

Probation Stakeholder Training Manual

Probation 101

2026



STATE OF
NEBRASKA
JUDICIAL BRANCH

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ADMINISTRATIVE OFFICE OF THE COURTS AND PROBATION:

Nebraska Probation: The Judicial Branch

STATUTE:

The Administrative Office of the Courts and Probation oversee the statewide system of probation in Nebraska and is part of the Judicial Branch. This structure allows for probation staff across the state to support the judiciary in countless ways including investigations with recommendations, supervision of court ordered conditions, testimony regarding probation programming and the ability to act truly as the “Arm of the Court.” For additional information, Probation is authorized by Nebraska Revised Statute § 29-2262.



8-4-1: The 8-4-1 are the guiding principles that create a foundation for the work and has been referred to as the next phase of Evidence-based Practices by the previous Probation Administrator, Deb Minardi. (2024)

The “8” represents the eight evidence-based principles that were established by the National Institute of Corrections in 2002. The principles were then implemented into practice in Nebraska probation in 2006 under the leadership of Ellen Fabian Brokofsky, then Probation Administrator. The eight principles include: 1. Assess Actuarial Risk/Needs, 2. Enhance Intrinsic Motivation, 3. Target Interventions, 4. Skill Train with Directed Practice, 5. Increase Positive Reinforcement, 6. Engage Ongoing Support in Natural Communities, 7. Measure Relevant Processes/Practices and 8. Provide Measurement Feedback.

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

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

PROBATION VISION STATEMENT:

Inspiring Hope
Empowering Individuals
Strengthening Communities

PROBATION MISSION STATEMENT:

As Nebraska Probation, our mission is to strengthen communities and promote victim safety. We lead and serve with integrity, equity, and empathy to ensure every voice is

heard. We address the diverse needs of those we serve through evidence-based investigations and interventions.

PROBATION VALUES AND BELIEF STATEMENTS:

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

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

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

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

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

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

PROBATION CODE OF ETHICS:

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

As Probation staff, we commit to demonstrating the highest standards of personal and professional integrity by practicing honesty, respecting the dignity and individuality of human beings, and providing professional and compassionate service. We further resolve to

conduct ourselves in a professional manner, so as to avoid the appearance of impropriety and increase the public trust and confidence in the Nebraska Probation System.

- I will carefully guard my reputation of good moral character and citizenship. I will use time, resources, facilities, and information for their intended purpose.
- I will seek to preserve the dignity and rights of all individuals by practicing courtesy, respect, and responsiveness.
- I will conduct myself at all times in a professional manner regarding appearance, conduct, and speech.
- I will model policies, procedures, and personal practices which will enable others to conduct themselves in accordance with our values and beliefs.
- I will neither accept nor grant favors in connection with my position.
- I will continue to work against discrimination based on race, sexual orientation, gender, age, creed, nationality, cultural, physical or economic conditions.
- I will refrain from activities which conflict or appear to conflict with my official duties and responsibilities, which includes inappropriate relationships, misuse of alcohol/drugs, and unlawful acts.
- I will perform my duties in a timely, relevant, and accurate manner.
- I will exercise professional judgment and not allow external pressures to influence my decisions.
- I will advance my professional competency by continuing education and training consistent with evidence-based practices.
- I will safeguard all verbal, written, and electronic information concerning offenders, colleagues, victims, and others.
- I will report any corrupt or unethical behavior which could affect an offender, colleague, or the integrity of the Probation System.



ADVANCED COACHING FOR EXCELLENCE (AC4E) 4 CORE:

The AC4E initiative was created as the second phase of evidence-based practices. It empowers officers to streamline the four core tenets of effective probation supervision:

- Assessment, case (success) planning & case management
 - Use of validated risk-assessment tools are required to determine focus and goals of the success plan. The goals and steps are implemented through individualized case management which target interventions to develop skills.
- Engagement to enhance motivation
 - Probation officers use motivational interviewing skills to engage individuals and their families in behavior change. Quality engagement is extremely impactful for successful probation outcomes and is an evidence-based practice. Probation officers are trained to utilize the HOPE method: Humanity, Optimism, Perspective, and Empathy. Each person's individual perspective is valued, and their story is honored. Probation officers demonstrate and model empathy by listening to understand, being transparent, neutral, and trustworthy.
- Skill train with directed practice
 - Skill training is a core principle and practice within probation. Probation officers work directly with youth and adults supervised by probation to teach skills that habilitate new responses to undesirable behaviors. Skill training can be done individually or in groups and allows for the practice of new behavior responses to challenging situations, enhancing critical thinking, strengthening skills and reducing risk.
- Incentives & Sanctions
 - Through an adolescent development and individualized approach, incentives and sanctions are used to reinforce behavior change, as well as respond to transgressions.
 - Research suggests that incentivizing positive behavior correlates to long-term behavior change. Probation officers utilize incentives as positive behavior changes are observed. Incentives must be meaningful to be effective and probation officers utilize engagement strategies to learn what positive reinforcements motivate the individual under supervision.

At times, behaviors occur that are not in accordance with the individual's probation order. In these instances, the officer will use a sanction to address the negative behavior. Probation officers tie sanctions to skill building opportunities to decrease the chances of the behavior repeating.

IMPLEMENTATION SCIENCE:

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

There are ten key Implementation Science facts which are essential when considering implementing. These facts are supported by research and Robin Jenkins, Advanced Implementation Specialist and Associate Director at the University of North Carolina, Chapel Hill. He is an expert trainer and resource for this topic. Implementation Science is based on the utilization of these facts and five capacities to support and enhance successful long-term implementation. The capacities include the following key tenets: co-creation, leadership teams, workforce development, quality & outcome monitoring and media, networking & communication as essential to all implementation.

ADULT PROBATION SYSTEM GOAL:

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

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

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

10 Key Implementation Science Facts

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

Performance Measures:

Safe Communities

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

Risk Reduction

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

Behavior Change

- Increase effective graduated sanctions to reduce the occurrence of violations.

- Increase the rate of employment for individuals at high risk to reoffend.

JUVENILE PROBATION SYSTEM GOAL:

The Juvenile Probation Services Division supports probation districts in utilizing juvenile justice best practice approaches to partner with youth and families through the juvenile court process. These approaches are grounded in extensive evidence that youth are capable of transforming their behaviors. We support the implementation of the following strategies that consider the unique developmental needs of adolescents:

- Engaging youth and families to inspire hope.
- Increasing skills through targeted interventions.
- Empowering individuals to foster success.
- Demonstrating accountability with compassion.
- Fostering strong partnerships with communities.

Together we achieve improved resiliency, safer communities, and lasting change.

Performance Measures:

Risk Reduction

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

Placement

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

Detention

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

Non-Delinquent Status Youth

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

Education and Employment

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

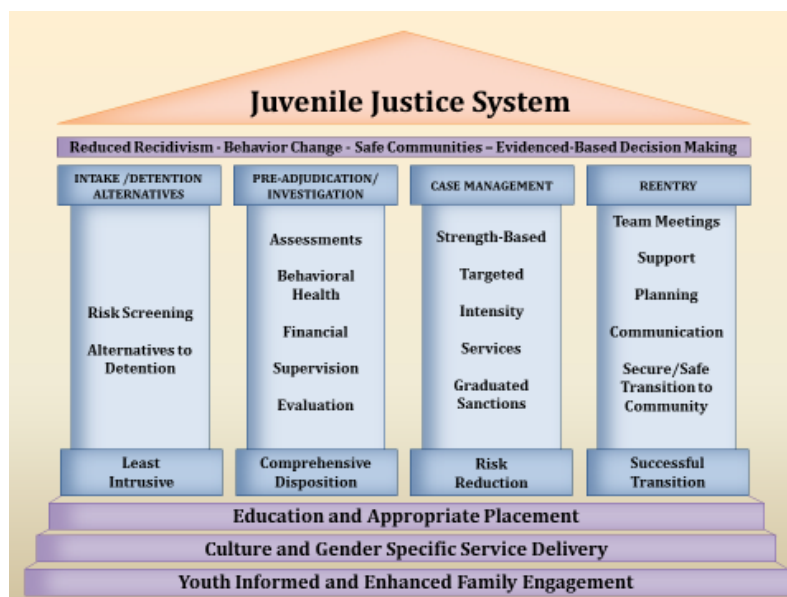
ADOLESCENT DEVELOPMENT:

Juvenile justice best practice and research have continued to focus on the distinct differences between adolescents, emerging adults, and adults over the past several years. These include Federal Supreme Court rulings such as abolishing the death penalty and banning the use of life without parole for juveniles. Additionally, research supporting brain development and key differences of adolescents continues to grow. An article published by the Robert F. Kennedy National Resource Center for Juvenile Justice, titled “*Translating*

the Science of Adolescent Development to Sustainable Best Practice” details how adolescents differ from adults in three specific ways; adolescents are less able to regulate their own behavior in emotionally charged contexts, adolescents are more sensitive to external influences such as the presence of peers and the immediacy of rewards, and adolescents are less able to make informed decisions that require consideration of the long-term impact. Additionally, the article identifies strategies that can be used to put science into practice such as collaborative leadership, risk-needs-responsivity tools, trauma screening and treatment, positive youth development, family engagement, and multiple additional techniques.

THE FOUR PILLARS OF THE JUVENILE JUSTICE SYSTEM:

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



EVIDENCE-BASED PRACTICES:

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

implementation, probationer outcomes will include both safe communities and productive citizens.

THE INTEGRATED MODEL:

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

ORGANIZATIONAL DEVELOPMENT:

It is essential to not only focus on the principles but also include Organizational Development which is required to successfully move into an EBP focused system. Ensuring the probation culture and climate supports EBP, have the necessary resources to support probation activities and a clear business model including priorities are essential for successful organizational development.

COLLABORATION:

Another key element is collaboration. The partnership that probation has with the judiciary is core to building relationships which increase access to services and supervision for probationers.

Additionally engaging with schools, providers, attorneys, law enforcement and other stakeholders ensures support across the system. Plus, probation participates in many local and statewide committees such as Eyes of the Child teams.



EVIDENCE-BASED PRINCIPLES:

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

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

8 Evidence-Based Principles for Effective Intervention with probationers

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

PROBATION WORKS FOR JUDGES: WHAT YOU NEED TO KNOW & CAN EXPECT:

As discussed previously one of the foundational supports of probation is to ensure the work done is focused on the eight Evidence-Based Principles as research has shown that when they are the focus, recidivism reduction is possible. In the following sections each of the eight principles are reviewed including probation's approach to ensure that best practice and research have been used to support each fundamental area.

PRINCIPLE #1 – ASSESSING ACTUARIAL RISK/NEED

Assessing individuals utilizing reliable and valid tools is essential for effective supervision and treatment. Additionally, the assessment results are provided to the court in the form of a comprehensive report with supportive recommendations called the Predisposition and Presentencing Investigations. These reports also include results from accompanying ordered evaluations as well as collateral and offense specific details. All of this is done to assist the court in the final court ordered decisions for each individual.

JUVENILE INTAKE/DETENTION ALTERNATIVES:

Nebraska Revised Statute § 43-250, authorizes Probation to carry out the function of juvenile intake. Law enforcement requesting detention of a youth shall contact Probation and the intake probation officer will administer the standardized statewide detention risk assessment instrument, also known as the RAI. Should a probation officer determine the use of a detention alternative or detention facility is appropriate, the law enforcement officer shall implement the detention decision of the probation officer.

Extensive research shows that even minimal time in a secure juvenile detention facility has long-term harmful impacts on youth. Therefore, probation officers receive intensive training regarding how to administer the RAI which includes gathering specific information from the law enforcement officer, youth, and parent/guardian. The instrument has several priority areas for decision making which include whether the juvenile is at risk of failing to appear in court, the physical safety of persons in the community would be seriously threatened prior to their court appearance, the juvenile has a demonstrable record of fleeing from law enforcement, absconding from a court-ordered placement, absconding from home, committing a violent offense, committing multiple property crimes, and/or threatening to cause harm to others.

Alternatives to Detention (ATD) are available statewide for youth during the juvenile intake process and for youth on probation. Nebraska Revised Statute § 43-290.01 outlines the responsibility of Probation and local communities to pay for detention costs. Probation has the responsibility to pay for detention costs for probation youth statewide while counties pay for pre-adjudicated detention. For pre-adjudicated youth, probation districts collaborate with their local community planning teams regarding the use of Community-Based Aid Funding from the Nebraska Crime Commission to assist in development and access to community-based alternatives to detention.

Nebraska has four counties that participate as Juvenile Detention Alternatives Initiative (JDAI) sites. JDAI in Nebraska is a county and judicial led initiative and was founded, supported, and researched by the Annie E. Casey Foundation (AECF) as a system improvement framework to assist in juvenile justice reform efforts. This initiative emphasizes eight (8) core strategies for juvenile justice system reform, not just detention reform. Those strategies include Collaboration, Data Driven Decision-Making, Objective Admissions, Alternatives to Detention, Reducing Racial and Ethnic Disparity, Case Processing, Special Populations (such as warrants and probation violations), and Conditions of Confinement. To learn more about JDAI and stay current on best practices in juvenile justice system reform, sign up for JusticeLink on Slack at [JusticeLink - The Annie E. Casey Foundation](#).

RISK, NEEDS, RESPONSIVITY ASSESSMENT TOOLS:

Risk, needs, responsivity assessment instruments are utilized to provide information to the court to assist in dispositional and sentencing decisions based on an individual's risk to

recidivate. To determine the level of risk there are several validated risk assessment instruments utilized by probation. These instruments include the Level of Service/Case Management Inventory (LS/CMI), used in all felony offenses and certain misdemeanor offenses (sex offenses, domestic violence offenses, and DWI Third Offenses, and as indicated by the NAPS assessment instruments); and the Youth Level of Service/Case Management Inventory 2.0 (YLS/CMI 2.0) which is used for all adjudicated juveniles when ordered by the court. The LS/CMI and YLS/CMI 2.0 are actuarial based, scientifically validated, and normed risk, needs, responsivity assessment tools which have also been studied on the Nebraska probation population to ensure tool validity and equity.

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

Similarly, to the LS/CMI, the YLS/CMI 2.0 has identified predictors of juvenile recidivism. These include prior and current offenses/dispositions, family circumstances/parenting, education/employment, peer relations, substance abuse, leisure/recreation, personality/behavior, and attitudes/orientation. The YLS-CMI 2.0 also includes options for “special considerations” which include family and parent identifiers, and additional youth needs not included in the formal risk assessment screening. These identifiers have the potential to present barriers that probation officers should consider in their case management.

The LS/CMI and YLS/CMI 2.0 assesses each of these areas which are referred to as “domains” and the results are reported in the Presentence Investigation (PSI) or Predisposition Investigation (PDI). To enhance understanding, when sharing these results with the individual and/or family, the domains are referred to as “Key Life Areas” and utilize language such as “Friends” instead of “Peer Relations” as a juvenile example. Additionally, the “Driver” assessment is completed for all high-risk individuals which identifies the domain with the greatest impact to risk and recidivism reduction (discussed more later).

In the end, the higher the risk level, the more intensive supervision and supports the individual needs to reduce risk, and the greater the risk they present to recidivate. The lower the risk score, the less intensive supervision and supports are needed to reduce risk, and the less risk they present to recidivate. This supervision approach is supported by

multiple research publications which suggest that risk will increase for low-risk individuals if intensive approaches are utilized and is especially important when considering conditions that remove an individual from their community to a placement setting which includes 24/7 supervision. Additionally, officer caseloads are also focused on risk level; therefore, the higher the risk level, the lower the caseload and the greater the intervention and attention. The lower the risk level, the higher the caseload and less intervention and attention.

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

In addition to the risk assessment instruments (The LS/CMI, YLS/CMI and Nebraska Adult Probation Screen or NAPS), there are several additional “Secondary” instruments to assist in targeting responsivity factors. Some of the adult specific instruments include the DV – Matrix (for Domestic Violence cases) and the VASOR-2 (Vermont Assessment of Sex Offender Risk-2), Drivers Risk Inventory (DRI), Substance Abuse Questionnaire (SAQ), Static 99, Acute, and Stable for Sex Offenses (the VASOR-2 is the only required instrument at this time for sex offenses, the others may be utilized as officers are trained). The current juvenile specific secondary instruments include the Child Trauma Screen (CTS) to identify active trauma responses in youth, the Massachusetts Youth Screening Instrument (MAYSI-2) which is used to identify immediate behavioral health needs and the Juvenile Sex Offender Assessment Protocol (JSOAP), used for juveniles who sexually harm.

There are three additional instruments used for adults. The Simple Screening Instrument for Substance Abuse (SSI) and the Mental Health Screen are completed in all adult cases and are used to help determine whether or not a referral for a substance use and/or mental health evaluation is indicated. The Standardized Risk Assessment Referral Form (SRARF) is a criminogenic screen which provides supplemental information to a provider in the event an evaluation is completed.

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

PRESENTENCE INVESTIGATIONS (The PSI):

As authorized in Nebraska Revised Statute § 29-2261, a Presentence Investigation or PSI, is completed when an individual has been convicted of a felony other than murder in the

first degree. A PSI may be ordered in any case, except in cases in which an individual has been convicted of a Class IIIA misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic infraction, or any corresponding city or village ordinance.

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

All local and state police agencies and the Department of Correctional Services adult correctional facilities shall furnish to the probation officer copies of such criminal records, in any such case referred to the probation officer by the court of proper jurisdiction, as the probation officer shall require without cost to the court or the probation officer.

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

Additionally, PSIs should include scores from the LS/CMI. LS/CMI scores of 0-5 indicates very low risk, 6-10 indicates a low risk, 10-19 a medium risk, 20-29 a high risk, and 30-43 indicates a very high risk of recidivism. Additionally, Presentence Investigators will gather information specific to sexual and/or domestic violence histories in (sex offense/DV cases) an effort to assist the court in its decision making.

PSI RECOMMENDATIONS

While the risk scores on all of those validated instruments above could be construed in and amongst themselves as “recommendations,” there has been a long-standing practice in some counties that the probation officer does not go on record, in writing, as far as making official recommendations to the Court relevant to what we believe a suggested sentence should include. In some cases, individual judges “touch base” with officers to obtain their professional opinion regarding certain individuals. This could include suggested programming should a probationary sentence be imposed.

It should be noted that, on occasion, the local probation office may request assistance from another probation office in completion of a PSI. By policy, your local Probation Office is to instruct the Probation Officer completing the PSI what the expectation of the Court is. In turn, you should receive an investigation similar to what you would receive regularly. However, you may occasionally see something in a different format or including information outside of what you would consider to be normal.

Throughout the PSI the Investigating Officer will attempt to provide the court with a general idea of what the offenders “stage of change” (readiness to make changes in individual risky areas) is. There may also be suggestions regarding what an appropriate

intervention would be to help reduce the person's risk. (i.e., substance abuse evaluation/treatment if the person has a substance abuse problem, referral to an employment program if they're unemployed, participation in a cognitive program if they're a criminal thinker, etc.). It is important to note; any notation of programming should be closely tied to identified risk levels and or service needs uncovered during the investigation and should not be general statements regarding available services.

PSI SUBMISSION

Legislative Bill 504 was passed during the 2015 Legislative session, which mandated PSI submissions to Court's to provide for electronic distribution to other authorized and interested parties beginning as early as July 1, 2016. However, please consult with your local Chief Probation Office to work out a submission schedule that best works for your Court.

JUVENILE PREDISPOSITION INVESTIGATION (The PDI):

The goal of a juvenile investigation is to create a comprehensive and holistic picture for the court by assessing a juvenile's overall risk, determining individual needs, identifying responsivity factors, and recommending targeted interventions. As authorized in Nebraska Revised Statute § 29-2261 comprehensive investigations create a clear picture of the juvenile's risks and recommends interventions to reduce those risks. Unlike the PSI, there are no restrictions based on offense as to eligibility for a PDI. PDIs have been enhanced to include risk/needs/responsivity (RNR) including assessments such as the Child Trauma Screen (CTS), Massachusetts Youth Screening Instrument (MAYSI-2) Youth Level of Service/Case Management Inventory (YLS/CMI) and other collateral assessments. Additionally, the Service Recommendation Matrix, which is supported by research, is a tool utilized by officers to help determine recommendations focused on risk and presenting offense. The matrix identifies levels which are required to be exhausted prior to utilization of more intensive services, including out-of-home placements. In addition, the Juvenile Family Service Access Inventory (JFSAI) is used by the officer to evaluate a family's ability to access services such as financial assistance needs, insurance coverage, and transportation. The goal of probation is to assist in the development of self-sufficient families. When a family is engaged in the financial support of their youth this increases engagement and service commitment.

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

EVALUATIONS AND SERVICES:

BEHAVIORAL HEALTH EVALUATIONS:

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

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

SUPREME COURT RULE REGARDING THE STANDARDIZED MODEL

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

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

Standardized Model for the Delivery of Substance Use Disorder Services:

The Standardized Model for Delivery of Substance Use Disorder Services for juvenile and adult probationers/problem-solving court participants is used to recognize the connection between substance use and crime/delinquency and effectively address it through treatment. Reliable data indicates that treatment works. Research also shows that mandated treatment can be more effective than voluntary treatment. It is the intent of the Administrative Office of the Courts and Probation to provide a meaningful opportunity for rehabilitation to reduce recidivism, promote good citizenship, and enhance public safety.

OTHER EVALUATIONS AND SERVICES:

With the passage of legislation initiating juvenile justice reform in Nebraska in 2013, all delinquent and 3B status-offense youth are now served by Probation. This includes possible

financial assistance for evaluations and services for youth and families. Juvenile services include behavioral health and non-treatment related services. Additional information regarding these services is located on the Supreme Court internet.

Telehealth Services

Access to telehealth services has expanded and is crucial, particularly to rural areas or services with limited resources. Registered Service Providers identify their ability to provide services via telehealth in line with their approved array of services. Individuals are able to access these services through their insurance, available resources, or voucher payment if eligible.

The Administrative Office of the Courts and Probation provide Reporting Centers and multiple sites in every probation district with video-conferencing equipment through which training, classes, meetings, and other activities can be accomplished in a HIPPA-compliant fashion.

As stated, teleservices have a wide application. The Probation Chiefs and Administrative Office meet regularly using this technology. PSI/PDI interviews can be conducted for individuals living in other jurisdictions. Officers can attend trainings or meetings from their desks rather than traveling long distances. Juveniles are receiving evaluations in a timely manner all over the state. All of this is accomplished because of this technology.

REGISTERED PROVIDERS:

To provide services, all service providers must register through the Registered Service Provider Network. Providers are required to complete continuing education training that addresses the 8 criminogenic needs, demonstration of qualifications and licensure as appropriate, and attest to adhere to the standards of practice, service definitions and Standardized Model when providing services. In turn, the provider is placed on the provider network as a provider for the service for which they registered.

VOUCHERS/Fee for Service Assistance:

It is important to note, vouchers are available for financial assistance and shall only be utilized for adults and juveniles who fall within defined financial assistance criteria, they are the payor of last resort. The Juvenile Family Service Access Inventory (JFSAI) and the FSAI, adult version, have been created to assist officers in determining appropriate utilization of vouchers. Adults also must adhere to the sliding fee scale for financial support, and an assessment of the family income and resources is considered for juveniles. It is essential that vouchers are used for the recommended services based on assessments and evaluations, research has shown that if a person has invested their time and resources in treatment, they will more likely be successful.

Substance Use

In adult cases, any felony drug offense, Class I Misdemeanor drug offenses, and 3rd offense or higher DUI offense or above is immediately eligible to receive a “voucher” if they are financially eligible and do not have insurance, for a substance use disorder evaluation and treatment as recommended by the evaluation, this may include outpatient, intensive outpatient, or short-term residential or long term substance use treatment.

In juvenile supervision, the use of substance use vouchers can occur when a financial need is established, and the youth has completed assessments and/or evaluations which recommends specific treatment level or service needs. The services will often require an evaluation to determine an appropriate level of services. This can include a wide range of services from outpatient treatment to placement at an inpatient service level.

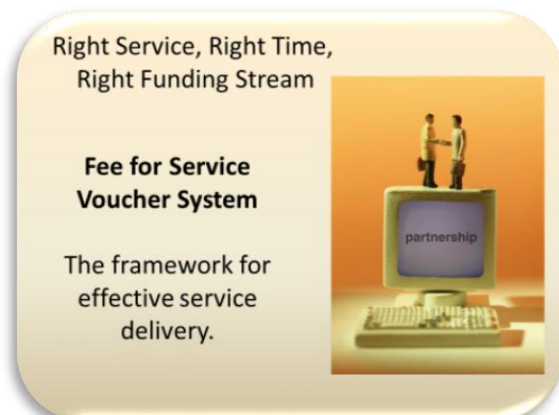
Adult Specific Mental Health Vouchers

During the 2014 legislative session, per LB907, financial support was allocated to the probation system to pay for co-occurring disorder evaluations, pre-treatment assessments, sex offender evaluations and certain levels of outpatient treatment.

Individuals who score high risk or above on the LS/CMI and/or meet identified markers on the MHS may qualify for financial assistance via the Fee for Service after completion of the required financial screen, and as indicated by the court or court order, may receive vouchers for services from a registered provider. Sex offenders that qualify financially are eligible for a voucher for evaluation and treatment if insurance resources are not available

Juvenile Vouchers

Access to services is key to success for juveniles involved in the justice system. The Juvenile Justice Resource Supervisor (JJRS) is a unique role, crucial to officer support. The JJRSs will ensure eligibility prior to approval of issued vouchers before they are released to a provider. The JJRS ensures effective service delivery when fulfilling their role which includes supporting the officer with “fee for service,” compliance, quality assurance of officer process, community support for providers, service expansion, and review for approval of completed.



LINKING ASSESSMENTS AND EVALUATIONS IN INVESTIGATION RECOMMENDATIONS:

The linking of assessments and evaluations are essential when an officer makes recommendations to the court and any requests for additional evaluations or treatment services. The probation officer is the expert in criminogenic risk/needs/responsivity

instruments, and their role is to ensure the high domains are addressed during supervision. When an evaluation is also ordered, the probation officer shall work with the service provider to determine clinical recommendations. The service provider is the expert in clinical recommendations and whenever possible, an officer should reach out to have an integrated discussion with the clinician to ensure the treatment and criminogenic recommendations complement each other for the best outcome for the individual on probation.

PRINCIPLE #2 – ENHANCE INTRINSIC MOTIVATION

Individuals making behavior change are significantly impacted by interpersonal relationships with those supporting them through the change process. This includes their probation officer, treatment providers and more. Although motivation to change behaviors is internal, outside supports when done in a respectful and constructive way, can significantly impact motivation.

As part of the AC4E initiative, all probation staff were trained in the HOPE (Humanity, Optimism, Perspective and Empathy) curriculum which focuses on the role relationships play in supporting others to change their own behaviors. The curriculum was based on the tenets of procedural justice (neutrality, respect, voice, and trustworthiness) and focuses on how engagement is an essential key element for long-term behavior change and reduction in recidivism.

MOTIVATIONAL INTERVIEWING (MI):

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

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

REAL COLORS:

The "Real Colors" temperament tool is an instrument or technic which identifies four colors – gold, blue, green and orange – which relate directly to personality type. All Probation staff have participated in this assessment and strength identification course. Select probation staff have been trained as facilitators for the Real Colors assessment and assist high risk probationers in identifying their personality type. This allows probation officers to improve interaction and motivation for success planning. Additionally, families are

encouraged to participate with juvenile Real Colors classes to enhance relationships and understanding at home.

PRINCIPLE #3 – TARGET INTERVENTIONS (Risk-Need-Responsivity)

The Risk-Need-Responsivity (RNR) model is a best-practice approach for targeting interventions of individuals on probation and has three core principles. First, the risk principle links to *whom* we are targeting by matching the level of supervision and service to the individual's risk to recidivate. Second, the need principle focuses on *what* should be done by assessing criminogenic needs and targeting in supervision and treatment. Finally, responsivity focuses on *how* to maximize an individual's ability to learn and build skill from a rehabilitative intervention by tailoring it to multiple factors including learning style, motivation, abilities, and strengths.

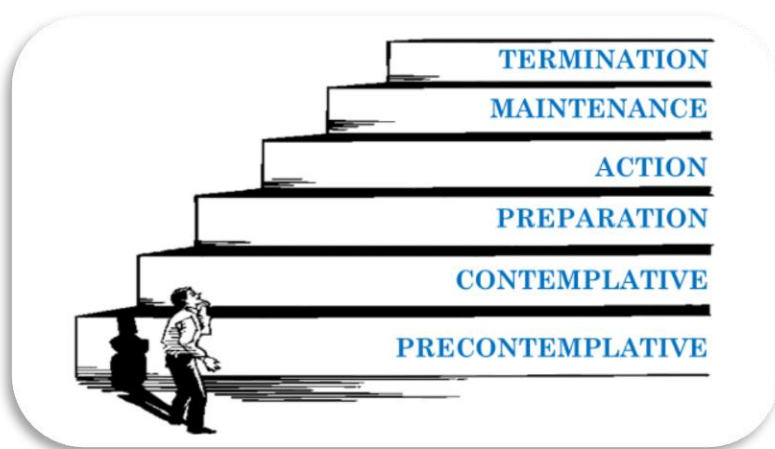
RESPONSIVITY:

The Responsivity principle targets both general and specific responsivity. This is the “how” the intervention should be delivered to specific individuals. General responsivity focuses on cognitive social learning methods to promote behavior change. Specific responsivity focuses on the specific interventions such as an individual's strengths as well as barriers.

THE STAGES OF CHANGE: Research has proven that every individual cycles through different stages of readiness to make personal changes. It is essential that probation staff are able to assess readiness for behavior change and “Stages of Change” is one tool utilized to support this. It is also important to note that individuals can move backwards in the change cycle due to multiple factors.

Stage One: Pre-contemplation

This stage is when individual is not yet acknowledging that is a problem behavior needs to be changed. Example, “I don't a problem, you do.”



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Stage Two: Contemplation

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

Stage Three: Preparation/Determination

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

Stage Four: Action/Willpower

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

Stage Five: Maintenance

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

Stage Six: Termination

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

The Stages of Change and Relapse:

Ultimately, the “Stages of Change” demonstrate that people move through various stages while making changes in their lives and that specific techniques are best employed within specific stages. Applying the wrong technique in the wrong stage cannot only be ineffective but counterproductive. For example, teaching someone the skills to solve a problem, when they do not think they have a problem, is usually an unprofitable endeavor. Changes are more likely to occur when a person is receiving assistance formulated to match their current state.

Additionally, it is important to understand that “relapse” can very often be a step in the change process and supporting those steps backwards is just as important as supporting progress. For example, if I make a resolution to eat better, I may move to action but stop before being able to maintain the behavior change. I may need to move back to preparation, or another stage to get back on track with my resolution. This process is dynamic and must be followed up on regularly. Understanding “Stages of Change” assists a probation officer in successful supervision.

Resource for “State of Change” and additional information regarding Leadership Styles is located at <http://www.addictioninfo.org>

PROBATION SUPERVISION - TARGETING INTERVENTIONS

DRIVER AND SUCCESS PLAN:

Although identifying all high-risk domains using the YLS/CMI 2.0 and LS/CMI are essential to risk reduction, not all are of equal influence. Identifying the “Driver” or what

is” driving” the behavior behind the single most influential domain is key. Although there are eight criminogenic needs that could be the Driver, more than likely they are one of the “Big 4” for moderate and high-risk youth and adults. These include **Thoughts and beliefs, Coping/self-control, Friends and Family/relationships** (the other “4” are Alcohol and/or drug use, Work, School and Use of free time). The “Driver” and professional judgement together are key to probation supervision.

SUCCESS PLANNING:

Success plans are a formal case plan that identify goals and action steps for the probation officer and youth/adult on probation to measure progress towards successful completion of probation. Success planning should begin as soon as the Driver is identified and shall be completed on all high and very-high risk adults, and all moderate, high, and very-high risk youth. Success plans include the following components:

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

Success plans are re-visited at each interaction to help identify skill building opportunities and sequenced action steps. While low risk individuals do not require a formal success plan, all probation officers case plan around the court order towards successful discharge.

EARLY RELEASE:

Supreme Court Rule § 6-1903 states that pursuant to Neb. Rev. Stat. [§ 29-2263\(1\) and \(2\)](#), the probation officer may submit an application for early discharge at any time but clarifies that the probation officer shall submit an application for early discharge if and when the following have been met:

- (1) Three-quarters of the imposed sentence is served;
- (2) No major violations during the preceding 6 months;
- (3) The individual is in compliance with all other conditions, including, but not limited to, being current on fees owed and having paid all restitution, court costs, and fines in full; and
- (4) The assessed risk level indicates the individual is at a reduced risk of recidivism.

If an individual completes all ordered conditions early, statute supports a request for early release from probation. Adults sentenced to probation, per Nebraska Revised Statute § 29-2263 allows for the probation officer or probationer to submit a request to the court at any time for early discharge from probation when all ordered conditions are completed prior to the end of the term of supervision.

Further, the court, on application of the probation officer or juvenile probationer, per Nebraska Revised Statute § 43-286.01, may reduce or eliminate probation conditions. Pursuant to Nebraska Revised Statute § 43-2,108.04, the court may approve an earlier discharge and then shall seal the juvenile's record.

CASE MANAGEMENT:

Once an individual is placed on probation per order of the court, the assigned probation officer will provide supervision and support to assist them in the completion of the conditions of probation. The probation officer works with the individual to ensure that the conditions are organized to allow for completion within the courts identified ordered amount of time.

JUVENILE CASE MANAGEMENT:

Adjudication/Disposition:

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

Once a youth is placed on probation, supervision is individualized and targeted to the youth's risk level and the court's direction. Family Engagement at is essential all levels, but especially during case management. Case management should follow the foundation of risk/need/responsivity. Research has shown that over supervising a low-risk juvenile can increase compliance issues in the future.

To ensure a probation officer is purposeful in their supervision, they are required to create a success plan with a goal focused on the moderate and high-risk youth., through completion of the Driver, Worksheet to identify the most influential domain. This will ensure the probation officer is building skills which will address risk and the driving criminogenic domain identified by the assessment tools. Additionally, probation officer engagement, alongside treatment and non-treatment services, shall be considered and utilized as a strategy towards risk reduction. When a youth is assessed as moderate and high risk, the Nebraska Aggression Replacement Training (NE-ART) cognitive restructure group shall be utilized. This targeted approach uses social-emotional learning principles alongside cognitive behavioral approaches which teaches youth how to replace challenging behaviors with new skills and responses. NE-ART supports strength-based supervision and

the effective use of a graduated response when a youth is excelling or has transgressions ensuring that incentives and sanctions are exhausted prior to requesting a motion to revoke be filed.

Reentry:

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

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

It is essential during reentry to plan for return location, supports and services for the juvenile. Additionally, the probation officer works closely with the family to prepare them for this transition. This includes family engagement in the decision-making process, school engagement, services, plus intensively supervising the juvenile upon release to ensure the transition is smooth, and on-going reassessment in the community.

ADULT CASE MANAGEMENT:

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

Since 2006, the Nebraska Probation System has been supervising individuals placed on probation based on their assessed risk score. In other words, if a person scores as "High" (20) or above on the LS/CMI or the NAPS instruments, they will automatically be targeted for supervision at a "high" or ISP level. However, should the court choose to mandate that a person with a lower than "high" risk score be supervised intensely, the court can impose a sentence of ISP on the individual. This will direct the probation officer to meet with and conduct home visits frequently on the probationer. It will also automatically bring along with it inclusion in a cognitive program and other indicated programming not necessarily required of a lower-risk individual.

Deferred Judgment:

The intent of Deferred Judgment is to provide alternative sentencing options for class I misdemeanors and first-time felony individuals who have a low likelihood of reoffending. One primary objective is to reduce prison overcrowding for this first-time offense population Nebraska Revised Statute §29-2292.

Deferred Judgement is intended to provide for a diversionary opportunity for individuals to have charges removed from their criminal record, upon successful completion of probation supervision. Eligible individuals include adults convicted after July 1, 2020, with exceptions of protection order violations, offenses when the victim is an intimate partner, Driving Under the Influence, or any other offense in which the individual is not eligible for probation. The individual must request deferred judgement at sentencing.

DNA shall not be collected from individuals placed on Deferred Judgement Probation unless they fail to satisfactorily complete the Deferred Judgement sentence. Due to the nature of Deferred Judgement, the individual can successfully complete Deferred Judgement probation which results in the dismissal of the charges. DNA collection should only occur if the plea is not withdrawn, and the case is not dismissed.

Intensive Supervision Probation (ISP):

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

An ISP level probationer will bring with them multiple needs for intervention. Meaning, for example, they may be chemically addicted, unemployed, have little to no positive support, be suffering from mental illness, and may demonstrate thinking errors supporting criminal behaviors.

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

PRS-CBI probationers may be transitioned to risk-appropriate classification after 60 days if the living, family, employment and/or education situation has been stable, they have been abstinent/in recovery and/or free of precipitating behaviors, they are in substantial compliance and there have been no major violations during the 60-day stabilization phase.

Adult Medium-High Risk:

A person being supervised at a medium-high level will generally meet at a minimum of one time per month with their probation officer. Home visits will occur on an "as needed" basis. In other words, if we receive information indicating we need to investigate something

(drinking, drug use, possession of stolen items, etc.) we will conduct a home visit. Officers supervising a “medium-high” caseload generally carry 100 cases each.

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

Adult Medium-Low, Low, Very-Low Risk:

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

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

Risk reduction is another priority of probation and regardless of an individual's risk level upon entry into probation, officer work to reduce risk over the term of probation. It is felt that a gradual step down in services allows the probationer to re-acclimate to life without additional oversight.

UPDATE PSI/PDI's or SUPERVISION OVERVIEWS/SUPERVISION REPORTS:

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

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

SPECIALIZED PROGRAMS:

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

Specialized Substance Abuse Supervision (SSAS), adult only:

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

The SSAS supervision model supports vouchers for substance abuse or co-occurring evaluations and any recommended behavioral health treatment. These probationers will be drug tested frequently in their early supervision and stepped down from there based on demonstrated attendance and sustained sobriety. They also participate in a cognitive program, are referred to all appropriate reporting center programs, and additional programming aimed at reducing their risk.

SSAS community supervision consists of four core components: substance use treatment, drug testing, cognitive groups, and individualized case management to meet specific responsivity needs. Probationers meet frequently with their probation officer, often in a group setting as well as individual settings both in the office, in their home, and announced or unannounced visits during traditional and non-traditional hours.

Problem-Solving Courts, adult and juvenile:

Problem-Solving Courts are defined by Nebraska Revised Statute § 29-2252(15). Individuals participate in Problem-Solving Courts at the direction of the Probation Administrator or pursuant to inter-local agreements which meets the requirements in Nebraska Revised Statute § 29-2255, in non-probation-based programs and services. This statute also provides for the hiring of probation staff and associated powers and gives access to treatment dollars for qualified individuals under the fee for service voucher program.

Problem-solving courts began in the 1990s to accommodate adults and juveniles with specific needs and problems that were not or could not be adequately addressed in traditional courts. They promote reform in how the government responds to problems such

as drug addiction and mental illness. Judges take a more hands-on approach to addressing problems to change behaviors of adults and youth. Ultimately, Problem-solving courts are designed to provide positive outcomes for victims, society, and the adult/juvenile involved resulting in reduced recidivism and safer communities.

Alternatives to Incarceration (AI), adult only:

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

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

Post-Release Supervision (PRS), adult only:

Post-Release Supervision does not apply to County Court cases. With limited exceptions, following the 2015 passage of LB605, certain felonies committed on or after August 30, 2015, carry a possible term of post-release supervision probation. PRS probation is required any time a term of incarceration is imposed by the court, regardless of the duration in any Class III or IIIA felony. Following the passage of LB686 in 2019, Class IV felonies, while eligible for PRS, are not required to serve time under community supervision. PRS sentences require a split determinant sentence which includes a period of incarceration followed by community supervision.

Transitional Intervention Program (TIP), adult only:

LB605 and other Justice Reinvestment efforts for the highest risk/needs clients called for the creation of the TIP supervision approach. As part of their case management, TIP participants are monitored with global positioning satellite (GPS) electronic monitoring (EM), weekly home visits, receive cognitive behavioral intervention services, relevant reporting center services, random and frequent chemical testing. Probation Officers utilize case management field-based contact hours and are heavily engaged with treatment

providers, employers, and other community support networks, including law enforcement agencies and victim advocates. All participants meeting financial criteria are eligible for financial assistance to obtain substance use, mental health, or other qualifying services.

Reframe, adult only:

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

Sex Offenders and Youth Who Sexually Harm, adult and juvenile:

Adult Sex Offender Registry Violators will initially be supervised at the CBI level for six months. Following the initial six months of supervision and with satisfactory performance, the individual may transition to supervision at the level supported by their risk assessment. Youth adjudicated in Nebraska for a sexually related charge are not required to register, however if the youth is placed in a treatment facility out-of-state, they may be required to register as a sex offender within that state in order to access treatment. Although not all inclusive, anyone placed on probation for a sex-related offense will be referred for a Sex Offense-Specific Evaluation/Juveniles Who Sexually Harm Risk Evaluation and are expected to follow any recommendations as determined from the evaluation. These individuals will also participate in a probation led cognitive program. Adult supervision will also include monitoring for compliance with the registry, as well as monitoring of computer or cell phone related activities as ordered. Based on the circumstances of the offense, the probation office reviews, considers facts of the case, and will proceed accordingly with interventions and programming. For example, if a person was originally charged with a sex offense but pled to or was convicted of something not included in the sexual language, probation will provide case management to address the originating behavior.

Domestic Violence (DV), adult only:

Individuals placed on probation for a DV related offense are referred for participation in a Domestic Violence Intervention Program (DVIP), This is a cognitive program which is

designed to interrupt the power and control cycle displayed by DV perpetrators. Programs work with advocates to engage victims to better promote victim safety and offender accountability. If an individual is on probation for an offense other than a DV case but there is a demonstrated history of DV behavior, or if the case has components of a DV case, Probation will provide case management for a DV individual with accompanying sensitivity toward community and victim safety.

Developmentally Disabled, adult and juvenile:

Developmental Disability (DD) is a severe, chronic disability, including an intellectual disability, other than mental illness, which; is attributable to a mental or physical impairment other than a severe emotional disturbance, begins before the age of twenty-two years, is likely to continue indefinitely, requires special, individualized services or assistance for an extended time period; and results in substantial functional limitations in one of each of the following areas: conceptual skills; social skills; and practical skills.

Individuals with DD are over-represented in the justice system. Long-term effects of justice involvement for youth with DD include continued involvement in the adult criminal justice system. Experts estimate up to 10% of the prison population are impacted by DD; however, they represent only 2-3% of the total population. It is essential that probation officers know the available experts and resources when working with individuals who are DD to supervise and support them in completing conditions of probation successfully.

Comprehensive Supervision Probation, juvenile

Pursuant to Neb. Rev. Stat. § 43-286.02, the court can determine whether a juvenile should be designated a comprehensive supervision probationer if the juvenile is unlikely to respond effectively to graduated response sanctions and taking into account the following criteria:

- The nature of the adjudication;
- The effectiveness of any past interventions or sanctions;
- The pre-disposition investigation by the probation officer; and
- The recommendation from the county attorney or city attorney, including any input from law enforcement.

Comprehensive supervision probationers shall receive prioritized services that assist with early identification of needs and intensive supports, such as therapeutic services, educational and vocational assistance, family engagement, mentorship, and behavioral interventions. When a youth is dually involved in both the probation and child welfare systems, the Office of Probation Administration shall work with the Department of Health and Human Services to ensure coordinated and adequate service delivery.

Status Offenses, juvenile:

Juveniles that are adjudicated per Nebraska Revised Statute § 43-247(3b), have been adjudicated for a status offense. A status offense is a noncriminal act that is considered a law violation only because of a juvenile's status as a minor. Typical status offenses include truancy, running away from home, violating curfew, and general ungovernability.

Dually Adjudicated, juvenile:

Youth who experience both the child welfare and juvenile justice systems are commonly known as "dually adjudicated." Extensive research by the Center for Youth Justice at Georgetown University (CYJ) has found these youth are generally perceived to be at higher risk than their non-child welfare involved peers. These youth tended to move deeper into the juvenile justice system, experience high-end services, and tend to have poor overall outcomes.

CYJ developed a model that describes specific practices that need to be in place within a jurisdiction to impact their response to dually adjudicated youth and improve outcomes. The Crossover Youth Practice Model (CYPM) infuses values and standards, evidence-based practices, policies and procedures, and quality assurance processes. In order to bring the CYPM to the entire state, the Nebraska juvenile justice and child welfare systems began an unprecedented collaborative effort. The Administrative Office of the Courts and Probation and the Department of Health and Human Services – Division of Children and Family Services created a cooperative policy related to serving youth who cross into both systems. This policy is grounded in CYPM tenets. Evidence-based practices represent one of the only efforts in the nation to implement CYPM on a statewide scale. The tenets include improvement of cross-systems practice, strength-based family engagement, alignment of resources, and seeking opportunities to divert youth from dual-system involvement.

Probation Reporting Centers, adult only:

Reporting and/or Service Centers are in many jurisdictions across the state. These Reporting Centers were created to support adult probationers, problem-solving court participants and community members in need of skill development toward positive community integration. A few of the Reporting Centers serve juveniles; this is only possible if the juvenile and adult populations can remain out of contact with one other.

Most of the programming occurring at the Reporting Center is at no cost to the individuals utilizing them (aside from court-imposed probation programming, fees through the Reporting Center, Fee for Service Voucher Program, and SSAS are funded). The programs

were created to enhance supervision and are used to address appropriate dosage and allows additional opportunities for engagement and case management oversight.

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

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

Chemical testing, adult and juvenile:

Individuals with substance use related offenses and/or an assessed high domain in substance use can receive chemical testing when included in the court order. On occasion the court will mandate certain testing frequency for a probationer. In other instances, the probation officer supervising the case will make the determination for chemical testing utilizing assessment and screening tools. Group testing, for example, uses the "color" testing system where testing frequencies range from several times per week to those that test sporadically. SMART drug testing is key to successful supervision of probationers and shall be a priority during supervision.

Another monitoring resource for substance use is the ETG (Ethylglucuronide). ETG is an alcohol test that can identify alcohol use for up to 80 hours and can be beneficial to reduce the need for more frequent testing.

Continuous Alcohol Monitoring (CAM) is an ankle bracelet worn by the probationer, this device monitors alcohol consumption around the clock.

Electronic Monitoring, adult and juvenile:

Individuals may also be placed on Electronic Monitoring (EM) which monitors their location and can set off an alarm if they are outside of their approved locations. EM also allows for monitoring of meeting curfews or remaining in assigned locations such as home or school during specific time frames. For juveniles on EM, there is a process to share EM information with local law enforcement agencies as designated in Neb. Rev. Stat. §43-2,108.

PROBATION ENROLLMENT, PROGRAMMING AND OTHER FEES:

Any time a person is placed on probation they are required by Nebraska Revised Statute §29-2262.06 to pay a \$30 enrollment fee, per case. If there are three separate case numbers, for example each case number would be imposed a \$30 fee for a total of \$90 owed in enrollment fees.

Conversely, per the same statute, a probation programming fee of \$25 per month shall be ordered in “traditional” probation cases and programming fee of \$35 per month shall be ordered any time a term of ISP is imposed. The Programming fee only applies one time, for supervision services and should be waived for additional or concurrent cases. Juvenile probationers are not required to pay enrollment or supervision fees. This rule applies even if a person is on probation out of two different jurisdictions.

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

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

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

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

PRINCIPLE #4 – SKILL TRAIN WITH DIRECTED PRACTICE

It is essential that probation officers receive quality training focused on evidence-based programming which emphasizes skill-building for individuals on probation. These skill-building interventions can be delivered by probation officers individually and during group discussions. These skills are not just taught but are practiced and role modeled by the individual with their probation officer.

As part of the AC4E (Advanced Coaching for Excellence) initiative, probation officers supervising high-risk individuals received targeted training regarding skill building to reduce problem behaviors. They were also trained on the essential focus of dosage, or the intensity of engagement related to the risk level, plus utilization of the Keys to Success resource which includes skill building activities and services directly linked to the individual’s “Driver” or precipitating behavior.

DOSAGE:

Dosage refers to how a probation officer provides the appropriate quantities of supervision, structure, skill building, and support per risk level to result in long-term behavior change. It is important to have the right amount of intervention over the right amount of time. High-risk level individuals require a more intensive level of dosage and time in which the probation officer spends with them. Evidence indicates that incomplete or uncoordinated approaches can have a negative effect on recidivism reduction and result in wasted resources.

GROUPS:

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



All adults and juveniles supervised at the high-risk level shall be prioritized to participate in an approved cognitive restructuring program.

TRAINING:

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

RECOGNIZING INCREASED SKILLS IN EDUCATION (RISE) – SKILL BUILDING FOR JUVENILES:

The Recognizing Increased Skills in Education (RISE) program was developed for the larger areas of rural Nebraska that have not received the same supportive services that urban areas have. Since implementation, RISE has expanded to cover additional probation districts throughout the state of Nebraska. As a result of completing the RISE Program, youth will build skills, improve school attendance, decrease negative behaviors, and be less likely to be involved in future delinquent activities.

The program receives funding from an AmeriCorps grant which allows probation to place AmeriCorps members, titled “RISE Program Specialists,” in judicial districts across the

state of Nebraska. Each member is directly supervised by the Chief Probation Officer or designee. The Chief or designee introduces the member to probation policies, procedures, and is given an overview of the AmeriCorps rules and the RISE program. The RISE Juvenile Programs and Services Officer in the Administrative Office of the Courts and Probation are available to give support to members and ensures the program is operated with the AmeriCorps' expectations and rules.

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

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

PRINCIPLE #5 – INCREASE POSITIVE REINFORCEMENT

Probation officers utilize positive reinforcement and rewards or incentives to enhance an individual's ability to change behavior and build new skills. Research has proven that providing positive approaches such as praise, rewards, and motivational items directly impact the learning of new skills and an individual's ability to make behavior change. Although it is essential to note that responding to unacceptable behaviors in a swift, certain, and consistent manner is essential to assist an individual in building self-regulation, structure and boundaries.

INCENTIVES AND THE 4-TO-1 RATIO:

Behaviorists recommend that applying a ratio of four incentives to one sanction provides motivation for an individual to change difficult behaviors and maintain those changes for a longer period. Probation officers are trained to identify positive signs of behavior change and reward the behavior. Sometimes changes can be small and incremental but are significant steps towards long-term sustained progress.

Research indicates that incentives, consequences, or sanctions are most effective in shaping behaviors if they are:

- Certain – Responses to behaviors should be predictable. If an identified behavior occurs, a specific response should then occur which directly correlates to the behavior.

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

ADULT INCENTIVES:

EBP and the Social Learning Theory tells us, for an individual to truly incorporate change into a new way of life, we must reinforce the behaviors we are looking for.

Following sentencing, and at the time of intake onto probation, probation staff meet with and inform all probationers and post-release supervision probationers of Nebraska State Probation System's incentives and sanctioning practices by providing them with the Incentives and Sanctioning Brochure and explain the purpose and process of receiving sanctions and incentives.

Probation officers receive intensive training on the application of incentives and sanctions and their significance in behavior response. Officers respond to behavior as outlined in the Nebraska Probation Adult Incentives and Sanctions Matrix.

The Incentives and Sanctions Matrix considers sanctioning options made available through Nebraska Revised Statute 29-2266(2), the assessed risk to recidivate and classification of the probationer.

EARLY RELEASE AND PRESUMPTIVE DISCHARGE

The most significant incentive attainable for probationers is an early discharge. Supreme Court Rule § 6-1903 supports the early release from probation supervision to ensure the length of supervision is consistent with the risk and need of individuals. The following is intended to provide structure for early discharge where appropriate.

Pursuant to Neb. Rev. Stat. § 29-2263(1) and (2), the probation officer may submit an application for early discharge at any time. The probation officer shall submit an

application for early discharge if three-quarters of the imposed sentence is served; no major violations during the preceding 6 months and the individual is in compliance with all other conditions, including, but not limited to, being current on fees owed and having paid all restitution, court costs, and fines in full; and the assessed risk level indicates the individual is at a reduced risk of recidivism.

JUVENILE GRADUATED RESPONSE:

Pursuant to Neb. Rev. Stat. § 43-286.01, the primary objectives for youth under juvenile probation supervision are to: 1) satisfactorily complete the requirements of their probation order; 2) refrain from incurring any violations of probation or becoming involved in additional acts of delinquency; and 3) internalize long-term positive behavior change that will lead to success on and off probation. The challenge is how to help youth achieve these critical objectives while maintaining an adolescent developmental approach, remembering that some negative behaviors may be age appropriate. As noted previously, behavior change is largely based on the relationship the probation officer builds with the youth and family. Graduated responses are an effective tool that can assist a probation officer in rewarding success and addressing behavior transgressions when they have built relationships with youth and families.

Grounded in knowledge of adolescent development and behavioral shaping principles, graduated responses should be evidence-based and guided by empirical research findings. Within this framework, incremental, proportionate, and predictable responses are delivered so that the youth's positive behaviors are encouraged and reinforced, and negative, noncompliant behaviors are discouraged and met with consequences that hold them accountable. A graduated response system in juvenile probation encourages positive behavior change to help youth successfully complete probation and become productive, law-abiding members of the community while also preventing the unnecessary use of detention and residential placement.

JUVENILE GRADUATED RESPONSE: INCENTIVES

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

- 1) Ensure that conditions allow the youth to exhibit the desired behaviors.
- 2) Tailor rewards to the individual to ensure that the reinforcements are meaningful.

- 3) Use high frequency of rewards so that the youth receive consistent positive feedback and reinforces optimal learning.

ADULT GRADUATED RESPONSE: ADMINISTRATIVE SANCTIONS:

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

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

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

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

ALLEGED VIOLATION OF PROBATION:

Probation officers have the ability to submit an Alleged Probation Violation that can be considered by the county attorney to file a motion to revoke probation when an individual fails to comply with the conditions of probation after exhausting available sanctions and incentives.

In adult supervision, per Nebraska Revised Statute § 29-2268, formal revocation proceedings may only be instituted against felony probationers for substance abuse or noncriminal violations if the probationer has served the entirety of at least ninety days of cumulative custodial sanctions allowed by law during the current probation term. If a court finds the felony probationer did violate probation, it may revoke probation and impose a

new sentence as might have been imposed originally for the crime of which he or she was convicted.

If a court finds a Post Release Supervision individual did violate supervision, it may revoke the PRS and impose on the individual a term of imprisonment up to the original period of post-release supervision. The court shall grant jail credit for any days spent in custody as a result of PRS including custodial sanctions. The term shall be served in an institution under the jurisdiction of the Department of Correctional Services or in county jail.

JUVENILE SANCTIONS AND ALLEGED VIOLATIONS OF PROBATION

For juveniles, if a youth fails to satisfy the graduated response sanctions and the juvenile probation officer determines that a motion to revoke probation should be pursued, the probation officer completes an Alleged Probation Violation Form. Per Nebraska Revised Statute § 43-286.01(5)(b), “a copy shall be submitted to the county attorney of the county where probation was imposed and to the juvenile’s attorney of record outlining the nature of the probation violation and request that formal revocation proceedings be instituted against the juvenile subject to the supervision of the juvenile probation officer.” The report shall include a statement regarding why graduated response sanctions were not utilized or were ineffective.

PRINCIPLE #6 – ENGAGE ON-GOING SUPPORT

Perhaps one of the most important pieces of case management lies within the connection to pro-social individuals and prosocial events in the lives of those we supervise. Engaging an individual’s supports within their communities, such as family members, spouses, sponsors, self-help groups and other supports can provide for enhanced positive reinforcement and motivation to change behaviors. Probation officers support individuals in identifying people in their lives that they can go to for support and encouragement while they are learning new behaviors.

FAMILY ENGAGEMENT:

When working with juveniles, especially during case management, family engagement is essential. The Enhanced Family Engagement (EFE) principles provide guidance in working with families by listening and engaging the family voice and choice in the decisions that directly affect them. There are three foundational building blocks of EFE: first, demonstrate willingness to be consistent, reliable, responsive, honest, and transparent with the juveniles and families; second, utilize motivational communication to actively listen to and engage juveniles and families; and finally, clearly establish expectations and purpose of involvement with the family. Engagement with families also includes making sure all parties come together to accomplish through family team meetings.

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

Creating a formal and valid way to measure outcomes and monitor or change practices in response to the findings is foundational to EBP. Continuous Quality Improvement or CQI is a tool utilized to support both principles and ensure fidelity and builds accountability towards our shared vision and mission. Additionally, when a probation officer provides feedback to an individual on probation regarding progress they build accountability, enhance motivation, and improve overall outcomes.

RECIDIVISM:

One of the core measurement elements for justice systems across the nation is recidivism. This measurement allows for the assessment of behavior change, as well as the long-term impact of the supervision and supports provided by the probation officer, including targeted and focused interventions. It is important to note that there are many definitions of recidivism that exist, but the important focus is a consistent definition which is studied overtime to truly see the impact of the interventions provided by the probation system.

NEBRASKA SUPREME COURT DEFINITION:

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

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

(A) Adults:

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

(B) Juveniles:

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

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

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

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

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

ADDITIONAL PROBATION PRIORITIES

LANGUAGE ACCESS

Nebraska Probation is committed to providing access to justice for everyone in their preferred form of communication as supported by Neb. Rev. Stat. § 25-2401. The Nebraska Supreme Court recognizes that language access to court proceedings and probation services may have a lasting and life-altering impact on involved parties with limited proficiency in the English language (Supreme Court Rule § 6-1301).

Nebraska Probation works to provide (certified and registered) interpreters and/or sign language for individuals who require Probation services, when available. In addition, efforts toward hiring and compensating bilingual employees and providing assistance in accessing bilingual service providers continues to be pursued as a resource toward language access for all justice involved individuals. Probation staff are provided resources to access to qualified interpreters as well as how to access the Language Line when interpreter services are needed for non-English speaking individuals. Per the Standards of Practice, Registered Service Providers may request assistance to access interpreters, but it is expected that they fund the interpreter services in conjunction with the services they are providing.

DNA REQUIREMENTS (Deoxyribonucleic Acid):

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

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

JUVENILE PRE-DISPOSITION SUPERVISION:

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

JUVENILE EXHAUSTED EFFORTS AND THE YOUTH REHABILITATION AND TREATMENT CENTERS:

Nebraska Revised Statute § 43-286 provides that when a juvenile is adjudicated and all levels of probation supervision, as well as all community-based services options, have been exhausted, the juvenile can be placed at the Youth Rehabilitation and Treatment Center if it is a matter of urgent necessity for the protection of the juvenile, or person, or property, or the juvenile is likely to flee the jurisdiction of the court. The juvenile shall be placed on intensive supervision probation for commitment to the YRTC and a reentry hearing is required upon discharge from the facility. Probation officers are trained on how to determine exhausted efforts and detail to the court how this was determined. No youth shall be committed to the YRTC if efforts have not been exhausted. Upon commitment, probation officers stay engaged with the youth, as well as a special probation team of officers who provide intensive support within the facility and as reentry planning occurs. Upon discharge from the YRTC youth are supervised at an intensive level of probation until reassessed to a lower level.

TRANSFER CASES / HEARINGS:

Nebraska Revised Statute § 43-246.01 and § 43-247 details juvenile court original jurisdiction if a juvenile was eleven years of age or older at time act was committed. Exclusive jurisdiction is as follow, as of January 1, 2017, any juvenile who is alleged to commit a 43-247(1) or misdemeanor, infraction, city ordinance violation; and who was sixteen years of age or seventeen years of age at the time committed. Any juvenile who was fourteen years of age or older at the time of the alleged offense was committed and the offense is a 43-247(2) or felony. Per Nebraska Revised Statute § 43-274 a county or city attorney shall file the petition in the court with jurisdiction unless there is a concurrent jurisdiction. When transfer proceedings per statute are required, the juvenile court is only to transfer the case to county or district court if there is a preponderance of evidence to support the transfer.

If the juvenile resides in a county other than the county where the petition is filed, Nebraska Revised Statute § 43-282 allows for the transfer of the court proceedings any time after adjudication and prior to final termination of jurisdiction.

POWER OF ARREST:

Probation officers have limited power of arrest. Although, when supervising a probationer, there are times where the probationer's actions require an immediate response to ensure public safety. In those circumstances, a probation officer shall take an individual into custody.

For adults, per Nebraska Revised Statute § 29-2266(4), for a probation officer to use their power of arrest, a person on probation must be in violation of their probation or about to violate their probation AND either be a risk to flee the jurisdiction of the court or will place lives or property in danger. If taken into custody, there is to be a finding of probable cause within 48 hours of arrest. Individuals taken into custody by a probation officer are held without bond until such a time they appear before a Judge, and a hearing has been held.

For juveniles, per Nebraska Revised Statute § 43-286.01(6), a probation officer shall take a juvenile into temporary custody without a warrant if the juvenile subject to supervision violates their conditions of probation and the juvenile will attempt to leave the jurisdiction or place lives or property in danger. The probation officer may call on any peace officer to assist and if the youth is placed in detention, court proceedings must occur within 24 hours.

FORMS AND ORDERS:

Sample orders, such as probation orders and additional forms can be located on the Judicial Branch website – under the Master Forms listing. Judges may also seek assistance from their clerk magistrate.

RESOURCES:

Access to Court forms and sample orders available on the Judicial Branch website
<https://supremecourt.nebraska.gov/>

- Master Forms tab
 - <https://supremecourt.nebraska.gov/intranet-home>

The Drug Court Judicial Bench book
(https://www.ndci.org/sites/default/files/nadcp/14146_NDCI_Benchbook_v6.pdf)

Resources for Juvenile: Enhanced Juvenile Justice Guidelines [Enhanced Juvenile Justice Guidelines - NCJFCJ](#)

Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciary
(https://www.cj institute.org/assets/sites/2/2009/03/40c_Judicial_BoxSet_Sep09.pdf)