Probation

Building Better Lives for Safer Communities

Nebraska Probation for the New Millennium

Biennial Report 2008-2009

Probation: Through the Court for the Community

Nebraska Supreme Court / Office of Probation Administration

www.supremecourt.ne.gov / probation

A healthy democratic society can exist only if the people of the State have respect for their legal system. That respect comes not from being awed by the system but rather, from understanding that system. The information in this report is designed to help the people of the State of Nebraska better understand the probation system.

Chief Justice of the State of Nebraska,
Honorable Mike Heavican

Probation Vision

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

Mission Statement

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.

A message from State Probation Administrator Ellen Fabian Brokofsky

In 2008, Probation celebrated 50 years of service to our Courts and the citizens of this great state. Under the structure of the Nebraska Supreme Court and the Administrative Office of the Courts/Probation, Probation has faithfully worked to not only improve the safety of all Nebraskans, but moreover, to assist all juveniles and adults under our supervision to become productive citizens.

Three years into a systemic transformation, which began in 2005, the Nebraska Probation System is driven by a belief that introducing evidence-based policies and practices into the system would produce positive individual outcomes in addition to meeting our system's goals.

Our Goals:

- Providing our Courts quality investigations and effective sentencing alternatives
- Reducing recidivism in both juvenile and criminal justice populations
- Providing for a more efficient and effective use of Probation's limited staff resources
- Supporting Community Corrections Council initiatives to reduce prison overcrowding

Probation officers make lasting changes in each local community by assisting both juveniles and adults to become productive members of society. Nebraska Probation utilizes individualized approaches focused on evidence-based principles and practices and employs a dedicated and skilled professional staff to meet this goal. Providing this purposeful intervention, Nebraska Probation strives to continue to impact community safety for the better.

Probation Administrator Ellen Fabian Brokofsky and National Association of Probation Executives President John Tuttle

In 2008, State Probation Administrator Ellen Fabian Brokofsky was awarded the Sam Houston State University Probation Executive of the Year Award. John Tuttle, President of the National Association of Probation Executives (NAPE), presented the award at the American Probation and Parole (APPA) National Conference.

Probation's Priorities

The Office of Probation Administration has identified priorities for each of its divisions as follows:

The Division of Organizational Development and Training

Frank Jenson, Deputy Administrator

Objectives:

- Modify the current personnel classification system to identify essential duties of all positions;
- Develop a program for staff advancement based on abilities, and a plan for employee recruitment and replacement;
- Define, develop and implement evidence-based training programs and policies for new and advanced officers;
- Identify areas to develop and implement electronic media training;
- Develop a customer service questionnaire;
- Review turnover rates and make predictions based on turnover data.

The Division of Community-Based Supervision, Programming and Services

Deb Minardi, Deputy Administrator

Objectives:

- Develop and implement core case management standards for the DUI population;
- Institutionalize the juvenile service project;
- Develop quality assurance standards for reporting centers;
- Evaluate specialized offender populations, program performance outcomes and provide an ongoing feedback loop to key stakeholders;
- Identify adult and juvenile justice system efficiencies for improvement in collaboration with other state agencies.

Probation's Priorities

The Division of Field Services

Steve Rowoldt, Deputy Administrator

Objectives:

- Develop performance standards for field service probation functions;
- Develop a district evaluation template;
- Identify existing district service continuums while developing new efficiencies in field services;
- Assess supervisory and officer skills, as well as competencies within the field/quality assurance areas;
- Improve existing and/or develop new processes within each district as they apply to the qualitative systemic approach to offender management.

The Division of Operations

David Wegner, Deputy Administrator

Objectives:

- Bring a case management system into production that increases accuracy, reduces duplication and supports uniform data outcomes;
- Evaluate and implement information technology monitoring tools that support the Nebraska Probation System;
- Develop and maintain an effective drug testing program that supports the interruption of the offender's addiction cycle;
- Generate uniform data reports that identify significant outcomes which support evidence-based principles;
- Enable a help desk that assists users in identifying system problems while providing successful solutions.

History of Nebraska Probation

A statewide system for probation in Nebraska originated in 1957 with the passage of legislation granting the Nebraska District Court Judges Association general supervision duties over probation in the district courts. The probation system served primarily adult felons, with courtesy supervision of misdemeanants from the county courts.

In the 1970s, legislation was passed creating the Office of Probation Administration. The probation system was expanded to include district, county and some juvenile courts. In 1985, a unified district, county and juvenile court and probation system was created.

In the 1990s, legislation was passed creating Intensive Supervision Probation (ISP) providing an alternative to incarceration. In addition, legislation was passed creating the Work Ethic Camp (WEC) operated by the Department of Correctional Services, but serving Probation's high-risk offenders. In 2006, correctional inmates were also admitted into this facility.

In the new millennium, the probation system has experienced a monumental culture shift. The Legislature created the Community Corrections Council in 2003 to address the prison population crisis. In 2006, the Specialized Substance Abuse Supervision (SSAS) program for prison-bound felony drug offenders and parolees was implemented in five pilot sites with the goal of expanding state-wide. To address this population, specialized services were established including Day and Evening Reporting Centers and the Fee for Service Voucher Program.

> '...states can actually save money if they spend more on research-backed programs that better classify criminals by their danger to society and then treat them accordingly.'
>
> *- Omaha World-Herald 3/3/2009*

Organization of the Probation System

The Nebraska Probation System is organizationally aligned with the judicial branch of government. In performing its function, Probation strives to achieve intertwined goals of community protection, offender accountability and competency development.

Probation offers community-based supervision founded on evidence-based practices (EBP) and principles proven to be effective with juvenile and adult populations. Interventions within Probation are considered effective when they reduce a probationer's risk to reoffend and promote his/her ability to make a positive long-term contribution to public safety.

In 2009, the probation districts were realigned to coincide with judicial districts. This realignment reduced the total number of districts.

As defined by statute, the counties provide office space and related equipment while the judicial branch funds staff, training opportunities and travel.

Probation Staff

Trusted and valued by Nebraska's courts and citizens, Probation's dedicated professional staff has provided quality investigations, supervision and service for more than 50 years.

Probation staff work together to enhance both successful programming and community safety.

A probation office may consist of a chief and a chief deputy probation officer, probation officers, assistant probation officers, drug technicians, case monitors and support staff. These staff are trained in the most up-to-date techniques and best-practice Probation services. In 2008, more than half of Probation staff were registered for training opportunities, and, in 2009, almost two-thirds received training that included specialized substance abuse supervision, community-based intervention, cognitive thinking, domestic violence, drug court, specialized supervision and specific evidence-based training for new adult and juvenile probation officers.

District Chief Probation Officers

April 2009 -- Back l-r: Ron Broich, Omaha; Lonnie Folchert, North Platte; Bob Denton, Fremont; Tim Perry (Acting), Lincoln; Rich Chisholm, Columbus

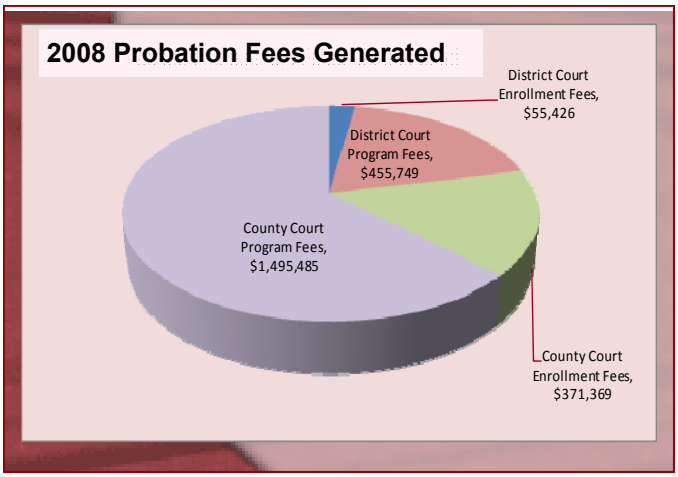
Middle l-r: Kathryn Liebers, Norfolk; Tara Sprigler-Price, O'Neill; Jodi York, Papillion; Bob Horton, Hastings

Front l-r: Lori Griggs, Lincoln; Clay Schutz, Grand Island; John McCarty, Beatrice; Linda Buehler, Gering

Not Pictured: Jim Fahy, Omaha

Probation Fees Generated by the Courts

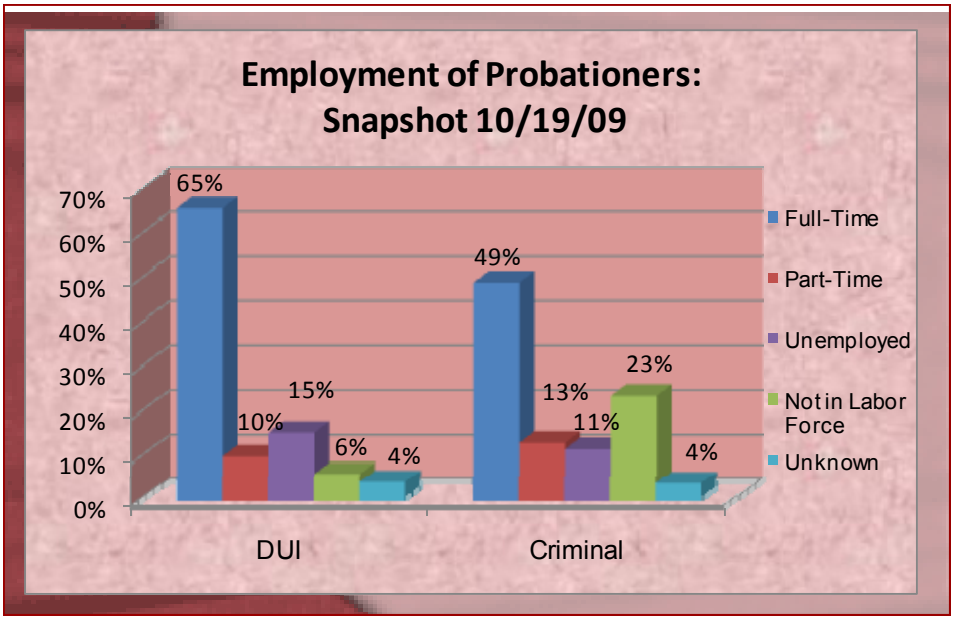
In 2005, LB46 was passed that provided for the collection of enrollment and program fees for adult offenders placed on probation. A one-time enrollment fee of $30 is assessed at the beginning of probation, program fees of $25 per month for regular probation and $35 per month for the intensive supervision probation program may also be assessed. The total fees collected in 2008 were 2.4 million. These fees are used to fund programs and treatment for adult probationers. The cost of supervising an individual on traditional probation is $2.10/day while the cost of supervising an individual in the specialized substance abuse program is $8.32/day. The cost of supervising offenders in a correctional facility is $90.31/day.



Demographics of the Probationer

On any given day during 2008 and 2009, there were more than 17,000 adults on probation in Nebraska and more than 2,600 juveniles. Driving Under the Influence (DUI) probationers comprised a major portion of this population.

In 2007, 54 percent of offenders were sentenced with a DUI offense and in 2008, 56 percent were sentenced with a DUI offense.

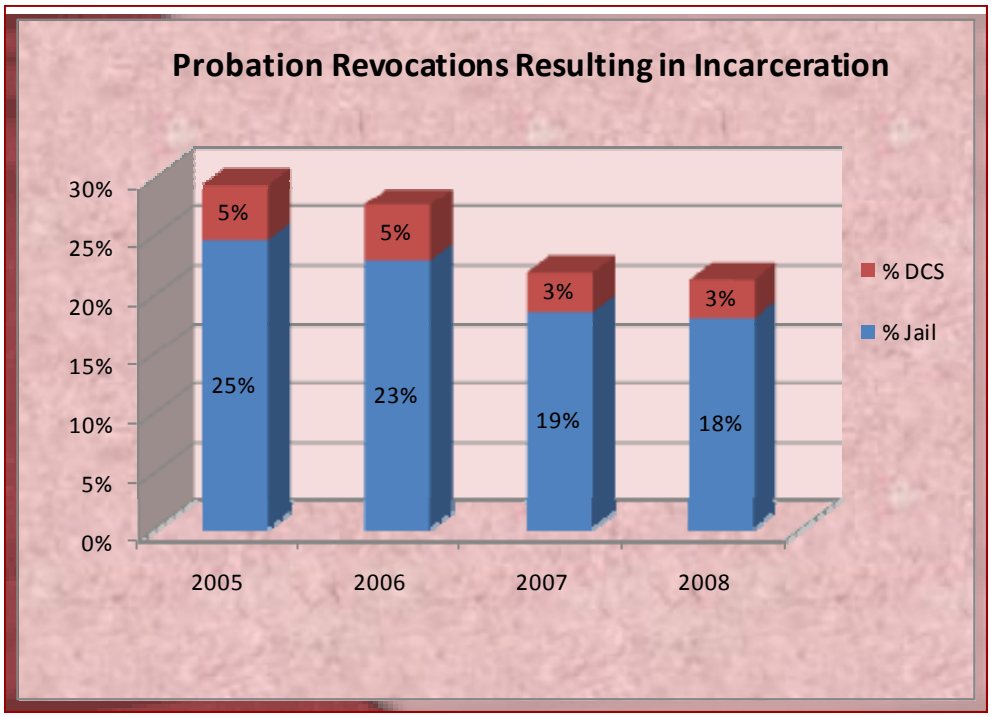


The typical adult probationer is a single white male in his 20s. While the majority of juveniles are white and male, juveniles are more likely than adults to be a minority and female. The demographic profile of a probationer with a DUI is distinctly different than a probationer with a criminal offense. Probationers with a DUI offense are more likely to be a white male and older than the probationer with a criminal offense.

More DUI probationers are better educated than criminal probationers. They are more likely to have a post secondary education than criminal probationers. They are also more likely to be employed full-time, while criminal probationers are more likely to be unemployed and/or not in the labor force.

The most common conviction for an adult probationer is DUI followed by driving with a suspended license, assault, property crimes, liquor offenses and drug offenses. The most common adjudicated offenses for juveniles are liquor offenses, property crimes, assault and disturbing the peace.

Seventy-eight percent of probationers with a DUI and sixty-two percent of criminal probationers successfully completed probation in 2008 and 2009. Seventy percent of juveniles successfully completed probation. The number of probationers sent to jail or incarcerated in a correctional facility for a violation is trending downward. A community-based supervision approach to violations is becoming an increasingly important and successful alternative to incarceration. Reductions in probation revocations resulting in incarceration positively impacts jail and Department of Correctional Services' (DCS) populations, as evidenced by the chart below.



Bellevue Specialized Substance Abuse Supervision (SSAS) Officer Melanie Berry (middle) with SSAS Program graduates

Specialized Substance Abuse Supervision

The Standardized Model for the Delivery of Substance Abuse Services was created by a Nebraska Supreme Court Rule and is used when making referrals for substance abuse services for offenders. It provides a meaningful opportunity for offender rehabilitation through a standardized performance structure in an effort to reduce recidivism, promote good citizenship and enhance public safety.

Specialized Substance Abuse Supervision (SSAS) is a specialized program identified and implemented to provide a new sentencing alternative for the courts and to decrease prison over population due to substance abuse issues. In January of 2006, the SSAS program was created to address the treatment and supervision needs of offenders with chronic drug problems. The program was implemented in five districts covering the counties of Douglas, Lancaster, Sarpy, Cass, Otoe, Dakota, Buffalo and Dawson. In 2008 and 2009, the SSAS program served 541 probationers and more than 70 parolees. Approximately 60 percent of probationers completed the SSAS program successfully in 2008/2009.

New Probation Program Deserves Support

- Lincoln Journal Star Editorial Opinion 2/21/2009

Four articles printed in the *Lincoln Journal Star* highlighted SSAS officer Jeff Reed, the SSAS program in Lincoln and the evidence-based *Thinking for a Change* class. The newspaper published an opinion stating, "State officials should be congratulated for their initiative in striving to find a more effective approach to probation. Their success can be measured in reclaimed lives and safer communities."

Problem-Solving Courts

Drug courts are one type of problem-solving court in Nebraska. They use judicial oversight and a comprehensive team approach to improve outcomes for victims, communities and participants. The purpose of drug courts is to achieve a reduction in recidivism and substance abuse among nonviolent substance abusing offenders and to increase the offender's likelihood of successful rehabilitation. This is accomplished through early, continuous and intense judicially supervised treatment, mandatory periodic drug testing, community supervision and the use of appropriate sanctions and rehabilitation services.

The first drug court in Nebraska was established in 1997 in Douglas County. In 2003, legislation was passed officially recognizing drug courts and made them subject to the rules established by the Nebraska Supreme Court. In 2005, legislation allowed probation personnel to work with non-probation -based programs including drug courts.

Probation officer Patty Lyon (front), Treatment Counselor Mark Porter (middle) and Dodge County Attorney Paul Vaughan (back) at a drug court hearing in Fremont

Today there are 26 problem-solving courts in Nebraska, serving approximately 1,200 participants during any given year. Approximately 300 participants graduate in a year and the average length of time in a problem-solving court is 1.5 to 2 years.

Adult Drug Court to Celebrate First Year and Recovery Benefits for Clients

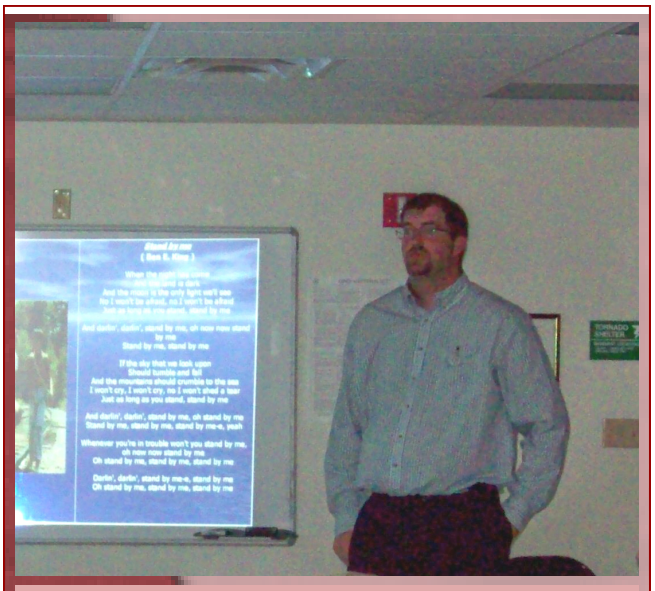
- The Crete News 10/1/2008

In October of 2008, the Southeast Nebraska Adult Drug Court observed its first successful year. According to the Crete News, " Many are aware of the astonishing cost of addiction … as well as the countless benefits addiction recovery brings to citizens."

Disengaged Offender

The disengaged offender is one who lacks life stabilization in multiple areas (family, school, employment, housing), resulting in criminal activity often associated with substance abuse. The Work Ethic Camp (WEC) located in McCook is another sentencing alternative to imprisonment for the courts. Managed by the Department of Correctional Services in partnership with Probation Administration, disengaged offenders follow a structured daily work routine and engage in evidenced-based programming. Probation officers are responsible for providing the court eligibility information as to an offender's suitability for the Work Ethic Camp, responding to any acts of probationer non-compliance and assisting the probationer to transition back to the community. The population as of December 23, 2008, was 122; 75 from Probation, 47 from Corrections.

Work Ethic Camp, Mc Cook



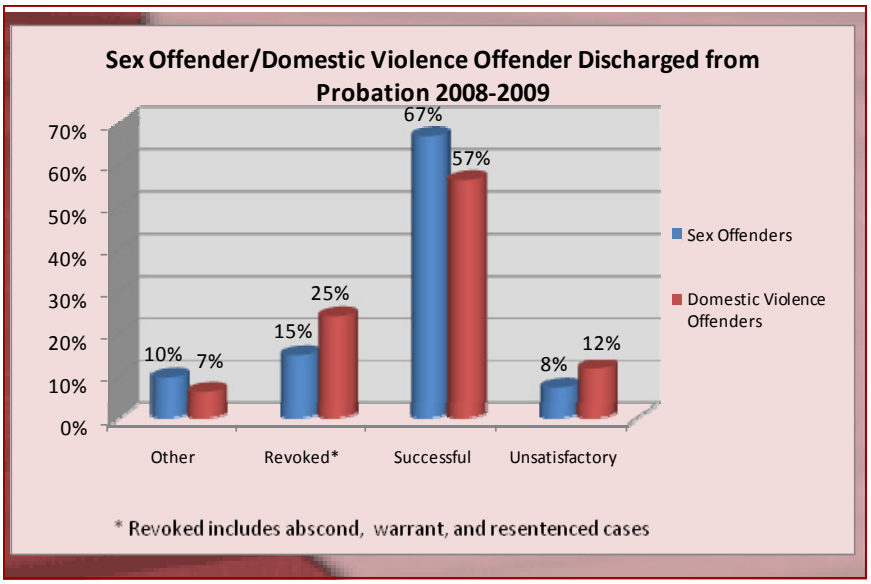
Probation Officer Scott Hinrichs leading a cognitive based Building Social Networks Group in Hastings

Sex Offender

While this is a very small population of offenders overall, this group of offenders is at risk for recidivism if no intervention is implemented. Sex offenders receive an intensive level of supervision that includes direct responses to law-violating behaviors of any kind, detailed case planning, and a sex offense specific treatment approach. Through a combination of treatment, law enforcement collaboration and close supervision, research shows a definite decrease in recidivism. From July 1, 2008, to June 30, 2009, there were more than 500 sex offenders on probation.

Domestic Violence

Supervision of domestic violence probationers is based on offender accountability, victim safety and community support. Probation officers work to hold probationers accountable through an intensive supervision approach that uses detailed case planning, graduated sanctions and cognitive-based behavior modeling. This supervision will also include regular victim contacts, as well as collaboration with both victim and offender service providers in the community.



From July 1, 2008, to June 30, 2009, there were more than 1,000 domestic violence offenders on probation. During this time period, 67 percent of sex offenders and 57 percent of domestic violence offenders were discharged from probation successfully.

Community-Based Intervention Officer, Anne Power (left), and Domestic Violence Programs Services Specialist, Toni Ahrendt (right), teaching a domestic violence offender management class in North Platte

Juvenile Intake

Juvenile intake, as defined by statute, applies to juveniles held in temporary custody by law enforcement. It is designed to promote the most appropriate services by authorizing intake probation officers to be the decision-making authority for pre-adjudication placement and to determine the need for detention of a juvenile.

Appropriate services are defined as those that are the least intrusive and restrictive to the juvenile and family, balancing what is in the best interest of the juvenile and safety of the community. From 2008-2009, Probation conducted more than 3,600 intakes with approximately 2,800 juveniles authorized for some form of detention.

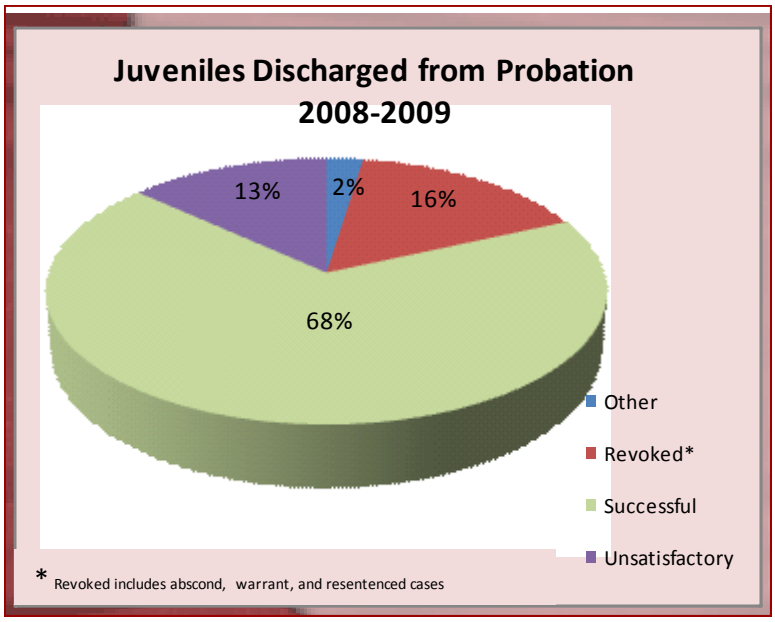
Sarpy Wants Young Offenders Fit and Fed

- Omaha World Herald 3/2009

Juvenile probation officers in Sarpy County found nearly all of their caseloads suffered from poor nutrition and a lack of recreational activity. To address this issue, the board voted to pursue a grant for a personal trainer and nutritionist.

Juvenile Investigations and Supervision

There were approximately 8,900 juveniles actively supervised on probation during 2008 and 2009 and more than 5,140 predisposition investigations completed by probation officers.



Juveniles are prioritized for supervision and treatment services according to their risk of continuing negative behaviors. Probation recognizes there are specific juvenile populations that require additional and unique approaches to community supervision. Additional best practices have been adopted for these specialized juvenile populations:

* Drug court
* Truancy
* Disengaged juveniles
* Ungovernable
* Juveniles who sexually harm
* Gang
* Assaultive juveniles
* Mental health

In supervising juveniles, officers are most successful when they have set clear expectations for the juvenile. Research shows that a probation officer giving four positive reinforcements to every one negative increases probation's positive outcomes. It takes patience and understanding when working with juveniles as they are going through many changes in their lives.

Probation officers use a specifically designed Motivational Interviewing tool, along with active listening skills, to supervise a juvenile. Another tool officers are using is family-focused case planning, which involves setting goals to eliminate high-risk behaviors. In 2008/2009, 68% of juveniles successfully completed probation.

The Nebraska Juvenile Service Delivery Project

In January 2009, a collaboration began between the Office of Probation Administration and the Department of Health and Human Services on an innovative project to provide services and options to juveniles and families in Nebraska's juvenile justice system.

The Nebraska Juvenile Service Delivery Project provides funding for needed rehabilitative services, allowing juveniles to stay in their home while being served in the community on probation. This access to services prevents juveniles from being unnecessarily placed in state care. The project has been piloted in Douglas County with promising results.

To date:

- Eighty percent of the services have been provided to the youth while they have been safely supervised at home.
- There has been a 59 percent reduction in the number of juveniles requiring dual supervision from both Probation and the Department of Health and Human Services.
- There is now an expedited access to services that target a juvenile's individual risk.

The Nebraska Juvenile Service Delivery Project is utilizing the least intrusive and restrictive options for juveniles involved in the Juvenile Court. The result is improved outcomes for juveniles, responsible use of state resources, and ultimately safer communities.

Juvenile Probation Officer Heather Smith in Omaha

Reporting Centers

Reporting Centers were created in July of 2006 as a community-based, one-stop-shop location that blends high levels of offender supervision with intensive on-site delivery of services. Reporting Centers are located in Omaha, Lincoln, Bellevue, Nebraska City, Kearney, Lexington and South Sioux City.
Probation, parole and problem-solving court offenders under community supervision report and receive services that are targeted at rehabilitation. Core services include educational, vocational, pre-treatment, cognitive groups and drug testing. Reporting Centers are open six days a week, with day and evening hours. By October of 2009, Reporting Centers were receiving more than 10,000 visits per month for drug testing and treatment groups.

Reporting Centers have been integrated into communities efficiently and cost effectively. By combining state funds for personnel, local funds for the facility and offender fees for rehabilitative services, this has been a win-win situation for the state and local entities. This inter-governmental, inter-agency collaboration meets the legislative objective for prison overcrowding alternatives, the public's objective of safe communities, and the state's objective for cost efficiency.

Drug Testing

Drug abuse is a critical factor in criminal behavior. Probation's testing program identifies probationers with substance abuse problems in order to interrupt the addiction cycle, reduce recidivism and support public safety.

Probation routinely screens offenders for six different drugs, plus alcohol, in an effort to identify substance abuse. This information helps place the client in the right program for that specific offender in an effort to help the offender curb addiction. In 2008, Probation performed 65,000 drug tests and in 2009 probation performed a total of 79,000 drug tests. From 2007 to 2009, there has been a significant drop in positive test results for amphetamine/ methamphetamine. While the total number of tests performed in those years increased, the good news is a decrease in the number of positive tests for these debilitating drugs.

Continuous Alcohol Monitoring (CAM) is an ankle bracelet that continuously monitors the transdermal alcohol content of an individual by sampling the perspiration of the probationer. Clients placed on CAM are typically offenders who have previously demonstrated an inability to refrain from alcohol. In 2007-2008, there were 779 offenders placed on CAM with an 81 percent success rate, and in 2008-2009, there were 561 probationers placed on CAM with an 82 percent success rate. Those successful candidates had no confirmed drinking events or any confirmed tampering events the entire time they wore the CAM bracelet. The average length of time a client wears a CAM bracelet is 90 days. The objective is to provide a meaningful period of abstinence that promotes behavioral change.

Drug Technician Ivan Aragon, Omaha

Fee for Service Voucher Program

National research on evidence-based practices identifies substance abuse problems left untreated actually increase the propensity for recidivism. In Nebraska, the Department of Correctional Services and the Office of Probation Administration have historically reported upwards of 90 percent of all offenders entering into the criminal justice systems have substance abuse problems. In 2006, the Fee for Service Voucher Program was created to provide targeted individuals on probation, parole and problem-solving courts financial assistance to treatment. Utilization of these dollars assists in increasing community safety by reducing recidivism through targeted treatment interventions. The coordinated treatment of the individual by both justice and therapeutic professionals creates an environment of structured support and accountability, lowering the offender's propensity to reoffend in the community. Additionally, the Fee for Service Voucher Program lowers prison overcrowding by providing less expensive treatment alternatives and community supervision options. During 2008-2009, this program, administered by the Office of Probation Administration, was able to provide services to approximately 2,200 individuals who would not have had access to these risk-reducing treatment interventions. Currently, there are more than 600 statewide Registered Service Providers who work with individuals in the criminal justice system. These providers have fulfilled the requirements set forth by the Standardized Model for Delivery of Substance Abuse Services in accordance with the Nebraska Supreme Court rule.

Since its inception in 2006, the Fee for Service Voucher Program has looked for ways to increase efficiency and resource sharing between the three agencies who utilize voucher services. In 2009, we were able to finish transforming a paper process into an electronic one. All vouchers, whether for probation, parole or problem-solving courts, can be created and reported electronically. This new process will create unified data that can be shared by the agencies regarding treatment and recidivism outcomes for the voucher process.

Interstate Compacts for Juveniles and Adults

The Interstate Compacts were developed to control offender movement across state lines, promote public safety, protect victims' rights and provide for effective tracking and supervision of offenders.

Adult The Interstate Commission for Adult Offender Supervision was federally enacted on June 19, 2002. Nebraska became signatory to the compact January, 2003, pursuant to Neb. Rev. Stat. § 29-2640.

The new Interstate Compact rules took effect August, 2004. The Interstate Compact launched a new on-line Offender Tracking System on October 6, 2008. The system is paperless and information is passed on to the probation districts as well as other states in a timely and effective manner. The Interstate Compact has a developed State Council which provides support and advocacy for the State of Nebraska. The State Council includes representatives from the legislative, judicial, and executive branches of government, victims groups and compact administrators. The Interstate Compact continues to update the rules to keep communities safe. As of December 2009, Nebraska was supervising 739 adult probationers for other states and transferred 387 probationers to other states for supervision.

Juvenile The Interstate Commission for Juveniles was federally enacted on August 26, 2008. Nebraska became signatory to the compact August 31, 2009, pursuant to Neb. Rev. Stat. § 43-1011. This compact replaced a compact previously written in 1955. The Juvenile Interstate Compact was developed to assist in the safe return of runaways to their homes, and juveniles on probation and parole are supervised while residing in other states. The new juvenile compact is currently in a transition period and the development of new rules, standing committees and state councils have only been in place for one year. Nebraska was the 37th state to join the new juvenile compact, which assures the welfare and protection of juveniles who cross state lines.

As of June 2009, Nebraska was supervising 53 juvenile probationers from other states and sent 41 juvenile probations to other states for supervision. Also, between July 1, 2008, and June 30, 2009, Nebraska Probation returned 33 runaway juveniles to other states and 18 were returned to Nebraska.

Kari Rumbaugh, Deputy Interstate Compact Administrator

Rural Improvement for Schooling and Employment

The Rural Improvement for Schooling and Employment (R.I.S.E.) program was developed by the Office of Probation Administration and began on September 1, 2007, after Probation Administration received a study conducted by the Vera Institute. The study highlighted two major factors that contribute to high-risk juvenile or adult probationers failing on intensive supervision probation: 1) lack of employment and 2) lack of education. The R.I.S.E. program is supported by grant funding received from AmeriCorps/Serve Nebraska. During the R.I.S.E. program's first year, eight full-time AmeriCorps members were placed in rural probation districts across Nebraska. The AmeriCorps members are titled R.I.S.E. Specialists and their focus is working with adult and juvenile probationers in need of employment and educational training and coaching.

R.I.S.E. Specialists at support meeting

During the first service year, more than 200 probationers participated in the R.I.S.E. program and more than 50 percent either received or maintained employment while participating.

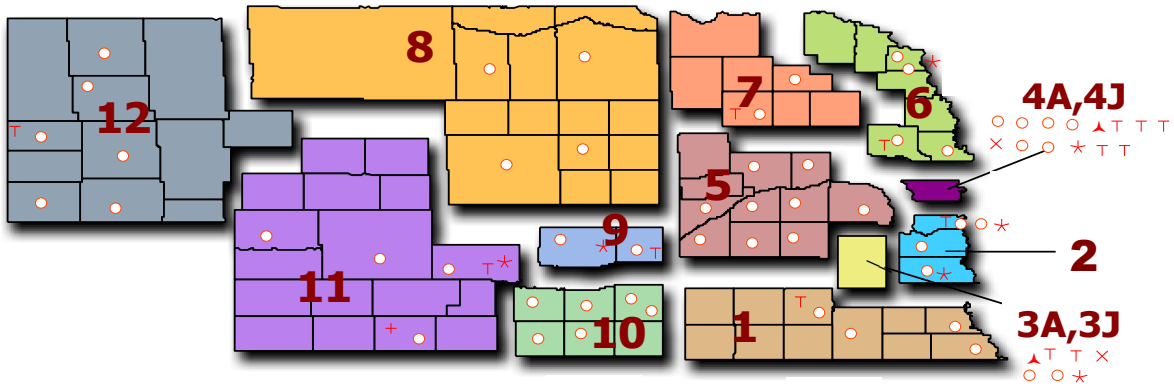
Nebraska State Probation continues to receive grant funding for the R.I.S.E. program. Since completion of the first service year, this program has expanded to cover additional counties, as well as more R.I.S.E. Specialists.

The R.I.S.E. program also has shown success for the probationers in the program. During the grant year 2008/2009, of the probationers who graduated from the R.I.S.E. program, 85 percent did not return to the probation system within a year of completion.

Furthermore, the R.I.S.E. program is now serving juveniles struggling in school by teaching goal setting, motivation, study skills and test strategies.

Nebraska State Probation's move to implement evidence-based practices has shown focusing on employment and education helps increase probationer success which ultimately reduces recidivism.

Nebraska Judicial/Probation Districts
July 1, 2009



O Probation Office
X Probation Office Juvenile
* Reporting Center
T Problem-Solving Courts
⅄ Juvenile Problem-Solving Courts
+ WEC

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