists in gathering specific information from the law enforcement officer, youth and parent/guardian to make this determination and all officers are trained on the tool.

The Administrative Office of the Courts and Probation became the lead agency for the Juvenile Detention Alternatives Initiative (JDAI) in 2013. JDAI was founded, supported and has been researched by the Annie E. Casey Foundation (AECF). The initiative emphasizes eight (8) core strategies for juvenile justice system reform, not just detention reform. Those strategies include: Collaboration, Data Driven Decisions, Objective Admissions, Alternatives to Detention, Reducing Racial and Ethnic Disparity, Case Processing, Special Cases (such as warrants and probation violations) and Conditions of Confinement. However, JDAI is not a program, but rather a system improvement framework that continues to assist us in our juvenile justice reform efforts. To learn more about JDAI and stay current on best practices in juvenile justice system reform, sign up for JDAIConnect at www.jdaiconnect.org.

Alternatives to detention (ATD) are available statewide for youth on probation. For pre-adjudicated youth, districts collaborate with their local community planning teams

regarding the use of Community-Based Aid Funding from the Nebraska Crime Commission to assist in development and access to these options.

Nebraska Revised Statute 43-290.01 outlines the responsibility of Probation and local communities to pay for detention costs. Probation has the responsibility to pay for detention costs for probation youth statewide, while counties pay for pre-adjudicated detention.

RISK ASSESSMENT TOOLS:

When we talk about “RISK” we are referring to a person’s risk to recidivate. To determine these risk scores we primarily use the Level of Service – Case Management Inventory (LS-CMI), in all felony offenses and certain misdemeanor offenses (sex offenses, domestic violence offenses, and DWI Third Offenses, and as indicated by the NAPS assessment instruments) and the Youth Level of Service-Case Management Inventory (YLS-CMI) which is used for all adjudicated juveniles. The LS-CMI and YLS-CMI are actuarial based, scientifically validated and normed risk assessment tools used to determine overall risk to recidivate.

The adult instrument (LS-CMI) assists a probation officer in identifying eight criminogenic risk factors that best predict recidivism. These include criminal history, education or employment deficiencies (low education or unemployed, underemployed or unemployable with limited employment history elevates risk), companions (strong, prosocial network reduces risk, lack of prosocial with others elevates risk), family/marital issues (see companions), alcohol/drug problem, lack of involvement in prosocial leisure/recreation activities (nothing to fill free time elevates risk, involvement in prosocial activities reduces it), displaying a pro-criminal attitude (negative towards their charge, the law, treatment or supervision) or living an antisocial pattern (lack of stability in relationships, living environment, financially, etc.).

Similarly, to the LS-CMI, the YLS-CMI has identified predictors of juvenile recidivism. These include prior and current offenses/dispositions, family circumstances/parenting, education/employment, peer relations, substance abuse, leisure/recreation, personality/behavior and attitudes/orientation. The YLS-CMI also includes options for “special considerations” which include family and parent identifiers and additional youth needs not included in the formal risk assessment screening.

The LS-CMI and YLS-CMI assesses each of these areas which are referred to as “domains” and the results are reported in the Presentence Investigation (PSI) or Predisposition Investigation (PDI). In the end, the higher the risk score, the more unlikely it is the person will be successful on probation and the greater the risk they present to community safety. The lower the risk score, the more likely they are to be successful on community supervision and the less risk they present to community safety. This, of course, does not mean a high risk score is guaranteed to fail or a lower risk score will never get in trouble again.

The Administrative Office of the Courts and Probation also prioritizes supervision based on the “Driver” assessment which identifies the domain with the greatest impact to risk reduction and is discussed later. While this will be addressed later, in short, the higher the risk score, the lower the caseload and the greater the intervention and attention. The lower the risk score, the higher the caseload and, in turn, less intervention and attention. In fact, research has shown that too much intervention on a low risk person can actually cause recidivism.

RESPONSIVITY INSTRUMENTS:

In addition to the NAPS, LS-CMI and YLS-CMI, there are several additional “Secondary” instruments. Some of the adult specific instruments include the DV – Matrix for DV cases and the VASOR, Drivers Risk Inventory (DRI), Substance Abuse Questionnaire (SAQ), Static 99, Acute, and Stable for Sex Offenses (the VASOR is the only required instrument at this time in sex offenses, the others may be utilized as officers are trained), but there are a number of other instruments in play in any given case. The current juvenile specific instrument includes the Adolescent Chemical Dependency Inventory (ACDI), the Juvenile Sex Offender Assessment Protocol (JSOAP), and the Massachusetts Youth Screening Instrument (MAYSI-2) which is currently a pilot in some districts.

There are two instruments used for both adults and juvenile; the Simple Screening Instrument for Substance Abuse (SSI) is completed in all adult and juvenile cases and is used to help determine whether or not a referral for a substance use evaluation is indicated. Additionally, the Standardized Risk Assessment Referral Form (SRARF) is a criminogenic screen which provides supplemental information to a provider in the event an evaluation is completed.

PRINCIPLE #2 – TARGET INTERVENTIONS

PRESENTENCE INVESTIGATIONS (The PSI):

As authorized in Nebraska Revised Statute 29-2261, a Presentence Investigation, or PSI, is completed when an individual has been convicted of a felony other than murder in the first degree. A PSI may be ordered in any case, except in cases in which an individual has been convicted of a Class IIIA misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic infraction, or any corresponding city or village ordinance.

Statutorily, a PSI shall include, “when available, an analysis of the circumstances attending the commission of the crime, the history of delinquency or criminality, physical and mental condition, family situation and background, economic status, education, occupation, and personal habits, and any other matters that the probation officer deems relevant or the court directs to be included.”

All local and state police agencies and the Department of Correctional Services adult correctional facilities shall furnish to the probation officer copies of such criminal records,

in any such case referred to the probation officer by the court of proper jurisdiction, as the probation officer shall require without cost to the court or the probation officer.

PSIs shall also include, any written statements submitted to the county attorney or the probation office by a victim. If there are no victim statements available, the probation office is to certify it has attempted to contact.

Additionally, the PSI should include the scores from the LS-CMI. LS-CMI scores of 0-5 indicates very low risk, 6-10 indicates a low risk, 10-19 a medium-risk, 20-29 a high risk and 30-43 indicates a very high risk of recidivism.

The LS-CMI is a better predictor of risk on certain populations than on others. As has been stated, we utilize the LS-CMI on all district court cases and in any county court case involving sex offenders and domestic violence cases. In Sex and DV offenses we also use specialized assessments created to better predict risk in these areas. The LS-CMI will still pick up risk in those areas listed above. However, the Vermont Assessment of Sex Offender Risk (VASOR), the Static 99, Acute and Stable are also used to determine re-offense risk specific to sex offenders and the DV Matrix is used to help determine the likelihood of additional acts of domestic violence. Additionally, Presentence Investigators will gather information specific to sexual and/or domestic violence histories in those (sex offenses, DV) cases in an effort to assist the court in its decision making.

There is no risk assessment specifically looking at the risk a serial drunk driver presents to commit additional offenses. The typical drunk driver generally presents themselves fairly pro-socially as far as favorable employment/education, family and community ties and prosocial views and patterns. However, because they have shown themselves to repeatedly engage in extremely risky behaviors relating to drinking and driving, and likely have elevated scores in alcohol/drug problems, history and individual circumstances may need to be weighed more heavily.

In all other adult county court cases not involving Sex Offenses or cases involving Domestic Violence, we will utilize a risk assessment known as the "NAPS." This is an assessment developed for the Nebraska Probation System and specifically measures risk to recidivate on either DWI Cases or Misdemeanors. This tool identifies risk as Very Low, Low, Medium, High and Very High but does not distinguish a score.

JUVENILE PREDISPOSITION INVESTIGATION (The PDI):

As authorized in Nebraska Revised Statute 29-2261 Comprehensive investigations create a clear picture of the juvenile's risks, and recommends interventions to reduce those risks. PDI's have been enhanced to include risk/needs/responsivity (RNR) including assessments such as the Youth Level of Service/Case Management Inventory (YLS/CMI) and other responsive assessments. Additionally, the Service Recommendation Matrix, which is supported by research, is a tool officers use to help determine recommendations focused on risk and presenting offense. The matrix identifies levels which are required to be exhausted prior to utilization of more intensive services, including out-of-home placements. In addition, family's ability to access services is evaluated by the officer for financial

assistance needs, insurance coverage and transportation using the Juvenile Family Service Access Inventory (JFSAD). The goal of probation is to assist in the development of self-sufficient families, when a family is engaged in the financial support for their youth this increases engagement and service commitment.

Early identification of gaps helps to avoid possible barriers to the family's completion of court ordered services and allows the probation officer to engage the family in building on-going supports, such as Medicaid.

UPDATE PSI/PDI's or SUPERVISION OVERVIEWS:

If an adult or juvenile who has been placed on probation violates the terms of that probation or a youth is in need of a review hearing, the court can order an "update PSI/PDI," or "Supervision Overview." In short, the supervising probation officer will prepare a report for the court detailing progress (or lack thereof) during supervision on probation.

Generally, a Supervision Overview will specifically provide the court with information regarding efforts made by the probation office to gain compliance with the court order, employment or educational accomplishments while on probation, treatment and program progress and/or completion, drug testing results, additional criminal history, changes in family dynamics, attitude while under supervision and all other information felt to be relevant for the court in decision making.

EVALUATIONS AND SERVICES:

BEHAVIORAL HEALTH EVALUATIONS:

In addition to the probation officer-conducted risk and responsivity assessments and tools, the court will at times order individuals or juveniles to undergo a mental health, substance abuse or sex offender evaluation as part of the Presentence or Predisposition Investigation. The results of these evaluations should be included in the analysis that goes into the investigation.

Because this is such an important function, the Supreme Court has issued "Rules," surrounding how these evaluations are to be completed, by whom and what they should look like in many cases. Below please find some brief descriptions of these Rules and initiatives:

Standardized Model for the Delivery of Substance Use Disorder Services:

The Standardized Model for Delivery of Substance Use Disorder Services for juvenile and adult probationers/problem-solving court participants is used to recognize the connection between substance use and crime/delinquency and effectively address it through treatment. Reliable data indicates that treatment works. Research also shows that mandated treatment can be more effective than voluntary treatment. It is the intent of the

Administrative Office of the Courts and Probation to provide a meaningful opportunity for rehabilitation in an effort to reduce recidivism, promote good citizenship, and enhance public safety.

SUPREME COURT RULE REGARDING THE STANDARDIZED MODEL

§ 6-1301. Compliance with Standardized Model for Delivery of Substance Use Services required.

Substance use evaluations and treatment services for juveniles and adults ordered by the courts of the State of Nebraska, or by judges presiding over non-probation-based programs or services such as a drug court or other similar specialized programs as defined herein, shall comply with the minimum standards as set forth in the Standardized Model for Delivery of Substance Use Services, as promulgated by the Nebraska Supreme Court Administrative Office of Probation. Substance use evaluations and treatment must be obtained by a registered service provider. Substance use evaluations and treatment services that do not conform to the requirements of the Standardized Model for the Delivery of Substance Use Services shall not be accepted by the courts. Nothing in this rule shall preclude an individual from obtaining, at his or her own expense, additional substance use evaluations or treatment referrals which may or may not comply with the minimum standards referred to within the Standardized Model for the Delivery of Substance Use Services.

OTHER EVALUATIONS AND SERVICES:

With the passage of legislation initiating juvenile justice reform in Nebraska in 2013, all delinquent and 3B status offense youth are now served by Probation. This includes possible financial assistance for evaluations and services for youth and families. Juvenile services include behavioral health and non-treatment related services. For additional information regarding these services, information is located on the Supreme Court internet.

REGISTERED PROVIDERS:

In order to provide services, all service providers must register through the Fee for Service System. This requires training, demonstration of certain qualifications and agreement to and adherence to set a criteria around delivery of services. In turn, the provider is placed on a “list” as a provider for the service for which they registered.

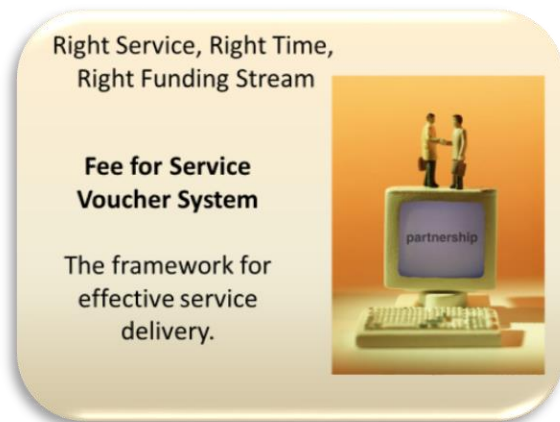
VOUCHERS-Financial Assistance Program:

First and foremost, it is important to note, vouchers are available for financial assistance and shall only be utilized for adults and juveniles who fall within defined financial criteria. The Juvenile Family Service Access Inventory (JFSAI) and adult version called the (FSAI) have been created to assist officers in determining appropriate utilization of vouchers. It is essential that vouchers are used for the correct probationer because research has shown

that if a person has invested their time and resources in treatment, they will be more successful.

Substance Use

In adult cases, any felony drug offense and third offense drunk driver or above is immediately eligible to receive a “voucher” that will help them pay for, on a sliding fee scale, a substance use disorder evaluation and/or any identified need for outpatient, intensive outpatient, or short term residential substance abuse treatment. Class I Misdemeanor drug offenses also have voucher availability, as do all felony cases that are under supervision and experience a substance use related violation.



In juvenile supervision the use of substance abuse vouchers can occur when a financial need is established and the youth is in need of a specific service. The services can include an evaluation to determine service level, as well as the service needed by the youth. This can range from out-patient treatment to in-patient treatment.

Adult Specific Mental Health Vouchers

During the 2014 legislative session, per LB907 financial support was allocated to the probation system to pay for Co-Occurring Disorder evaluations, Pre-Treatment Assessments, Sex Offender evaluations and certain levels of outpatient treatment.

In short, individuals scoring as high or above on the LS-CMI, with certain indicators on the MHS and qualifying financially after completion of the required financial screen, and as indicated by the court or court order, can receive vouchers for the above listed services from a registered provider. Sex offenders that qualify financially are automatically eligible for a voucher for evaluation and treatment.

Juvenile Vouchers

It is also very important to note that service delivery touches each pillar of the Juvenile Justice System. The Juvenile Justice Resource Supervisor (JJRS) is a unique role, crucial to officer support. The JJRS's will approve issued vouchers before they are released to a provider. The JJRS ensures effective service delivery when fulfilling their role which includes, supporting the officer with “fee for service,” quality assurance of officer process, community support for providers and service expansion and immediate approval for issued service vouchers.

LINKING ASSESSMENTS AND EVALUATIONS IN INVESTIGATION RECOMMENDATIONS:

The linking of assessments and evaluations are essential when an officer makes recommendations to the court. The probation officer is the expert in criminogenic risk/needs instruments and their role is to ensure the high domains are addressed during supervision. But when an evaluation is also ordered the probation officer shall work with the service provider to determine the clinical recommendations. The service provider is the expert in the clinical recommendations and whenever possible an officer should reach out and have an integrated discussion with the clinician to ensure the treatment and criminogenic recommendations complement each other and work together for the best outcome for the individual on probation.

PROBATION SUPERVISION:

DRIVER AND SUCCESS PLAN:

Although identifying all high risk domains using the YLS/CMI and LS/CMI are essential to risk reduction, not all are of equal influence. Identifying the “Driver” or the single most influential domain is key. Although there are eight criminogenic needs that could be the driver, more than likely they are one of the “Big 4” for moderate and high risk youth and adults, these include **antisocial cognition, antisocial personality, antisocial associates and family/marital** (the other “4” are substance abuse, employment, education and leisure). The “Driver” and professional judgement together are key to probation supervision.

SUCCESS PLANNING

Success planning should begin as soon as the Driver is identified and shall be completed on all high and very high risk adults and all very high, high, and moderate high youth.

Success plans include the following components:

- Identified goal
- Statement about how reaching the goal will help me
- Selected skill to practice to help reach the goal
- Action steps to obtain the skill
- Who can help me obtain the goal?
- My strengths that will help me reach the goal
- Possible barriers (identifying places, situations, or factors that could prevent my success)
- My plan to address people, stressors, or triggers that could trip me up (example: unhealthy relationships, situations, habits, routines)
- How I will celebrate my success

Success plans are re-visited at each interaction to help identify skill building opportunities and sequenced action steps.

JUVENILE CASE MANAGEMENT:

Pre-Adjudication:

Nebraska Revised Statute § 43-254 *Placement or detention pending adjudication; restrictions; assessment of cost*; allows for a youth pending adjudication to receive supervision and services. This level of supervision allows Probation to support the court's efforts to start evaluation processes and/or engage in supportive services for juveniles appearing before the court after a petition is filed. During this stage the Nebraska Youth Screen (NYS) is utilized to assess the level of contact the youth will receive from the probation officer. Additionally, pre-adjudication includes services that are identified as an immediate need for the juvenile and/or family. The service utilization at this stage can also be used to divert the youth from the juvenile justice system by providing an immediate response with a needed service. Direct knowledge of the juvenile's progress during this period can be utilized as a part of any subsequent investigation. This support can continue after adjudication if the court deems this appropriate while progressing through the investigative stage.

Adjudication/Disposition:

Nebraska Revised Statute § 43-286 identifies circumstances when a youth may be placed under supervision and on probation and lays out a framework for how this should be carried out. Additionally, during the Predisposition stage a youth can receive services and supervision which will be used in the decision the court makes upon determining disposition, as well as the possibility of diverting the youth from the juvenile justice system.

Once a youth is placed on probation, supervision is individualized and targeted to the youth's risk level and the court's direction. Case management should follow the foundation of risk/need. Officers shall be highly engaged when supervising high risk juveniles referred to as, Juvenile Community Based Intervention (JCBI) youth and low engagement with Juvenile Community Based Resources (JCBR) youth. Research has shown that over-supervising a low risk juvenile can increase compliance issues in the future.

To ensure a probation officer is purposeful in their supervision they are required to create a success plan with a goal focused on the youth's risk, driver and key life areas. This will ensure the probation officer is building skills which will address risk and the driving criminogenic domain identified by assessment tools. Additionally, probation officer engagement, treatment and non-treatment services shall be considered and utilized as a strategy towards risk reduction. When a youth is assessed as high risk the Aggression Replacement Training (ART) cognitive restructure group shall be utilized. This targeted approach will support strength-based supervision and the effective use of a graduated response when a youth is excelling or has transgressions, ensuring that incentives and sanctions are exhausted prior to requesting a motion to revoke filing.

Family Engagement at all levels is essential, but especially during case management. The Enhanced Family Engagement (EFE) principles provide guidance in working with families

by listening and engaging the family voice and choice in the decision that directly affects them. There are three foundational building blocks of EFE: first, demonstrate willingness to be consistent, reliable, responsive, honest and transparent with the juveniles and families; second, utilize motivational communication to actively listen to and engage juveniles and families; and finally, clearly establish expectations and purpose of involvement with the family. Engagement with families also includes making sure all parties come together to accomplish this through family team meetings.

Case management should follow the foundation of risk/need. Officers shall be highly engaged when supervising high risk juveniles referred to as Juvenile Community-Based Intervention (JCBI) youth and low engagement with Juvenile Community-Based Resources (JCBR) youth. Research has shown that over-supervising a low risk juvenile can increase compliance issues in the future.

Reentry:

Reentry, is another important component and is a key element of the juvenile justice system. Reentry increases the opportunity for juveniles to transition back into the community successfully. Judicial oversight of a juvenile's case will continue while the juvenile is placed outside the home and prior to a juvenile's return home which allows for judges to ensure the appropriate plan is in place.

Monthly meetings ensure the family remains engaged in the process of preparing for the juvenile's return into the home. Juveniles will receive high intensity supervision, including collaborative graduated response, upon returning home. Juveniles will receive assessment and reassessment of their risk/needs to guide any needed changes in the individual success/case plan.

Considerations for placement when the juvenile returns, home/placement, and the officer's working with the family to prepare them and make that happen, is essential. This includes family engagement in the decision making process, school engagement by connecting the juvenile quickly back into a school system, intensively supervising the juvenile upon release to ensure the transition is smooth, and on-going reassessment in the community.

ADULT CASE MANAGEMENT:

Historically, there have been two official types of probation available to the Court. Traditional and Intensive Supervision Probation, or ISP. While ISP remains a statutory type of probation (29-2262.03), it is only "required" if the Court would like the individual to be supervised 'intensely' or at a higher level than recommended or assessed.

Since 2006, the Nebraska Probation System has been supervising individuals placed on probation based on their assessed risk score. In other words, if a person scores as "High" (20) or above on the LS-CMI, or the NAPS instruments, they will automatically be targets for supervision at a "high," or ISP level. However, should the Court choose to mandate that a person with a lower than "high" risk score be supervised intensely, the Court can impose

a sentence of ISP on the individual. This will direct the probation office to meet with and conduct home visits frequently on the probationer. It will also automatically bring along with it inclusion in a cognitive program and other indicated programming not necessarily required of a lower risk individual.

ISP or Community-Based Intervention (CBI):

As was indicated above ISP/CBI includes frequent meetings, mandatory home visits, offense-specific treatment, and inclusion in a cognitive program. Officers assigned to an ISP/CBI caseload carry fewer cases than those at higher risk levels (hopefully no more than 50 per caseload).

Generally speaking, an ISP or CBI level probationer will bring with them multiple needs for intervention. Meaning, for example, they will be chemically addicted, unemployed, have little to no positive support, be suffering from mental illness and will be a criminal thinker.

Regardless of risk level, the probation officer will attempt to intervene in any area of the probationer's life in which there is an identified deficiency that could lead to future problems or criminal behavior. So, for example, in the case indicated in the paragraph above, we'd refer the person for substance use evaluation and treatment, engage them in programming at the Reporting Center relevant to employment and/or education, help them identify a positive support network and put them through a cognitive program to help them find new ways of thinking. We'll also refer them to a mental health professional either at the Reporting Center or in the community to help them treat the mental illness.

Community-Based Resources (CBR) Medium-High:

A person being supervised at a medium-high level will generally meet at a minimum of one time per month with their probation officer. Home visits will occur on an "as needed" basis. In other words, if we receive information indicating we need to look into something (drinking, drug use, possession of stolen items, etc.) we will conduct a home visit. Officers supervising a "medium-high" caseload generally carry in the neighborhood of 100 cases each.

The major difference between a medium-high and a CBI/ISP level probationer is the number of interventions needed to identify deficiencies. Again, generally speaking, a medium-high probationer will display no more than one or two areas in need of intervention. Most of the time these are either chemical addictions, education or employment related issues or mental illness.

CBR Medium-low, low, very-low:

Normally a medium-low or below probationer is someone with minimal, if any, prior record that has had some situational type difficulties that caused them to commit a crime. A Medium-low officer will have as many as 150 or more probationers on their caseload and will supervise this population with the assistance of electronic reporting (the person will call in monthly to report changes on an 800 number).

A medium-low or below probationer doesn't normally enter probation with many indicated areas in need of intervention and most of the time we'll see these folks placed on probation without many court-imposed requirements. Most of the time, indicated levels of treatment include outpatient counseling or individual sessions. In felony cases however, our office does not allow for the case to be supervised exclusively by an Electronic Reporting System (ERS) and they will check in at least quarterly with a probation officer unless special circumstances exist.

It is also our hope that all cases, regardless of their risk level upon entry into probation, depart our system under the supervision at this level. It is felt that a gradual step down in services allows the probationer to re-acclimate to life without our oversight, better than if we were heavily involved and then cut the person off without any support.

SPECIALIZED PROGRAMS:

There are multiple specialized programs for both adult and juvenile probationers. These programs have been created due to evidence-based practices and are focused on specific risk/need that will help an adult or juvenile be successful. Some of the programs focus only on adults or juveniles and some can support both.

Specialized Substance Abuse Supervision (SSAS), adult only:

Specialized Substance Abuse Supervision – or SSAS – began in 2006 and was designed to serve as a **prison reduction program**. SSAS specifically targets individuals with felony drug offenses that, without SSAS, would likely be headed for prison. Having said this, the ideal SSAS participant scores as “high” or “very high” on their risk assessment screening, specifically in the domains of antisocial or pro-criminal and substance use. Secondary target populations include Third or Felony Level DWI Cases.

The SSAS probationer will receive vouchers for substance abuse evaluation and any recommended substance abuse treatment, will be drug tested frequently (a minimum of three times weekly in the early going and stepped down from there based on demonstrated attendance and sobriety), will participate in a cognitive program, all available reporting center programs, and any and all indicated programming aimed at reducing their risk.

SSAS programming consists of four core components including, as stated, Substance Abuse Treatment/ and drug testing, cognitive groups run by officers, and Individualized Case Management to meet specific needs. Probationers meet frequently with their officers in a group setting, as well as individual settings both in the office and in their home, announced and unannounced during traditional and non-traditional hours.

Problem-Solving Courts, Adult and Juvenile:

Are defined in Statute 29-2252(15) and individuals participate, at the direction of the Probation Administrator, pursuant to inter-local agreements which meets the requirements of section 29-2255, in non-probation-based programs and services. This statute also

provides for the hiring of probation staff and associated powers and gives access to treatment dollars for qualified individuals under the fee for service voucher program.

Problem-solving courts began in the 1990s to accommodate adults and juveniles with specific needs and problems that were not or could not be adequately addressed in traditional courts. They promote reform in how the government responds to problems such as drug addiction and mental illness. Judges take a more hands-on approach to addressing problems and changing behaviors of adults and youth. Ultimately, Problem-solving courts are designed to provide positive outcomes for victims, society and the adult/juvenile involved, resulting in reduced recidivism and safer communities.

Alternatives to Incarceration (AI)

Adult Alternatives to Incarceration (AI) probation is a supervision approach intended for probationers who are considered to be at the highest risk to reoffend, are participating in problem-solving courts, are on probation or are completing a term of incarceration for a crime requiring a “split sentence” and shall be the first priority of supervision resources for the Nebraska Probation System. This supervision level is most successful when a highly intensive level of supervision is utilized in conjunction with the appropriate cognitive behavioral interventions, treatment services, and monitoring.

Because AI probationers are targeted to be at the highest level of supervision and are the first priority of supervision resources by the Nebraska Probation Administration; as such, probation officers will use varied hours of operation, field work, close collaborations with community partners, treatment, cognitive programming and all available interventions pertinent to high level of assessed risk, specific to the program in which the probationer is involved, related to any precipitating criminogenic behaviors, and/or as ordered by the court. Caseload sizes for officer-to-probationer ratios of Alternatives to Incarceration populations is 1-24.

Post-Release Supervision (PRS)

With limited exceptions, following the passage of LB605 in 2015, certain felonies committed on or after August 30, 2015, carry a possible term of post-release supervision probation. PRS probation is required any time a term of incarceration is imposed by the court, regardless of the duration, in any Class III, or IIIA felony. Following the passage of LB686 in 2019, Class IV felonies, while eligible for PRS, are not required to serve time under community supervision.

Transitional Intervention Program (TIP)

LB605 and other Justice Reinvestment efforts for the highest risk/needs clients called for the creation of the TIP supervision classification. As part of their case management, TIP participants are monitored with electronic monitoring (EM) with global positioning satellite (GPS), weekly home visits, and receive cognitive behavioral intervention services, relevant Reporting Center Services, and random and frequent chemical testing. Probation officer case management includes; field-based hours and are heavily engaged with treatment providers, employers and other community support networks, including law enforcement

agencies and victim advocates. All participants meeting financial criteria are eligible for financial assistance to obtain substance use, mental health or other qualifying services.

Reframe

LB605 and other Justice Reinvestment efforts called for the creation of the Reframe supervision classification for high risk individuals who have not been identified as having a substance use issue which would qualify them for SSAS. As part of their case management, Reframe participants receive precipitating behavior treatment services (mental health, domestic violence, and/or sex offender treatment) to include dialectical behavioral therapy (DBT), relevant Reporting Center Services, and random and frequent chemical testing. Probation officer case management includes; field-based hours and are heavily engaged with treatment providers, employers and other community support networks. All participants meeting financial criteria are eligible for financial assistance to obtain substance use, mental health or other qualifying services.

Sex Offenders and Youth Who Sexually Harm:

When an adult or juvenile is placed on probation for a sex offense, including violators of the sex offender registry, they will be supervised at the CBI or JCBI level. Although not all inclusive, anyone placed on probation for a sex related offense will be referred for a sex offender evaluation and treatment and will participate in a cognitive program. Adult supervision will also include monitoring of, but not responsibility for, compliance with the registry, as well as monitoring of computer or cell phone related activities, as ordered. Juveniles in Nebraska are not required to register.

It remains difficult to pinpoint who exactly qualifies as a sex offender. Most of the sex offender registry violations we see resulted after the 2010 change in federal law. It should also be noted, regardless of the convicted offense, our office will look at the facts of the case and will proceed accordingly with our interventions and programming. So, for example, if a person was originally charged with a sex offense but pled to, or was convicted of, something not including the sexual language, we will intervene and case manage in a way so as to address the originating behavior.

Domestic Violence (DV), adult:

Any one placed on probation for a DV related offense will automatically be supervised at the CBI level throughout their probation and will be referred for participation in a Domestic Violence Intervention Program (DVIP). This program hopes to interrupt the power and control cycle displayed by DV perpetrators and works in accordance with the Nebraska Statewide Provider's Registry.

As was the case with the sex offenders, if a person is on probation for an offense other than a DV case but there is a demonstrated history of DV behavior, or if the case has components of a DV case, we should supervise and case manage them as a DV individual with accompanying sensitivity toward community and victim safety.

Reporting Centers, adult:

Much like the SSAS program, there are Reporting and/or Service Centers located in many jurisdictions across the state. These Reporting Centers were created for adult probationers, problem-solving court participants and community members. Few of the Reporting Centers serve juveniles; this is only possible if the juvenile and adult populations can remain out of contact with each other.

Most of the programming occurring at the Reporting Center is at no cost to the probationers utilizing them (aside from court-imposed probation programming fees through the Reporting Center, Fee for Service Voucher Program and SSAS are funded). They were created to enhance our supervision and are used to address appropriate dosage and allow us to have additional opportunities to have our “eyes on them.”

Programs occurring at the Reporting and Service Centers include but are not limited to the following: Cognitive Programs Moral Recognition Therapy (MRT), Thinking for a Change (T4C), Dialectical Behavioral Therapy (DBT) and Texas Christian University (TCU, various); Men’s and Women’s Trauma Group, Anger Management, individual psych services (UNL), chemical testing, pretreatment, relapse prevention, parenting, victim empathy and crimes that impact the community, Problem-Solving, Employment Skills, GED, Vocational Rehab, time management, money management, community resources, attitude, stress management, life skills, etc.

Reporting Centers are designed to address probationer needs by providing a one-stop-shop for services. Especially since many sites have a limited number of free bus passes or other alternatives for individuals having transportation issues. The Reporting Centers are funded through a combination of general funds for staff, probationer fees for service contracts, and counties for office space. Because space is limited within various programs, a coordinated referral through the reporting center is required.

Teleservices, adult and juvenile:

Each of the Reporting Centers and multiple sites in every probation District are equipped by the Administrative Office with video-conferencing equipment through which training, classes, meetings, and other activities can be accomplished in a HIPPA-compliant fashion.

As has been stated, teleservices has a wide application. The Chiefs and Administrative Office meet regularly using this technology. PSI/PDI Interviews can be conducted on individuals living in other jurisdictions. Officers can attend training or meetings from their desks rather than traveling. Juveniles are receiving evaluations in a timely manner all over the state. This is all accomplished because of this technology.

Recognizing Increased Skills in Education (RISE), adult and juvenile:

The Recognizing Increased Skills in Education (RISE) program was developed for the larger areas of rural Nebraska that have not received the supportive services that urban

areas have. Since implementation, it has expanded to cover nine probation districts throughout the state of Nebraska. As a result of completing the RISE Program, youth will build skills, improve school attendance, decrease negative behaviors and be less likely to be involved in future delinquent activities.

The grant allows probation to place AmeriCorps members, titled “RISE Program Specialists” in the nine judicial districts across the state of Nebraska. Each member is directly supervised by the Chief Probation Officer or designee. The Chief or designee introduces the member to probation policies, procedures, and is given an overview of AmeriCorps rules and the RISE program. The Program Director in the Administrative Office of the Courts and Probation is available to give support to members and ensures the program is operated with AmeriCorps set expectations and rules.



AmeriCorps members are specifically responsible for organizing and facilitating a skill-based curriculum, focused on education, for youth on probation. The educational skills include goal setting, motivation, organization, class participation, study skills and test taking. After completion of the skill-based curriculum youth will receive ongoing support from the RISE Program Specialist.

The members also network with schools and the local community. Members invite local speakers to their groups to discuss topics they are discussing in their workbook and/or post-high school opportunities. This includes military representatives, local college representatives, and information on trade schools. Finally, the members collaborate with the Probation Officers regarding youth school performance, progress and RISE group participation.

Chemical testing, adult and juvenile:

Individuals with substance use-related offenses and/or an assessed high domain in substance use can receive chemical testing when included in the court order. On occasion the court will mandate a certain testing frequency for a probationer. In other instances, the probation officer supervising the case will make the determination utilizing assessment and screening tools. Additionally, for group testing as an example, using the “color” testing system, there are testing frequencies ranging from several times per week to those that test sporadically.

Also available for use, if needed, is ETG (Ethylglucuronide). ETG is an alcohol test that can identify alcohol use for up to 80 hours. Plus, Continuous Alcohol Monitoring or CAM, is an ankle bracelet worn by the probationer. This device monitors alcohol consumption around the clock. SMART drug testing is key to successful supervision of probationers and shall be a priority during supervision.

PRINCIPLE #3 – ENHANCE INTRINSIC MOTIVATION

MOTIVATIONAL INTERVIEWING (MI):

Perhaps one of the most important tools utilized is MI. A communication style that, if utilized correctly and with fidelity, has proven extremely effective in facilitating change within individuals. Although MI is a communication style, it is also a state of being that shouldn't be turned on or off. We should be operating with MI "spirit," in all of our interactions, whether with probationers, their families and stakeholders.

The art of helping an individual realize for themselves there are changes to be made is powerful and effective. Strive to be the best you can be in this area and have your staff do the same.

The goal in each and every interaction is to move people along in the stages of change, especially in those areas in which they are in the contemplative stage or below. Motivational Interviewing is a powerful tool in helping people discover for themselves what changes need to be made, why they need to be made and how they can make them.

REAL COLORS:

The "Real Colors" technic identifies four colors – gold, blue, green and orange – which relate directly to a personality type. All Probation staff have participated in this facilitation, plus, probation staff have been trained as facilitators for the Real Colors assessment and facilitate with probationers to identify their personality type. This allows probation officers to improve interaction and motivation, additionally families are included with juvenile Real Colors classes to enhance relationships and understanding at home.

PRINCIPLE #4 – SKILL TRAIN WITH DIRECTED PRACTICE

GROUPS:

Key to skill training is the utilization of cognitive restructuring groups. Cognitive groups have been found to reduce risk for high risk youth and adults and should be prioritized during probation supervision. The cognitive groups currently utilized are Moral Reconation Therapy (MRT), Thinking for a Change (T4C) and Aggression Replacement Training (ART) specifically for youth. Additionally, these groups accomplish caseload management and engage probationers cognitively in order to change thinking and, thus, behavior.

All probationers and juveniles supervised at JCBI/CBI shall be prioritized to participate in an approved cognitive restructuring program.

TRAINING:

Creating a culture of training is essential to the Administrative Office of Probation. All training for probation staff is facilitated by the Judicial Branch Education (JBE), which includes New Probation Officer Training, specialized training, manager training and more.

PRINCIPLE #5 – INCREASE POSITIVE REINFORCEMENT

INCENTIVES AND THE 4-TO-1 RULE:

EBP and Social Learning Theory tells us in order for an individual to truly incorporate change into a new way of life we must reinforce behaviors we are looking for. The general rule of thumb is we must incentivize positive behavior four times to every one time we sanction undesired behaviors. Make sure your officers are recognizing and issuing sanctions every time they observe positive signs of change and accomplishments.

By Supreme Court Policy we are not allowed to provide or solicit tangible incentives to probationers. On occasion you may have someone donate such items that can be awarded. Generally, however, words of praise, certificates of completion, step-downs in chemical testing or other requirements are as effective in reinforcing positive behavior as anything.

JUVENILE GRADUATED RESPONSE:

The primary objectives for youth under juvenile probation supervision are to: 1) satisfactorily complete the requirements of their probation order; 2) refrain from incurring any violations of probation or becoming involved in additional acts of delinquency; and 3) internalize long-term positive behavioral change that will lead to youth success on and off probation. The challenge is how to help youth achieve these critical objectives. Behavior change is largely based on the relationship the probation officer builds with youth and family. Graduated responses are an effective tool that can assist a probation officer in rewarding success and addressing behavior transgressions when they have built a relationship with the youth and families

The graduated response approach provides empirically-based strategies for responding effectively to behaviors. Within this framework, incremental, proportionate, and predictable responses are delivered so that the youths' positive behaviors are encouraged and reinforced and negative, noncompliant behaviors are discouraged and met with consequences that hold them accountable. A graduated response system in juvenile probation encourages positive behavior change to help youth successfully complete probation and become productive, law-abiding members of the community, while also preventing the unnecessary use of detention and residential placement.

Research findings indicate that incentives are more effective than sanctions in shaping behavior and that the ratio of incentives to sanctions should significantly favor incentives. It is expected that incentives exceed sanctions by at least a 4:1 ratio.

Grounded in knowledge of adolescent development and behavioral shaping principles, graduated responses should be evidence-based, guided by empirical research findings. Research indicates that incentives, consequences, or sanctions are most effective in shaping behaviors if they are:

- Certain – Responses to behaviors should be predictable. If an identified behavior occurs, a specific response should then occur which directly correlates to the behavior.
- Swift – Incentives, as well as sanctions, should be administered as soon as possible after the performance of a behavior.
- Targeted – Both desired and undesired behaviors must be clearly identified, communicated, and understood by the youth and his/her family.
- Proportionate – Responses should be proportionate to the behavior exhibited. For example, excessive or lavish praise or the provision of incentives for minimally compliant behaviors may diminish the impact of the incentive. Sanctions should also be commensurate with the behavior. Sanctions need not be severe to be effective; excessively punitive responses will have detrimental effects on behavior change. In addition, higher risk youth often have long histories of punishment and disapproval, and they may have adapted and become immune to the discomfort associated with severe sanctions. Just as services or interventions should match risk and needs, sanctions should match the behavior.
- Fair – The consequences for behaviors must be clearly understood, and the application of the incentives and sanctions should be transparent and issued equitably.

JUVENILE GRADUATED RESPONSE: INCENTIVES

Every interaction with a youth is an opportunity to positively shape behavior. Research indicates that positive reinforcement of pro-social behaviors is more effective and should be used more frequently than sanctions in facilitating long term changes in behavior. Increased frequency of positive reinforcement enhances a youth's intrinsic motivation to continue exhibiting pro-social behaviors. The type of positive reinforcement used should be dependent upon the circumstances and the extent to which the pro-social behaviors are new or repeated. Important considerations in positive reinforcement of pro-social behaviors include:

- 1) Ensure that conditions allow the youth to exhibit the desired behaviors.
- 2) Tailor rewards to the individual to ensure that the reinforcements are meaningful.
- 3) Use high frequency of rewards so that youth receive consistent positive feedback and reinforces optimal learning.

ADULT VIOLATIONS OF PROBATION, ADMINISTRATIVE SANCTIONS:

Statutorily, anytime a person commits a new law violation other than a minor traffic violation or other infractions, the probation officer is required to submit a Violation Report to the court and county attorney for review. Occasionally the county attorney's office will make a determination that, despite the new law violation, a Motion for Revocation of Probation should not be pursued.

While not all inclusive, technical violations include those things like missed or positive chemical testing, missed appointments with the probation officer, failure to attend or complete required or indicated programming, failure to make payments, association with individuals not positively influencing success, failure to attend school and/or failure to gain or maintain employment.

Normally the probation officer will attempt to address the technical violation to advance the probationer's Stage of Change and gain compliance with the Probation Order through the use of Administrative Sanctions. These violations and sanctions are laid out in Nebraska Revised Statute 29-2266(1-3). It should be noted – in order for an Administrative Sanction to be valid, the probationer must agree in writing to the sanction. If they do not agree, a Violation Report is forwarded to the court and county attorney's office for review. In essence, once the sanction is imposed and agreed to by the probationer it becomes a modification of the Order of Probation.

Although there is no "rule of thumb" as far as how many technical violations it takes before a probationer is referred back to the court by way of the county attorney to face Revocation of Probation proceedings, decisions are usually made based on the severity and frequency of the technical violations and the probationer's stage of change and/or amenability to services.

ADULT INCENTIVES AND THE 4-TO-1 RULE:

EBP and Social Learning Theory tells us in order for an individual to truly incorporate change into a new way of life we must reinforce behaviors we are looking for. The general rule of thumb is incentivize positive behavior four times to every one sanction for undesired behaviors.

POWERS OF ARREST:

Probation officers have limited powers of arrest per Nebraska Revised Statute 29-2266(4). In order for a probation officer to use their power of arrest, a person on probation must be in violation of their probation or about to violate their probation AND either be a risk to flee the jurisdiction of the court or be a danger to themselves or others. If taken into custody, there is to be a finding of probable cause within 48 hours of arrest. People arrested by a probation officer are held without bond until such a time they are seen by a Judge and a hearing has been held.

PRINCIPLE #6 – ENGAGE ON-GOING SUPPORT

POSITIVE SUPPORT PERSONS:

Perhaps one of the most important pieces of case management lies in the involvement of prosocial individuals or attendance at prosocial events in the lives of those we supervise. It is very important we involve families, sponsors, self-help groups, positive support persons,

etc. in the lives of our probationers and juveniles so when they are done with probation they have someone or somewhere else on which to lean to help facilitate their success.

PRINCIPLE #7 and #8 – MEASURE PROCESS/PRACTICES and PROVIDE MEASUREMENT FEEDBACK

Continuous Quality Improvement or CQI is utilized to support measuring practices and processes in each probation district, as well as allowing opportunity for measurement feedback.

ADDITIONAL PROBATION DISTRICT PRIORITIES

INTERSTATE COMPACT (OUT-OF-STATE) TRANSFERS OF PROBATION:

The Interstate Commission for Adult Offender Supervision (ICAOS) oversees national compact compliance for all adult transfers. For more information relating to Interstate Compact, please visit the ICAOS website at www.interstatecompact.org.

The Interstate Commission for Juveniles (ICJ) oversees the national interstate activity for juveniles. All juveniles that are placed on probation with supervision conditions are eligible, except those transferring to an out-of-home facility in another state. Those youth must be transferred using the Interstate Compact for the Placement of Children (ICPC).

For more information relating to Interstate Compact, please visit the ICJ website at www.juvenilecompact.org.

DNA:

In 2010 a law was enacted requiring all convicted for felony and misdemeanor offenses including; committed stalking pursuant to sections 28-311.02 to 28-311.05, second degree false imprisonment pursuant to section 28-315, attempted, conspiracy to commit or solicitation of stalking pursuant to section 28-311.02 to 28-311.05, first degree false imprisonment pursuant to section 28-314, second degree false imprisonment pursuant to section 28-315, knowing and intentional sexual abuse of a vulnerable adult pursuant to section 28-386(1)(c) or a violation of the Sex Offender Registration Act pursuant to section 29-4011, to submit to collection of a DNA test prior to release from their sentence.

DNA samples are collected by the Probation Officer and require a \$25 fee that is mailed to the Attorney General's Office. This fee is not part, nor should it be made part of the court costs or other imposed fines or fees.

PROBATION ENROLLMENT, PROGRAMMING AND OTHER FEES:

Any time a person is placed on probation they are required by Statute (29-2262.06) to pay a \$30 enrollment fee, per case. Meaning, if there are three separate case numbers, a \$30 fee would be imposed in each case number.

Conversely, per the same Statute, a probation programming fee of \$25 per month should be ordered in a “traditional” probation case (CBI, CBR) and programming fee of \$35 per month should be ordered any time a term of ISP is imposed. Unlike with the enrollment fee, however, this programming fee only applies one time and should be waived in all other cases. Additionally, juvenile probationers are not required to pay enrollment or supervision fees. This rule applies even if a person is on probation out of two different jurisdictions.

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