

**Lancaster County, NE Probation System Review  
Final Report**

**April 2018**

**Produced for  
Lancaster County, Nebraska Probation**

*Presented by the:*

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

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## I. BACKGROUND

### A. Probation System Review Design and Framework

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, improvement and reform.

The specific design of the review was guided by the 2016 publication entitled *Probation System Review Guidebook, 2<sup>nd</sup> edition*<sup>1</sup> and was accomplished in discussions with the probation and juvenile justice system leadership personnel regarding the most critical issues that confront a department. The overarching purpose for this evaluation 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 concentrated on the following:

- effective programmatic practices
- effective and efficient court and probation management performance
- improved recognition of the neuroscience of adolescent development and adoption of the principles and hallmarks of a developmental approach to address youth risk and treatment needs
- improved utilization of evidence-based practices and intervention services, and
- implementation of enhanced prevention and early intervention and interagency approaches for youth and families with risks and needs in multiple domains

The review and evaluation was conducted with a focus on four primary areas successfully used in other jurisdictions and described in detail in the Guidebook, 2<sup>nd</sup> edition. The structure of the review and the recommendations and findings in this report include the following elements and areas of concentration:

#### ELEMENT A: ADMINISTRATION

- *Policies and Procedures: Probation Officer Manual Review*
- *Agency Goals: Youth and System Outcomes*
- *Management Practices*

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<sup>1</sup> Tuell, John A., and Harp, Kari L. (2016) *Probation System Review Guidebook, 2nd edition*. Robert F. Kennedy Children's Action Corps.

- *Training*

#### ELEMENT B: PROBATION SUPERVISION

- *Probation Officer Approach to Supervision*
- *Professional Staff Responsibilities, Mandates, and Expected Products*
- *Assignment/Handling of Specific Probationer Populations*
- *Decision Making Processes*
- *Service Delivery to Probationers*

#### ELEMENT C: INTRA- AND INTERAGENCY WORK PROCESSES

- *Relationship with the Court*
- *Interagency Case Flow Processes*

#### ELEMENT D: QUALITY ASSURANCE

- *Monitoring Youth and System Outcomes*
- *Employee Performance Measurement*
- *Program Evaluation (intra-agency and external providers)*
- *Data Collection, Reporting, and Analysis*

These recommendations aim to enhance system practice and performance in ways that are consistent with current best practice standards focused on improving youth and family outcomes. In partnering with the RFK National Resource Center and its Consultant Team, Lancaster County Juvenile Probation and its partners supported an analytic review and examination of current practices that included:

- 1) Assessment of ***current available individual and aggregate data*** to inform prevalence, demographics and characteristics, risks and needs, trends, trajectories, and outcomes for juvenile justice youth in Lancaster County Juvenile Probation,
- 2) Assessment of ***probation system process and performance*** in the areas of management policy, court practices, structured and validated screening and assessment tools, key decision points and probation officer decision-making, and identification of strengths and opportunities in these domains,
- 3) Analysis of ***case management and flow*** within the delinquency court, as well as its linkages with the organizations with whom it interfaces as the case moves through the system (e.g. child protection, education, behavioral health),
- 4) Ability to ***identify system and client outcome measures*** that drive system and case worker performance, and

5) Ability to **identify and access effective community based resources** that match identified service needs through the use of validated screening and assessment tools and methodologies.

The elements covered in this review and the recommendations made herein coalesce to support the overarching goal of improving youth outcomes. According to research conducted by the Council for State Governments, there are four core principles for improving youth outcomes:

- 1) Use **validated risk and needs assessments** to guide supervision, service and resource allocation decisions.
- 2) Implement **evidence-based and promising programs and services** that are proven to reduce recidivism and improve a variety of other youth outcomes, and evaluate the results of these services through effective data collection and analysis.
- 3) Embrace **a cross system and collaborative approach** to address the youth's needs.
- 4) Employ what is known about **adolescent development to guide policies, programs and supervision practices.**<sup>2</sup>

These four core principles have guided the development of the strategies and recommendations made in this report and **must** continue to support Lancaster County Juvenile Probation's future implementation of these recommendations.

## **B. Developmental Reform in Juvenile Justice<sup>3</sup>**

The goals, practices, policies, outcomes, and operations of a juvenile justice system and its affiliated youth serving partners should be informed by the growing body of research and knowledge about adolescent development. The research that was effectively synthesized in the 2013 National Research Council report recognized that adolescents differ from adults in three important 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.
- Adolescents are less able to make informed decisions that require consideration of the long term.<sup>4</sup>

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<sup>2</sup> Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System. July 2014. Council of State Governments Justice Center.

<sup>3</sup> Tuell, John A.; Heldman, Jessica; Harp, Kari (2017) *Developmental Reform in Juvenile Justice: Translating the Science of Adolescent Development to Sustainable Best Practice*. Robert F. Kennedy Children's Action Corps.

These adolescent characteristics provide 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. Unfortunately, and all too frequently still in current practice, the goals, design, and operation of the juvenile justice system are not informed by this growing body of knowledge. As a result, the outcomes are more likely to be negative interactions between youth and justice system officials, increased disrespect for the law and legal authority, and the reinforcement of a deviant identity and social disaffection.<sup>5</sup> The challenge going forward for Lancaster County Juvenile Probation includes increasing the numbers and variance of system practitioners who understand and embrace the research findings and implications; adopting systemic youth and family intervention practices across the spectrum of key decision points directly impacting the primary goals of the juvenile justice system; and creating and maintaining quality assurance methodologies that ensure fidelity to these principles and practices.

Upon closer examination of the origins of the research over the past decade, there is evidence of significant changes in brain structure and function during the period of adolescence<sup>6</sup> that has resulted in a strong consensus among neuroscientists about the nature of these changes. Much of this work has resulted from advances in magnetic resonance imaging (MRI) techniques that provide the opportunity to safely track the development of brain structure, brain function, and brain connectivity in humans.<sup>7</sup> The evidence suggests that the three previously highlighted cognitive tendencies are linked to the biological immaturity of the brain and an imbalance among developing brain systems. Simply stated, the brain system that influences pleasure-seeking and emotional reactivity develops more rapidly than the brain system that supports self-control. This fact leaves adolescents less capable of self-regulation than adults.<sup>8</sup>

Another key aspect of the research findings from *Reforming Juvenile Justice: A Developmental Approach* has significant implications for initial juvenile justice system responses and the consideration of alternatives to formal processing and diversion opportunities. Specifically, the research shows that for most youths the period of risky experimentation does not extend beyond adolescence, ceasing as identity settles with maturity.<sup>9</sup> The vast majority of youths who are arrested or referred to juvenile court have not committed serious offenses, and more than half of them appear in the system only once.

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<sup>4</sup> Committee on Law and Justice; Division of Behavioral and Social Sciences and Education; National Research Council. *Reforming Juvenile Justice: A Developmental Approach*, Washington, DC: The National Academies Press, 2013.

<sup>5</sup> Ibid.

<sup>6</sup> Scientifically, adolescence has no precise chronological onset or endpoint. It refers to a phase in development between childhood and adulthood beginning at puberty, typically about 12 or 13, and ending in the late teens or early twenties. Generally speaking, when referring to an adolescent the focus is on those persons under age 18.

<sup>7</sup> Steinberg, L., Adolescent development and juvenile justice. *Annual Review Clinical Psychology*, 5, 459-485 (2009).

<sup>8</sup> Committee on Law and Justice; Division of Behavioral and Social Sciences and Education; National Research Council. *Reforming Juvenile Justice: A Developmental Approach*, Washington, DC: The National Academies Press, 2013.

<sup>9</sup> Ibid.

Additionally, both the seriousness and likelihood of offending are also strongly affected by influences in youths' environment — peers, parents, schools, and communities. While these firmly established research findings must practically inform the juvenile justice system and its affiliated partners, it does not suggest any change to the established primary responsibilities or aims of the juvenile justice system. Those responsibilities remain to:

- 1) hold youths accountable for wrongdoing
- 2) prevent further offending, and
- 3) treat all youth with fairness and equity.

Within these responsibilities for the Lancaster County Juvenile Probation and its partners, the research strongly supports that focusing on the positive social development of youth can enhance and assure the protection of public safety. An examination of these responsibilities reflects their compatibility with the developmental approach to juvenile justice.

#### Accountability

It is imperative that our juvenile justice systems provide an opportunity for youths to accept responsibility for their actions and make amends to individual victims and the community. This focus ensures that offenders are answerable for wrongdoing, particularly in cases in which there is harm to person and/or property.

#### Preventing Reoffending

The best practice approach to reduce re-offending includes the commitment to the use of structured decision-making instruments that informs professional judgement at key decision points (e.g., risks-needs-responsivity [RNR] tools). In the case process this includes referral/intake, diversion or alternative responses, adjudication, disposition and case planning.<sup>10</sup> These scientifically validated tools and instruments can identify whether a youth is at low, moderate or high risk to re-offend.

Further, RNR assessment tools (e.g., YLS-CMI, etc.) may be used to assess for the specific needs of the youth in identified domains (family, peers, behavioral health, education, etc.) and permit a more effective matching of treatment and programmatic interventions that will ameliorate the risk to re-offend. If implemented well, the use of RNR tools effectively target specific evidence-based interventions (e.g., specific therapeutic interventions such as aggression replacement therapy and cognitive-behavioral therapy) that reduce reoffending and produce fiscal returns relative to their costs/youth.

#### Fairness and Equitable Treatment

The third aim requires that youth are treated fairly through the assurance that due process laws and procedures are protected for every youth and family involved in the juvenile court process. Fundamentally, this includes equal certainty that all youths have access to and are represented

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<sup>10</sup> Tuell, John A., and Harp, Kari L. (2016) *Probation System Review Guidebook, 2nd edition*. Robert F. Kennedy Children's Action Corps.



by properly trained defense counsel and that all youth have an opportunity to participate in the juvenile justice system proceedings. The fairness standard also applies to the practice of swift justice. An adherence to standards and timelines for case processing is critical in that the juvenile justice process is designed to teach offenders that illegal behavior has consequences and that anyone who violates the law will be held accountable.

The RFK National Resource Center thus asserts that emerging from these primary areas of responsibility is the need to prioritize the following areas of practice if Lancaster County Juvenile Probation and the juvenile justice system are to be successful:

### *Collaborative Leadership*

As youth serving agencies often face the steady stream of immediate crises, it is frequently a challenge to incorporate time and attention to the nurturance of important professional partnerships. This can lead to a fragmentation of effort among the very well-meaning service professionals that undermines accomplishment of goals, objectives and outcomes that benefit the youth and families we serve. With varying missions and mandates, it is also frequently easy to argue for this separatist practice to continue even as we fail as a community of service practitioners to realize positive outcomes. The underlying premise for a developmental approach to juvenile justice system reform (e.g., less capacity for self-regulation, heightened sensitivity to peer pressure, and less ability to make judgements that require future orientation) provides the strongest case yet for system partners to find common ground around which a strong collaborative foundation can be built. With this strong scientific basis, our professional practitioners can collectively recognize that during this period of adolescence, our youth actively engage in risky decision-making in relation to authority at home, in school and in the community.

Collaboration is not merely a concept; rather it is a dynamic and detailed set of connected actions. It is not accomplished episodically, but routinely through the development and adoption of policies, procedures and protocols that are effectively overseen by the persons who comprise the collaborative partnership.

### *Risks-Needs-Responsivity (RNR) Tools*

After more than two decades of research that confirmed the efficacy of scientifically validated structured decision making tools to screen and assess for risk to re-offending, there is still a significant gap between the research and practice. In view of the neuroscience of adolescents, instead of basing sanctions solely on the offense, a more effective approach is to assess each youth's risk for reoffending and reserve the most intensive monitoring and interventions (including both therapeutic services and sanctions) for those at highest risk. In addition, evidence suggests that the best results come from matching services to youths' specific "dynamic risk factors"—that is, risk factors that can be changed, such as substance abuse, poor school achievement, or lack of parental monitoring. Further, with a strong commitment to the RNR tools, juvenile justice system practitioners can more effectively target positive youth development opportunities that focus on increasing competency and cognitive skills development.

A growing number of jurisdictions that have effectively implemented and sustained fidelity of RNR practices have evidence that the approach has significant positive impact on juvenile justice system performance and protection of public safety. The improved system performance is demonstrated by the increased diversion of low-risk offenders from formal involvement in the juvenile justice system and the exchange of relevant information among prosecutors, public defenders and judges that permit more timely case processing and informed dispositions. The positive impact on public safety is reflected in the reduction of recidivism and corresponding improvements in cognitive skills and positive youth development. This key area of re-calibration of practice in Lancaster County is supported by the obligations detailed in Nebraska Legislative Bill 464, passed into law in 2014.

### *Graduated Response / Sanctions*

A strong system of “graduated responses” – combining sanctions for violations and incentives for continued progress – can significantly reduce unnecessary incarceration or other out-of-home placements, reduce racial and ethnic disparities, and improve successful probation completion rates and other outcomes for youth under supervision. There is compelling evidence that the juvenile justice system and its partners should incorporate this practice at key decision points affecting the trajectory of the youth into and out of system involvement. An effectively implemented system of responses and incentives may reduce harmful effects of confinement while holding the youth appropriately accountable. It is a “cardinal tenet of our justice system that punishment should be proportional to the offending behavior and evidence is now available from many criminal justice and youth-serving contexts that using incentives more frequently than sanctions is most likely to achieve behavior change.”<sup>11</sup>

### *Positive Youth Development*

Yet another practice that can be directly informed by the research about adolescent development involves commitment to the concepts related to positive youth development (PYD). This approach erodes the deficit based approach that dominates many of our juvenile justice and probation system paradigms for case management and acknowledges that youth are capable of stabilizing maladaptive behaviors if they can be attached to a variety of social resources that facilitate healthy development. In the past decade, concentrating on positive youth development goals has provided the juvenile justice system with a compelling framework for service delivery, especially in cases involving younger juveniles and those charged with less serious crimes. The PYD essentially asserts that reducing offending means not simply restricting opportunities to offend but expanding opportunities to grow. The practices associated with an effective PYD approach support development of more mature patterns of thinking, reasoning, and decision-making.<sup>12</sup>

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<sup>11</sup> Center for Children’s Law and Policy. (2016). Graduated Responses Toolkit: New Resources and Insights to Help Youth Succeed on Probation. Washington, DC. <http://www.cclp.org/graduated-responses-toolkit/>

<sup>12</sup> *Programs that Promote Positive Development Can Help Young Offenders Grow Up and Out of Crime*. Research on Pathways to Desistance. Issue Brief. The John D. and Catherine T. MacArthur Foundation, 2014.

In combination with the appropriate use of RNR approaches, case management plans can incorporate PYD opportunities into the strategies that strengthen cognitive skills and positive assets which help to ameliorate risk in the priority domains for treatment and intervention.

#### Case Processing Timeline Standards

It is well documented that delays in the processing of youth through the justice system can have negative results not only for the youth themselves but also for their families and communities. Improving the timeliness of the justice process is far more than a technical matter for managers and judges; it is a critical part of policy and practice in ensuring the juvenile justice system fulfills its basic mission.”<sup>13</sup> The qualitative research findings on successful adoption of adherence to these improved practices highlighted two common themes:

- Success in addressing court delay requires leadership in the form of a court culture that is committed to case management, and
- Routine and shared communication is vital for any successful case management system, no matter how automated that system may be.

These revised practices require collaboration from the key system actors and include judges, prosecutors, defense counsel, court administrators, and court/probation staff at a minimum.

#### Family Involvement and Engagement

The active engagement and involvement of families, which by definition must include the nuclear, single parent and extended family units, must 1) be based on their strengths and assets, and 2) must provide for an active role and partnership in the development, implementation and management of comprehensive treatment plans for their children. Adolescent youth rely on the family, the primary natural support, to provide guidance, instruction and nurturance no matter the level of dysfunction and our efforts must seek to enhance and not supplant that support system in both the short- and long-term. The research is clear that absent the meaningful engagement and involvement of families in our planning and interventions there is a decreased likelihood of achieving the positive outcomes we seek for our youth.

The foundation of the Probation System Review and the findings and recommendations contained herein is built upon the belief that when this research and the associated principles and practices are effectively applied to the primary areas of responsibility (accountability, preventing re-offending, and fairness and equitable treatment) of the juvenile justice system and its affiliated partners, the Probation has a **demonstrated higher likelihood** of achieving its mission, goals, objectives and outcomes. The achievement of these outcomes is a shared community responsibility (e.g., the community of public and private actors and organizations).

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<sup>13</sup> National Institute of Justice & Office of Juvenile Justice and Delinquency Prevention. (2014). Delays in Youth Justice. Justice Research. <https://www.ncjrs.gov/pdffiles1/nij/237149.pdf>

## II. METHODOLOGIES

The RFK National Resource Center employed an interactive consultation process designed to assist and support, not supplant, the authority, talents, current initiatives and work of leaders within Lancaster County Juvenile Probation and the juvenile justice system. This initiative was accomplished with the guidance, active involvement and support of the **Probation System Review Team (PSRT)** which included Lancaster County Juvenile Probation, juvenile court and relevant juvenile justice system leadership personnel. The members of the PSRT (*Appendix A*) possessed the expertise and authority to oversee key decisions and activities potentially impacting reform. The primary members of this group included:

- Lancaster County Judiciary
- Lancaster County Juvenile Probation (Director and Managerial/Supervisory personnel)
- Lancaster County District Attorney's Office
- Lancaster County Public Defender
- Nebraska Office of Probation Administration

At the outset of the project, the RFK National Resource Center consultant team (RFK consultant team) worked with the PSRT to examine the most advantageous methodologies proven to be effective in past evaluations. The PSRT met at regular intervals during the project period to develop and refine the collaborative work plan, to determine the composition of relevant and necessary standing or ad hoc subcommittees, to discuss relevant expectations and parameters, and to set any other necessary directions for the work.

The template and multiple methodologies contained herein have been successfully utilized in numerous other jurisdictions and were employed in this review to fulfill and achieve the Lancaster County Juvenile Probation's vision to "***Be a nationally recognized leader in the field of justice committed to excellence and safe communities.***" Further, to support the juvenile justice system to encourage prevention efforts through the support of program and services designed to meet the needs of those youth who are identified as being at-risk or violating the law and those whose behavior is such that they endanger themselves or others.

The engagement of agency/organizational leadership, court, probation, and other relevant practitioners and stakeholders was essential to the development of these recommendations and findings. These recommendations capitalize on local expertise while seizing viable opportunities for reform. This collaborative approach increases the likelihood that the Lancaster County Juvenile Probation and other relevant and critical youth serving partners within the court system will actively implement plan recommendations.

The Lancaster County Juvenile Probation, in partnership with the RFK Consultant Team, used multiple methodologies to inform the Probation System Review analysis. The following methods were used to carry out the elements of the review:

## **Routine Meetings with a Designated Project Leadership Team**

Site visits were conducted on the following dates:

- July 27-28, 2017
- September 28-29, 2017
- November 13-14, 2017
- February 1-2, 2018

During each visit, regularly scheduled meetings with the PSRT were convened to provide direction for the execution of the work plan, provide access to designated personnel, discuss and assess the progress of the evaluation, and to offer dynamic current suggestions to address preliminary themes or findings as the evaluation progressed. This methodology permitted opportunities for remedial action without waiting for the final report to be completed. As needed, conference calls were conducted to address relevant issues arising in between on-site visits.

## **Document Review**

Beginning in May 2017, prior to the first visit, the RFK Consultant Team began a review of foundational documents that set forth the vision and goals of the Lancaster County Juvenile Probation. Throughout the process, documents were requested and reviewed as they related to the primary topics of discussion. See *Appendix B* for a complete inventory of documents reviewed.

## **Process Mapping**

A process mapping exercise (*Appendix C*) was conducted with a selected group of probation officers and probation management representing all of the probation units (*Appendix D*). The purpose of this exercise was to analyze interfaces, handoffs, bottlenecks, and other case flow issues in the handling of cases internally. This included a discussion of what information is available at various decision points while identifying perspectives on interagency work processes and opportunities to improve practices in the priority areas for the review.

## **Employee Survey**

An electronic employee survey was conducted between the months of August – September 2017 (*Appendix E*). Invitations and a link to participate in the survey were sent to the current Probation staff and supervisors. Participants were given eight weeks to complete the on-line survey. The survey consisted of 66 multiple choice and open-ended questions. All survey participants were assured anonymity. There was a 91% response rate and the results of the survey were shared with the PSRT during the September and December 2017 site visits and were used to further refine the understanding of actual management and probation practices that were ripe for discussion. The results informed the maturation of the findings and the development of the final recommendations.

### **Performance Measures and Outcomes Development**

This methodology was used to support an increased awareness of how worker performance (practice and adherence to prescribed practices) was/is related to the desired sought outcomes for the client population. The discussions permitted a clearer identification of how youth needs connect probation practice to the achievement of desired service and treatment outcomes. The methodology formed the basis for enhancing opportunities to measure worker performance toward those outcomes and collect data regarding achievement of those and other identified system and youth outcomes. This methodology featured meetings with the Probation Senior Management and Information Technology/Data Analyst personnel that could enhance an understanding of current data driven practice and capacity to highlight priority system performance and youth outcome measures in the future operations of Probation and the juvenile court.

### **Key Stakeholder Interviews**

The RFK Consultant Team conducted interviews with the Lancaster County Juvenile Probation service providers who interact on a regular basis with Probation and the Court. Interviews were also conducted with the juvenile judges to better understand their experiences with Probation and the juvenile court. These interviews supplemented the PSRT group discussions and the information gleaned through conversations with the Deputy Administrator, Deputy Director and the probation staff.

### **Probation Orders Analysis**

In partnership with RFK National Resource Center consultant staff, NJDC staff worked with an assigned workgroup and reviewed all relevant standard and supplemental probation orders and focus on three key issues:

- number of conditions on the orders,
- types of conditions on the orders, and
- language and accessibility of the orders

The analysis highlighted developmental concepts and research underlying the need for streamlining conditions and will provide information and feedback to help jurisdictions target individual youth strengths, goals, and needs. The analysis and review will be incorporated into the final report of findings and recommendations for enhancing and strengthening probation orders within the Lancaster County juvenile justice system.

### **Best Practice Analysis**

The best practice analysis of the juvenile justice system, core to this system evaluation, involved an ongoing review of the following practices framed against the current research and understanding of evidence-based approaches and probation practices:

- decision-making processes
- current data capabilities

- case handling process
- current data reports that inform probation management
- desired recidivism measures and outcomes
- opportunities to implement a risk/need screening tool
- referral and intake process (how it intersects with probation and law enforcement)

This methodology was predominantly conducted within the PSRT meetings and in interviews with the Judges, the District Attorney, and the Public Defender.

### **III. Lancaster County Juvenile Justice**

#### **A. Purpose and Intent of Juvenile Code of Nebraska**

The intent, authority and purposes codified in Nebraska Revised Statutes (NRS) §43-246 reflect the following:

*Acknowledging the responsibility of the juvenile court to act to preserve the public peace and security, the Nebraska Juvenile Code shall be construed to effectuate the following:*

*(1) To assure the rights of all juveniles to care and protection and a safe and stable living environment and to development of their capacities for a healthy personality, physical well-being, and useful citizenship and to protect the public interest;*

*(2) To provide for the intervention of the juvenile court in the interest of any juvenile who is within the provisions of the Nebraska Juvenile Code, with due regard to parental rights and capacities and the availability of nonjudicial resources;*

*(3) To remove juveniles who are within the Nebraska Juvenile Code from the criminal justice system whenever possible and to reduce the possibility of their committing future law violations through the provision of social and rehabilitative services to such juveniles and their families;*

*(4) To offer selected juveniles the opportunity to take direct personal responsibility for their individual actions by reconciling with the victims through juvenile offender and victim mediation and fulfilling the terms of the resulting agreement which may require restitution and community service;*

*(5) To achieve the purposes of subdivisions (1) through (3) of this section in the juvenile's own home whenever possible, separating the juvenile from his or her parent when necessary for his or her welfare, the juvenile's health and safety being of paramount concern, or in the interest of public safety and, when temporary separation is necessary, to consider the developmental needs of the individual juvenile in all placements, to consider relatives as a preferred potential placement resource, and to make reasonable efforts to preserve and reunify the family if required under section [43-283.01](#);*

*(6) To promote adoption, guardianship, or other permanent arrangements for children in the custody of the Department of Health and Human Services who are unable to return home;*

*(7) To provide a judicial procedure through which these purposes and goals are accomplished and enforced in which the parties are assured a fair hearing and their constitutional and other legal rights are recognized and enforced;*

*(8) To assure compliance, in cases involving Indian children, with the Nebraska Indian Child Welfare Act; and*

*(9) To make any temporary placement of a juvenile in the least restrictive environment consistent with the best interests of the juvenile and the safety of the community.*

It is important to identify this codified language as a preview to the structure and operations of Lancaster County Juvenile Probation as it establishes the baseline for the review and assessment of the functions and practice for achieving the intent and desired performance related to public safety, accountability and positive youth development that ameliorates the risk for re-offending.

## **B. Lancaster County Juvenile Probation Structure**

Lancaster County Juvenile Probation is a comprehensive public service agency that performs more than the traditional Juvenile Court functions of probation and detention. Probation provides intervention services, guidance and control for youth ages 18 and under who are involved in delinquency and truancy. The vision and mission for the Nebraska State Probation (hereafter referred to as the State), led by Ellen Fabian Brokofsky, State Probation Administrator, and Lancaster County Juvenile Probation,, led by the Chief Probation Officer Lori Griggs, is:

**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.

The recommendations in this report seek to support the core vision and mission of Lancaster County Juvenile Probation.

## **C. Prevalence Data**

According to the most recent data (2017) reviewed from available sources, Lancaster County’s total population is 314,358 of which the youth population (<18 years of age) is 72,302. The majority race is White, 87.6% followed by Hispanic or Latino, 6.8% and Black or Black or African American, 4.1%. During the year of 2016, the Lancaster County Juvenile Probation received 4831 of which 3124 (65%) were adjudicated (as in Admit). Of the referrals, 3342 were misdemeanors and 496 were felonies. Of the misdemeanors, the majority of cases (1112) youth



ages 14-15 and White (1357). The highest age group committing felonies were also youth ages 14-15 (185) and White (213).

## **IV. ELEMENT A: ADMINISTRATION**

### **A. Introduction**

The review of administration focused on Lancaster County Juvenile Probation's policies, procedures, and operations, as well as how probation practice is carried out as reflected in the feedback from probation officers, stakeholders, and consumers. This review element began with a careful analysis of the policies and procedures. The analysis was followed by descriptions of Probation's operations and covered training, (*Appendix F*) management practices (*Appendix G*), and probation practices. Probation practices included probation supervision, service delivery to probationers, and a qualitative and subjective exploration of the various views, perspectives, and philosophies held about probation practices.

#### *Issues*

The key issues in this review element were:

- 1) whether the probation policies and procedures are a relevant guide for daily practice;
- 2) how management practices contribute to the overall functioning of Probation;
- 3) how the design and delivery of training support desired probation practices;
- 4) whether the probation supervision is effectively carried out; and
- 5) whether services to probationers are effectively delivered.

In addressing probation practice and implementation in Element A, the review began with an analysis of policies, procedures, and operations that govern probation administration. Specifically, the PSRT and other stakeholders examined how probation practices are informed and guided by its memorialized documentation related to probation leadership, managerial oversight, supervision of clients, and training. This was also the initial opportunity to ensure that the review was significantly informed by feedback from probation staff and relevant stakeholders (e.g., judges, prosecutors, public defenders, etc.).

### **B. Policies and Procedures Manual**

The analysis of Probation's policies and procedures began with an inquiry and discussion about the documents that guide the operations of Probation and the daily activities of the probation officers.

Questions that guided this part of the review:

- Do the mission, vision, policies and procedures link well to each other?

- Do the mission, vision, policies and procedures reflect best practices?
- Do the mission, vision, policies and procedures link well to daily juvenile probation operations?

To be effective, an organization must have a clear mission that undergirds the strategies that guide its daily operations. A PriceWaterhouseCoopers study indicates that high-performing organizations reported 31% greater effectiveness overall when vision, mission and values statements were clearly articulated and accountability plans were incorporated into a management strategy.<sup>14</sup>

The RFK NRC team found that Juvenile Probation is guided by two separate but connected sets of policies and procedures. A broad set of policies, protocols, forms, guides and processes that reflect Nebraska statutes is available on-line through the Administrative Office of Probation (AOP). Additionally, Lancaster County has their own local set of policies and procedures specific to local practices. The Employee Policy and Procedure Manual (Vol. 2) for Lancaster County Juvenile Probation was revised in August 2017 and then again in April 2018. The manual is 137 pages and is available electronically and as a hard copy. It has been the standard in Probation to update this policy and procedures manual on an as-needed basis. However, it will now be reviewed and updated on an annual basis. Lancaster County Juvenile Probation did include a very clear vision and mission statement in their Employee Policies and Procedures Manual which reflects the Nebraska State Probation mission and vision noted earlier under Section III-B.

**Lancaster County Juvenile Probation Vision Statement**

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

**Lancaster County Juvenile Probation 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.

The manual provides detailed guidance on the key activities that should be provided by the Probation Officers from communication, new employee orientation, intake, vouchers, evaluations, services, case management, quality assurance and collaborative processes. However, the employee survey reflected a mixed response by probation officers on its utility. Of the 32 responses, 37.5% believe the manual is a useful tool to direct their work, while 40.63% do not. Of note is that 21.88% of respondents ‘didn’t know’ whether the manual was useful or not. This information indicates that there is an opportunity to speak to staff about

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<sup>14</sup>*Aligning strategies for people and business*. Retrieved March 10, 2010 from: <http://www.pwc.com/nz/en/clever-companies/hr-best-practices.ihtml#align>

how the manual could be improved and to use it more intentionally in staff meetings and trainings to support its value and utilization.

### **1. Adolescent Development**

The set of policies and procedures also reflect a clear commitment to a set of practices that positively align with many national best practices. However, important information on the developmental differences between juveniles and adults with an explanation of how this scholarship has informed the current best practices in the field was notably absent from Lancaster County’s policies and procedures. Employing a developmental approach and tailoring system policies and practices to meet the unique needs of adolescents is one of the four core principles identified through a meta-analysis of research on what reduces juvenile recidivism and improves other youth outcomes. The Council of State Governments Justice Center describes this approach as the following:

*Young people are not mini-adults. Their families, peers, schools, and communities have a significant influence on their beliefs and actions. They engage in risky behaviors, fail to account for the long-term consequences of their decisions, and are relatively insensitive to degrees of punishment. They also struggle to regulate their impulses and emotions. A growing body of research confirms that these differences are developmental—the result of biological and neurological conditions unique to adolescence—and that ignoring these distinct aspects of adolescent development can undermine the potential positive impact of system interventions and even do more harm than good.*

*Thus, a developmentally appropriate approach to working with youth should undergird all policies, programs, and supervision in the juvenile justice system. There is no single program model or tool for establishing a developmentally appropriate approach. While further rigorous research is still needed, this approach appears to be a key missing ingredient for enhancing the positive impact of a wide range of system policies and practices.<sup>15</sup> (p. 34-35)*

It is the recommendation of the RFK NRC Team that information on the neuroscience of adolescent development be included in the local Lancaster Policies and Procedure Manual and that specific training and practice strategies and language supporting this approach be included in the manual. It is the recommendation of the RFK NRC Team that language be added throughout the document highlighting the necessity of employing a supervision approach that highlights the key findings of adolescent development research. A commitment to this research throughout Probation should begin with including this language in these fundamental policies and procedures and should lay the foundation for how the all of Probation approaches their work with youth and

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<sup>15</sup> Elizabeth Seigle, Nastassia Walsh, and Josh Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (New York: Council of State Governments Justice Center, 2014) of State Governments.

their families. The incorporation of this language will support and sustain a developmentally appropriate approach to supervision and will ensure adolescent development is not seen as a fad or a passing trend but rather the bedrock upon which all policies, procedures and best practices are founded.

## **2. Family Engagement**

The policies and procedures do discuss including the family in discussions related to detention and out of home placements, the completion of the Family Service Access Inventory (cataloging income, transportation, health insurance and access to services, etc.), the Tracker Program, development of a case plan and choosing preferred providers. Regular reference is made to contacting the family within expected time periods and including them in discussions and planning. This certainly reflects best practice and Probation should be recognized for including the family in their policies and procedures. However, these references could be strengthened if the purpose and value of family engagement, including references to the research, be included in the manual as well. It is not uncommon for jurisdictions to silo 'why we do what we do' into discreet trainings and keep policies and procedures focused solely on 'how we do what we do'. The most effective manuals will find ways to include both. This is one strategy that can reinforce the value of family engagement principles into all aspects of Probation's culture. It is true that when language emphasizing family engagement is highlighted in policies and procedures in combination with training, quality assurance and on-going coaching, a culture that not only values but effectively and consistently provides effective family engagement will be the natural result.

## **C. Management Practices**

The RFK Consultant Team examined the organizational management practices of Lancaster County Juvenile Probation through qualitative interviews with the Chief Probation Officer, Deputy Chief Probation Officer, supervisors and the probation staff in all program areas. The employee survey and stakeholder interviews with critical partners (e.g., judges, county attorneys, public defender) also informed this area of the review. Additionally, an independent survey specific to supervision practices was administered by a third party source to staff in the fall of 2016 and supplemented this area of the review.

To the significant credit of Probation leadership, concurrent to the review, a strategic plan for management team restructuring was developed and implemented. This plan appeared to be fully supported by all levels of management and provides excellent guidance on new roles and expectations of management team members, a supervisory transition plan, and strategic management goals which included:

- a. Set priorities and timelines
- b. Establish youth success outcomes
- c. Identify data needs
- d. Establish family engagement goals and timelines

- e. Implementing the Set Up 4 Success Plan
- f. Utilize RFK feedback in strategic planning

The RFK Consultant Team commends Probation leadership for recognizing the need for a more efficient and effective leadership structure and for taking the steps necessary to develop, build support for, and execute this plan. While this effort can be categorized as a discreet improvement specific to current management roles and tasks, it demonstrates a broader commitment to ongoing self-evaluation and improvement by leadership.

In another facet of managerial oversight, the employee survey reflected almost a 50/50 split on the question “Probation Officers are supported in their work by Probation’s Administration.” Comparing this answer to the positive responses on the 2016 supervision survey and direct feedback from staff, there appears to be an opportunity for probation administrators at both the state and county level to delve deeper into this dichotomy and understand better whether staff are engaged and empowered to inform improvements and adjustments to Probation practice. Probation has undergone a tremendous amount of change since Legislative Bill 561 was passed in 2013. The RFK Consultant Team found the probation staff who participated in the process mapping exercise to be deeply committed to their work, authentic and honest. This passion and commitment is not always seen in other jurisdictions and should be viewed as a resource that can fuel effective changes and improvements. As part of that commitment to self-evaluation in this area of managerial operations, it is the recommendation of the RFK Consultant Team that State Administration and Probation leadership identify routine and supportive ways for line staff to submit their feedback and ideas for improvement. Possible ideas for soliciting, including and valuing staff feedback is to invite a minimum of one probation officer to every strategic planning meeting where ideas for improvement are discussed; provide an anonymous method for routine feedback (e.g., a comment box); or create ‘open door’ times for staff to drop in to meet simultaneously with both the Chief Probation Officer and the Deputy Chief Probation Officer and share an idea or feedback. These efforts at transparency, inclusion and soliciting feedback will likely reap great rewards both in staff morale and practice and policy efficiencies, particularly during this continued chapter of growth.

#### **D. Training**

It is common for organizations to limit orientation training to the minimum standards of employment. These trainings typically cover the structure of the organization, human resource requirements, legal mandates of the particular field, and policies and procedures. If day-to-day practices are covered, it is often in the areas of technical skills the employee must have before they can do the work, e.g., how to complete forms and use computer or data entry systems. Often, short shrift is given to the philosophy of the organization, the role the employee has in helping the agency meet their goals, and the training that is needed to support staff in reaching these goals. The absence of strong training, effective supervision, and coaching results in great variances in staff performance, sporadic achievement of outcomes and lack of employee engagement. A key component in any successful organization is a well-trained staff with the necessary skills and abilities to meet job requirements. Additionally, fundamental to

this effort is the recognition that system actors (district attorney, public defense, judges, and service providers) must have access to and participate in training on the core practices that drive system operations.

It is routinely acknowledged within the research that a comprehensive training curriculum includes:

1. Orientation and/or onboarding
2. Policies and procedures (probation and court)
3. Special skills (RNR, trauma, Motivational Interviewing, family engagement),
4. Special populations, and
5. Routine set of offerings to promote continuous skill refreshing

A review of the Nebraska State Juvenile Training Policy indicates a strong commitment to a robust set of training modules including:

- District/Administrative On-the-Job Training
- New Employee Core Requirement Training
- Advanced In-Service and External Training
- Management Training
- Training for Trainers
- District Training

This training protocol reflects the components of an ideal training curriculum as noted above with one notable exception: booster trainings. Mention of skill trainings is made in the training policy, however, booster trainings require a separate focus and routine commitment. It is recommended that leadership ask staff what booster trainings would be most helpful to them and at what intervals. This will serve to not only keep their skills fresh, but will provide yet one more opportunity for staff voices to be included in brainstorming and planning.

### *1. Adolescent Development Training*

While the Administrative Office of Probation provides a training module on adolescent brain development during new probation officer training, it is recommended that training on adolescent development be added to the local Lancaster County on-going training schedule to highlight and reinforce this foundational principle of best practice. 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. The RFK Consultant team sees value being added if training on this topic is provided in a group setting with all the aforementioned partners present, thereby reinforcing its importance across the entire juvenile delinquency continuum and increasing an understanding of how each system stakeholder is integrating these strategies into their practices.

## *2. Family Engagement Booster Training*

While family engagement is taught in the New Employee Core Requirement Training and is listed as an example topic for a special skill training session in the policies and procedures, it is the recommendation of the RFK Consultant Team that booster trainings on family engagement be scheduled on a routine basis. To be effective, family engagement requires on-going prioritization, coaching and feedback. It must be highlighted not only in training, but in the Policies and Procedure Manual, in staff meetings, problem-solving discussions and coaching between supervisors and staff. It must become a priority, not in name only but with specific strategies and quality assurance oversight. As with the neuroscience of adolescent development, family engagement is not a passing trend or exercised at a single decision point. It is a philosophy that must be interwoven into all aspects of the juvenile justice continuum, most particularly evident in how probation officers speak to youth and families and include them in the planning, trouble-shooting and case closure decisions that affect them the most.

## *3. Public Defender Training*

It deserves to be mentioned that the Public Defender's Office has implemented a very strong juvenile justice training curriculum to prepare attorneys for each stage of the delinquency process. Margene Timm commits 4-6 weeks of her personal effort to training new defenders in juvenile justice processes and relevant issues before they are given a caseload. This is a notable strength that benefits youth and families and all system stakeholders.

## *4. Graduated Responses Training*

As detailed further in the Element B: Probation Supervision section of this report, Probation has been partnering with the State to develop a set of graduated responses specific to juveniles. Historically, probation officers were consulting the adult set of graduated responses for guidance on how to respond to probationer noncompliance. It is very important that a training schedule precede the roll out of the juvenile graduated responses. This includes training all juvenile court stakeholders including judges, the county attorney's office and the public defender's office in addition to all probation staff. The importance of this training, and on-going feedback meetings within the first year cannot be overstated. Joint trainings on the philosophy behind the grid and how it will be consistently utilized provides an important opportunity to reinforce a unifying philosophy among all the juvenile justice stakeholders and will help circumvent potential confusion when observing probation officer responses to youth behaviors.

## **E. Collaboration with the Nebraska State Probation Administration**

Regardless of the level of oversight, every county jurisdiction benefits from having the support of their state level juvenile justice leaders. County Probation in the State of Nebraska is governed by the Administrative Office of the Courts and Probation and directly overseen by the Juvenile Services Division. The relationship between Lancaster County Juvenile Probation leadership and state level juvenile probation leadership is very positive and collaborative. Both

Jeanne Brandner, Deputy Administrator of the Juvenile Services Division and Kari Rumbaugh, Assistant Deputy Administrator, were present at all the Probation System Review leadership meetings and took a very active and engaged role in this review. This involvement will be mutually beneficial for both the State and the County. Lancaster Probation knows it has the support of the State to move forward with implementing these recommendations; and the State gleaned valuable information on what improvements could be translatable across the state and how they could best support statewide juvenile probation offices, leaders and staff.

#### ELEMENT A: 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**

#### **A. Introduction**

The review and analysis of probation supervision practices and approaches included the decision making processes throughout the juvenile justice system (e.g., arrest, referral, adjudication, disposition, case planning and management, revocation, case closure) and the



resulting assignment and oversight of particular groups of probationers in specific programs as compared to recognized best practices standards. The review focused on probation supervision and areas for practice development and improvement.

The key issues in this review element were:

- 1) analysis of the probation officers' approach to supervision, the role of the probation officer, their day-to-day tasks and how the tasks connect to desired youth outcomes;
- 2) review of professional staff responsibilities, mandates and expected products and outcomes that support improved decision making at each key step;
- 3) analysis of decision making processes and the assignment and handling of particular groups of probationers (e.g., risk levels, special populations) in specific programs.

Questions that guided this part of the review within Element B include:

- How are cases assigned to probation officers?
- What role does the probation officer play in the life of a probationer?
- Are supervision levels matched based on risk and needs through the use of structured decision-making tools?
- How are services matched to a youth's needs?
- What products are the probation officers responsible for creating? How are they used?
- What are the supervision criteria for each probationer group?
- How clearly are client outcomes identified for each probationer?
- How do probation officers' tasks connect to desired youth outcomes?
- How is staff evaluated? Based on what criteria?

In the analysis of this element, the RFK NRC Team relied heavily on the group discussions that took place with the Lancaster Probation process mapping line staff and supervisors, the PSRT, and the Employee Survey feedback. This element of the review was also conducted against the identified commitment of Probation to effectively use the Nebraska Youth Services pre-screen at intake, and the Youth Level of Services / Case Management Inventory at the pre-adjudication (for PDIs to guide dispositions) and post-adjudication phases (used to drive case management and planning).

Lancaster County Juvenile Probation employs 37 Probation Officers and 4 Assistant Probation Officers and is organized into the following categories of staff:

**Pre-Dispositional Staff (PDI):**

- gather information on youth and family to include in a pre-dispositional report that is provided to the judges to inform their disposition with an understanding of the youth's YLS risk level and needs.

### **Truancy Officers (6):**

- supervise truancy youth and status offenders

### **Community Based Resource Officer (CBR):**

- supervise low to moderate risk youth per the YLS

### **Community Based Intervention Officers (CBI) also includes Sex Offenders:**

- supervise moderate to high risk youth per YLS

The RFK Consultant team noted a significant strength in the fact that 94% of probation officers have been employed by Probation less than five years. This has resulted in a staff willing to approach supervision with open minds and an eagerness to embrace the neuroscience of adolescent development and the best practices shown by research to reduce recidivism and improve other youth outcomes. This is not always the case in other jurisdictions that may struggle against longstanding, outdated practices and beliefs held onto by veteran staff. Probation is encouraged to see this ‘younger’ staff as a valuable resource not only to rally and harness their energy and amenability to implement new practices, but to solicit feedback on current practices and ideas on what communication, scheduling, training and problem-solving could potentially be improved.

The State of Nebraska Judicial Branch has embraced a nationally recognized best practice supervision approach that combines both a focus on enforcement and rehabilitation. Probation officers are trained and coached to be “agents of change,” prioritizing the development of juveniles through targeted efforts at behavioral change, not through simple monitoring and enforcement alone. This dual approach has been detailed in a document entitled Case Management & Supervision and Services, authored by Amoreena Brady, Case Management Specialist with the Office of Probation Administration (*Appendix H*). The following quote captures this goal of blending enforcement with an equal measure of positive behavioral change support:

*While the enforcement aspect of probation, to ensure compliance with terms of probation, is an integral part of the job, research clearly indicates that juvenile probationers are much more successful if probation officers act as agents of change, providing quality treatment, mentorship and motivation to the probationers they serve to assist them as they attempt to assimilate into productive, law abiding citizens. Rehabilitation with appropriate supervision and enforcement are both necessary but must be appropriately balanced. A large part of case management is providing opportunities to juveniles to change their behaviors and thought processes.*

Research shows that a reduction in recidivism occurs when there is a focus on positive behavior change as opposed to strict surveillance and monitoring alone. The following table highlights the difference in the two approaches.

Focus on Surveillance	Focus on Positive Behavior Change
Laundry list of supervision conditions	Developmentally appropriate conditions
Fixed and uniform case contact requirements	Contact requirements based on youth's assessed risk level
No collateral contact requirements	Required family and school collateral contacts
Large caseloads, "check-in" visits	Small caseloads with sessions focused on behavior change/skill development
Minimal training	Training in engagement and cognitive behavioral techniques
Minimal use of incentives/rewards	Frequent use of incentives/rewards

The findings and recommendations in this report will reflect a focus on these positive behavior change practices and the RFK Consultant Team approached the review with the goal of not only highlighting areas for improvement, but also highlighting areas of strength and progress. One such finding was that Nebraska's Probation Administration and the Lancaster County Juvenile Probation were in the final stages of collaboratively crafting a juvenile-specific set of graduated responses that included both sanctions and incentives. This required Nebraska State Juvenile Services to spearhead a change in statute, which was successfully accomplished.

State and Lancaster Probation Leadership submitted the graduated response grid to the National Juvenile Defender Center for their review in the winter of 2018 and the responding feedback was very positive. To their credit, careful and intentional thought was given to incorporating the YLS into the grid, strongly reflecting a sanctions/incentive best practice. This commitment to positive behavior change based upon the YLS was also evident in their concurrent development of a service recommendation grid. Both the graduated response grid and the service recommendation grid have successfully integrated the YLS and will result in youth being directed to the most appropriate service to meet their YLS risk domain and will provide a guided set of tailored responses for probation officers to use to both sanction and incentivize positive youth behavior. These tools are examples of strategies that meaningfully integrate adolescent development research into practice, recognizing that to be most effective with adolescents, unique approaches are required. As an example, youth respond better to incentives than they do to sanctions. Therefore, the most powerful set of graduated responses will rely just as heavily on incentives as sanctions. The use of these graduated responses serve to reduce the number of revocations and increase the necessary behavior change that will result in long-term changes that foster a youth's success.

## **B. Detention / Intake**

Nebraska statute provides law enforcement with the discretion to take a youth into custody and request formal screening by a probation intake officer if detention is being considered. Statute does not require probation and law enforcement to meet in a particular place, while currently the practice in Lancaster County is to meet at the detention center. Best practice indicates that youth are less likely to be detained when screened in a non-secure environment,

a process that should be considered by Lancaster County Stakeholders. Nebraska Statute gives probation the authority to screen youth for consideration of detention using a standardized statewide risk assessment instrument. Intake officers are required by policy to conduct interviews face-to-face, with minimal extenuating circumstances, as well as interview the law enforcement officer and parent/guardian. The Risk Assessment Instrument (RAI) guides the intake officer on the detention decision and statute requires law enforcement to carry out the decision. At the time of this review, the RAI was only utilized for youth with new violations and not on probation youth who are alleged to have committed a violation of the conditions of probation or court order. In recent months, Probation Administration approved policy that now requires the RAI to be implemented on all detention decisions by a probation officer. It is recommended that data be collected to ensure fidelity to this new practice and monitor further trends on the detention of technical violations.

Locally, Probation Intake Officers are assigned from the PDI, CBR and Truancy staff pool on a rotating basis. On average, it was reported that Probation Intake Officers are called to detention 15-20 times per month. While the number of detention youth with new violations is low, the daily detention census reflects that 60-70% of detained youth are there for technical violations (Average Daily Population = 31; 20 are technical violations which come largely from the CBI probation population (moderate to high risk level). Seventy percent of the detention population has a length of stay (LOS) between 0-10 days. This is positive. However, the high percentage of probation youth who are in detention due to technical violations is of concern.

Discussions about detention numbers and the intake process highlight several opportunities. Detention numbers for technical violations have the potential to decrease after the implementation of the juvenile graduated response grid. This will result in an improvement in the generalized out of home placement numbers for Lancaster County which includes any youth placed out of the home, including those in foster care and kinship placements. (The broad definition of out of home placements is important to note as it can easily be assumed that out of home numbers reflect *only* youth in long term commitment placements. All discussions about out of home placement numbers *must* take into consideration the composition of these placements to avoid misunderstandings and misguided problem solving efforts.)

Successful detention practices, as defined by detaining the right youth at the right time for the right length of time, require a significant amount of collaborative communication between law enforcement, detention staff, Pre-Adjudicated Coordination Services (PACS) staff, the potential current supervising officer and the Probation Intake Officer. This level of intricate communication requires practice and a familiarity with all intake policies, procedures and communication mechanisms. This level of efficiency and communication can easily break down with a rotating schedule that includes too many partners. It is recommended that discussions be held within Probation with the inclusion of the above-named partners, to identify whether the current rotating schedule of PDI, CBR and Truancy officers is most effective. Immediate recommendations for improvement of this process cannot be made by the RFK NRC Team, but rather by all those impacted by the current process. 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.

The Nebraska Administrative Office of Probation has focused diligently on expanding and implementing evidence-based home-based services which is consistent with best practice. These efforts have included the development and sustainability of Multi-Systemic Therapy (MST) services, an intensive family and community-based treatment for serious juvenile offenders with possible substance abuse issues and their families. Their effort to find successful ways to meet the needs of youth and families within their community is to be commended. However, at times, it is necessary for youth to be placed out of home. The County is fortunate to have a shelter placement (Pioneer Center Emergency Shelter) that operates as a detention alternative. Youth stay in school, go on outings, etc. It has 16 beds. Seventy-five percent of the youth in the shelter come out of detention. It is well-utilized by probation staff and provides care at a lower cost than detention (detention = \$275/day; shelter = \$180/day; foster care = \$78/day). Those beds are well-utilized by probation staff and several interviewees expressed a desire to see more beds added to the Center. The Center provides a valuable out-of-home option in Lancaster's continuum of care. Therefore, it is also the recommendation of the RFK NRC Team that opportunities to expand the available beds at the shelter be explored by all invested parties.

### **C. Family Engagement and Involvement**

The research is clear that absent the meaningful engagement and involvement of families in planning and interventions there is a decreased likelihood of achieving positive outcomes for system involved youth. Family engagement in child welfare, juvenile justice, schools, and mental health all yield greater client satisfaction and, for the most part, better outcomes. Although the families frequently have histories of domestic violence, addictions, mental illness, and criminal activity, the participatory process is carried out safely and results in plans that fit the family's cultural heritage and that motivate youths and their kin and workers to lend their support. Youths and their families enhance their sense of competence and pride in their identity as they generate plans readily agreed to by their formal and informal networks. A sense of fair play and mutual respect improves relations among the youths and their families and the involved agencies and decreases time spent in court with its associated costs. Repeatedly, studies show that family engagement increases alternatives to placement outside the home, whether from foster or group care or from detention. A preponderance of studies show improvements to the safety and stability of youths as well as their families and victims.

In utilizing the YLS and a corresponding pre-screening instrument (currently the Nebraska Youth Screen), which requires a focus on using motivational interviewing techniques to engage and obtain the youth's story and family perspective to drive the intake, screening and case planning process, Probation is committed in principle to identifying and mitigating the criminogenic needs of the youth and family. However, the feedback from probation staff obtained during the

review does not reflect a standard of family involvement and engagement that would permit Probation to realize optimal outcomes.

The RFK NRC Team did witness commitment to family input during the several court hearings observed. Families sat at the table along with the attorneys, probation officer and the youth and judges repeatedly asked family members as part of their standard communication if they had any questions or anything to share. This is not always observed by the RFK NRC Team and the Lancaster County Juvenile Court judges are to be commended for recognizing the value of family members input and actively soliciting their involvement in the court proceeding.

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. The articulation of a set of core principles and beliefs that guide the specific family practices in Lancaster Probation may include:

- Family involvement is predicated on the recognition that the family is a child's primary emotional, social, cultural, and spiritual resource.
- We seek to ensure that there are flexible and authentic opportunities for families to partner in the design, implementation, and monitoring of their child's plan by providing an opportunity for family members to have meaningful, informed and authentic input at each key decision point in the process.
- We seek to ensure that families have access to resources such as workforce personnel and service interventions that are supportive of their involvement, including family peer advocates and skill building for self-advocacy.
- Through effective training, Lancaster County juvenile justice stakeholders will demonstrate proficiency in the skills and practices that acknowledges that all families will act in the best interest of their child, and fulfill their role, when they have the knowledge, skills, and supports necessary to provide ongoing and developmentally appropriate guidance and interaction.
- We seek to develop a discrete set of approaches and information that systems can provide to families to assist them in meeting their family's needs, including in helping them make the best use of and connection to system and community resources that honor their familial beliefs and culture.
- Effective family engagement and involvement results in improved case plan development that respects cultural and religious beliefs of the family, more rapid availing of targeted services and interventions by family members and the youth, and longer periods of desistance of delinquent behavior by the youth thereby protecting public safety.

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. The RFK Consultant Team can provide a wide

array of resources to support this re-examination which include training, publication materials, products and resources, and practical community/family engagement mechanisms, among others.

#### **D. Nebraska Youth Screen (NYS) and Youth Level of Service/Case Management Inventory (YLS/CMI)**

As noted in the **BACKGROUND: Probation System Review Design and Framework** section of this report, one of the four core principles shown through research to reduce recidivism and improve youth outcomes is:

- 1) The use of a ***validated risk and needs assessments*** to guide supervision, service and resource allocation decisions.

The Lancaster County Attorney's Office uses the Nebraska Youth Screen tool to identify which youth are low, moderate or high risk to re-offend. This is a best practice and should be commended. Lancaster County Juvenile Probation administers and utilizes the same Nebraska Youth Screen tool to identify the youth's static risk-to-reoffend score prior to adjudication to inform potential interim orders. At the post adjudication/pre-disposition stage, a more comprehensive Youth Level of Service/Case Management Inventory is given to the youth to identify the level of a youth's risk-to-reoffend (based on static factors such as history charges) as well as identify which criminogenic risk domains (dynamic risks based on changeable factors in the youth's current education, family situation, attitudes, etc.) should be prioritized in a dispositional case plan. Judges do see the youth's risk-to-reoffend level (low, moderate, high) in the pre-dispositional investigation report. However, discussions with the judges indicated that prior to this review, the score was rarely considered in their dispositional decisions as its validity was not consistently trusted nor, perhaps, fully understood and valued. The YLS risk-to-reoffend score is largely based on the youth's static factors such as their previous and current charges. Concerns were raised by some of the judges that the validity of the YLS score was questioned because so many charges are plead down. The NRC Team clarified that the score is based on actual charges, not those plead down.

While the YLS is being included in the PDIs, consistent feedback indicated that the PDIs are not regularly read and valued by all probation officers and that the YLS is not being used consistently and effectively to guide the development of a case plan. Nebraska has made a significant commitment to the use of the YLS as indicated by their recent partnership with Dr. Richard Weiner with the University of Nebraska – Lincoln, Law Psychology Program. The Nebraska State Probation Administration contracted with Dr. Weiner to conduct a validity study on the YLS tool for Nebraska Probation Youth. The study "tested the validity of the YLS/CMI in predicting failure in probation and found strong evidence for the validity of the instrument as Nebraska Probation currently uses the tool with juveniles in the system." Additionally, "the

[University] strongly endorses the continued use of the YLS/CMI...[as] a valid tool for measuring risk of failure in Nebraska youth.”<sup>16</sup>

Lancaster County Juvenile Probation demonstrates a commitment to the use of the YLS/CMI in both policy and practice. However, the results of this review identified significant opportunities to improve the utility of the tool across the system, starting with enhancing its key role as the foundation for effective case planning and case management. As previously mentioned, judges have historically not relied on the YLS risk score to inform their dispositions. Neither has staff consistently translated the primary risk domains from the YLS into a targeted, effective and measureable case plan. However, a Service Recommendation Matrix based on the YLS has recently been developed which will provide valuable guidance to probation officers on connecting the youth to services that address their individualized needs. Lastly, the YLS provides a valuable and measureable way to determine whether a youth could be eligible for early case closure based on the lowering of their risk scores in their top 2-3 domains. The Juvenile Sanctioned Forms of Release Protocol dated February 2016 allows for the following early release conditions:

*Probation officers shall request of the court an early release to juveniles who have satisfied their court order and all other probation requirements and have exhibited a change in behavior(s)/thinking patterns while on probation. At least one-half the probation term shall be served. **Probation officers shall use juvenile assessments and case-plan completion to drive early release decisions.** Any decision to submit an early release request shall be approved by a supervisor.*

The framework for effective use of the YLS exists within policy and protocols. However, consistent practice that aligns with these policies and protocols is lacking. The RFK Consultant Team did not recognize routine oversight and management on how the YLS is being used. It is the recommendation of the RFK Consultant Team 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. Some judges said they regularly receive early release requests from probation officers, while others say they never receive these requests. All probation officers should be following the same early release procedures based on the lowering of their risk scores and the completion of their case plan requirements. However, a protocol to define and guide this process does not currently exist.

Currently, a judge can order indefinite periods of probation until the age of 19. The RFK NRC Team would like to point out that the development and use of an early release protocol, one that is understood and supported by judges and becomes a standard practice for all probation

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<sup>16</sup> Wiener, R.L., Jimenez, A.C., Petty, T., & Wertheimer, J. (2017) Predictive Validity of the YLS/CMI as Administered in Nebraska Probation. University of Nebraska, Lincoln.



officers, will result in the terms of probation being exactly what they should be: targeted, effective and of ideal length to improve youth behaviors while avoiding the iatrogenic effects of superfluous time in the system.

### **E. Truancy Diversion Program**

One particular program that deserves special mention is the Lancaster County Juvenile Diversion Program (*Appendix I*). At the time of the review, 100 youth were on probation just for truancy. Nebraska law defines truancy as 20 days of excused or unexcused absences. The schools are required by law to attempt to resolve the issue themselves. However, if the situation is not resolved, the case is directly referred by the schools to the County Attorney who then makes the filing decision. Once in the system, there has been a variety of approaches to dealing with truancy based upon the judge who sees the case, however the primary response has been to place the youth on formal probation supervision. A Truancy Unit of six probation officers (2 assigned to each of the highest referring schools) oversees the youth who are disposed to supervision. This unit also oversees status offense cases. The high number of these low risk/high need cases have placed a burden on the court system and on probation caseloads.

In response to the high number of truancy cases that were ending up on formal probation supervision, a partnership between the Separate Juvenile Court of Lancaster County and Lincoln Public Schools developed a pilot Truancy Diversion Program. The program has been piloted in Park Middle School. Eligible youth are those who have had a truancy petition filed in Juvenile Court and are pending adjudication. The program provides a 6-10 months of intervention and therapy for juveniles and their families. Youth are interviewed and screened into the program and they must join the program voluntarily and abide by the eligibility requirements throughout the program or have the case returned to Juvenile Court. The goal of the program is to provide an alternative to traditional truancy court proceedings.

This alternative to processing all truant youth onto formal probation supervision is an excellent solution to removing these very low risk youth from probation officer caseloads, allowing them to better serve the moderate to high risk-to-reoffend youth that need more specialized attention. It is an ideal example of creative thinking and collaboration between multiple cross system partners all seeking the same goal: to help youth succeed and stay out of the juvenile justice system.

### **F. Probation Orders**

As part of this review, the National Juvenile Defender Center created a workgroup within the Lancaster County Juvenile Court to undertake an intensive review of probation orders. This group was known as the Probation Order Review Workgroup and the full report including methodologies and findings is available as *Appendix J*. 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.

Together, NJDC and the local leadership who participated in Probation Order Review Workgroup identified the following 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.)

The RFK Consultant Team would like to acknowledge the extra time, commitment and energy the Probation Order Review Group took to participate in this part of the review. We believe that probation orders are the foundation of an effective rehabilitation and accountability plan which often gets overlooked. It is not common for a jurisdiction to undertake a thoughtful and intensive review of their orders, which puts Lancaster County leagues ahead of other jurisdictions across the country. We believe that the implementation of these recommendations will strongly support and supplement the other recommendations made as a result of this Probation System Review.

## ELEMENT B: 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 Work Processes

### A. Introduction

Work processes impacting effective system performance and youth outcomes in probation and the juvenile justice system involve major sets of interconnected activities through which decisions are made and services are delivered. In order to be effective, these processes must be well conceived, clearly articulated, coordinated, and subject to periodic review and monitoring to ensure effectiveness and efficiency. Most often the work processes depend on the cooperation of many inter-related parts of Probation as well as a wide array of outside organizations. Efforts to review these work processes involved examination of various professional roles inside Probation, within and across other public agencies, throughout the Court, and with private provider agencies.

#### *Issues*

Key issues in this review element were:

1. how the case flow process functions within Probation and whether key information is available at critical decision making points;
2. whether the relationship with the Court is clear and functioning well in terms of roles and responsibilities;
3. how interagency processes function from the perspective of Probation and the key agency partners and how linkages can be strengthened;
4. whether ongoing forums exist to resolve issues between Probation and other agencies.

Questions that guided this part of the review within Element C included:

- Are the roles and responsibilities of all the court partners reflected in policy or protocol?
- How effective are the linkages between the court partners and Probation?
- What is the nature of the relationships with outside stakeholders and partners?
- Is there a service/treatment referral protocol? Is it effective?
- What information do the service/treatment providers receive?
- Are communications and client progress updates meeting the needs of both parties?
- Are there cross system collaborations and communication forums?
- What regular forums exist with stakeholders and providers for troubleshooting and problem solving?

In Element C, the review was concerned with examining the intra- and interagency partner relationships that impact practice and ultimately system performance and youth outcomes. This topic area is examined in every jurisdiction through the lens of *all* of the relationships that are critical to the effective functioning of Probation. Below is a brief listing of the kinds of issues that have presented themselves with those stakeholders and partners in jurisdictions in which the RFK National Resource Center's consultants have worked in the past decade:

PROBATION PARTNER	ISSUES / PRACTICES
Law enforcement	Investigation and processing timelines for non-detention and detention arrests
Prosecution	Criteria for petition and/or alternative response decisions; timelines for filing; probation officer duties in informal adjustments and/or diversion
Judicial	Disposition and probation order practices, probation officer expectations
Courts	Notification processes, case processing/hearing timelines, reporting requirements
Education/School Systems	Disciplinary policies, school resource officer practices
Service Providers	Referral processing; coordination of participation and treatment summary information; outcome-based contracting

The analysis of these work processes was conducted through numerous conversations with all the court stakeholders both formally during PRMT meetings and in individual interviews. The following issues were identified as strengths and as opportunities to align Lancaster County Juvenile Probation’s intra- and interagency work processes with national best practices.

## **B. Alternative Responses / Diversion**

Numerous studies support the need for early screening and appropriate diversion for low risk youth. Research reveals that low risk youth are unlikely to reoffend if there is no intervention.<sup>17</sup> However, when low risk youth are mixed with high risk youth, this can create a contagion effect and can actually increase the risk that this youth will reoffend. Further studies identified that unnecessary involvement in the system can also increase recidivism as demonstrated by the fact that youth who were put on probation were 12 times more likely to be arrested as an adult as those youth who aren’t put on probation.<sup>18</sup>

The decision to implement a risk-needs-responsivity approach begins with understanding the research on prevalence of delinquent behavior among juveniles and the negative effects that occur when youth who should not be in the system are processed with high risk juvenile delinquents. Research confirms that aggression and delinquent behavior is near normative behavior as evidenced by the fact that 8 in 10 males will have police contact in their life while only 1 in 10 will have an arrest for a violent offense. Self-reports by juvenile males in the

<sup>17</sup> Lipsey, M. W. (2009). The primary factors that characterize effective interventions with juvenile offenders: A meta-analytic overview. *Victims & Offenders*, 4, 124–147.

<sup>18</sup> Gatti, U., Tremblay, R. E. & Vitaro, F. (2009). Iatrogenic effect of juvenile justice. *Journal of Child Psychology & Psychiatry*, 50, 991–998.

general population raise that number with data that reflects 1 in 4 boys between the ages of 15-16 report they have committed a serious violent act in the previous year.<sup>19</sup>

Although committing delinquent acts is a fairly normal behavior for adolescent males, it becomes important to separate the low risk of reoffending youth from those who will become chronic/life offenders. These youth follow a trajectory where they begin to act out at a very young age (emotional volatility, behavior issues, etc.) and continue until it peaks at age 10-12 and never comes back down.<sup>20</sup> In addition, the severity of a youth's offense is not significantly related to the future pattern of offending<sup>21</sup>.

These research findings create a solid foundation for the use of a risk screening tool that assists the judicial system in 1) protecting the public from harm, 2) holding youth accountable while addressing their underlying criminogenic needs, 3) ensuring that scarce resources are used efficiently, and 4) reducing the development future delinquent behavior by diverting low risk youth from suffering the consequences of negative system involvement.

Through the process of the review, the RFK Consultant Team discovered that the County Attorney's Office had a robust, intentional and highly successful process for screening low risk youth out of the system and providing alternative responses such as an effective diversion program to those youth who needed only a light intervention. It is not common for prosecutor's offices to employ a well-developed alternative response protocol let alone have it undergirded by the use of a risk screening tool (Nebraska Youth Screen). This front-end process that filters the right youth into the system for the right reasons, ensuring only those that truly need to be seen by a judge end up in court, is a critical component of the of an efficient juvenile justice system in Lancaster County. The commitment demonstrated by Bruce Prenda, County Attorney, and Sarah Hoyle, Diversion Program Director, was extremely impressive. Not only were policies in place, but outcome goals were identified and data was currently being collected. Between 7/1/16 and 6/30/17, 814 youth were referred for an assessment and possible diversion and 714 successfully partnered with the County Attorney's Office to receive the assessment. Outcomes for those youth were as follows:

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<sup>19</sup> Farrington, D. P. (2007). Advancing knowledge about desistance. *Journal of Contemporary Criminal Justice*, 23, 125-134. Loeber, R., Burke, J. D., & Lahey, B. B. (2002). What are adolescent antecedents to antisocial personality disorder. *Criminal Behaviour and Mental Health*, 12, 24-36. Moffitt, T. E., & Caspi, A. (2001). Childhood predictors differentiate life-course Persistent and adolescence-limited antisocial pathways among males and females. *Development and Psychopathology*, 13, 355 - 375. Moffitt, T. E., Caspi, A., Dickson, N., Silva, P., & Stanton, W. (1996). Childhood-onset versus adolescent-onset antisocial conduct problems in males: Natural history from ages 3 to 18 years. *Development and Psychopathology*, 8, 399 - 424. Roberts, B. W., Caspi, A., & Moffitt, T. E. (2001). The kids are alright: Growth and stability in personality development from adolescence to adulthood. *Journal of Personality and Social Psychology*, 81, 670-683.

<sup>20</sup> Farrington, David P. "The development of offending and antisocial behaviour from childhood: Key findings from the Cambridge Study in Delinquent Development." *Journal of Child Psychology and Psychiatry* 6.36 (1995): 929-964

<sup>21</sup> Mulvey, E.P., Steinberg, L., Piquero, A.R., Besana, M., Fagan, J., Schubert, C.A., and Cauffman, E. 2010. Longitudinal offending trajectories among serious adolescent offenders. *Development & Psychopathology* 22:453-475.

**Outcomes:**

44%- Sent to Juvenile Diversion

39%- Not charged

16%- Filed in Juvenile Court

6%- Pending

Also of mention is that the filing and/or diversion decision is made within 30 days of entering the County Attorney's Office. The principles of adolescent development encourage swift and timely justice. These cases are being expeditiously and thoughtfully processed through this office in a timely and appropriate manner. Five hundred youth go through the 90 day Juvenile Diversion program each year and 80% of those youth complete the program successfully. Data on long term outcomes for these youth and their potential reentry into the system is currently being collected.

One recommendation that the RFK Consultant Team will make with regard to the alternative response and diversion programs is to develop an improved data sharing and communication process with Probation. Several probation officers mentioned that when a youth fails at diversion, receives a petition, and ends up on a probation officer's caseload, no information from their time on diversion follows them. Improved information sharing between the County Attorney's Juvenile Diversion Program and their Pre-Adjudicated Coordinator Services Program (PACS) will only benefit the youth's continuum of care within the system. Therefore, it is encouraged that discussions take place on how to improve this communication link.

**C. Juvenile Justice Stakeholder Relationships and a Unifying Philosophy**

As mentioned in the **BACKGROUND: Probation System Review Design and Framework** section of this report, the third core principle shown to reduce recidivism and improve youth outcomes is:

3) Embracing *a cross system and collaborative approach* to address the youth's needs.

A strength that became obvious early in the process was the positive working relationships between the County Attorney's Office and the Public Defender's Office. While frequently adversarial in terms of fundamental roles, both offices are united in placing equal emphasis on community safety and youth rehabilitation, recognizing that these goals can be met through a variety of mechanisms (e.g., appropriate diversion, graduated responses to technical violations, etc.). The productive relationship between the offices was not solely limited to Bruce Prenda (County Attorney) and Margene Timm (Public Defender). This same professionalism was observed between attorneys from both offices in their communication during the court process. Mutual respect was afforded to one another at all times and it was evident that there existed a shared belief that a balance could and should be found between community safety, rehabilitation, accountability and the youth's best interests.

This positive communication extended to their relationships with probation staff as well. Front-end filing decisions and all violations of pre-trial diversion and probation go through the County Attorney's Office. When a youth who is currently under supervision receives a new law violation, the County Attorney reaches out to their probation officer to ask for their input on the case taking into consideration their opinion on what they believe is the best course of action. This is certainly not always the situation in other jurisdictions. However, it demonstrates the respect the County Attorney's Office has for the knowledge and experience of the youth that the probation officer brings to the decision. When this type of mutual respect, communication and professionalism is present, the youth and family are more likely to benefit.

Interviews with other stakeholders such as the schools, the Nebraska Mental Health Center, and Cedars Youth Services demonstrated a positive regard towards Probation and a common commitment to do what is best for the youth while attempting to resolve logistical linkage challenges such as timelines for evaluations and communication challenges that result from statutory requirements for these timelines. That being said, funding and service gaps do create challenges. For example, consistent feedback was provided that youth with significant mental health challenges or developmental disabilities lack sufficient access to services due to providers already being at capacity with child welfare youth and lower need juvenile justice youth. This is a significant issue and one that the RFK Consultant Team encourages mental health, behavioral health, probation and the schools to discuss. Due to the lack of services for these very high risk/high need youth, youth often unnecessarily end up in detention when they could and should be better served in a community setting. Another service gap is the lack of foster homes for juvenile justice youth. Currently 284 youth are in Lancaster County foster care and 25% of them are probation youth. More foster families would reduce the burden on detention and provide another positive alternative along with the Pioneer Center Emergency Shelter.

With regard to the juvenile justice stakeholders including the judges, prosecutor, public defender and probation it became evident that while each party takes their role and duties seriously, there are both nuanced and pronounced differences in philosophies. This can be seen in the variations in case dispositions, probation officer case plan development, and the inconsistent filing of technical violations, among others. It is the hope of the RFK Consultant Team that this review and the best practices and research that were shared with all involved will result in on-going conversations and practice improvements grounded in a unifying philosophy for practice within the Lancaster County juvenile justice system. 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. This is not to say that some of these principles are not already in place. They are. They are just random parts of the process, determined by each stakeholder's understanding of best practices and a lack of understanding one another's approaches. It is clear that each stakeholder group is sincerely invested in best practices but that has not translated to a unified philosophy and approach that is holding these practices together and reinforcing them consistently across the system. The positive professional relationships and the open communication between the stakeholders sets them up



well to continue dialoguing around the recommendations in this report and on-going improvements that will serve to meet everyone's individual and collective goals.

To ensure these relationships continue to remain positive, and to capitalize on cross system discussions that have occurred as a result of this review, it is recommended that routine monthly meetings be held with probation leadership, judges, prosecutors, and public defense. It is the research supported belief of the RFK Consultant Team that following meeting purpose areas should be used to drive the discussion and goals for the meetings:

- Inter-Departmental information sharing
- Addressing policy and procedure issues
- Problem solving

Additionally, the following priority list of practice and policy issues should be addressed during the initial six month period of these multi-disciplinary meetings:

- Discussion of the practice implications and impact on the mission and vision of the Lancaster County juvenile court and Probation through the endorsement of the science of adolescent development to achieve the goals of accountability, prevention of reoffending, and fairness for all youth in the juvenile justice system
- Implementation of the YLS in disposition orders and case management practice
- Implementation of graduated sanctions/responses and incentives
- Implications of the enhanced use of family engagement practices in case planning and management
- Identification of the priority youth outcomes and corresponding measures that will comprise the routine report reviewed by the parties in these meetings.

These on-going meetings will not only support the implementation and sustainability of the recommendations being presented in this report, but will naturally foster conversations that will hone and create a cohesive, unifying philosophy between all parties.

## **D. Court**

### *1. Courtroom Proceedings*

During an observation of the court proceedings, the RFK NRC Team saw a consistent respect for and inclusion of youth and family voice in the process. The language used from the bench was developmentally appropriate, consistent and clear and regularly the parents and youth were asked whether they understood what had been said and whether they had questions. There was a high level of decorum and mutual respect among all court participants which is not always seen in other jurisdictions. This is reflection, once again, of the dedication each stakeholder brings to their role in the process and of the high level of professionalism each has individually chosen to bring into their work processes and relationships.

## 2. *Conditional Release*

The issue of conditional release was raised several times during the review. Historically, a conditional release has been used to place temporary orders upon a youth between the adjudication and disposition for the purpose of observing whether the youth displays an attitude of compliance that will result in a successful term on probation. The average time on conditional release is reported to be 3-6 months. Anecdotal feedback noted that there are times these youth receive more conditions than youth who are disposed to formal probation supervision. Once a youth 'succeeds' on their conditional release, they may receive a disposition of formal probation supervision which may in the extreme result in another 18 months of supervision. Conditional releases can be ordered for youth with new violations and for probation youth who are waiting a disposition on a probation order revocation, thereby adding terms of conditional release upon their current probation terms.

The RFK NRC Team was told by more than one source that the practice of conditional release originated from the pre-561 legislation to provide an opportunity for a youth to show compliance that indicates they are eligible candidates for probation thereby avoiding a disposition of commitment. The conditional releases also provide a mechanism for a judge to see the youth back in court on a more routine basis than if they were on probation, therefore allowing them the chance to tailor their services and disposition to be more responsive and individualized. The intentions behind conditional release as they stand now are positive and understandable. However, the same goals may be better accomplished through different means which would result in 1) shorter processing time for youth in the court system, 2) less burden upon the court docket, and 3) less confusion and increased compliance by families.

The RFK NRC Team believes that there are more gains to be made by re-examining the practice of conditional release that must start with identification of clear criteria for which youth should be subject to this status. By traditional definition, a conditional release sets conditions for release from an out-of-home status, e.g., detention, respite, shelter, etc. ('releasing' them from this potential placement if they comply with specific terms and conditions). It is recommended that the well-intentioned purpose of conditional release be re-examined to identify whether other options would serve the same purpose. For example, if a judge values the chance to see a youth more readily while they are on conditional release to amend their plan as opposed to a youth 'disappearing' when on formal supervision, the potential exists for a routine update to be given to the judge on the youth's case via written report or through court appearances when requested by the probation officer. The caution is to avoid setting up too many status checks that require a youth and family to come to court. But if a youth can avoid 3-6 months on conditional release and a mechanism created for a judge and/or a probation officer to amend their plan when needed, there are gains to be had by considering alternatives. The additional attending benefit from amending this aspect of the practice is that it minimizes the judicial role as the "agent of behavior change" when that role is more properly suited to the field probation officer and/or the family.

It is the formal recommendation by the RFK Consultant Team that a short-term workgroup be created to discuss the pros and cons of conditional release, consider alternatives (e.g., deferred prosecution, consent decrees, informal adjustments) that recognize the value of swift and certain justice and restorative justice, and at a minimum define criteria and goals for who is best suited for this practice and to what end.

#### ELEMENT C: 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**

##### **A. Introduction**

Probationers' achievement of successful outcomes should be the main business of Probation and the gravitational point around which all of the probation officers' activities center.

"The achievement of successful outcomes first depends on a careful identification of what outcomes are sought; second, an examination and address of the factors that affect achievement; and third, the development of a measurement system to document achievement. The importance of the third item, or performance measurement, cannot be overstated because often what gets measured is what people value and where they focus their efforts."<sup>22</sup>

It is important to note that the review work conducted in Element D is supported by and integrated with the analysis completed in Element A. This combination of findings and recommendations provides the best opportunity to realize the goals of sustainable quality assurance.

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<sup>22</sup> Wigg, J. and Tuell, J. A., Los Angeles County Probation Program Audit report, p. 46.

## Issues

Key issues in this review element were:

1. whether Probation has established clear definitions for the various recidivism measures associated with their goals (e.g., closed probation cases, successful completion of probation terms, diverted youth, special populations, and court programs, etc.);
2. whether Probation is focused on the achievement of intermediate outcomes related to positive behavioral change in addition to recidivism;
3. whether Probation has developed a clearly articulated set of client outcomes;
4. how Probation measures and evaluates worker performance ;
5. how worker performance and its measurement are related to desired outcomes;
6. how Probation is ensuring fidelity to their use of a risk screening tool and/or risk-needs assessment.

The examination conducted under Element D addressed system performance measurement and client outcomes and focused on worker performance, the completion of particular case processes, and setting and measuring client outcomes. The context for this discussion was prioritized toward identifying the activities that have a clear and positive relationship with sought youth outcomes and system efficiency and effectiveness. The analysis was *not* intended to result in an evaluation of individual worker performance.

Questions that guided this part of the review included:

- What performance measures exist presently for the completion of specific case processes (e.g. meetings with probationers, collateral contacts, and timely completion of reports)?
- What measures exist for the achievement of successful client outcomes?
- What measures exist for the case assignment and caseload standards?
- Has Probation clearly articulated a set of client outcomes?
- Do client outcomes drive probation practice and activities?
- Do probation officers know what outcomes they are seeking in their work with probationers?
- How are client outcomes identified in the individual case (intermediate and long-term outcomes)?
- What results are achieved by the current programs and practices?
- Are the programs and practices of Probation the best that can be provided and are the programs carried out in an effective manner?
- How do the practices relate to national standards for delivery of probation services?

Through their meta-analysis, the Council of State Governments Justice Center identified the following core principle and specific recommendation for reducing recidivism:

**Principle 2:** *Adopt and effectively implement programs and services demonstrated to reduce recidivism and improve other youth outcomes, and use data to evaluate system performance and direct system improvements.*

**Recommendation C:** *Evaluate recidivism and other youth outcomes and use this data to guide policy, practice and resource allocation.*<sup>23</sup>

It is not uncommon to find that probation departments fail to identify and focus on measures of success that include recidivism - and other important affiliated youth outcomes. Therefore, the Probation System Review began in Lancaster County with a discussion about how Probation defines their success. This discussion inevitably and initially pointed to whether there is a clear definition of recidivism. The definition which has been used is that adopted by the Nebraska Supreme Court:

*...successfully completed probation includes all youth who successfully completed probation, successfully completed problem solving court, obtained an early release or "graduated." Recidivistic youth are those whom the courts adjudicated for infractions, misdemeanors, or felonies in the year following the child's discharge date if the adjudication was not a traffic violation unless the traffic violation was a Class W misdemeanor (a DUI offense).*<sup>24</sup>

## **B. Priority Outcomes and Measures**

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. Currently, Probation leadership is receiving numerous monthly reports (*Appendix K*). This information is positive as not all jurisdictions are this far along in their data collection and reporting process. That being said, the information on these reports reflects what is commonly tracked and are considered 'through puts,' with level of effort data related to case sizes, youth served, placements, number of PDIs completed, and discharges routinely provided. All of this is valuable information and should be used to guide management decisions around case

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<sup>23</sup> Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System. July 2014. Council of State Governments Justice Center.

<sup>24</sup> Wiener, R.L. (2018) Recidivism Rates for Nebraska Juvenile Probationers: 2010-2015. University of Nebraska, Lincoln.

assignments and timely completion of required probation tasks. The data 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.). The RFK Consultant Team recognizes the value of this “level and timeliness of effort” information and data and applauds Probation leadership in its application for oversight of probation staff accountability to required tasks. However, this does not complete the picture necessary to inform Lancaster County Juvenile Probation. While the Nebraska Administrative Office of Probation does collect certain statewide and local data on a routine basis, it is the finding of this review that Lancaster County does not have a current set of routine data reports that uniquely inform whether the youth and family outcomes sought in each program area of Lancaster County Juvenile 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.). 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.

A dedication to prioritizing outcomes, performance measures, and indicators requires a probation department to assess its data collection system and reporting capabilities can be guided by the following questions:

- What do we want to know?
- What outcomes will reflect whether we are making a difference in this youth’s life?
- How can we measure this? (performance measures)
- What specific data points will assist with this measurement? (indicators)
- Where will we find this information? (electronic database? hard copy of youth’s file?)
- What reports do we want to have?
- Can we produce these reports?
- What ancillary data bases need to be created to collect the desired data and produce the desired reports?
- Who will see the reports?
- How often will the reports be reviewed?
- How will they be used to guide program, staffing, resource and policy decisions?
- What information do our stakeholders want to know? (Lancaster County judges expressed a clear interest in receiving information on whether youth were successful and what worked toward their success, e.g., a particular service, treatment provider, use of sanctions or incentives?)

As the critical stakeholders move to convene the routine cross-discipline meetings to develop a more unified philosophy and corresponding policies and practices, Lancaster County Juvenile Probation should lead the task to develop outcome performance measures and data indicators, at a minimum, for the following specific youth (and system performance) outcomes:

1. Reduced recidivism based on their own definition and timeframes;
2. Educational success;

3. Improved family functioning; and
4. Improved behavioral health.

Lancaster County Juvenile Probation is in the preliminary stages of answering these questions but is making impressive progress and has a strong foundation from which to build. There is a clear investment in their commitment to accountability and improvement. This investment is evidenced by the newly developed ‘ad maiora – Towards Great Things’ motto adopted by Probation (*Appendix L*) which has begun to define goals and outcomes around youth competencies, education, behavioral health, and family among others. As a result of on-going conversations during this review about goals and outcomes, Probation leadership moved ahead to create this new set of principles, outcomes and goals. This effort, conducted before the review was even completed, is just one more sign of leadership’s commitment to adopting the highest standards of probation practice possible. The intentional and thoughtful development of this document jumpstarts the recommendations made in Element D. The RFK NRC Team applauds Probation leadership for recognizing the importance of prioritizing the development of these goals and outcomes early in this process. It is just one more clear indication of how dedicated Probation is to enhancing policies and practices in order to serve the youth in Lancaster County as responsibly and effectively as possible.

As these conversations about goals, outcomes, performance measures, data collection and routine reporting continue, it is recommended that Probation review the Data Working Grid developed by Gene Siegel. This grid guides juvenile justice agencies through a process of thinking through eight categories of data:

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

The grid then guides the agency through identification of what *questions* they want answered under each category and what *data elements* are then needed to answer these questions. This grid will provide structure to a process that is often confusing and complicated. However with the investment already demonstrated by Probation and with support from the Nebraska Probation administration information technology partners, it is believed that Lancaster County Juvenile Probation can develop a robust data collection, management and reporting process that will permit routine reflection on program successes and challenges. This process permits a dynamic cross-discipline opportunity to inform necessary adjustments to policies and practices.

### C. Youth Level of Service (YLS) Quality Assurance

The development of a YLS quality assurance protocol was mentioned under Element B: Probation Supervision. As Probation refines and better operationalizes the use of the YLS, it will be necessary to create a quality assurance protocol that uses data to measure the consistent use and quality of the YLS, particularly as it relates to defining and following through on an effective case plan, concluding with a meaningful release opportunity based upon the lowering of their targeted risk domains. While some data are currently being collected, there will be room to define a more robust and valuable set of information that can provide supervisors and management with the information they need to ensure the YLS is being used to its designed intent and purpose to inform identification of targeted services and interventions and reduce the youth's risk-to-reoffend. It remains a specific recommendation that a discreet quality assurance protocol that includes the data collection process be developed. The RFK NRC team encourages Probation to refer to two specific tools related to risk-need-responsivity assessments developed by the RFK National Resource Center for Juvenile Justice. These tools provide an implementation checklist for the assessment tool and a quality assessment checklist and will guide Probation in assessing gaps and weakness in their process and provide the framework for developing a comprehensive quality assurance protocol.

#### ELEMENT D: 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://rfknrcij.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



ELEMENT D: RECOMMENDATIONS (continued)

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.

## VIII. SUMMARY AND ACKNOWLEDGEMENTS

The Robert F. Kennedy National Resource Center for Juvenile Justice would like to thank the State Justice Institute (SJI) for their visionary leadership that provided funding for three sites to receive a comprehensive Probation System Review. Jonathan Matiello, Executive Director, and the SJI Board recognized that true change happens from within and as a result of tailored technical assistance that prioritizes building strong partnerships and collaborations with the jurisdictions.

As a result of this funding, and through a competitive application process, Lancaster County Juvenile Probation was chosen as one of these three sites. In July of 2017, the RFK NRC team of John A. Tuell, Executive Director, and Kari L. Harp, RFK Probation System Reform Project Director launched a review of Lancaster Juvenile Probation's policies, procedures, and probation practices and concluded the final examination in February 2018. The stated purpose of the RFK *Probation System Review* was to determine how Lancaster County Juvenile Probation could be improved to reflect implementation and use of evidenced-based practices and approaches toward an exemplary model for the delivery of probation services. The Lancaster County Probation Review Management Team diligently worked to identify the areas of focus for the comprehensive review and participated in all phases and activities during the 8 month dynamic review process. These activities have culminated with the publication of the ***Lancaster Juvenile Probation System Review Final Report*** (April 2018).

The RFK *Probation System Review* process has been used extensively in jurisdictions across the United States since 2005 and requires strong leadership and a willingness to honestly and introspectively assess current practices in all phases of probation operations. The findings from the RFK Probation System Review in Lancaster County have resulted in fifteen recommendations (see *Appendix M*) for the Lancaster Juvenile Probation Review Management Team to consider. Lancaster Juvenile Probation has already initiated efforts toward important reforms that will improve their practices and support the achievement of their goals.

The RFK NRC team wishes to acknowledge the leadership of Lori Griggs, Bev Hoagland, Kari Rumbaugh, Jeanne Brander, Ellen Brokofsky, Corey Steel, Judge Reggie Ryder, Judge Toni Thorson, Judge Roger Heideman and Judge Linda Porter and the numerous dedicated staff

members and supervisors of Lancaster Juvenile Probation for investing their time and energy into the RFK Probation System Review. Additionally, we would like to thank the collective membership of the Probation Review Management Team, the Lancaster County service providers and Lancaster Juvenile Court stakeholders who generously gave of their time and knowledge to ensure this was a meaningful and successful process.

## Appendix A Probation System Review Team

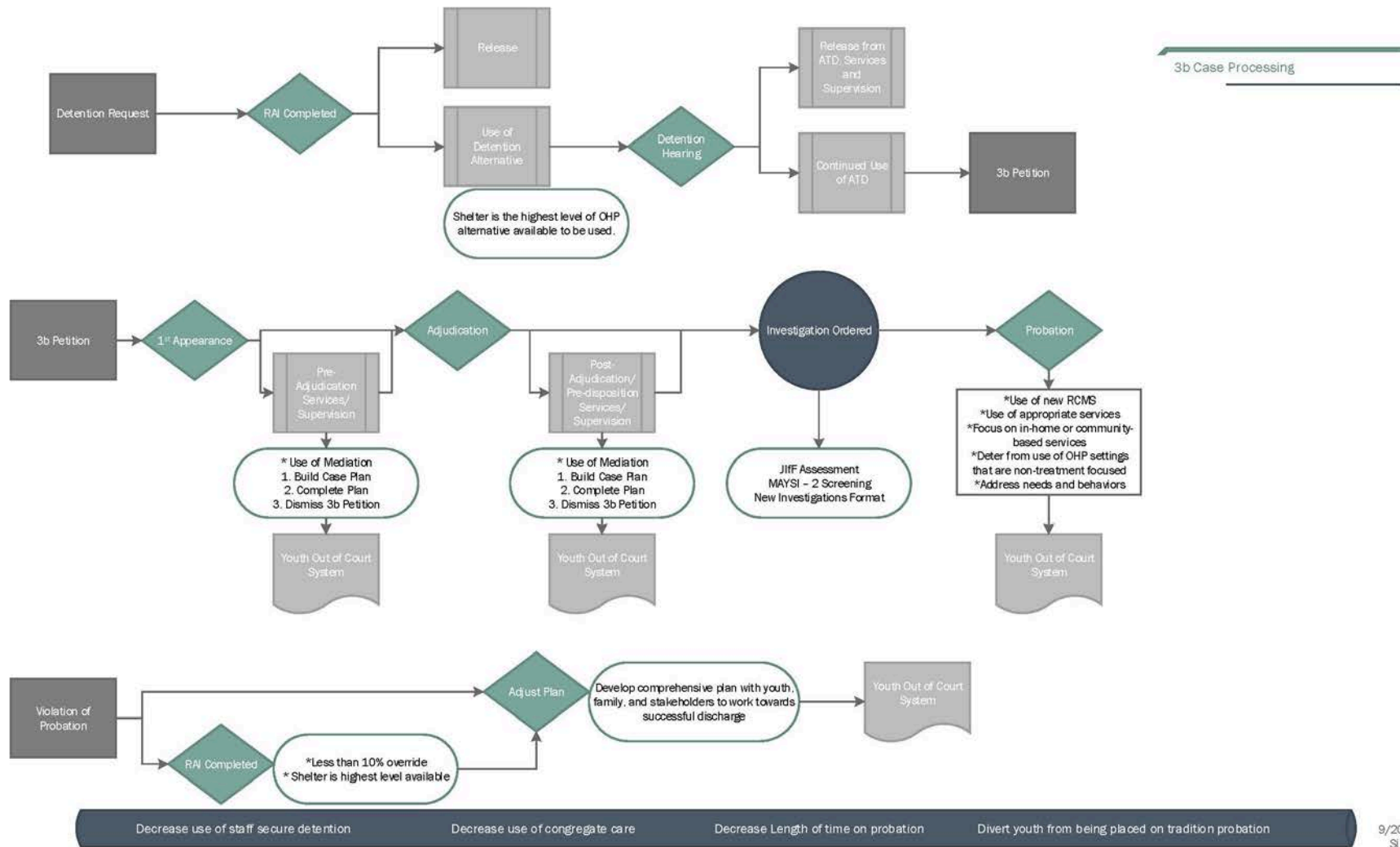
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Uhing, Russ	Director of Student Svc	402.436.1650	<a href="mailto:duhing@lps.org">duhing@lps.org</a>	Lincoln Public Schools (LPS)

## **Appendix B**

### **Documents Reviewed**

- Juvenile Services Division-Five Year Strategic Plan January 1, 2017 to December 31, 2022
- LB 561 Overview
- LB 464 Impact on Pre-Adjudication and Pre-disposition
- Summary of LB 464
- Policy and Procedure Manual Volume 2
- District 3J Staff Survey (Fall 2016)
- 2016 Nebraska Juvenile Justice System: Statistical Annual Report 2016
- Nebraska Intake and Custody Statutes
- Nebraska Pre-Adjudication and Case Management
- Juvenile Justice Process Map
- Nebraska Juveniles Justice Actor Map
- Nebraska Juvenile Justice Journey Map
- Multiple Data Dashboards
- Lancaster County Public Defender Juvenile Adjudication Checklist
- Lancaster County Public Defender Juvenile Training Outline
- District 3J High Value Reports
- Nebraska Juvenile Intake Screening Risk Assessment
- NPACS Juvenile Intake Process Flow
- Graduated Response Grid
- NE Case Progression Standards
- NE Juvenile Court Dispositional Options
- 3b Case Processing Map
- Youth in Need of Supervision and Support: District 3J Pilot Project for Non-Delinquent Status Youth
- Lancaster County Attorney Juvenile Diversion Protocol
- Lancaster County Attorney Juvenile Diversion Program
- NE Juvenile Probation Officer State Training Policy
- State of Nebraska Orientation Manual (10.20.2017)
- District 3J Management Team Organizational Chart
- State of Nebraska Orientation Manual (10.20.2017)
- District 3J Management Team Roles and Expectations
- Strategic Plan for Management Team Restructuring

## Appendix C Lancaster County Juvenile Court Process



## **Appendix D: Process Mapping Team**

Jodi Wilke  
Sarah Matzke  
Melissa Martinez  
Amy Latshaw  
Amoreena Brady  
Amy Champoux  
Patrick Lawler  
Caleb Skiles  
Quinton Furr  
Precious Loving-Afuh  
Christyna Wells  
Ericka Farrer  
Martin Jenson

## Appendix E: Probation Review Employee Survey

Probation Review Employee Survey	Strongly Agree	Agree	Disagree	Strongly Disagree	Do Not Know
<b>Pre-Disposition Investigation</b>					
1. Court reports are generally well written and of good quality					
2. The court reports do not provide sufficient detail regarding the needs of probationers					
3. Recommendations to the court for probationers are based on individualized needs for treatment					
4. Recommendations to the court for probationers are based on available community resources					
<b>Case Supervision</b>					
1. Probationers in specialized caseloads receive an enhanced level of supervision					
2. Probationers are receiving the required number of contacts as indicated by risk scores					
3. Client outcomes are clearly identified for each probationer to guide the service delivery					
4. Probation officers do not assure that probationers receive services to which they have been referred					
5. Probation officers do not work close enough with community resources to which they refer probationers					
6. Probation officers work closely with probationer's parents/caregivers to achieve desired outcomes.					
7. The levels of supervision are characterized by distinctly different activities on the part of the probation officer					
8. The caseload sizes do not allow for an adequate level of supervision					
9. Probationers need more help than they presently receive during their period of probation					
10. Additional resources are needed to adequately provide for the parent and family support network for probationers					
11. The enforcement of conditions is sufficient activity for the supervision of probationers					
12. The number of contacts required for each level of supervision is appropriate					
13. The supervision of probationers does not result in greater public safety					
14. The supervision of probationers is focused more on enforcement than rehabilitation					
15. The assignment of all probation officers to specific geographic areas would result in more effective supervision of probationers					

<b>Probation Review Employee Survey</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Do Not Know</b>
<b>Departmental Management And Supervision</b>					
1. Probation officers are supported in their work by the Department's administration					
2. Probation officers are supported in their work by their supervisors					
3. Probation officers efforts are not adequately recognized by the Department					
4. Probation officers are provided the tools necessary to carry out their job functions					
5. The probation manual is a useful tool to direct the work of probation officers					
6. The judges do not base their decisions on probation officers' recommendations					
7. Probation officers are provided sufficient training to function effectively					
8. Juvenile Court judges respect the work of probation officers					
9. Probation officers are not adequately prepared to testify in court					
10. Judges read the probation officers' reports					
<b>Resources And Service Delivery</b>					
1. Probationers have access to treatment resources that address their particular needs					
2. Probationers do not have access to needed mental health services while on probation					
3. The current staffing/placement process is satisfactory					
4. Services to probationers are not provided in a timely manner					
5. Probationers have access to needed substance abuse resources while on probation					
6. Juveniles receive adequate support when they transition in and out of placement					
7. Juveniles do not have access to aftercare services upon return home to parents/caregivers					
8. Probation officers have a method for identifying probationers w/mental health needs					
9. Juveniles are not matched to placements equipped to address their individual needs					
10. There is sufficient oversight of juvenile probationers while in placement					
11. Adequate community resources exist to address the needs of juvenile probationers					
12. Most probationers are referred to the same services					
13. There is not adequate communication between treatment providers and probation officers					
14. Probation officers are provided with current information regarding the adequacy of community resources					
15. Additional funding is the most important solution to improve service delivery					



<b>Probation Review Employee Survey</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Do Not Know</b>
<b>Best Practices</b>					
1. Probation services are not based on best practices					
2. Evidence-based practices would be applied to all probationers if there was adequate funding					
3. Evidence-based practices are available in the community but are not used					
4. Probation officers are not knowledgeable about best practices for providing services to probationers					
5. Probation officers are knowledgeable about evidence-based practices and their impact on recidivism					
6. Current case management strategies are based on best practices					
7. The Department should coordinate with community-based organizations in defined geographic areas to target the needs of juveniles in that area					
8. The availability of evidence-based practices in the community would allow some juveniles to stay out of placement					
<b>Client Outcomes</b>					
1. Probation officers are not knowledgeable about identifying client outcomes for probationers					
2. Probation officer officers set clear, achievable goals for each probationer					
3. The Department uses the achievement of client outcomes to select and monitor providers who contract with the department					
4. The work of the Department is not related to the achievement of outcomes by probationers beyond the period of probation supervision					
5. There should be incentives and rewards for probation officers whose probationers achieve successful outcomes					
<b>Inter-Agency Relationships</b>					
1. The Department's relationships with the County Attorney are not good					
2. The Department's relationships with community-based agencies have improved in the past three years					
3. The Probation Department's relationship with the Public Schools could be improved					
4. The Probation Department's relationship with the Public Schools is good					
5. The Probation Department's relationship with the child welfare/child protection agency is good					
6. The Probation Department's relationship with the community service providers could be improved					
7. The Department would function more effectively if its relationships with community-based agencies were better					

Probation Review Employee Survey	Strongly Agree	Agree	Disagree	Strongly Disagree	Do Not Know
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<i>Inter-Agency Relationships</i>					
8. The Probation Department should look at data across service delivery systems to assist with the identification of prevention and earlier intervention opportunities					
9. The interface between the NE Office of Probation Administration and Lancaster County Probation needs improvement					

## Employee Survey Open-Ended Questions

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*Following is a set of open-ended questions that offer you the opportunity to provide your particular ideas about how the Department and its probation officers could function better. Please take some time to offer your comments and recommendations here. Thank you.*

1. How could the probation manual be improved? What could be added?
2. What enables you to do your job most effectively?
3. What training would help you do your job?
4. What services are needed for probationers that do not exist at this time?
5. What client outcomes should the Probation Department seek for probationers?
6. What specific ideas do you have for the improved delivery of probation services that you believe will result in better client outcomes?
7. What makes you uncomfortable or upset in court?
8. What ideas do you have about reducing the amount of paperwork?
9. What challenges do you face in your relationships with other agencies?
10. What are some of the special skills and talents that you offer to probation operations that aren't currently tapped in your role as probation officer?
11. In what ways would you like your work to be recognized?
12. Where do you see yourself in 3-5 years? What are your career aspirations?
13. Any additional comments?

**Appendix F**  
**Comprehensive Review of Professional Training**

PROVIDER	TITLE (* = required)	ABSTRACT/DESCRIPTION (indicate competency or skill to be developed)	TARGET AUDIENCE (e.g., Mgmt., Line staff, etc.)	HOURS	REQUIRED TIME FRAME (e.g. new employee orientation, annually, bi-annually?)	ADDITIONAL NOTES

## Appendix G Probation Management Grid

There are 8 Identified purpose areas for Departmental Staff Meeting(s). Please indicate on the below table the meetings currently convened in each purpose category. If there are more in each Purpose category, please # the meetings within the *Current Meeting(s)* column.

PURPOSE	Current Meeting(s)	Chaired / Facilitated by	Mandated Participants	Frequency (e.g., weekly, monthly, annually, etc.)	Length of Time
Intra-Departmental Information Sharing					
Intra- Departmental Planning & Preparation					
Address Policy & Procedure Issues					
Problem Solving					
Operational Planning					
Department Performance Monitoring					
Provide an Environment for Relationship Building, Employee Empowerment and Value Clarification					
Discuss Inter- and Intra- Agency Issues					

FYI: There are 3 major identified expected outcomes for Departmental Staff / Supervisory Meeting(s).

- Enhance across-the-board departmental interactions, performance & practices
- Increase employee knowledge department's long-term & short-term objectives
- Empower staff to be effective & proactive

## Appendix H



### Case Management & Supervision and Services

The enforcement and rehabilitation aspects of probation work are often seen as opposing forces. More recently the role of the probation officer has gradually shifted from being an “enforcer” to an “agent of change” focusing more on the aspects of rehabilitation. When acting as an “agent of change” probation officers center more on development of juveniles and service delivery to restore them, influencing behavioral change. This does not mean that enforcement goes by the wayside, but a more “balanced approach” of supervision ensues. Officers have the responsibility to identify major criminogenic needs of juveniles and assist them with skill building, thought, and behavioral changing interventions. Formal assessments provide critical guidance for the case management and supervision activities for juveniles placed on probation. In order for a balanced approach to be effective, it is necessary that officers relate to juveniles constructively and enhance intrinsic motivation so behavioral changes are long lasting.

To ensure compliance with terms of probation, the enforcement aspect of probation is an integral part of the job. Research clearly indicates that juvenile probationers are much more successful if probation officers act as agents of change, providing quality treatment, mentorship and motivation to the probationers they serve to assist them as they attempt to assimilate into productive, law abiding citizens. Rehabilitation with appropriate supervision and enforcement are both necessary but must be appropriately balanced. A large part of case management is providing opportunities to juveniles to change their behaviors and thought processes.

The Nebraska State Probation System has the capability for service delivery for juvenile probationers and their families. Delivery prioritizes services and targets interventions that juvenile probationers need to help reduce their risk to reoffend. The services and interventions that a juvenile probation officer utilizes should directly correlate to the youth’s assessed risk level and risk reduction.

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## Appendix I

### Lancaster County Juvenile Diversion Program

#### WHAT OTHERS HAVE SAID

“The best predictor of whether a student will drop out of school is absenteeism. Those who miss large amounts of school not only fail to learn but also often leave school without a high school diploma.” Tom Osborne, *Beyond the Final Score. There's More to Life Than the Game*, Regal Books, 2009.

“Although truancy’s financial burdens are considerable, its cost cannot be measured in dollars alone. For a growing number of youth, truancy may be a first step to a lifetime of unemployment, crime, and incarceration.” Shay Bilchik, Office of Juvenile Justice and Delinquency Prevention Administrator.

“Truancy is not the problem--it’s an indicator of other problems. When students aren’t in school, we need to understand why they stay away before we can effect solutions.” Safe Schools and Violence Prevention Office, California Department of Education.



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TO KEEP KIDS  
IN SCHOOL

## LANCASTER COUNTY TRUANCY DIVERSION PROGRAM

#### PROJECT DESCRIPTION

The Lancaster County Juvenile Diversion Program is a collaborative effort between the Separate Juvenile Court of Lancaster County, Nebraska and Lincoln Public Schools. The program was created for students and their families as an alternative to traditional court proceedings for truancy. The short term goals of the program are to improve school attendance, grades and attitude toward school. The long term goals are for the student to maintain consistent school attendance after completion of the program followed by graduation from high school.

## Frequently Asked Questions

**Q:** *Who is eligible to participate?*

**A:** Initially, the program is only available as a pilot project for students at Park Middle School who have a truancy petition filed in Juvenile Court and are pending adjudication. Formal eligibility will be determined by the truancy team.

**Q:** *Is the program voluntary?*

**A:** This is a voluntary program. Students and their families are not required to participate and may withdraw from the program at any time.

**Q:** *How long does the program last?*

**A:** The program lasts one semester and could last more than one semester if sufficient progress is not made.

**Q:** *What happens following successful completion of the program?*

**A:** The truancy petition that has been filed in Juvenile Court will be dismissed and all records pertaining to the filing in Juvenile Court will be sealed and not available to the public without a court order.

**Q:** *What happens to students who do not complete the program?*

**A:** For those who do not successfully complete the program, or who transfer to another school while in the program, the matter will return to Juvenile Court.

**Q:** *How much does the program cost the student and his/her family?*

**A:** \$0

## SCHOOL SUCCESS = LIFE SUCCESS

“...education is perhaps the most important function of state and local government. It is required in the performance of our most basic responsibilities. It is the very foundation of good citizenship... it is doubtful that any child may succeed in life if he (or she) is denied the opportunity of an education.” *Brown vs. Board of Education, 347 U.S. 483, 493 (1954)*

“Programs that prevent a young person from becoming involved in the juvenile justice system save taxpayers money, prevent more people from becoming victims of crime, and help prevent the development of future criminal offenders... preventing truancy may mean the difference between a lifetime of problems or a lifetime of accomplishments.” *Eileen M. Garry, Truancy: First Step to a Lifetime of Problems, OJJDP Juvenile Justice Bulletin, October 1996.*

The Lancaster County Truancy Diversion Project (“Project”) is modeled after the Jefferson County Truancy Diversion Project in Louisville, Kentucky, which is now a national model. The Project is a judicially-driven school and community initiative created to improve school attendance and enhance family function and behavior. Much like the Kentucky version, the Project brings the judge

and community resources directly to the schools for a hands-on, no-efforts-spared intervention. This Project is designed to have far-reaching implications in the prevention of delinquent behavior and in the establishment of safe and permanent homes for children.

Students who participate in the program will have their truancy petition placed on the back burner, while services to assist the child and family will be placed on the front burner. Services to the child and family start within days of entry into the program. All participants receive immediate intervention. The social worker for the family is responsible for the implementation of services.

While in the program, the child and his or her parent(s) will attend hearings which may be held at the school, rather than at Juvenile Court. During the hearings, the judge will review the child’s progress in the program from the prior week, with particular emphasis to be on the student’s attendance and grades. Successes throughout the program will be recognized and rewarded. Completing the program will result in the truancy petition being dismissed and records sealed from public access.





## **Appendix J**

### **Lancaster County, Nebraska Probation Order Review**

National Juvenile Defender Center Final Report  
for RFK National Resource Center for Juvenile Justice

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#### **METHODOLOGY**

As part of the probation transformation work of the RKF National Resource Center the National Juvenile Defender Center (NJDC) was asked to conduct a review of the probation order used in Lancaster County, Nebraska. NJDC engaged in a collaborative consultation process with juvenile court stakeholders in Lancaster County, specifically the members of the **Probation Order Review Workgroup** (Workgroup). A full list of Workgroup members appears in *Appendix A*.

At the outset of the project, NJDC met with the Workgroup via Zoom video conference in September 2017 to discuss relevant expectations and parameters of the review, and to identify any particular probation order issues on which the Workgroup wanted to focus. Following the initial call, the Workgroup provided NJDC with requested documents for review, including policies and procedures, court probation orders, graduated sanctions grids, probation modification and violation guidelines and forms, and data on probation violations. A complete list of the documents included in the review appears in *Appendix B*.

NJDC reviewed and analyzed these documents, and formulated initial feedback. In December 2017, NJDC shared these preliminary findings and recommendations on a Zoom video conference with the Workgroup. The Workgroup subsequently requested that NJDC review drafted graduated responses documents, and in January 2018, NJDC provided written feedback on each document as requested. Further work is ongoing.

#### **PRELIMINARY FINDINGS**

The documents provided by the Workgroup were evaluated in light of the law, current research and understanding of evidence-based approaches to probation and probation supervision, and the principle that probation supervision should be strengths-based, and lead to youth success.

##### **A. Policy and Procedure Manual**

In the review of Lancaster County Juvenile Probation's Policy and Procedure Manual, NJDC noted that the core values and beliefs that the department recognizes as guiding its work included a focus on maximizing youth strengths as a means of achieving rehabilitation and public safety. These core values provide a solid foundation for the Workgroup's own review of potential reforms and are reflected in the new graduated response materials, discussed in Section C.

However, NJDC also found that many of the policies in the probation manual, as well as the terms on the probation order itself, are focused on compliance and enforcement instead of development and success. This creates a disconnect between the stated values of the agency and the policies it is actually implementing. NJDC discussed these findings with the Workgroup. For example, the manual directs probation staff to alert the county attorney whenever a young person received administrative sanctions, but does not address what should happen if young people succeed or receive achievement-based incentives. The focus on only reporting failures inevitably leads to a negative perception of that young person by all stakeholders involved and shifts a focus away from success and support.

## **B. Probation Order**

Reviewing the sample probation orders provided to us, NJDC preliminarily noted four general areas that the Workgroup might want to consider:

### **1. Readability**

The reading level and language structure of youth probation orders should be geared toward youth in juvenile court system. NJDC found that the current language and structure of the probation orders (referring generally to both the Agreement and Order of Probation and each of the three judge's sample orders) is significantly above the average reading level of a young person who is justice-system involved.<sup>25</sup> NJDC provided suggestions for achieving probation orders written at a level that would increase youth comprehension.

### **2. Number of Conditions**

Research indicates that probation orders are most effective when they contain a limited number of individualized conditions. Youth have a greater likelihood of success when they are focused on a few clear and targeted objectives, rather than a litany of long and confusing obligations that may not have a particularized relevance to that child's situation.<sup>26</sup> The orders

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<sup>25</sup> Based on a Microsoft Word analysis, the Agreement and Order of Probation is written at a 12.1 grade reading level, Judge Heideman's order is written at approximately an 11.1 grade level, and Judge Porter and Thorson's orders are written at approximately a 13.8 grade level. In addition to considering the age of youth in the juvenile justice system when considering language, many youth in the juvenile justice system have language- and/or literacy-related disabilities. See NAT. JUVENILE DEF. CTR., PROMOTING POSITIVE DEVELOPMENT: THE CRITICAL NEED TO REFORM YOUTH PROBATION ORDERS 4 (2016) [hereinafter PROMOTING POSITIVE DEVELOPMENT], <http://njdc.info/wp-content/uploads/2016/12/Promoting-Positive-Development-Issue-Brief.pdf> (discussing the appropriate reading level of a probation order). See also TEAMCHILD & JUVENILE INDIGENT DEFENSE ACTION NETWORK, WASHINGTON JUDICIAL COLLOQUIES PROJECT: A GUIDE FOR IMPROVING COMMUNICATION AND UNDERSTANDING IN JUVENILE COURT ii (2012) [hereinafter WASHINGTON JUDICIAL COLLOQUIES PROJECT] (finding, in focus groups with youth, that the young people often misunderstood language that appeared clear to the stakeholders involved – for example that “appearing in court as required” referred to appropriate clothing, rather than coming to court).

<sup>26</sup> See PROMOTING POSITIVE DEVELOPMENT, *supra* note 1, at 1; RICHARD J. BONNIE ET AL., REFORMING JUVENILE JUSTICE, A DEVELOPMENTAL APPROACH, NAT'L RESEARCH COUNCIL OF THE NAT'L ACADEMIES 4 (2013); WASHINGTON JUDICIAL COLLOQUIES

NJDC initially reviewed contain between 15 and 22 possible conditions. While each condition might not be ordered for every young person in every case, the two sample orders provided to NJDC used check boxes requiring those youth to comply with between 12-14 conditions. Decreasing the number of conditions would allow youth to focus on the most important requirements of their probation and achieve success while ensuring community safety. While on their own, individual conditions may not seem burdensome, the cumulative effect that an increasing number of conditions can have on a young person makes success harder to achieve.

### **3. Mandatory versus Discretionary Conditions**

The probation orders NJDC reviewed did not specify which terms are expected to be ordered in every case and which apply only to certain youth. NJDC suggested identifying a limited number of conditions that could be standard for every youth, for example: to not violate ordinances or state or federal laws, to report to the probation officer, and to update their address and phone number. The vast majority of the other conditions included in the probation order could be discretionary, and only used where there is a reason to require that particular condition of that particular young person. Feedback from stakeholders, however, was that many more conditions were ordered with regularity in almost every case. Carefully tailored probation orders that target specific issues leading to court involvement will promote greater youth success and community safety.

### **4. Effectiveness and Constitutionality of Conditions**

Some of the probation order conditions on the current orders have been found to be ineffective and/or raise constitutional concerns. For example, curfew is a probation condition found to be ineffective in a series of research studies. A meta-analysis of 12 studies found that juvenile curfew laws do not reduce unlawful behavior by youth, and that while the study could not conclude that juvenile curfews have no effect on crime, the lack of credible evidence in their favor suggests that any effect is likely to be small at best.<sup>27</sup> If the efficacy of curfew laws is in question, the use of curfew requirements as part of probation should be considered carefully. If the intervention provides little to no benefit, but is a great source of failure and sanctions for youth, probation is being put in the position of being an enforcer – rather than a supporter – of youth in their care.

NJDC also found that two of the probation order conditions required the youth to waive constitutional rights, raising questions about their constitutionality. Any condition that requires a young person to submit to “reasonable search and seizure . . . without probable cause”, not only places a child in the position of determining what might be “reasonable” but ultimately amounts to a court-ordered waiver of the youth’s inherent Fourth Amendment right to be free

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PROJECT, *supra* note 1, at 9 (finding that youth interviewed minutes after hearings recalled only one third of the ordered conditions).

<sup>27</sup> David Wilson et al., *Juvenile Curfew Effects on Criminal Behavior and Victimization*, THE CAMPBELL COLLABORATION (2016), <https://www.campbellcollaboration.org/library/juvenile-curfew-effects-on-behaviour.html>.

of unreasonable search and seizure. In other words, it could be construed as coerced consent. Additionally, the condition that a young person “not associate with anyone on probation or parole or any person named by parents or probation officer” requires the child to know and understand the legal status of an infinitely large group of people while also effectively requiring that the child waive their First Amendment right to freedom of association. When probation is ordered, it is because the court has deemed it to be the most appropriate resolution for the case and the most likely to rehabilitate the child. Requiring such waivers of constitutional rights as a condition of a young person accessing probation erodes a youth’s perception of the justice and fairness, raises concerns that failure to “consent” will result in harsh punishment, and runs counter to the goal of incentivizing positive choices and behaviors.

### **C. Graduated Responses**

After the initial review, the Workgroup asked NJDC for specific feedback on three documents relating to how the probation department responds to probation violations: the Graduated Response Grid Philosophy and Utilization Guide, the Graduated Response Grid, and the Informal Sanction Agreement, each of which reflect the probation department’s commitment to using an approach to graduated responses that incorporates an emphasis on the power of incentives. In January 2018, NJDC provided targeted feedback through tracked changes and comments in each document, which the Workgroup is in the process of reviewing and incorporating.

NJDC’s comments on the Graduated Response Grid Philosophy and Utilization Guide focused on ways that the language and structure of the document could better reflect the department’s recognition of the power of incentives, and the importance of carefully chosen, proportional sanctions.

NJDC found the Graduated Response Grid to be appropriately goal-orientated, rather than punitive, and found that it provided a range of responses to positive behavioral change as well as behavior not in compliance with the terms of probation. NJDC’s comments on the Grid focused on the efficacy of including certain behavior changes not understood to lead to youth success given that they could be out of the young person’s control (e.g. payment of fines and fees, no law enforcement contacts) or slight adjustment of incentives to overall risk level.

NJDC’s feedback about the Informal Sanctions Agreement centered on language accessibility; the Agreement scored at a 16.2 grade level (equivalent to late college), which, as previously discussed, does not reflect the typical reading levels of youth who are system-involved. NJDC suggested line edits to lower the reading level, and offered to share the agreement with Dr. Gwyneth Rost,<sup>28</sup> who could work with the Workgroup to make the language appropriately accessible. NJDC’s other major suggestion was to revise language where the Agreement implied

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<sup>28</sup> Dr. Gwyneth Rost is a speech-language pathologist and professor of Communications Disorders at the University of Massachusetts.

that the agreement is an admission of the violation, to bring the Agreement in line with statutory requirements, which say acceptance of a sanction is not an admission of wrongdoing.

### **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 department's commitment to increased use of positive incentives. (Note: this has already been addressed.)

## **Appendix K**

### **District 3J's High Value Reports**

#### Bi-Weekly Reports (Finished Reports are sent to Lori Griggs: Every other Monday)

- Law, Uncontrollable, Truant Report (Agent)
- Lori's Pending PDI Report (Agent)
  - Shows all Pending PDIs for District 3J – Shows PDI Unit
- Lori's Pending Supervision PDI Report (Agent)
  - Shows all except the PDI Unit
- Lori's Pending PDI Report with no Updates – TESTING (Agent)
  - Shows only new PDIs for District 3J
- Classification 1 (Agent)
  - Shows current case load numbers with shared supervision
- Supervisors Report
  - Shows supervisor case loads
    - \*\*\*Move supervisor numbers to classification 1 report. Create a data box that shows total case load numbers for District 3J\*\*\*
- Overdue releases – bi-weekly

#### Monthly Reports (Finished Reports are sent to Lori Griggs: 1<sup>st</sup> business day of each month)

- Youth over 19 during the next 30 days
  - Youth that will be turning 19 within 30 days of the report being ran
  - Must manually adjust month is the criteria
- Youth over 19 within 30 days
  - Youth that have already surpassed their 19<sup>th</sup> birthday but have not been closed
    - \*\*Generally run both and combine into one report\*\*
- Discharged from probation prior month – Change month
- Probationers placed on probation prior month

#### Bi-Weekly Reports for Todd Spellman (Sent to Todd Spellman: Every other Thursday)

- Judge's Placement Report (Agent)
- Current Placements for Todd (Agent)
  - \*\*These reports alternate between each other every other Thursday\*\*

#### Reports sent to Autumn Crable (Sent the first business day of each month)

- Autumn – Monthly PDI Report
- Autumn's Submitted Date Report
- Monthly Dispositions for Autumn
- Probationers placed on probation prior month

### Daily Reports for Autumn

- 21 day evaluations ordered in past 7 days (Agent)
- 30 day evaluations ordered in past 7 days (Agent)

### Monthly Reports for Beverly Hoagland (Sent 1<sup>st</sup> business day of each month)

- Monthly Drug Tests by Officer – All
- Monthly Drug Tests by Officer – JCBI
- Monthly Drug Tests by Officer – JCBR
  - \*\*All reports must be manually adjusted to reflect the prior month\*\*

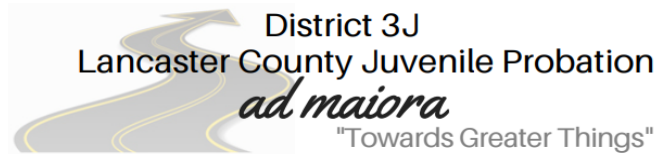
### Bi-Weekly School Reports (Sent to Denise DeLong and Lynette Mussack)

- Sent every other Monday
- All School Reports are set up on Agents
- School Reports are located in “School Reports Set up on Agents” folder located in “School Reports” folder under District 3J’s shared folder.

### Megan Patel Reports

- JFSAI Completed by Investigation Assistants (1<sup>st</sup> business day of each month)
  - Manually adjust month
- CBI Unit School Visits
  - Quarterly (Jan-Mar, Apr-June, July-Sep, Oct-Dec)
  - Manually adjust dates
- Truancy Unit School Visits
  - Quarterly (Jan-Mar, Apr-June, July-Sep, Oct-Dec)

## Appendix L



### Our Principles

- We believe all youth need support and guidance to achieve their potential.
- We believe in having highly skilled staff, working as a team, to investigate and assess a youth's risks and needs prior to implementing responses.
- We believe all families and youth should be given opportunities for their opinions and input throughout their Juvenile Court involvement.
- We value diversity, equality and individuality.

### Our Mission

1. *Reduce Risk* 2.  *Build Competencies* 3. *Reduce*  *Recidivism*

### Our Outcome Goals

1. YLS Reassessments/JIFF reassessments (Are the "Driver" connected high domains reduced?)
2. Build Competencies
  - A. Education
    - i. Improved attendance?
    - ii. Improved grades?
    - iii. Graduate from high school?
    - iv. Does the youth have vocational goals? (age 17 or older)
    - v. Does the youth have post-secondary education goals?
  - B. Behavioral Health
    - i. Coping/Cognitive skills improved?
    - ii. Mental health condition appropriately medicated and stabilized?
    - iii. Sobriety for 6 months or longer?
    - iv. Decrease in anger/aggression?
    - v. Decrease in depression/risk of self-harm
  - C. Family
    - i. Family relationships improved?
    - ii. Stable living environment?
    - iii. Family supportive and engaged?
  - D. Restorative Justice
    - i. Empathy for victim (s)?
    - ii. Paid restitution, completed community service, apology?
  - E. General
    - i. Is there a goal or interest for their future?
    - ii. Is there a mentor or other positive support?
    - iii. Are there pro-social connections?
    - iv. Does the youth have a plan?
3. Programmed Recidivism data (misdemeanor or higher within 1 year of sat release) Baseline 26%



**Appendix M**  
**Lancaster County Juvenile 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.