

SUPREME COURT OF NEBRASKA



ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

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Memo

To: Juvenile Justice Stakeholders

Jeanne K. Brandner, Deputy Administrator / Juvenile Services Division of the
Administrative Office of Probation

From: Douglas J. Weinberg, Director / Division of Children and Family Services of the
Department of Health and Human Services

cc: Ellen Fabian Brokofsky, Courtney Phillips, Corey Steel

Date: November 12, 2015

Subject: Council of State Governments Justice Center – Findings and Recommendations for
Nebraska

The Council of State Governments (CSG) Justice Center, along with the National Reentry Resource Center (NRRRC), released two publications in 2014, outlining what state and local governments can do to improve outcomes for youth who come into contact with the juvenile justice system. After release of these publication CSG partnered with Nebraska's Administrative Office of Probation (AOP) and the Department of Health and Human Services (DHHS) under the leadership of Probation Administrator, Ellen Fabian Brokofsky and then DHHS Chief Executive Officer, Kerry Winterer who authorized an evaluation of Nebraska's juvenile justice system.

While both entities realized there was a great deal of settling still occurring from the recent legislative changes, the decision to have a foundational understanding of improvements was seen as beneficial. Today we are publically releasing the findings and recommendations specific to Nebraska. The DHHS leadership change has further allowed collaborative efforts. While a few of the recommendations have already been implemented, plans are underway to examine those that remain. The DHHS leadership change is allowing collaborative efforts that did not historically exist. We look forward to our continued work together to improve justice for youth and families of Nebraska. "The Council of State Governments Report," combined with this memo and action plan, can be retrieved on the Judicial Branch Website at: <https://supremecourt.nebraska.gov/15067/probation-reports>.

If questions should arise regarding the specifics of the findings or plans to incorporate recommendations, please don't hesitate to contact Jeanne or Doug.

Thank you!

Reducing Recidivism for Youth in Nebraska: A Report for the Office of Probation Administration

Executive Summary

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October 21, 2015

MacArthur
Foundation





Background and Overview of Assessment

Findings

Recommendations

Council of State Governments Justice Center

Corrections



Courts



Justice Reinvestment



Law Enforcement



Mental Health



Reentry



Substance Abuse



Youth



National nonprofit,
nonpartisan membership
association of state
government officials

Represents all
three branches of
state government

Provides practical
advice informed by the
best available evidence

Importance of Improving Outcomes of Youth in Contact with the Juvenile Justice System



July 2014

WHITEPAPER RELEASED

Identifies core principles demonstrated by research to reduce recidivism and improve other youth outcomes



July 2014

ISSUE BRIEF RELEASED

Recommends strategies for improving the measurement, analysis, collection, reporting, and use of recidivism data



PILOTS LAUNCHED IN FIVE STATES (NE, UT, KS, PA, TN)

Piloting checklists to help state officials assess whether policies and practices align with the recommendations in these documents

Core Principles for Improving Outcomes for Youth Involved in the Juvenile Justice System

Principle 1

Base supervision, service, and resource allocation decisions on the results of **validated risk and needs assessments**

Principle 2

Adopt and effectively implement **programs and services demonstrated to reduce recidivism** and improve other youth outcomes, and use data to **evaluate the results** and direct system improvements

Principle 3

Employ a **coordinated approach** across service systems to address youth's needs

Principle 4

Tailor system policies, programs, and supervision to reflect the **distinct developmental needs of adolescents**

Nebraska's Assessment Process

No juvenile justice system has fully implemented all or even most of “what works” to reduce recidivism. Full adherence to the four core principles is the gold standard for juvenile justice.

The Office of Probation Administration has experienced a large **expansion of responsibilities** due to the passage of LB561 in 2013 and LB464 in 2014. Significant implementation challenges are to be expected.

The Office of Probation Administration has engaged in an **evaluation** of its efforts and is **committed to improvement**.

Reviewed Office of Probation Administration policies and procedures

Analyzed disposition, risk level, service voucher, and other available data

Conducted over 30 focus groups with Office of Probation Administration staff and stakeholders

Identified challenges and opportunities to reduce recidivism and to better track recidivism and other youth outcomes

Data and Information Used for Assessment

Data Analyzed

- FY 2014 dispositions to pre-adjudication, pre-disposition, and post-disposition probation and Youth Rehabilitation and Treatment Centers (YRTCs)
- FY 2014 dispositions by risk level, offense, and youth demographics
- FY 2014 lengths of stay for youth discharged from YRTCs and private residential placements
- FY 2014 assessment, service, and placement vouchers by number, type, costs, and population served

Information Reviewed

- Juvenile Community Safety Impact and Rehabilitative Model
- Probation and YRTC annual reports
- Juvenile intake, assessment, supervision, and case management standards and policies
- Quality assurance assessment and case management user guides
- Juvenile Services Committee of the Nebraska Children's Commission Phase I Strategic Recommendations
- 2013LB 561 legislation and 2014 LB 464
- Nebraska Juvenile Justice System Evaluation, Terry Lee, 2013
- Nebraska Juvenile Service Delivery Project Evaluation Final Report, 2013
- YLS/CMI Analysis of Recidivism Data, 2013, National Council on Crime and Delinquency

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Focus Group Participants

- Capstone Consulting
- Chief Justice
- Community-Based and Residential Service Providers
- Department of Education Staff and Teachers
- Department of Health and Human Services (DHHS) Leadership
- DHHS, Office of Juvenile Services Leadership
- Judiciary (statewide)
- Juvenile Services Committee, Nebraska's Children's Commission
- Legislators
- Nebraska Court Improvement Project
- Nebraska Crime Commission
- Probation Administration Leadership
- Probation Chiefs, Officers, Reentry Supervisors, and Juvenile Justice Resource Specialists
- Probation Fee-for-Service, Information Technology, and Administrative Staff
- Prosecutors
- Public Defenders
- State Court Administrator
- University of Nebraska Researchers
- Voices for Children in Nebraska
- Youth Rehabilitation Treatment Centers (Geneva and Kearney) Management and Line Staff

Background and Overview of Assessment



Findings

Recommendations

Steps Taken Towards Adopting and Effectively Using Validated Risk Assessments

Principle 1: Validated Risk Assessments

- ✓ Uses validated risk screening tools to guide intake and detention decisions, and a validated risk assessment tool (YLS) statewide to inform disposition decisions
- ✓ Uses a standardized case plan based on youths' assessed risks and needs
- ✓ Conducts YLS reassessments every six months
- ✓ Captures assessment results in an electronic case management system
- ✓ Provides ongoing training for officers on the appropriate use of assessments and conducts assessment fidelity audits

Areas in Need of Attention

Base supervision, service and resource-allocation decisions on the results of validated risk and needs assessments

- Risk assessment results are not consistently used when making disposition decisions because judges don't always order pre-disposition investigations and probation officers lack standardized criteria for making supervision recommendations to the court based on assessment results.
- Due to the absence of validated mental health screening or assessment tools, disposition, placement, and service decisions are often made without accurately identifying youth's mental health treatment needs.
- Limited resources for supervision and services—including the use of out-of-home services—are not consistently prioritized for youth assessed as moderate-high and high risk of reoffending.
- The procurement and use of services is not sufficiently focused on ensuring that youth are matched to specific services that address the primary causes of their delinquent behavior.
- Lengths of stay in YRTCs and other out-of-home placements are not based on youth's assessed risk level, treatment needs, or a defined "dosage" of time in placement required to effectively meet these needs.

Steps Taken Toward Adopting Effective Programs and Evaluating Youth Outcomes

Principle 2: Programs that Work

- ✓ Received significant funding to develop a continuum of community-based and residential services
- ✓ Uses an electronic fee-for-service voucher system to match youth/families with needed services
- ✓ Requires service providers to obtain training to become registered providers
- ✓ Partnering with the Court Improvement Project and private funders to implement evidence-based programs statewide
- ✓ Works with Capstone Consulting to improve data collection system
- ✓ Has access to Nebraska Criminal Justice Information System, which could support robust analyses of recidivism and other youth outcomes

Areas in Need of Attention

Adopt and effectively implement programs and services demonstrated to reduce recidivism and improve youth outcomes, and use data to evaluate system performance and direct system improvement

- Programs and services demonstrated by research to effectively reduce recidivism are not sufficiently available in the community, YRTPs, or in other out-of-home placements.
- Given the range of newly available services and providers, the Office of Probation Administration has limited capacity to formally assess the quality of these services.
- Recidivism and other youth outcomes are not currently tracked in a formal and ongoing way, and outcome data is not routinely shared internally with management staff and externally with key stakeholders such as the legislature and other state youth service agencies or service providers.
- The limited data available on youth outcomes is not consistently used to guide key decisions or to hold service providers accountable for improved youth outcomes.

Steps Taken Toward System and Government Agency Collaboration

Principle 3: Collaboration across Systems

- ✓ Engages in numerous working groups intended to establish a more coordinated approach to juvenile justice on issues that include:
 - Improving services and reentry for youth placed in YRTCs
 - Ensuring youth in out-of-home placements receive appropriate educational services and are transitioned successfully to the community
 - Improving child welfare and juvenile justice coordination
 - Improving behavioral health services for at-risk youth

Areas in Need of Attention

Employ a coordinated approach across service systems to address youth's needs

- Communication between DHHS and the Office of Probation Administration has improved but opportunities for formal coordination are not being realized, including:
 - how to prevent youth involved in the juvenile justice or child welfare system from becoming involved in both systems;
 - how to best support youth and their families who are already involved in both systems;
 - the oversight of service providers that receive funding from both DHHS and the Office of Probation Administration; and
 - use of Medicaid and Title IV-E Waiver funding

Steps Taken Toward a Developmentally-Appropriate Approach

Principle 4: Policies and Practices Developmentally Appropriate

- ✓ Requires probation officers to conduct monthly family team meetings and home visits every 60/90 days
- ✓ Uses Responsive Case Management model that requires officers to address the key needs that drive youth's delinquent behavior, support school engagement, and refer youth/families to needed services
- ✓ Uses statewide graduated response matrix for technical violations

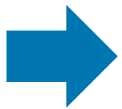
Areas in Need of Attention

Tailor system policies, programs and supervision to reflect the distinct developmental needs of adolescents

- Many YRTC staff are committed to rehabilitation but the Kearney YRTC, and to a lesser extent Geneva YRTC, lack a clear treatment philosophy, policies, and sufficient training for staff.
- The statewide graduated response matrix is not customized for juveniles, and there is a lack of quality assurance and data-collection processes needed to ensure its consistent and appropriate use.
- Current training and quality assurance activities are not sufficient to ensure that staff, especially the large influx of new probation officers, adhere consistently to responsive case management standards.

Background and Overview of Assessment

Findings



Recommendations

Key Recommendations for Improving Outcomes for Youth

1

The Office of Probation Administration should establish **statewide risk-based criteria and structured decision-making tools** to improve supervision decisions and the efficient use of resources.

2

The Office of Probation Administration should establish more **specific policies to guide the funding, use, and oversight of services** that will improve service effectiveness and use resources more efficiently.

3

The Office of Probation Administration should **capture comprehensive data** on youth services and supervision **and conduct analyses** to track outcomes and evaluate and improve performance.

Establish Objective Criteria and Tools to Improve Supervision Decisions

Key changes to supervision decisions

1. With judicial support, develop and promote the use of standardized, risk-based **criteria to guide the use of pre-adjudication and pre-disposition supervision**
2. With judicial support, ensure that all youth receive a **YLS prior to disposition** and that the results are shared with the court
3. Develop, use, and ultimately validate a **dispositional matrix**, based on seriousness of offenses and YLS assessment results, to guide and standardize probation officer dispositional recommendations to judges
4. Implement policies that **establish specific eligibility criteria** and a supervisor-level approval process for the use of all **out-of-home services** that don't require a new disposition (i.e. all placements other than YRTC's)
5. In partnership with DHHS, develop a **length of stay (LOS) matrix** to determine LOS for youth in YRTC's based on the seriousness of youths' offenses, assessed risk level, and time needed to achieve treatment goals
6. In partnership with DHHS, establish measureable treatment goals and risk reduction criteria based on the YLS to **guide YRTC release decisions**

Establish Service Use Policies and Provider Requirements to Improve Service Effectiveness

Key changes for making service decisions

1. Adopt a **validated screening tool for mental disorders** for use with all youth prior to disposition and train officers on how to administer it
2. Promote the use of **validated mental health assessments** for only youth whose screening results indicate the need for further assessment
3. Establish **mandatory qualifications** for providers eligible to conduct mental health assessments, and require the use of **standard assessment tools and reporting template**
4. Develop **policies for the use of services** that minimize services for lower-risk youth and prioritize services for higher-risk youth
5. Examine the balance of service funding for surveillance vs. treatment/skill-building programs and ensure that funding is used to support community-based programs that **address the key needs that drive youths' delinquent behaviors**
6. Establish a **service matrix** to guide the use of community-based and out-of-home services based on youth's risks and needs
7. Explore opportunities to **configure the fee-for-service voucher system** to help automate adherence to the recommended service use policies and service matrix

Establish Service Use Policies and Provider Requirements to Improve Service Effectiveness (cont.)

Key changes for registered service providers

1. Require all registered providers to demonstrate that their services are **based on what research has shown works** to reduce recidivism
2. Require registered providers to document a **program framework** that specifies their population served, expected outcomes, service dosage (i.e. average voucher duration), and quality-assurance protocols
3. Require providers to accept for admission only youth whose risks and needs match this documented **referral criteria**
4. Ensure that providers maintain **average LOS/program durations** that adhere to agreed upon dosage/voucher criteria
5. Identify risk/need criteria for LOS adjustments/voucher renewals and establish an **approval process** with supervisor-level staff having final authority
6. Develop and require all out-of-home service providers to work with officers to complete a **standardized service/reentry case plan** that bases supervision/service decisions on YLS assessment results
7. Require out-of-home service providers to host a **reentry planning meeting** with officers, youth, and families 30 to 60 days prior to release

Establish Service Use Policies and Provider Requirements to Improve Service Effectiveness (cont.)

Key changes for service provider management

1. Identify the full **staffing and organizational capacity** needed to effectively manage the use of existing services and the potential statewide implementation of evidence-based programs. Determine whether the Office of Probation Administration should develop this capacity and/or partner with a local organization to assist with key quality assurance activities
2. Use a **validated service-quality assessment tool** (e.g. SPEP or CPC) to evaluate the most frequently used community-based and out-of-home services, and **provide technical assistance** to providers to address improvement needs
3. Require providers to demonstrate their adherence to the research on what works to reduce recidivism within an established time period to **maintain service registration eligibility**

Establish Service Use Policies and Provider Requirements to Improve Service Effectiveness (cont.)

Key changes for YRTC

1. DHHS should identify specific **evidence-based, cognitive behavioral therapy and substance use treatment models** for use across both YRTCs with clearly defined treatment goals, dosage requirements, staff training, and quality-assurance protocols
2. DHHS should identify a specific **treatment philosophy** that includes formal processes and tools for assessing youth's strengths, involving youth in decisions, facilitating positive peer interactions, and measuring youth's competency development. Consider **obtaining external technical assistance** to develop/implement this approach
3. DHHS should ensure all YRTC staff receive **initial and ongoing required training** in adolescent development, the YLS, and motivational/cognitive behavioral approaches for promoting positive youth behaviors
4. The Office of Probation Administration should partner with DHHS to explore how youth can have a **single case plan based on YLS results** throughout their time in a YRTC and under probation supervision as well as methods for establishing a **shared electronic platform** for developing/updating this case plan

Capture and Analyze Supervision and Service Data to Evaluate and Improve Performance

Key changes to data practices

1. **Collect** placement, service, and supervision **data in a way that allows for analysis** (i.e. not extensive text fields)
2. **Create case numbers** that will allow for the tracking and analysis of assessments and services occurring during a specific period of system supervision (as opposed to all periods of supervision together)
3. Work with NCJIS and participating agencies to **develop MOUs** that will facilitate the electronic matching of juvenile records with other state agencies to measure recidivism and other youth outcomes
4. **Track recidivism for youth under the agency's jurisdiction annually** including rearrest, readjudication/conviction, and incarceration rates, and report this data to the legislature
5. **Track other outcomes** for youth under agency jurisdiction including education, mental health, "dual status," and service outcomes
6. Establish an ongoing **data review and improvement process** to review key data and improve data quality internally with management staff and externally with service providers
7. **Incorporate quality assurance data** elements into the data system

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Additional Resources

Core Principles:

<http://csgjusticecenter.org/youth/publications/juvenile-justice-white-paper/>

Juvenile Reentry and Resources:

<http://csgjusticecenter.org/youth/juvenile-reentry/>

Juvenile Justice Project:

<http://csgjusticecenter.org/youth/juvenile-justice-project/>

For more information, contact Josh Weber (jweber@csg.org)

The presentation was developed by members of the Council of State Governments Justice Center staff. The statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agency supporting the work. Citations available for statistics presented in preceding slides available on CSG Justice Center web site.

CURRENT IMPLEMENTATION



Administrative Office of Probation
November 2015

Establish Service Use Policies and Provider Requirements to Improve Service Effectiveness:

Key changes for making service decisions

The Massachusetts Youth Screening Instrument (MAYSI-2) is currently being implemented as a pilot in specific probation districts.

Policy and protocol have been developed regarding targeting supervision differently due to risk level.

Current Fee for Service Voucher System rewrite is underway to streamline the payment process.

Establish Service Use Policies and Provider Requirements to Improve Service Effectiveness:

Key changes for service provider management

Currently a pilot has been launched in the urban areas of Nebraska working with the Regions to collaborate in service assessment.

A Fee for Service supportive committee has been established to evaluate organizational capacity.

Establish Objective Criteria and Tools to Improve Supervision Decisions:

Policy and protocol have been developed to guide officers during the supervision of pre-adjudication and predisposition supervision.

Statewide training has been completed to train officers about the essential role of pre-adjudication and predisposition to divert low risk youth from the juvenile justice system.

Policy and protocol have been developed which require staffing of a youth's case prior to recommendation for out-of-home placement.

American Probation and Parole Association (APPA) Juvenile Certificate Program has been completed including development of a Nebraska-specific juvenile reform action plan and national technical assistance.

Establish Service Use Policies and Provider Requirements to Improve Service Effectiveness:

Key changes for registered service providers

Current creation of a provider "Standards of Practice" is currently underway to ensure Probation-specific service definitions match those of the provider.

- Risk and need match the definition
- Length of stay and dosage match the definition

The Individualized Transition Plan (ITP) has been developed and is required for all youth in out-of-home placement over 45 days. It includes immediate transition home planning upon entry.

- Plan includes a meeting 30 days prior to a youth's planned release

Establish Service Use Policies and Provider Requirements to Improve Service Effectiveness:

Key changes for YRTCs

Probation is partnering with Department of Health and Human Services (DHHS) to begin development of Council for State Government's (CSG) recommendations.

Capture and Analyze Supervision and Service Data to Evaluate and Improve Performance

The Probation Information Management System (IMS) was updated in January 2015 to ensure placement and service data is gathered and can be analyzed.

Probationer-specific case numbers are available in the IMS.

Work with JUSTICE (Court data system) has already begun to link the systems together to allow for more complex data, this includes using the same data IBM data system.

Youth outcomes have been created and data tracking has begun.

Evaluations and Outcomes:

Creation of foundational expectations for officers including client outcomes and performance measures (timeline August 2015-November 2015).

Evaluate foundational principles of Risk/Need/Responsivity, identify if officers understand how to focus service utilization on high risk and train officers ensuring clear expectations (timeline August 2015-January 2016).

Evaluate supervision expectations for family engagement and family team meetings, including youth and family voice and choice (timeline August 2015-January 2016).

Service and Providers:

Service Quality is the focus; clear definitions; service providers and officers expected outcomes; quality assurance and investigations; standards of practice and rule (timeline November 2015-February 2016).

Data and IT:

IT work regarding data and creation of officer-specific data elements (timeline September 2015-January 2016).

Track recidivism data (NCJIS and JUSTICE) (timeline January 2016-July 2016).

Family Engagement:

Implementation of family satisfaction surveys (timeline January 2016-July 2016).

Implement the Individualized Transition Plan (ITP) for youth reentry from placements (timeline October 2015-January 2016).

ACTION PLAN
Next Steps



Administrative Office of Probation
November 2015

Training:

Create skill-based training ensuring officers understand the Risk, Need Responsivity Principles are the foundation (timeline November 2015-January 2016).

Education opportunities for the the judiciary, utilization of assessments before dispositional decisions are made, services and youth risk level, age appropriate services and juvenile justice reform (timeline August 2015-January 2016).

Train stakeholders regarding juvenile justice reform ensuring a clear understanding of the time it takes to implement reform successfully (timeline September 2015-January 2016).

Officer Tools:

Creation of tools for officers:

Pre-adjudication/pre-disposition supervision guide (timeline November 2015-March 2016).

“Service Recommendation Matrix” (timeline August 2015-January 2016).

Sanctioning / Incentive matrix (timeline August 2015-January 2016).

Assessments and Screening Instruments:

Ensure risk assessment tool is validated and implement screening tools to assist in sentencing decisions (timeline December 2015-July 2016).

Implement mental health screen to assist with identifying evaluations (timeline October 2015-January 2016).