



**Lancaster County, NE
Juvenile Probation System Review
Executive Summary**

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**Produced for
Lancaster County, Nebraska Juvenile Probation**

Presented by the:
Robert F. Kennedy National Resource Center for Juvenile Justice
led by RFK Children's Action Corps

Executive Summary

In a continuing effort to enhance policy, practice and service provision for the youth and families involved with Lancaster County Juvenile Probation, a comprehensive probation system review was undertaken. The Robert F. Kennedy National Resource Center for Juvenile Justice (RFK National Resource Center) was invited to conduct a comprehensive review as articulated below. In partnership with the Lancaster County Juvenile Probation leadership and relevant interested stakeholders, the analytic probation system evaluation began in May 2017 and concluded in April 2018. The process included a review and examination of policy, practice and service provision designed to inform immediate opportunities for system enhancement and improvement of youth outcomes.

The overarching purpose for this review and assessment was to support Lancaster County's long-term plan for comprehensive juvenile justice system improvement and identify opportunities for enhanced probation performance based on best practice standards. It was conducted with a focus on four primary areas using a wide array of dynamic and interactive methodologies that have been successfully used in other jurisdictions and relied upon a Lancaster County Probation System Review Leadership Team to inform and direct the RFK Consultant Team. The structure of the review and the recommendations and findings in this report include the following elements and areas of concentration:

- Administration
- Probation Supervision
- Intra- and Interagency Work Processes
- Quality Assurance

Throughout the review process, opportunities were examined within the context of current research on adolescent characteristics as the foundation for the adoption and implementation of developmentally informed practices, policies and procedures that have proven effective in achieving the primary responsibilities of the juvenile justice system, which include accountability, prevention of re-offending, and fairness and equitable treatment. This Executive Summary provides a brief overview of the strengths and opportunities in each of the elements of the Probation System Review that is augmented by a list of the fifteen recommendations included in the final full report.

Lancaster County Juvenile Probation is driven by a clearly articulated mission and vision that aligns with goals to implement evidence-based standards related to public safety, prevention of re-offending, youth accountability, victim restoration, and collaborative principles among its key partners. There is also a well-developed policy and procedural manual that helps guide and

inform the practices and activities that will achieve the mission and goals. This strong foundation, driven by a committed and effective leadership that embraces the implementation of best practice approaches, has set Probation on a positive course while embracing innovative and best-practice approaches that can further enhance probation performance. The opportunities for improvement include increased emphasis of the neuroscience of adolescent development in the Policies and Procedure Manual and supported by a specific training curriculum and practice strategies consistent with this knowledge. Fundamental to improved outcomes is the effective use of family engagement and involvement practice. This review concluded that Probation Administration can strengthen the information and training of staff on those evidence-based principles and strategies that are necessary at each key point at which probation staff are interacting with families. Another key decision-making approach that has been embraced by Lancaster County Juvenile Probation includes the use of graduated sanctions/incentives. The final report noted that the implementation of this practice throughout the juvenile justice system is in the final stages of development and will require cross-system training for stakeholders that play a role in its use. Finally, meaningful inclusion of probation staff input on the adoption, practice and challenges of these innovative reforms must be enhanced as a means of ensuring organizational effectiveness through this process of innovation and change.

Lancaster County Juvenile Probation has a strong commitment to the use of risk-needs-responsivity instruments to structure their professional judgement at all key decision making points in the juvenile justice system. Nebraska Office of Probation Administration has been a strong and supportive partner in the implementation of this core principle for effective reduction of recidivism among the delinquent population of youth. The juvenile justice system and its partners has also committed to the Nebraska Youth Services (NYS) Screen to support opportunities for diversion for low risk offenders from formal involvement in the juvenile justice system. The Lancaster County Attorney's Office, in true partnership with the Public Defender's Office and Probation, has established a commendable policy and practice that successfully diverts many youthful offenders from formal involvement while maintaining a strong commitment to public safety and victim concerns. The report did reveal an opportunity to improve important data collection, information sharing and reporting processes between and among the stakeholders involved in the diversion and alternative responses efforts. The Youth Level of Service / Case Management Inventory (YLS/CMI) instrument has been the subject of a quality validation study for the state and is the instrument that is used in Lancaster County. The review found multiple opportunities to improve the application of the YLS/CMI by probation staff, prosecution and public defense, and the judiciary and recommends a consistent system of supervision, coaching and quality assurance be developed in Lancaster County. Additionally, Lancaster County Juvenile Probation plays a key role in assisting in the processing

of cases through their Intake function. There are opportunities to enhance the contribution of staff in that key processing of delinquent referrals. Probation is encouraged to hold a short series of internal meetings to discuss the efficacy of intake training, payment structure, quality assurance, mentorship and supervision toward improved efficiency and effectiveness of the intake operations.

Also as part of this element of the review, the National Juvenile Defender Center created a workgroup within the Lancaster County Juvenile Court to undertake an intensive review of probation orders. The goals of this workgroup were to collaboratively examine the 1) readability of the orders; 2) number of conditions; 3) mandatory vs. discretionary conditions; and 4) effectiveness and constitutionality of conditions. The opportunities identified to strengthen the current goals of Lancaster County Juvenile Probation in this arena include increased emphasis on strength-based approach for policies and within court orders, ensure the orders are developed at an appropriate level for comprehension, focus the limited terms and conditions on youth-specific orders, and enhance the focus of incentives within the graduated sanction/responses grid. The final report emphasizes the importance of this area as foundational to an effective rehabilitative and accountability plan.

The intra- and interagency work processes in Lancaster County and the relationships among the stakeholders throughout the system are a source of strength. The probation staff, judges, county attorneys, public defenders, community providers, and education personnel include persons with dedication, commitment, passion and knowledge of their discipline and of the juvenile justice system. Each seeks to implement their roles and responsibilities with fidelity to their mandates and beliefs. There are opportunities to bring these stakeholders together to create a more unifying philosophy and resulting set of collaborative practices that ensure even greater system performance and youth and family outcomes. The final report includes a structural set of recommendations that will bring these key stakeholders together to drive more consistent practice and expectations that increase the likelihood that all youth and families are treated fairly, equitably and with the same high level of practice integrity for the team of professionals working as their partners to achieve the goals for them and the community. Additionally, this area of focus resulted in an understanding of the concerns related to the practice of *conditional release*. The reasoning and goals of this practice have been impacted by historical relationships and the recent legislative reforms enacted in the state. The final report focuses on a re-examination of this practice with a minimum focus on establishing criteria and specific goals that more routinely guide the use of this practice and also suggests including alternative practices (e.g., deferred prosecution, consent decrees, and informal adjustments) that address the efforts of this current practice.

The Lancaster County Juvenile Court is fortunate to have two data analysts available to them; a Data Analyst at the Administrative state level and a District Data Analyst at the county level. Two systems are used to collect data:

- Nebraska Application for Community Safety (NPACS): Probation database / case management system for probation officers. It is very comprehensive and houses all case information including the YLS results.
- Nebraska Criminal Justice Information System (NCJIS): State Database

The combination of the two databases along with the dedicated personnel to maximize their use provides a tremendous opportunity for Lancaster County Juvenile Probation. The data and reports generated from same provides necessary information to supervisors on certain quality assurance indicators (e.g., staff completion of PDIs, etc.) and reveals where resources are committed (drug tests, evaluations, etc.) and supports the value toward “level and timeliness of effort” information. Lancaster County Juvenile Probation leadership is applauded in its application for oversight of probation staff accountability to required tasks. However, the final report finds that Lancaster County could produce a current set of routine data reports that inform whether the youth and family outcomes sought in each program area of Probation are being achieved (e.g., youth recidivism, successful completion rates, YLS risk decreases in priority domains of focus, positive connections to pro-social connections, etc.) which should be routinely shared with impacted stakeholders to improve quality control and enhance opportunities for policy and procedural change when necessary. The collection, management and reporting process and methods for this focus of performance measurement is a critical component of agency accountability for which each stakeholder bears a collective responsibility. Additionally, there is an opportunity to enhance the collection of data reflecting the desired reduction in risk scores within the YLS/CMI assessment and case management process. This area of improvement is meant to ensure the instrument is being used in practice by all stakeholders for its designed intent and purpose, specifically to inform identification of targeted services and interventions and reduce the youth’s risk-to-reoffend.

It is critical that all efforts of juvenile probation reform be guided by and founded upon a set of principles, goals and outcomes. At the beginning of this process, Lancaster County Juvenile Probation did not have a clearly articulated set of goals and outcomes. However, indicative of their strong investment in this process of improvement, they have already built a strong set of desired outcomes that will serve to guide, enhance and measure the success of all the recommendations made as a result of the Probation System Review. This early and intentional effort is indicative of a Probation leadership team that is thoughtful, intentional and committed to doing what is best for the youth and community they serve. In summation, Lancaster County Juvenile Probation and its partners are actively implementing a set of practices throughout the

juvenile justice system that align with best practices. Their commitment and dedication to the challenges of doing so effectively are commendable. This final report highlights areas in which routine implementation of these set of practice may be enhanced so that Lancaster County can be on the forefront of national probation best practices. By undertaking this review and implementing the resulting recommendations, Lancaster County Juvenile Probation will not only be providing the best possible services to youth, but will set themselves apart as national leaders in the field. The full list of recommendations from the final report is included below:

Lancaster County Probation Probation System Review Recommendations

ELEMENT A: ADMINISTRATION RECOMMENDATIONS

1. It is recommended that information on the neuroscience of adolescent development be included in the Policies and Procedure Manual and that specific training and practice strategies and language supporting this approach be included in the manual. Further, it is the recommendation of the RFK NRC Team that language be added within specific sections of the manual (e.g., Prior to Disposition, Case Management) to highlight the necessity of employing a case planning and supervision approach that incorporates the key research findings for adolescent development.
2. It is recommended that training on adolescent development be added to the training curriculum as a distinct module. In addition, it is recommended that this same training on adolescent development be made available to the staff at the County Attorney's office and the Public Defender's office.
3. It is recommended that booster trainings on Family Engagement be scheduled on a routine basis within an annual cycle of requirements.
4. It is recommended that a specific training schedule precede the roll out of the juvenile graduated responses policy and implementation. This schedule must incorporate all juvenile court stakeholders (e.g., probation staff, judges, county attorneys, and public defenders)
5. It is recommended that State Probation Administration and Probation leadership identify and implement routine and supportive methods for line staff to submit their feedback and ideas for practice, procedure and policy improvement.

ELEMENT B: PROBATION SUPERVISION RECOMMENDATIONS

6. It is recommended that discussions be held within Probation to identify whether the current detention intake rotating schedule of PDI, CBR and Truancy officers is most effective. In addition to collaborative conversations with all partners involved in the

detention intake process, Probation is encouraged to hold a short series of internal meetings to discuss the efficacy of intake training, payment structure, quality assurance, mentorship and supervision.

7. It is recommended that opportunities to expand the available beds at the shelter be explored by all invested parties.
8. It is recommended that Probation re-examine their family engagement training, policies, practices, and communication mechanisms related to involving families as partners in realizing the positive outcomes for youth and system performance. This re-examination should include qualitative and quantitative information on how often families are involved in case planning, case management, positive and negative behaviors by youth on probation and termination decisions.
9. It is recommended that an internal workgroup be developed to review the YLS policies and practices and collect data on how often the results of the YLS are being used to create case plans and guide early release opportunities. It is imperative that a consistent system of supervision, coaching and quality assurance focused on the use of the YLS be developed. In addition, it is recommended that a detailed early release protocol based on the above permissions granted by the State, be developed and consistently implemented to prompt opportunities for early release.
10. Probation Order Recommendations:
 - Amend the Policy and Procedure Manual to be consistent with the stated commitment to youth strength.
 - Work with Dr. Gwyneth Rost to revise the language of any and all forms that youth and their parent(s)/guardian(s) sign and/or are expected to understand, to ensure that this language is at an accessible reading level – these include the probation order(s) and the Informal Sanction Agreement.
 - Standardize an order of probation that has limited standard terms and individualized, youth-specific terms, and describes each condition in language accessible for youth and families.
 - Reduce the number of conditions required of each youth, by combining duplicative and/or similar terms, decreasing the number of terms required of every youth, carefully selecting case-specific terms, and eliminating terms that do not lead to youth success and/or community safety or could be unconstitutional.
 - Revise the Graduated Response Grid Philosophy and Utilization Guide, the Graduated Response Grid, and the Informal Sanction Agreement to ensure that the graduated response process reflects the Probation's commitment to increased use of positive incentives. (Note: this has already been addressed.)

ELEMENT C: INTRA- AND INTERAGENCY RECOMMENDATIONS

11. It is recommended that the alternative response and diversion programs develop improved data sharing and communication processes with Probation.
12. It is recommended that routine monthly meetings be held with probation leadership, judges, prosecutors, and public defense. These on-going meetings will support the implementation and sustainability of the recommendations being presented in this report. Further, the routine meetings must be used to foster cross-discipline conversations that will hone and create a cohesive, unifying philosophy between and among key juvenile justice stakeholders. It is recommended that this unifying philosophy be forthrightly discussed amongst the partners and be founded in the neuroscience of adolescent development, family engagement and the core principles for reducing recidivism and improving other youth outcomes.
13. It is recommended that a short-term workgroup be created to discuss the pros and cons of conditional release, consider alternatives, and at a minimum define criteria and goals for who is best suited for this practice and to what end.

ELEMENT D: QUALITY ASSURANCE RECOMMENDATIONS

14. To support the necessary enhancement of data collection, management and reporting of enhanced accountability measures related to youth and system outcomes, it is recommended that Probation continue to develop a set of priority outcomes and measures that may be produced in routine reports accessible to primary stakeholders (e.g., probation, judges, county attorney and public defender counsel) and impacted parties (e.g., behavioral health, education, families). It is recommended that Probation introduce the use of the Data Working Grid (developed by Gene Siegel and accessible at: <https://rfknrcjj.org/wp-content/uploads/2014/11/Data-Planning-in-the-Dual-Status-Youth-Siegel-RFKNRCJJ1.pdf> and can be found in Appendix H of the Probation System Review Guidebook, 2nd edition) to further inform this critical performance measurement improvement.

This Grid details eight categories of data (see below) and a set of specific questions that support this recommendation:

1. Prevalence
2. Case characteristics and history
3. Case processing
4. Case management, processing and supervision
5. Protocol adherence and training
6. Placement and services
7. System outcomes and performance indicators
8. Youth and family outcomes

15. It is recommended that the YLS quality assurance practice be re-examined to ensure that training for use (including routine booster training and inclusion of all impacted stakeholders), inter-rater reliability, application of the assessment results into a case plan, process for consideration in court proceedings, and use of re-assessment to inform opportunities to close probation supervision.