



ADMINISTRATIVE
OFFICE OF THE
COURTS/PROBLEM-
SOLVING COURTS

2013-2017 STRATEGIC PLAN FOR NEBRASKA PROBLEM-SOLVING COURTS

Prepared by: The Nebraska Problem-Solving Courts Leadership Group for Review by the Nebraska Supreme Court Problem-Solving Courts Committee; subsequently approved by the Nebraska Supreme Court.

November 2012

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This Strategic Plan is largely a result of the hard work of the individuals listed below, who participated in the Nebraska Problem-Solving Courts Strategic Planning Retreat on September 17 and 18, 2012 at NET Studios, Lincoln, Nebraska

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It will be the responsibility of the newly created Nebraska Problem-Solving Courts Leadership Group¹ to advance the work of the strategic plan. Much appreciation is bestowed upon the three partners comprising the Leadership Group for committing to the process of reviewing this plan, making final recommendations, and preparing it for submission to the Nebraska Supreme Court for approval.

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¹ The Nebraska Problem-Solving Leadership Group, created as part of the 5-year strategic plan, is comprised of members of the Nebraska Supreme Court Committee on Problem-Solving Courts, Nebraska's PSC coordinators, and the Statewide Coordinator for Problem-Solving Courts.

Executive Summary

The coordination of problem-solving courts in Nebraska is currently limited primarily to drug courts including adult, juvenile, and family programs, with the long-term vision to include researching the viability and sustainability of additional types of problem-solving courts. While many similarities based on common principles exist for all Nebraska problem-solving courts, there is not a standardized process to ensure continuity between programs and maintain fidelity to the drug court model. Additionally, each program must also maintain a necessary level of local autonomy in the development of process and program criteria that require specific attention to issues based upon the unique population they serve and the distinctive needs and resources of that community to ensure success. Finding a balance between what should be upheld as standards for all problem-solving courts and the level of flexibility that should remain with individual programs has been an on-going discussion in Nebraska.

If problem-solving courts are to continue to advance as one of the most effective responses to the problem of drug addiction and associated crime, they must be institutionalized by the judicial system. Institutionalization has been described as “the process by which individual problem-solving courts evolve from separate experimental entities to a statewide network that is stable, far-reaching, reliably funded and closely monitored”.² But institutionalization can only occur when the key elements contributing to the success of problem-solving courts—strong judicial oversight, immediate access to treatment, graduated sanctions and incentives—become a part of Nebraska’s approach to combat drug addiction and support behavior modification. On a conceptual level, all problem-solving courts should function based upon the same overarching set of principles; but each court can maintain a level of flexibility to operate daily activities differently to accommodate the needs of individual courts, resources, and populations served.

Nebraska’s problem-solving courts require a plan to unite the courts in a network to help the courts meet the challenges presented by the need for assurance of fidelity to standards, fewer resources, changes in treatment, changes in leadership, and an ever-growing offender population. To that end, approval was received from the Nebraska Supreme Court to conduct a strategic planning retreat to develop a 5-year strategic plan for Nebraska’s Problem-Solving Courts. Members from the State’s Problem-Solving Court Coordinator Group and the Problem-Solving Courts Committee participated in a two-day planning retreat designed to develop a Strategic Plan for Nebraska’s Problem-solving Courts.

This strategic plan identifies the goals and policies required to implement research-based standards and procedures to ensure Nebraska’s Problem-Solving Courts effectively and efficiently serve the needs of high-risk offenders with addictions. The plan, recommends action, through statewide coordination, in five key Focus Areas:

² Aubrey Fox and Robert V. Wolf, *How States are Mainstreaming the Drug Court Model*, The Future of Drug Courts, 2004.

SUMMARY OF THE 2013-2015 STRATEGIC AGENDA FOR NEBRASKA PROBLEM-SOLVING COURTS

FOCUS AREA 1: SUSTAINABLE INFRASTRUCTURE OF NEBRASKA PROBLEM-SOLVING COURTS

- Goal 1: A funding strategy/plan will be developed for sustaining Nebraska's Problem-Solving Courts.
- Goal 2: A Supreme Court Rule will be proposed to direct the development of local PSC leadership succession planning.
- Goal 3: A strategy to ensure long-term institutionalization will be developed for Nebraska's Problem-Solving Courts.

FOCUS AREA 2: STATEWIDE COORDINATION, COLLABORATION, ADMINISTRATION

- Goal 1: Adopt PSC Statewide Standards applicable to all PSCs as well as each PSC type.
- Goal 2: Launch a campaign for promotion and awareness of Problem-Solving Courts' successes and benefits.
- Goal 3: Develop routine and annual statewide Problem-Solving Court reports.
- Goal 4: Research the viability and sustainability of additional types of problem-solving courts.
- Goal 5: Thoroughly train and educate Nebraska's PSC practitioners to be skilled and competent.

FOCUS AREA 3: QUALITY ASSURANCE; ESTABLISH AND ENSURE BEST PRACTICES

- Goal 1: Problem-Solving Court data management will be enhanced.
- Goal 2: Local PSCs will participate in annual quality performance reviews.
- Goal 3: Ensure that all types of problem-solving courts utilize evidenced-based practices and best practice approaches as defined through research.
- Goal 4: Utilize the Nebraska Supreme Court Evidence-Based Practices Committee to promote problem-solving courts as "best practice".

FOCUS AREA 4: MULTI-SYSTEM INTEGRATION, SUPPORT AND SERVICE ACCESS

- Goal 1: Build Legislative support.
- Goal 2: Coordinate statewide and local resources.
- Goal 3: Assist local PSCs in securing community support.
- Goal 4: Ensure participants have access to comprehensive, quality services within all problem-solving court types.
- Goal 5: Build Executive Branch support.
- Goal 6: Enhance Judicial Branch support.

FOCUS AREA 5: SCOPE AND SCALE OF PROBLEM-SOLVING COURTS

- Goal 1: Define and address the scope and scale of Nebraska's PSCs.
- Goal 2: Examine the scope and scale issues of family drug courts.
- Goal 3: Examine the scope and scale issues of DUI courts.
- Goal 4: Examine the scope and scale issues of juvenile drug courts.
- Goal 5: Examine the scope and scale issues of young adult courts.

The plan will guide problem-solving courts in the adoption of practices and standards proven most effective in improving the lives of individuals, their families, and communities. The plan will establish accountability for the success of problem-solving courts in Nebraska, thereby reinforcing the benefits derived from full support of current and additional problem-solving courts throughout the state.

The strategic plan was developed through the careful consideration of feedback from problem-solving court practitioners throughout the state. As a blueprint for court administration, the plan will guide judges and staff in prioritizing their work, inform the allocation of limited resources, and help measure success as we work to achieve our vision.

Introduction: Past, Present, Future

The Past

In 1989, the drug court movement was born in Dade County, Florida by an innovative judge who had increasingly grown frustrated with the “revolving door of justice”—in particular as it related to substance abusing offenders plaguing his traditional court docket. This frustration prompted a fundamental change in the way many judges throughout the country would address similar issues flooding their dockets. In 1997, the problem-solving court movement took hold in Nebraska, beginning with the implementation of the Douglas County Adult Drug Court—the 13th drug court in the nation.

During the early 2000’s, the drug court movement across the country was in full swing with federal funding for the implementation of drug courts at an all-time high. At that time, approximately \$40 million was available to states through the Bureau of Justice Assistance Discretionary Drug Court Program. Nebraska judges took full advantage of this opportunity— they applied for and were awarded several grants to begin new programs. Several adult and juvenile drug court programs began operations in Lancaster, Sarpy, Douglas, Buffalo, Adams, Hall, and Phelps Counties at this time. Family drug courts followed suit beginning in 2004 with the implementation of the Douglas County 0-3 Family Dependency Drug Court.

As the number of programs increased throughout the state, the need for legislative support became apparent. Several state senators, led by Sen. Ray Aguilar, introduced legislation that would affirm the use of drug courts in Nebraska. Through the adoption of Neb. Rev. Stat. § 24-1301 in 2004,³ the Nebraska Legislature and Governor recognized the critical need in Nebraska for effective treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse, and drug-related crimes. The Legislature found in 2004 and reaffirmed in its 2008 amendments that:

“... [D]rug use and other offenses contribute to increased crime in Nebraska, costs millions of dollars in lost productivity, and contribute to the burden placed upon law enforcement, court, and correctional systems in Nebraska.”

Further, the Legislature stated:

“... [D]rug court programs and problem-solving court programs are effective in reducing recidivism of persons who participate in and complete such programs. The Legislature recognizes that a drug court program or problem-solving court program offers a person accused of drug offenses and other offenses an alternative to traditional criminal justice or juvenile justice proceedings.”

³ Neb. Rev. Stat. Sec. 24-1301 was amended in 2008 when drug courts were expanded to include other types of problem-solving courts.

The Legislature authorized the Nebraska Supreme Court to adopt rules for administrative oversight of problem-solving courts by enacting Neb. Rev. Stat. § 24-1302 in 2004 (as amended in 2008), which stated:

“Drug Court programs shall be subject to rules which shall be promulgated by the Supreme Court for procedures to be implemented in the administration of such programs.”

The Court acted upon the legislative authorization in April 2006 when it adopted Art. 12 of the Official Supreme Court Rules for Trial Courts, Ch. 6, *Problem-Solving and Drug Courts*, providing standards and procedures for the implementation, operation and management of problem-solving courts. Problem-solving courts in operation before the enactment of §24-1301 and §24-1302 were brought under the administrative oversight of the Supreme Court by such statutes and the adoption of the court rules. Since the passage of §24-1301 additional problem-solving courts have been approved to operate.

The Legislature again confirmed support for problem-solving courts in January 2006 through the passage of a Supreme Court appropriations bill in which funds were appropriated to fund specialized courts.

Judges involved in problem-solving courts, along with state and local government officials and stakeholders, continue to strongly support the continuation and expansion of problem-solving courts.

The Present

As of September 2012, 26 problem-solving court programs were operating in Nebraska: 14 Adult Drug Courts, 4 Juvenile Drug Courts, 6 Family Dependency Drug Courts, 1 DUI Court and 1 Young Adult Court. Twenty (20) of these are supported by a combination of local funds, offender fees, and state general funds administered through the Supreme Court of Nebraska, with the remaining programs (6 family dependency drug courts) operating with resources other than state funds.

The following describes each type of problem-solving court currently operating in Nebraska:

Adult Drug Court - A specially designed court calendar or docket, the purposes of which are to achieve a reduction in recidivism and substance abuse among nonviolent substance abusing offenders and to increase the offender’s likelihood of successful habilitation through early, continuous, and intense judicially supervised treatment, mandatory random drug testing, community supervision, and use of appropriate incentives and sanctions and other rehabilitation services.⁴

Juvenile Drug Court - A docket within a juvenile court to which selected delinquency cases, and in some instances status offenders, are referred for handling by a designated judge. The youth referred to this docket are identified as having problems with alcohol and/or other drugs... Over the course of a year or more, the team meets frequently (often weekly), determining how best to

⁴ Bureau of Justice Assistance, 2005.

address the substance abuse and related problems of the youth and his or her family that have brought the youth into contact with the justice system.⁵

Family Dependency Drug Court - A juvenile or family court docket of which selected abuse, neglect, and dependency cases are identified where parental substance abuse is a primary factor. Judges, attorneys, child protection services, and treatment personnel unite with the goal of providing safe, nurturing, and permanent homes for children while simultaneously providing parents the necessary support and services to become drug and alcohol abstinent. Family dependency treatment courts aid parents in regaining control of their lives and promote long-term stabilized recovery to enhance the possibility of family reunification within mandatory legal timeframes.⁶

DWI Court - A distinct post-conviction court system dedicated to changing the behavior of the alcohol-dependent repeat offender arrested for driving while impaired (DWI). The goal of the DWI court is to protect public safety by using the drug court model to address the root cause of impaired driving: alcohol and other drugs of abuse. Variants of DWI courts include drug courts that also take DWI offenders, which are commonly referred to as “hybrid” DWI courts or DWI/drug courts. (Loeffler & Huddleston, 2003). DWI courts often enhance their close monitoring of offenders using home and field visits, as well as technological innovations such as Ignition Interlock devices and the SCRAM transdermal alcohol detection device.⁷

Young Adult Court - A judicially supervised program that provides an opportunity for individuals between the ages of 16-22 who are charged with a non-violent felony to participate in a program of selective assessment and rehabilitative services administered by multidisciplinary agencies.⁸

Supreme Court Oversight. The Supreme Court of Nebraska provides administrative oversight to Nebraska’s Judicial Branch, including all problem-solving courts. As part of his *2012 State of the Judiciary Address* to the Nebraska Legislature, Chief Justice Michael G. Heavican stated:

*“... [O]ur courts perform the constitutionally mandated role of providing access to justice for all Nebraska citizens. And I want to reiterate that the judicial branch is committed to efficiently fulfilling that critical role. We continue to be committed to cooperation, to making the judicial branch and its services accessible and affordable, and to being held accountable”.*⁹

Pursuant to the Supreme Court’s adoption of the *NEBRASKA JUDICIAL BRANCH STRATEGIC AGENDA 2010-2012*, a detailed strategic plan was created by the Administrative Office of the Courts/Probation addressing multiple goals and objectives within the framework of the Judicial Branch’s overall agenda. During this process, it was recognized that Nebraska’s problem-solving courts would benefit from their own focused strategic plan, consistent with the Judicial Branch’s plan, to guide the continuation, improvement, and expansion of problem-solving court programs through

⁵ National Drug Court Institute & National Council of Juvenile and Family Court Judges, 2003, p. 7.

⁶ Wheeler & Siegerist, 2003

⁷ Harberts & Waters, 2006.

⁸ Douglas County Young Adult Court <http://www.drugcourts.ne.gov/youngadult.html>

⁹ Chief Justice Michael G. Heavican, State of the Judiciary Address, January 2012

statewide coordination. This document provides such a plan for Nebraska's statewide system of problem-solving courts.

Across the country, there is great diversity in how states coordinate drug and other problem-solving courts. Despite such diversity, there is a common acceptance of the fact that statewide coordination provides numerous advantages such as garnering resources, setting standards, coordination with other justice-related agencies, and the gathering and dissemination of research and best practices. Due to the diversity in approaches to statewide coordination, there is no established blueprint or model for statewide coordination of problem-solving courts.

While the coordination of problem-solving courts in Nebraska is primarily limited to drug courts including adult, juvenile, and family programs, the long-term vision includes research into the viability and sustainability of other types of problem-solving courts. Currently, adult drug courts represent the largest group of problem-solving courts; yet, effective statewide coordination requires consideration of all classes of programs.

A prevalent challenge in Nebraska has been how to ensure that adult drug courts are effective, i.e., that they in fact provide a less costly alternative to traditional dispositions for substance abusing offenders. Meeting this challenge will permit consideration of the challenge of deciding whether other types of problem-solving courts should be authorized and implemented. The establishment of uniform policies and standards for existing courts will permit meaningful evaluation of the propriety of other types of problem-solving courts.

The need for planning for the assessment of other types of problem-solving courts is made evident by acknowledging the overwhelming volume of research identifying best-practices and benefits associated with adult drug courts while at the same time recognizing the paucity of similar information for most other types of programs. The strategic plan looks to provide means to assess services and funding resources for problem-solving courts beyond substance abuse programs.

Despite having distinct target populations and methods of addressing their programmatic issues all problem-solving, courts operate under certain common principles. The coordination of unique, yet related programs minimizes the potential for conflict among programs while maintaining a common approach to the collection of data and the dissemination of best practices. Coordination of the discrete courts into a statewide system also permits the dynamic distribution of the experiences and knowledge generated by the operation of distinct and unique programs. Coordination of such resources has clearly had a positive effect in the expansion of programs statewide. The Nebraska's problem-solving court employees who have demonstrated the willingness to share experiences and knowledge throughout the state multiply the benefits of such coordination.

An additional benefit gained from statewide coordination is the focused building of support among stakeholders. Nebraska's adult drug courts garnered significant support in the past few years through the Nebraska Community Corrections Council. Felony drug offenders through support of innovative community corrections programs established the council, legislatively dissolved in 2011, to address the overcrowding of Nebraska's prisons. Members of the Council were instrumental in securing a general fund budget for problem-solving courts in 2006. The

Council supported adult drug courts as one of the most effective and most efficient methods of addressing substance-abusing offenders. In addition, with funds granted through the Bureau of Justice Assistance, a statewide evaluation of problem-solving courts was conducted (concluded in Fall 2011) resulting in the finding that problem-solving courts provide an effective means of addressing addiction-driven offenses, repeat offenders, and scarce resources for effective offender dispositions. The findings provide support for continued and expanded resources from the Legislature for problem-solving courts.

The process of creating a strategic plan began with a directive from the Nebraska Supreme Court to the Statewide Coordinator to lay out a future for Nebraska's Problem-Solving Courts. In response, the Statewide Coordinator prepared an initial vision plan entitled, *"Past, Present, and Future: A Vision for Nebraska's Problem-solving Courts"* (October 2011). The Statewide Coordinator subjected the initial vision plan to an intensive review and revision by the state's Problem-Solving Court Coordinator Group. Thereafter the initial vision plan was submitted and reviewed by the Nebraska Supreme Court's Problem-Solving Courts Committee¹⁰.

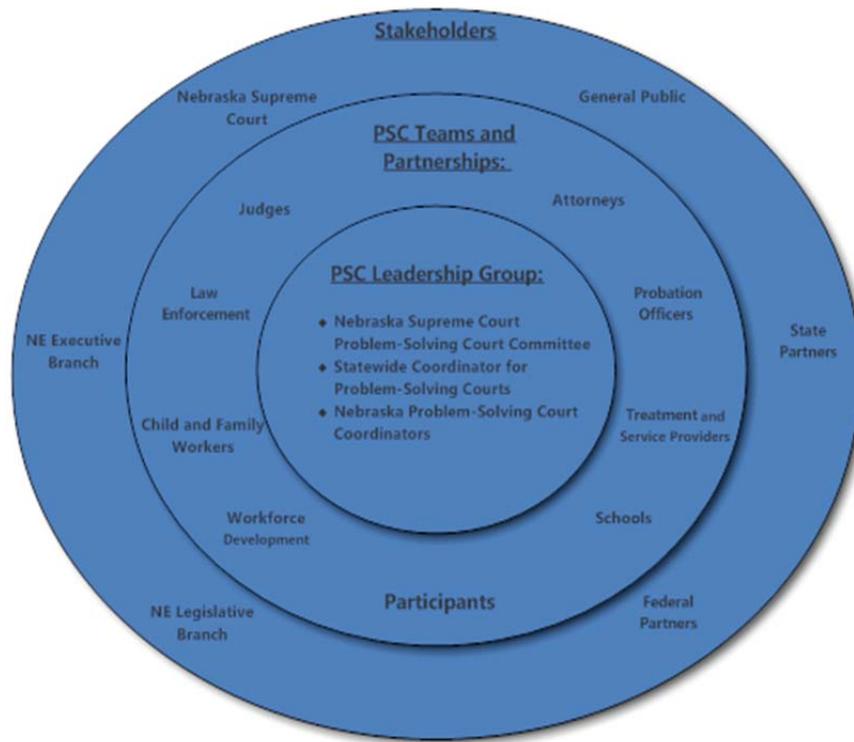
The Committee determined that the vision plan provided the catalyst for moving forward to convene a formal strategic planning process with which to identify specific goals, objectives, tasks and timelines to build upon the vision plan. Further, the committee determined the strategic plan should be submitted to the Nebraska Supreme Court for formal adoption. Thus, approval was received from the Nebraska Supreme Court to conduct a strategic planning retreat to develop the 5-year strategic plan for Nebraska's Problem-Solving Courts. Members from both the State's Problem-Solving Court Coordinator Group and the Problem-Solving Courts Committee were invited to participate in a two-day planning retreat designed to develop a Strategic Plan for Nebraska's Problem-solving Courts. Attention was given to the need for strategic planning facilitators to guide this process to make certain the time and expertise of the individuals in attendance was best utilized. Two facilitators; Debora Brownyard, Director of Nebraska's Office of Dispute Resolution, and Meghan Wheeler, independent national consultant, were identified to facilitate the process from preliminary planning through final document development.

In preparation for the retreat, a survey was developed and disseminated to focus the planning effort and to acquire the best ideas of Nebraska's problem-solving court practitioners. Survey results and evaluation and vision plan recommendations were reviewed and compiled into a Strategic Planning Workbook for use during the retreat. Retreat participants convened on September 17-18, 2012 to produce a 5-year strategic plan for Nebraska's problem-solving courts.

Throughout the two-day retreat, a fundamental question persisted: Who or what entity is responsible for the implementation of this plan? Intense discussion flowed during the two-day retreat responding to this question. The question was resolved through the identification of the *Nebraska Problem-Solving Courts Leadership Group* as the formal group to take responsibility to implement the goals set forth in this strategic plan. The *Nebraska Problem-Solving Courts Leadership Group* is a partnership of three existing entities: 1) Nebraska Supreme Court

¹⁰ The Nebraska Supreme Court Committee on Problem-Solving Courts was formed in December 2000 to advise and make recommendations to the Nebraska Supreme Court regarding the standards, direction, development, and evaluation of problem-solving courts in Nebraska. The membership of the Committee is set out in Appendix C.

Committee on Problem-Solving Courts; 2) Nebraska Problem-Solving Court Coordinator Group; and 3) Statewide Coordinator for Problem-Solving Courts, Scott Carlson (see figure below).



This document was created through the careful consideration of the requirements and needs of problem-solving courts as reported by problem-solving court practitioners throughout the State. As progress is made under the plan, and additional requirements and needs are identified, the plan will be updated and extended with such effort designed to include more stakeholder input.

The Future

The 2013-2017 Nebraska Problem-Solving Court Strategic Plan includes collaboratively-developed vision and mission statements and focus areas that address the specific goals, objectives, tasks, and timelines for problem-solving courts. The Problem-Solving Courts Leadership Group seeks to implement this plan to meet the needs of problem-solving courts today and for the upcoming years.

The plan will require the continued focus and energy of the Problem-Solving Courts Leadership Group. The Problem-Solving Courts Leadership Group will ensure fidelity to the plan by semi-annual reviews measuring the progress on objectives and tasks against the established timelines and milestones for accomplishment of the goals. This plan has been adopted as a charge to the Problem-Solving Courts Committee of the Nebraska Supreme Court.



**FIVE FOCUS AREAS
OF THE 2013-2017
NEBRASKA PROBLEM-SOLVING COURT STRATEGIC PLAN**

1. SUSTAINABLE INFRASTRUCTURE OF NEBRASKA PROBLEM-SOLVING COURTS
2. STATEWIDE COORDINATION, COLLABORATION, AND ADMINISTRATION
3. QUALITY ASSURANCE; ESTABLISH AND ENSURE BEST PRACTICES
4. MULTI-SYSTEM INTEGRATION, SUPPORT AND SERVICE ACCESS
5. SCOPE AND SCALE OF PROBLEM-SOLVING COURTS

VISION

Nebraska Problem-Solving Courts is an institution of the Nebraska Supreme Court utilizing innovative court programs through which individuals and families thrive, and all Nebraska communities become safer.

MISSION

The mission of the Problem-Solving Courts Leadership Group is to make problem-solving courts available to all eligible participants and to ensure these courts have the resources necessary to operate in conformity with standards adopted by the Nebraska Supreme Court.

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| <ul style="list-style-type: none">● Short-Term Goal: 12-18 months■ Mid-Term Goal: 2-3 years▴ Long-Term Goal: 3-5 years |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|

Focus Area 1: Sustainable Infrastructure of Nebraska Problem-Solving Courts

Creating a sustainable infrastructure for Nebraska's problem-solving courts will assist in the advancement of new and existing programs. It must be noted that infrastructure must be created with all problem-solving court types in mind.

Goal 1: A funding strategy/plan will be developed for sustaining Nebraska’s Problem-Solving Courts.

- Objective 1: A compilation of each PSC’s (2011-2012) annual revenues and expenditures will be completed.
- Objective 2: Analyze the strengths and vulnerabilities of each funding source and the ability to maintain or reduce expenses.
- Objective 3: Conduct a systemic cost/benefit analysis of all PSCs including, but not limited to; recidivism, child welfare, public health, and victim impact.
- Objective 4: Develop and report budget recommendations to fund PSCs, and the administration thereof, through dedicated sources of funding through the Nebraska Supreme Court.

Goal 2: A Supreme Court Rule will be proposed to direct the development of local PSC leadership succession planning.

- Objective 1: Propose a Nebraska Supreme Court Rule for local succession planning.
- Objective 2: Local PSCs will develop leadership succession plans according to Nebraska Supreme Court Rule for submission to the Court.

Goal 3: A strategy to ensure long-term institutionalization will be developed for Nebraska’s Problem-Solving Courts.

- Objective: 1: Assess the state of PSCs in Nebraska.
- Objective 2: Analyze the strengths and challenges of the current infrastructure of PSCs in Nebraska.
- Objective 3: Develop the infrastructure to define the PSC institution.

Focus Area 2: Statewide Coordination, Collaboration, Administration

Integrating Nebraska’s problem-solving courts into a coordinated network requires striking a balance between preserving the local characteristics of individual courts and establishing a foundation of common principles and operational processes across all problem-solving programs in Nebraska. Preserving local characteristics is necessary to ensure local needs are met and to ensure buy-in and participation by practitioners and communities. Requiring adherence to common principles and operational processes is essential for building accountability and ensuring equal access and uniform quality of programming.

Goal 1: Adopt Problem-Solving Court Statewide Standards applicable to all PSCs as well as each PSC type.

- **Objective 1: Identify and determine the issues that may need to be standardized, and those that are to be informal guidelines.**
- **Objective 2: In cooperation with the Nebraska Office of Probation Administration and the Nebraska Department of Corrections, establish a definition of recidivism.**
- **Objective 3: Create proposed Standards.**
- **Objective 4: Submit Standards to the Nebraska Supreme Court for approval.**
- **Objective 5: Create uniform policies and procedures/operations manuals in accordance with the approved Standards.**
- **Objective 6: Train all PSC Staff in Standards, Policies, and Procedures.**

Goal 2: Launch a campaign for promotion and awareness of Problem-Solving Courts' successes and benefits.

- **Objective 1: Develop a PSC Awareness Campaign.**
- **Objective 2: Implement a PSC Awareness Campaign.**

Goal 3: Develop routine and annual statewide Problem-Solving Court reports.

- **Objective 1: Identify local and statewide reports to be created.**
- **Objective 2: Create protocols for consistent data entry.**
- **Objective 3: Develop a PCMIS User Manual.**
- **Objective 4: Uniform Reporting**

Goal 4: Research the viability and sustainability of additional types of problem-solving courts.

- **Objective 1: Review national research to examine how other PSC types are utilized.**
- **Objective 2: Discuss and analyze research within the PSC Leadership Group.**

Goal 5: Thoroughly train and educate Nebraska's PSC practitioners to be skilled and competent.

- **Objective 1: Create standardized curriculum and training programs.**
- **Objective 2: Develop a training plan for NSC PSC practitioners.**

Focus Area 3: Quality Assurance; Establish and Ensure Best Practices

An essential component of institutionalization and sustainability is ensuring that all problem-solving courts utilize evidenced-based practices and best practice approaches as defined through research. A focus on evaluation is critical to ensure programs are successfully implementing best practice approaches.

Goal 1: Problem-Solving Court data management will be enhanced.

- **Objective 1: Performance measures will be accurately collected, compiled, and reported by the PCMIS data collection system.**
- **Objective 2: Develop and implement recommendations to enhance the data management system.**

Goal 2: Local PSCs will participate in annual quality performance reviews.

- ✔ **Objective 1: A PSC QA tool will be created to incorporate peer practice reviews and a formal process for ongoing fidelity to the Nebraska PSC Standards.**
- ✔ **Objective 2: Create a process to evaluate continuity of evidence-based practices by Nebraska's PSCs.**

Goal 3: Ensure that all types of problem-solving courts utilize evidenced-based practices and best practice approaches as defined through research.

- **Objective 1: Review national research to examine best practice approaches and evidence-based practices within each field related to every type of problem-solving court.**
- **Objective 2: Develop a strategy to implement best practice approaches and evidence-based practices within local PSCs statewide.**

Goal 4: Utilize the Nebraska Supreme Court Evidence-Based Practices Committee to promote problem-solving courts as "best practice".

- ✔ **Objective 1: Assess PSC best practices and submit report to the committee for review and acceptance of best practice approaches.**
- ✔ **Objective 2: Implement recommendations to ensure PSCs implement best practice approaches statewide.**

Focus Area 4: Multi-System Integration, Support and Service Access

The most effective way to institutionalize problem-solving courts is to solicit supporters to promote problem-solving court success. This will ensure PSC philosophy and rationale are understood at the state and local levels, develop collaborative relationships between local and state agencies, and establish and foster a thorough fact-based understanding of the efficacy of PSC among Legislators and leaders in the Executive Branch as well as with community and state service providers and leaders.

Goal 1: Build Legislative support.

- **Objective 1: Assess the knowledge, support, and understanding of PSCs within the Legislature.**
- **Objective 2: Develop a program to enhance relationships with State Legislators, to create support for the PSC institution.**

Goal 2: Coordinate statewide and local resources.

- **Objective 1: Assess the ability to share local and statewide resources where possible.**
- **Objective 2: Develop and implement recommendations concerning the sharing of local and statewide resources.**

Goal 3: Assist local PSCs in securing community support.

- **Objective 1: Assess local needs for community support.**
- **Objective 2: Develop a strategy to garner community support through education and motivation.**
- **Objective 3: Implement a community outreach plan.**

Goal 4: Ensure participants have access to comprehensive, quality services within all problem-solving court types.

- **Objective 1: Work with the Office of Probation Administration to create/maintain quality substance abuse services for PSC participants.**
- **Objective 2: Conduct a comprehensive needs assessment inventory for services other than substance abuse.**
- **Objective 3: Increase the scope of services available in the community.**

Goal 5: Build Executive Branch support.

- ✔ **Objective 1: Assess the knowledge, support, and understanding of PSCs within the Executive Branch.**
- ✔ **Objective 2: Develop a program to enhance relationships and develop partnerships with the Executive Branch to create support for the PSC institution.**

Goal 6: Enhance Judicial Branch support.

- ✔ **Objective 1: Assess the knowledge, support, and understanding of PSCs within the Judicial Branch.**
- ✔ **Objective 2: Develop a plan to enhance relationships and increase understanding of PSCs in the Judicial Branch to create support for the PSC institution.**

Focus Area 5: Scope and Scale of Problem-Solving Courts

Nebraska's problem-solving courts vary in scope and scale relative to resources and effort required to meet the needs of the communities and populations they are intended to serve. Scope describes the extent of the programs offered and the resources necessary to meet the needs of the target populations. Scale refers to the number of participants/families the programs are intended to serve. Scope and scale are inter-related and must be addressed on a variety of levels to ensure sustainability and institutionalization. As would be expected, both scope and scale vary based on the range of demographic and geographic characteristics of the area served by the problem-solving court. Most programs have operated under-capacity for a variety of reasons, some outside the control of the local problem-solving court. The implementation of new programs is not necessarily the solution, but getting more participants in the ones currently in operation is imperative. Evaluation of solutions utilized in other states may provide guidance for Nebraska's problem-solving courts.

Goal 1: Define and address the scope and scale of Nebraska's Adult Criminal Problem-Solving Courts.

- **Objective 1: Adult PSCs in Nebraska should serve high risk/high need participants.**
- ✔ **Objective 2: Increase Adult PSCs' capacity to serve the target population.**

Goal 2: Examine the scope and scale issues of family drug courts.

- **Objective 1: Family PSCs will utilize consistent eligibility and screening criteria to identify target populations.**
- ✔ **Objective 2: Increase Family PSCs' capacity to serve target populations.**

Goal 3: Examine the scope and scale issues of DUI courts.

- **Objective 1: Evaluate the effectiveness of the Scotts Bluff County DUI Court pilot program.**
- **Objective 2: Assess the feasibility of DUI Court expansion to other judicial districts.**

Goal 4: Examine the scope and scale issues of juvenile drug courts.

- **Objective 1: Juvenile PSCs will utilize consistent eligibility and screening criteria to identify target populations.**
- **Objective 2: Increase Juvenile PSCs capacity to serve target populations.**

Goal 5: Examine the scope and scale issues of young adult courts.

- **Objective 1: Assess the knowledge, support, and understanding of the Douglas County Young Adult Court within PSC Institution.**
- **Assess the feasibility of Young Adult Court replication within additional judicial districts.**

Conclusion and Next Steps

The long-term goal of institutionalizing problem-solving courts will require much work and discipline. As was the case with the first problem-solving court established in 1997 in Douglas County, change is difficult. We must embrace these changes, especially in light of how successful problem-solving courts have been in treating addicted and other problem offenders and returning them back to their communities and families.

Remaining narrative will be drafted upon document approval by the Supreme Court. This will include next steps, including recommendations regarding the formation of working groups, sub-committees, and timelines.

References

The process of creating a vision plan began with a review of:

- Carlson, S., & Nebraska Problem-Solving Court Coordinators (2011, October). Past, Present, and Future: A Vision for Nebraska's Problem-solving Courts. A document prepared for review by the Nebraska Supreme Court Problem-Solving Courts Committee.
- Nebraska Supreme Court. (2010). Nebraska Judicial Branch Strategic Agenda 2010-2012. <http://www.supremecourt.ne.gov/strategic-agenda.pdf>
- Administrative Office of the Courts & Office of Probation Administration. (2010). Administrative Office of the Courts/Probation Strategic Agenda 2010-2012.
- Bureau of Justice Assistance and National Association of Drug Court Professionals Defining Drug Courts: The Key Components (1997, Reprint 2004)
- Juvenile Drug Courts: Strategies in Practice, (NCJ 197866), Bureau of Justice Assistance, February 2003
- Family Dependency Treatment Courts: Addressing Child Abuse and Neglect Cases Using the Drug Court Model, Bureau of Justice Assistance, December 2004
- The Ten Guiding Principles of DWI Court, National Center for DWI Courts, <http://www.dwicourts.org/learn/about-dwi-courts/-guiding-principles>
- Nebraska Supreme Court Rule: Chapter 6, Trial Courts, Article 12, Problem-Solving and Drug Courts <http://www.supremecourt.ne.gov/rules/pdf/Ch6Art12.pdf>

Appendices

Appendix A: Supreme Court Charge to Problem-Solving Courts Committee Letter from Chief Justice Michael G. Heavican

NEBRASKA SUPREME COURT

MICHAEL G. HEAVICAN
CHIEF JUSTICE



P.O. BOX 98910
STATE CAPITOL BUILDING
LINCOLN, NEBRASKA 68509

September 10, 2012

Members of Nebraska Supreme Court's
Problem-Solving Courts Committee

RE: Strategic Planning Meeting

Dear Committee Member:

The Nebraska Supreme Court would like to thank you for your service on its Problem-Solving Courts Committee. The Court supports the improvement of the Nebraska statewide system of problem-solving courts and endorses your efforts to establish a strategic plan.

The importance of a strategic plan for the committee's work cannot be overemphasized. Nebraska's system of problem-solving courts is in need of increased coordination and a framework within which to plan for change and to resolve limitations in the courts. A strategic plan will facilitate coordination of the drug courts into a system of courts focused on goals which will address the internal and external challenges facing Nebraska's problem-solving courts. The plan will also allow committee members to lead the problem-solving courts to further and greater successes.

The Court looks forward to the Committee's development of a strategic plan and submission of the plan to the Court for its review and consideration. Once approved, the Committee will then be charged with pursuing the plan.

Once again, thank you for your continued hard work and dedication to the Committee on Problem-Solving Courts.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael G. Heavican", written over a horizontal line.

Michael G. Heavican

**Appendix B:
Strategic Planning Retreat Agenda**

**Nebraska Problem-Solving Courts Strategic Planning Retreat
Nebraska ETV Studios
1800 North 33rd Street, Lincoln, NE 68503
Monday, September 17 and Tuesday, September 18, 2012**

Monday, September 17

- 9:00 a.m. Welcome and Introductions
Supreme Court Charge to Group**
- 9:30 a.m. Problem-Solving Courts: Opening Comments**
- 10:30 a.m. Current Conditions of Nebraska’s Problem-solving Court System**
- 11:30 a.m. SCOT Analysis: Summary from Survey**
- 12:15 p.m. Lunch**
- 1:00 p.m. Vision and Mission: Nebraska’s Statewide PSC**
- 2:45 p.m. Five Year Strategic Planning for Statewide PSC**
- 4:45 p.m. Day’s Review**
- 5:00 p.m. Adjourn**

Tuesday, September 18

- 8:30 a.m. Welcome and Opening Remarks**
- 9:45 a.m. Recap of Goal Priorities; Assignments for Small Groups**
- 10:30 a.m. Action Planning – Small Groups I**
- 11:45 a.m. Large Group Reporting Out**
- 12:15 p.m. Lunch**
- 1:15 p.m. Action Planning – Small Groups II**
- 2:30 p.m. Large Group Reporting Out**
- 3:15 p.m. Next Steps: Strategic Plan Document; Timeline; Closing Exercise**
- 4:15 p.m. Closing Remarks/Adjourn**

Appendix C:
Nebraska Supreme Court Committee on Problem-Solving Courts

Nebraska Supreme Court Committee on Problem-Solving Courts

Chief Justice Michael Heavican
Nebraska Supreme Court
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Lincoln, NE 68509

Justice John Wright
Nebraska Supreme Court
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Lincoln, NE 68509

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State Court Administrator
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Ellen Fabian-Brokofsky
State Probation Administrator
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Lincoln, NE 68509-8910

Scott Carlson
Administrative Office of the Courts
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Lincoln, NE 68508

Deb Minardi
Office of Probation Administration
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Lincoln, NE 68509-8910

Hon. James Doyle
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700 North Washington
Lexington, NE 68850

Hon. Teresa Luther
Hall County District Court
111 West First
Grand Island, NE 68801

Hon. Karen Flowers
Lancaster County District Court
575 South 10th Street
Lincoln, NE 68508

Hon. Leo Dobrovoly
Scotts Bluff District Court
1725 10th Street
Gering, NE 69341

Hon. Elizabeth Crnkovich
Douglas County Separate Juvenile Court
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Omaha, NE 68183

Hon. Lawrence Gendler
Sarpy County Separate Juvenile Court
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Papillion, NE 68046

Hon. Gary Randall
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Omaha, NE 68183

Hon. Toni Thorson
Lancaster County Separate Juvenile
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Hon. Michael Piccolo
Lincoln County Court
P.O. Box 519
North Platte, NE 69103

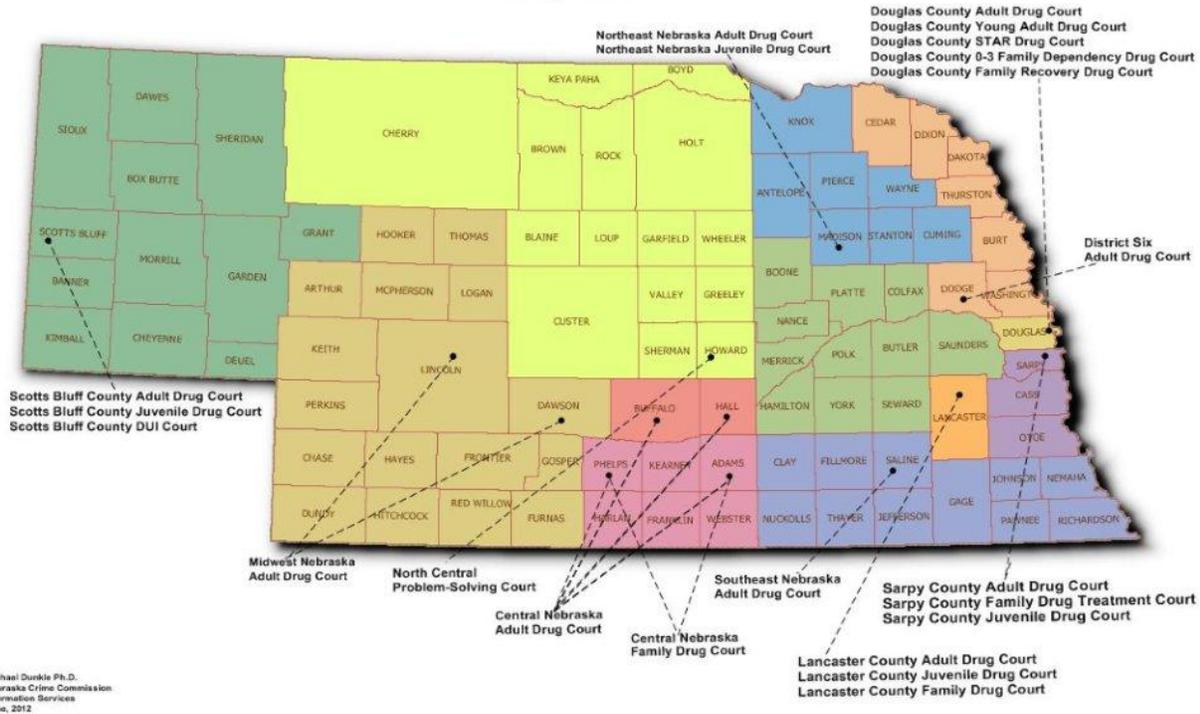
Gary Lacey
1009 Jones Street, Ste. 517
Omaha, NE 68102

**Appendix D:
Current Status of Nebraska's Problem-solving Court System**

Map and List of Nebraska's Problem-Solving Courts

Nebraska Problem-Solving Courts

June, 2012



1st Judicial District

Southeast Nebraska Adult Drug Court
(October 2007)

2nd Judicial District

Sarpy County Adult Drug Court
(February 2007)
Sarpy County Juvenile Drug Court
(January 2000)
Sarpy County Family Drug Court
(October 2011)

3rd Judicial District

Lancaster County Adult Drug Court
(June 2001)
Lancaster County Juvenile Drug Court
(April 2001)
Lancaster County Family Drug Court
(October 2005)

4th Judicial District

Douglas County Adult Drug Court
(April 1997)
Douglas County 0-3 Family Drug Court
(May 2005)
Douglas County. S.T.A.R Family Drug Court
(February 2004)
Douglas County Family Recovery Drug Court
(May 2007)
Douglas County Young Adult Court
(August 2004)

6th Judicial District

District Six Adult Drug Court
(December 2007)

7th Judicial District

Northeast Nebraska Adult Drug Court
(December 2005)

Northeast Nebraska Juvenile Drug Court
(January 2009)

8th Judicial District

North Central Problem-Solving Court
(Adult) (June 2010)

North Central Problem-Solving Court
(Adult) (June 2010)

9th/10th Judicial Districts

Central Nebraska Adult Drug Court
(Buffalo) (September 2001)

Central Nebraska Adult Drug Court
(Hall) (September 2001)

Central Nebraska Adult Drug Court
(Phelps/Adams) (September 2001)

Central Nebraska Family Drug Court
(October 2007)

11th Judicial District

Midwest Nebraska Adult Drug Court
(Dawson) (July 2006)

Midwest Nebraska Adult Drug Court
(Lincoln) (2011)

12th Judicial District

Scotts Bluff County Adult Drug/DWI Court
(February 2007/October 2)

Scotts Bluff County Juvenile Drug Court
(March 2004)

**Appendix E:
SCOT Analysis Survey Results**

Nebraska Statewide Problem-solving Courts

Analysis of Strengths, Concerns, Opportunities and Threats

All those invited to participate in Nebraska’s Problem-Solving Court Strategic Planning Retreat September 17 and 18 had the opportunity to submit Survey responses regarding Strengths, Concerns, Opportunities, and Threats. The following is a compilation and synthesis of the 28 survey responses are in the matrix at the end of this section.

STRENGTHS

OPPORTUNITIES

Intense judicial oversight; dedicated judges
 Support; oversight by the Supreme Court
 Payment for treatment; cost effective treatment
 Strong, committed, quality PSC coordinators
 Centralized PSCMIS data system; ahead of curve
 Supportive of local control/autonomy
 Composition of team; team commitment
 Access to statewide coordinator
 Cost effective; cost savings
 Ability to modify/adapt for local needs;
 flexibility
 Reduce recidivism, crime and addiction
 Good communication locally; with stakeholders
 Legislative support
 Federal, state, and local funding
 Emphasis on rehabilitation, education, jobs
 Probation is part of the process
 Leadership is highly motivated and effective

Research taxpayer cost savings: drug-free offender
 Partner with probation re: evidence based practice
 Successful DUI courts
 Local support; service; employment; leadership
 Religious, community shelter, employment
 Increased number of returning Veterans
 Research existing studies in academia
 Training opportunities; webinars; team education
 Expansion of types of PSCs
 Partner with local and state colleges/universities
 Shift resources to problem-solving courts
 Partner w/state profess. assns.: counseling, law
 Day reporting in more communities
 Collaboration with NADCP; national PSC groups
 Partner w/Dept. Correct; Vets; Sub. Abuse, MH
 Collaborate with local and state law enforcement
 Use national stats to compare NE success

Standards for entry are not consistent
 Judges may not want to “do” drug courts
 Participants may be over-tested, not smart-tested
 Lack of state-level resources for incentives
 Inadequate state-local coordination/assistance
 PSCMIS and related issues
 Limited PSC-focused training for all staff
 Lack of quality assurance tool for assessment
 No in-person statewide informational meetings
 Uncertain capacity; infrastructure; funding
 No cohesive plan for moving forward
 Limits on eligible offenders; alternative
 programs
 Lack of funding; lack of local treatment
 resources
 Need for rural delivery systems
 Demonstrating reductions in recidivism
 Push toward standardization; rigid rules

Concern PSC a target if gov’t funding is scarce
 Prosecutors who do not grant reasonable access
 Sustainability
 Lack of public understanding and support
 Delay between arrest and program acceptance
 Absence of statewide standards for drug courts
 Community attitudes toward drug/alcohol abuse
 Belief that PSC are experimental or a “fad”
 Lack of objective data of success; dissemination
 Lack of qualified treatment providers
 Lack of willingness to cooperate as statewide
 Threat that federal policies may dictate NE path
 Local, state, national politics
 Lack of PSC participant success
 Public opinion, anger over “high profile” crimes
 Uncertain impact of health care act on payors

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CONCERNS

THREATS

**Appendix F:
Compilation of Results from Survey, Evaluation Report, and Vision
Paper:
Strategic Planning Goals and Objectives**

Five-Year Strategic Planning for Nebraska's Problem-Solving Court

Compilation of Results from Survey, Evaluation, and Vision Plan

In preparation for this planning retreat, the PSC Committee along with PSC practitioners from across the state completed a survey. After a thorough review of three resources,¹¹ the following five key focus areas were identified as overarching themes:

1. Sustainable Infrastructure
2. Multi-System Integration
3. Scope and Scale
4. Statewide Coordination, Collaboration and Administration
5. Quality Assurance: Establishing and Ensuring Best Practices
6. Other/TBD

The information contained in the section below was taken directly from these resources and utilized as the starting point for identification and development of goals, objectives, tasks and timelines for the final Strategic Plan. To ensure we captured information collected from each of the resources, the following coding system was used to identify where and within which document the recommendation was made: S=PSC Committee Survey Results; V=Vision Paper authored by Scott Carlson; E=NE PSC Statewide Evaluation

1. Sustainable Infrastructure

Creating a sustainable infrastructure will assist in the advancement of new and existing programs. It must be noted that infrastructure must be created with all problem-solving court models in mind.

1. Funding^{SVE}
 - a. Funding to Support:
 - i. PSC organizational structure
 - ii. Training and Technical Assistance
 - iii. Evaluation
 - b. Unique Funding Issues Identified^{SVE}
 - i. Funding on an equalized basis^S
 - ii. Reallocation from prisons to rehab programs^S
 - iii. State to local level^S
 - iv. Funding priority given to programs using evidence based practices and adhering to the 10 Key Components^S
 - c. Adequate, Continued and Stable Funding and Resources:^{SVE}
 - i. Rural Courts (i.e. daily reporting centers)

¹¹ Carlson, S. *Past, Present, and Future: A Vision for Nebraska's Problem-Solving Courts* (October 2011). University of Nebraska Public Policy Center *Evaluation of Nebraska's Problem-Solving Courts* (March 2012) *Nebraska's Problem-Solving Courts Committee Survey Results*(September 2012)
Nebraska Problem-Solving Courts 2013-2017 Strategic Plan

- ii. Treatment for 18 year olds
 - iii. Mental Health
 - iv. Substance Abuse Treatment
 - v. Resources for Job Training/Economic self sufficiency
 - vi. Incentives^{SE}
 - vii. Ancillary Services^{SE}
- 2. Support Legislation^{SVE}
 - a. Funding Streams^{SVE}
 - b. Functions of PSC (i.e. juvenile drug court jurisdiction over parent)
- 3. Engage Stakeholder Support^{SVE}
 - a. State level and local level
 - b. Involving the Legislature
 - c. What is the stakeholders role related to public relations
 - d. Send a universal message that institutionalization of problem-solving courts is the goal
 - e. Leadership
- 4. Address Specific Issues Based Upon Type Of Court
 - a. Integration of the family drug courts into the statewide system of problem-solving courts is imperative
- 5. Technology
- 6. Evaluation^{SVE}
 - a. Define recidivism and develop baseline data^S
 - b. Determine if PSCs are worth it considering the high investment of resources^S
 - c. Database upgrades^S
 - d. Consistent data^S
 - e. Give attention to the PSCMIS –It has been in use for three years. What information are we getting out of it?^S
 - f. More thorough cost benefit and cost effectiveness studies could be conducted if better data collection processes were in place.^E
 - g. A major challenge in collecting cost information is the lack of financial data maintained and reported by treatment providers.^E
 - h. A standardized, ongoing process for collecting cost information would ensure a better understanding of the complete costs of problem-solving courts and allow an evaluation of how costs are related to outcomes.^E
 - i. Examine the Nebraska juvenile and criminal justice processes to determine if there are ways to decrease the time between arrest and enrollment^E
 - j. The quality of problem-solving courts could be improved through ongoing program evaluation

2. Multi-system Integration

It is necessary to know where support does and does not lie, which individuals and agencies need to be educated, and identify the way in which PSC are integrated fully within the various systems in a community . Problem-solving courts require collaboration from multi-disciplinary stakeholders and the community. Leadership is the single most important element in institutionalizing problem-solving courts. The most effective way to institutionalize problem-solving courts is to solicit supporters to promote problem-solving court success, ensure the PSC philosophy is understood and applied throughout the larger systems, and develop collaborative relationships between agencies at the highest level of state government.

1. State Level Integration^{SV}
 - a. Create reports for all members of the Legislature, Governor and Nebraska Supreme Court demonstrating the effectiveness, efficiency and cost-effectiveness of problem-solving courts^V
 - b. Identify advocates in the Legislature to become leaders of the problem-solving court movement in Nebraska^V
 - c. Greater communication with Legislature^S
2. Local Level Integration^{SVE}
 - a. Transfer of cases to other areas^S
 - b. Collaboration of programs^S
 - c. Build support for PSC through collaboration via organizations and face time^S
 - d. Improving operations of established courts^S
 - e. Build community support through media resources^S
3. Environmental Challenges in a Changing System^{SVE}
 - a. Family drug courts are struggling due in part to the challenging environment in a changing child welfare system^E
 - b. Work with broader coalition to assist in addressing Nebraska's child welfare issues.
 - c. Substance abuse services are lacking^E
 - d. Work with state partners to increase availability and accessibility of quality substance abuse services
 - e. Coordination with private sector for employment and housing opportunities^S
 - f. Use of retired judges as PSC judges^S
4. Promote the Successes of Problem-Solving Courts on the Problem-Solving Court Website, News Media, and Attendance at Various Community Meetings^V
5. Forge Partnerships with Federal, State and Local Drug/Alcohol Agencies and Organizations (MADD, Highway Safety, DHHS, OJS, NFC, KVC)^V

3. Scope and Scale of PSC

Nebraska's problem-solving courts vary in scope and scale relative to the impact the program has on the community to meet the need of the population it is intended to serve. Scope focuses on the resources and programs available to meet the needs of the target population. While scale refers to the numbers of participants/families the program is able to serve. Scope and scale are inter-related and must be addressed on a variety of levels to ensure sustainability and institutionalization. As would be expected, both scope and scale vary based on the wide range of demographic and geographic disparities. Programs have remained at under-capacity for a variety of reasons, some out of their control. The implementation of new programs is not necessarily the solution, but getting more participants in the ones we have that is imperative. There are several solutions utilized in other states that could help.

1. Increase Court Capacity ^{SVE}
 - a. Loosen the local restrictions on eligible cases/eliminate barriers to participation ^{SVE}
 - b. Alternative tracks for less serious addicts/offenders ^S
 - c. Expansion of population eligible for programs ^{SE}
 - d. Determine use of various models (pre-conviction/post-conviction etc.) ^{SS}
 - e. More timely enrollment of participants ^{SVE}
2. Educate Local Stakeholders
 - a. Problem-solving court philosophy
3. Increase Scope Of Services Available In The Community
 - a. Increase the availability and accessibility of quality substance abuse service
 - b. Enhance Educational and Employment Opportunities for Participants
 - c. Life Skills
 - d. Ancillary Services
 - e. Mental Health, Domestic Violence, Family Engagement, Parenting
4. Consider "Other Problem-Solving Court" Models
 - a. Examine the need for additional programs that would address significant issues within their communities.
 - b. Address unique issues of Family Drug Court, DUI Courts, mental health courts, veteran's courts, domestic violence courts, parolee re-entry courts, and child support courts.
5. Problem-Solving Courts In Nebraska Should Serve Higher Risk Offenders ^E
 - a. Participants with higher criminal history risk could be accepted and effectively served in drug courts.
 - b. Develop briefing materials to share with team members regarding the risk level of participants most appropriate for problem-solving courts.
 - c. Administer screening tools prior to problem-solving court acceptance to better understand the risk level of potential candidates.

6. Improvements Could Be Made By Ensuring Full Participation Of County Attorneys, Defense Attorneys, Judges, Law Enforcement, And Treatment Provides In Problem-Solving Court Teams^E

4. Statewide Coordination, Collaboration, and Administration

While some people within the problem-solving court community are of the opinion that there must be meticulous, national performance standards and firm guidelines for problem-solving court practice, others espouse the need for complete autonomy and local control. A balance between preserving the local characteristics of individual courts to ensure buy-in and participation by practitioners and communities; versus the importance of mandating a foundation of common principles and operational processes across all problem-solving programs in Nebraska is critical.

1. Creation of Standards^{SVE}
 - a. Treatment progress reporting^E
 - b. Fidelity to evidence-based practices^E
 - c. Fidelity to drug court model^V
 - d. Drug court program practices (i.e. standardize eligibility criteria across all courts/high risk to re-offend^S)
2. Accreditation or Certification Process^V
3. Develop Uniform Policy And Procedure Manual^S
4. State Promotion/Awareness Of PSC Success And Benefit^S
 - a. Promote PSCs as a best practice
5. State Level Policy Development^S
6. Statewide Collaboration For Grant Opportunities^S
7. Training^{SVE}
 - a. Annual Training for all PCSs^{SVE}
 - b. 10 Key Components^E
 - c. Standardized Model for Delivery of Substance Abuse Services^E
 - d. Discipline Specific Training and Networking Opportunities^S
 - e. Local community stakeholders for future courts^S
 - f. Initial and Ongoing training for PSC team members^S
 - g. Team building
8. Ongoing Assessment Of The Needs Of Problem-solving Courts^{SVE}
 - a. Address the special needs of the various types of PSCs
9. Creation Of A Statewide Advisory Board^S

10. Develop Annual Report ^S

11. Creation Of Statewide Mission And Vision ^{SV}

5. Quality Assurance : Establishing and Ensuring Best Practices

An essential component of institutionalization and sustainability is ensuring that all problem-solving courts are utilizing evidenced-based practices and best practice approaches as defined through research. A focus on evaluation is critical to ensure programs are successfully implementing best practice approaches.

1. Create uniform policy and procedures / operations manuals ^{SVE}
2. Create skilled and competent staff ^V
3. Utilize The Nebraska Supreme Court Evidence-Based Practices Committee To Promote Problem-Solving Courts As A “Best Practice” ^V
 - a. Solicit recommendations of best practices for the Problem-Solving Courts Committee.
 - b. Integrate best practices identified by the Evidence Based- Practices Committee into problem-solving courts where applicable.
 - c. The Statewide Coordinator for Problem-Solving Courts will serve as a conduit between the Evidenced-Based Practices Committee and the Problem-Solving Courts Committee.
4. Training ^{SVE}
 - a. Provide training for non-problem-solving court judges, including how judges could employ problem-solving court practices in conventional courtrooms.
 - b. Provide advanced training for PSC practitioners based upon best practice
5. Promote Benchmarks Of Success, Such As Those Related To Adherence With The 10 Key Components, 16 Key Strategies For Juvenile Drug Courts, And The 11 Guiding Principles For Family Drug Courts ^{Ve}
6. Develop Guidelines For Treatment Providers ^E
 - a. Clearly report what evidence based practices they are using,
 - b. Why the practice is appropriate for the needs of particular individuals,
 - c. How they are monitoring fidelity to the practice, and
 - d. What objective measures they are using to track progress and improvement for participants
7. Improving drug court operations of existing programs:
 - a. Best practices suggest judges spend no less than three minutes for participant during the problem-solving court hearing. Judges should make efforts to spend sufficient time interacting with each participant during drug court hearings.

- b. Review of admissions procedures for select courts could identify causes for racial/ethnic disparities; culturally competent approaches could improve services
- c. Review problem-solving court procedures to ensure appropriate length of participation. Some problem-solving courts graduate participants in less than 12 months.
- d. Problem-Solving Courts in Nebraska Should Reduce the Length of Time Between Arrest and Enrollment
- e. Monitor the use of incentives and sanction
 - i. Individual courts develop algorithms
 - ii. Allow detention as a sanction for juveniles
 - iii. Develop protocols for the implementation of incentives and sanctions

8. Enhance Program Evaluation Capacity And Quality Enhancement

- a. Enhancing program evaluation capacity will allow additional questions to be answered such as the relationship between costs and outcomes and the effectiveness of family dependency drug courts.
- b. Ongoing program evaluation allows programs to improve the quality of their operations and to make informed policy and programmatic decisions leading to better lives for participants
- c. Implement periodic peer practice reviews and a formal process for ongoing fidelity measurement and analysis
- d. Collect the performance measure outlined in the Nebraska Statewide Technical Assistance Project: Development of Statewide Drug Court Performance Measures.
- e. Decide if all the measures are valuable to collect (e.g., incentives and sanctions).
- f. Provide additional resources to enhance the PSCMIS such as building in automated calculators and reports, adding fields to allow data collection over time, and reducing the number of fields for text information, and developing protocols to ensure the quality of data
- g. Develop a data dictionary for the current Problem-Solving Court Management Information System (PSCMIS)
- h. Modify the information system to collect data over time.
- i. Develop automated processes to calculate performance measures.
- j. Modify the information system to reduce performance measures in text fields.
- k. Develop a series of automated reports that would be useful for coordinators at the state and local levels.
- l. Develop ongoing processes to monitor and improve quality of the Problem-solving Court Management Information System.
- m. Work with family drug courts to collect data in the PSCMIS.
- n. Allow coordinators to enter corrected data in the PSCMIS and improve the transfer of data from the Probation information system to the PSCMIS.
- o. Work with family dependency drug courts to participate in the PSCMIS and to enhance their operations

- p. Continue the valuable statewide collaboration of problem-solving court coordinators and increase training for local drug court teams and other stakeholders
- q. Ensure judges, law enforcement, treatment providers, and other key participants are actively involved on problem-solving court teams

**Appendix G:
Authorizing Legislation for Problem-Solving Courts
Supreme Court Rule: Chapter 6, Article 12; Problem-Solving and
Drug Courts**

Authorizing Legislation for Problem-Solving Courts

24-1301. Legislative findings.

The Legislature finds and declares that drug use and other offenses contribute to increased crime in Nebraska, cost millions of dollars in lost productivity, and contribute to the burden placed upon law enforcement, court, and correctional systems in Nebraska.

The Legislature also finds and declares that drug court programs and problem-solving court programs are effective in reducing recidivism of persons who participate in and complete such programs. The Legislature recognizes that a drug court program or a problem-solving court program offers a person accused of drug offenses and other offenses an alternative to traditional criminal justice or juvenile justice proceedings.

Source

Laws 2004, LB 454, § 1;

Laws 2008, LB1014, § 6.

Operative Date: July 18, 2008

24-1302. Supreme Court; rules; legislative intent.

(1) Drug court programs and problem-solving court programs shall be subject to rules which shall be promulgated by the Supreme Court for procedures to be implemented in the administration of such programs.

(2) It is the intent of the Legislature that funds be appropriated separately to the Supreme Court for each of the programs, the drug court programs and the problem-solving court programs, to carry out this section and section [24-1301](#).

Source

Laws 2004, LB 454, § 2;

Laws 2008, LB1014, § 7.

Operative Date: July 18, 2008

**CHAPTER 6
TRIAL COURTS
ARTICLE 12
PROBLEM-SOLVING AND DRUG COURTS**

Section.

6-1201. Scope and effective date.

6-1202. Problem-solving courts defined.

6-1203. Constitutional and statutory authority.

6-1204. Purpose.

6-1205. Scope.

6-1206. Definitions.

6-1207. Requirements for establishment.

6-1208. Operational requirements.

6-1209. Case management and evaluation requirements.

(a) PROBLEM-SOLVING COURTS

§ 6-1201. Scope and effective date.

Sections 6-1201 and 6-1202 shall become effective March 1, 2007, and shall govern all problem-solving courts established by and within the Nebraska judicial system. Problem-solving courts shall exist and be established only upon approval of the Nebraska Supreme Court.

§ 6-1202. Problem-solving courts defined.

For purposes of §§ 6-1201 and 6-1202, problem-solving courts shall mean programs and services established within the district, county or juvenile courts and shall include, but are not limited to, drug court programs established pursuant to Neb. Rev. Stat. § 24-1302 and programs established for the treatment of problems related to issues such as substance abuse, mental health, and domestic violence.

Adopted January 24, 2007, effective March 1, 2007. Renumbered and codified as § 6-1202, effective July 18, 2008.

(b) DRUG COURTS

§ 6-1203. Constitutional and statutory authority.

Sections 6-1203 through 6-1209 are promulgated under the authority of article V, § 1, of the Nebraska Constitution and Neb. Rev. Stat. § 24-1302.

§ 6-1204. Purpose.

The purpose of §§ 6-1203 through 6-1209 is to institute requirements for the establishment and operation of drug courts in Nebraska.

§ 6-1205. Scope.

Sections 6-1203 through 6-1209 shall apply to all Nebraska drug court judges and personnel regardless of funding source.

§ 6-1206. Definitions.

For the purpose of §§ 6-1203 through 6-1209, “drug court,” “drug court program,” “drug court treatment program,” or “program” means a post plea or post adjudicatory drug and alcohol intensive supervision treatment program for eligible offenders. The purpose of the program is to reduce offender recidivism by fostering a comprehensive and coordinated court response composed of early intervention, appropriate treatment, intensive supervision, and consistent judicial oversight.

§ 6-1207. Requirements for establishment.

(A) In order to establish a drug court program, approval must first be granted by the Nebraska Supreme Court pursuant to §§ 6-1201 and 6-1202.

(B) Drug courts shall adhere to the 10 Key Components as identified by the National Association of Drug Court Professionals and utilize evidence-based practices as identified by applicable social science research and literature.

(C) Drug courts shall submit to the Administrative Office of the Courts, in writing for approval by the Nebraska Supreme Court, the following:

(1) A general program description;

(2) A description of the target population it intends to serve;

(3) Program goals and how they will be measured;

(4) An established eligibility criteria for participation in the drug court which includes a standardized, validated risk instrument as approved by the Administrative Office of the Courts;

(5) The process or procedure by which an individual gains acceptance to participate in the drug court;

(6) Drug/alcohol testing protocol;

(7) A protocol for adhering to appropriate and legal confidentiality requirements and a plan to provide all team members with an orientation regarding the confidentiality requirements of 42 U.S.C. § 290dd-2 and 42 C.F.R. part 2, if applicable;

(8) The terms and conditions of participation in the drug court, including, but not limited to, treatment, drug testing requirements, phase requirements, graduation/completion requirements, graduated sanctions and rewards, and any applicable program service fees;

(9) The process or procedure by which a participant's progress in the drug court is monitored;

(10) Developed policies and procedures governing its general administration, including those relating to organization, personnel and finance.

(D) Any changes in the material submitted pursuant to § 6-1207(C) shall be submitted to the Administrative Office of the Courts in a timely manner for approval by the Nebraska Supreme Court.

(E) Screening and treatment for substance abuse shall adhere to Neb. Ct. R., Ch. 6, Art. 13, Substance Abuse Services adopted by the Nebraska Supreme Court.

(F) The Court may from time to time modify the requirements set forth in § 6-1207(A) through (E).

(G) The Court shall reserve the right to allow exemptions to any of the requirements set forth in § 6-1207(A) through (E). Any request for an exemption shall be made to the Court in writing. Exemptions shall also be terminated at the discretion of the Court.

§ 6-1208. Operational requirements.

(A) All drug courts shall be post-plea or post-adjudication in nature.

(B) Following the effective date of these rules, all new drug courts, with the exception of family dependency drug courts, shall utilize probation personnel.

(C) Before receiving any funding from the Administrative Office of the Courts, drug courts shall have an interlocal agreement or other contract in place. Drug courts directly utilizing probation personnel shall have an interlocal agreement with the Office of Probation Administration outlining the roles, responsibilities, obligations, and the collection of probation fees. Drug courts that are not directly utilizing probation personnel shall have an interlocal agreement or other contract with the Administrative Office of the Courts outlining the roles, responsibilities, and obligations of each.

(D) Drug courts applying for access to treatment funds managed by the Office of Probation Administration shall enter into an interlocal agreement with the Office of Probation Administration outlining roles, responsibilities, obligations, and the collection of fees. Such drug courts shall adhere to all Office of Probation Administration policies and procedures in regard to the Offender Fee for Service Voucher Program.

(E) Drug courts shall not deny participation to anyone based on a person's financial status, gender, age, race, religion, physical or mental disability, or ethnicity.

(F) Participants must sign an appropriate consent for disclosure upon application for entry into a drug court in accordance with confidentiality requirements of 42 U.S.C. 290dd-2 and 42 C.F.R. part 2.

(G) Drug courts shall have a core team of professionals responsible for the case management of participants.

(H) Drug courts shall advise the Administrative Office of the Courts, in writing, of the source(s) of all program funding. Drug courts eligible for available federal funding or other grant-based funding are encouraged to make all reasonable efforts to secure such funding.

(I) Drug courts in which the collection of state or local fees applies shall not deny entrance nor terminate from the program based on an individual's inability to pay.

(J) All drug court participants shall remit all state or local fee payments to the clerk of the court. The clerk of the court shall collect all required state and local fees and shall disperse and report such fees according to law and the policies of the Administrative Office of the Courts.

(K) The Court shall reserve the right to allow exemptions to any of the requirements set forth in § 6-1208(A) through (J). Any request for an exemption shall be made to the Court in writing. Exemptions shall also be terminated at the discretion of the Court.

§ 6-1209. Case management and evaluation requirements.

(A) Drug courts shall collect and record the data necessary to permit the Administrative Office of the Courts to facilitate outcome and process evaluations. At a minimum, the data to be collected and recorded shall include:

(1) Information regarding participant census, including numbers of:

- (a) active participants
- (b) total participants served since program's inception
- (c) graduates
- (d) participants terminated

(2) Participant demographics including, but not limited to:

- (a) age
- (b) race
- (c) ethnicity
- (d) gender

(3) Participant program compliance, including, but not limited to:

- (a) attendance in treatment
- (b) drug testing
- (c) phase movement
- (d) attendance in other services

(B) Drug courts shall utilize the statewide case management system as approved by the Administrative Office of the Courts to record its data when such statewide case management system becomes available. Until then, such courts shall, in a timely manner, provide data to the Administrative Office of the Courts as requested.

(C) Drug courts shall participate fully in any process or outcome evaluation facilitated by the Administrative Office of the Courts.

(D) Unauthorized disclosure of confidential information regarding participants is prohibited.

(E) The Court shall reserve the right to allow exemptions to any of the requirements set forth in § 6-1209(A) through (D). Any request for an exemption shall be made to the Court in writing. Exemptions shall also be terminated at the discretion of the Court.

**Appendix H:
Nebraska Statewide Problem-Solving Court Attendee Survey**

Nebraska Statewide Problem-solving Court Attendee Survey

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Nebraska Statewide Problem-solving Court Attendee Survey



Page 1 - Heading

Strategic Planning - Strengths Within the PSC Statewide System

The following question asks for your opinion as to what are the current, existing strengths within Nebraska's Problem-Solving Court statewide system? Please list what you consider are the top 5 strengths.

Page 1 - Question 1 - Open Ended - One or More Lines with Prompt

In your opinion, what are the top five (5) strengths of Nebraska's statewide problem-solving court system?

- Strength 1
- Strength 2
- Strength 3
- Strength 4
- Strength 5

Page 1 - Heading

Strategic Planning: Concerns or Challenges Within the PSC Statewide System

The following question asks for your opinion as to what are the current, existing concerns or challenges within Nebraska's Problem-Solving Court statewide system? Please list what you consider are the top 5 concerns internal to the system.

Page 1 - Question 2 - Open Ended - One or More Lines with Prompt

In your opinion, what are the top five (5) concerns that you have regarding Nebraska's statewide problem-solving court system?

- Concern 1
- Concern 2
- Concern 3
- Concern 4
- Concern 5

Strategic Planning: Opportunities Outside the PSC Statewide System

The following question asks for your opinion as to what beneficial opportunities may exist outside of, or external to, Nebraska's Problem-Solving Court statewide system? These might include trends, resources, research, leadership outside of the system. Please list what you consider are the top 5 opportunities.

What external opportunities exist in Nebraska and in the US that might benefit the future of our statewide problem-solving courts?

- Opportunity - 1 _____
- Opportunity - 2 _____
- Opportunity - 3 _____
- Opportunity - 4 _____
- Opportunity - 5 _____

Strategic Planning: Threats External to the PSC Statewide System

The following question asks for your opinion as to what external threats may exist outside of Nebraska's Problem-Solving Court statewide system? These might include challenging limitations, cutbacks, reductions, trends, policies, leadership outside of the system. Please list what you consider are the top 5 threats.

What external threats exist in Nebraska and in the US that might be a detriment to or challenge the existence of our statewide problem-solving courts?

- Threat - 1 _____
- Threat - 2 _____
- Threat - 3 _____
- Threat - 4 _____
- Threat - 5 _____

Strategic Planning: Developing Statewide Standards and Statewide Enhancements

The next three questions ask your opinion as to how best to develop statewide standards and other statewide enhancements for Nebraska's problem-solving courts.

As Nebraska works to adopt statewide standards or guidelines, which of the following would be useful to help develop them? Mark all that apply.

- National minimum standards
- National research on "what works"
- Recent Nebraska Evaluation on PSC
- Review of offender data derived from criminal and existing PSC databases
- Research on local Nebraska PSCs as to "what works"

Research on costs and feasibility of implementing statewide standards
Other, please specify

Page 3 - Question 6 - Open Ended - One or More Lines with Prompt

As Nebraska works to adopt statewide standards or guidelines, in what areas of operation would it be beneficial to apply these standards? Identify the five (5) most important areas.

- Standards/guidelines - 1
- Standards/guidelines - 2
- Standards/guidelines - 3
- Standards/guidelines - 4
- Standards/guidelines - 5

Page 3 - Question 7 - Open Ended - One or More Lines with Prompt

What strategies or activities would be helpful in improving coordination and collaboration with the statewide system of Problem-Solving Courts? Identify your top five (5) ideas.

- Strategy/activity - 1
- Strategy/activity - 2
- Strategy/activity - 3
- Strategy/activity - 4
- Strategy/activity - 5

Page 4 - Heading

Strategic Planning: Individual Problem-solving Court Information

The next four questions ask for brief information about you and/or your local or regional problem-solving court(s).

Page 4 - Question 8 - Choice - Multiple Answers (Bullets)

[Randomize]

Which type best describes your problem-solving court? Check all that apply.

- Adult drug court
 - Juvenile drug court
 - Family drug court
 - DUI court
 - Young adult court
 - Not applicable
 - Other, please specify
-

Page 4 - Question 9 - Choice - One Answer (Bullets)

What best describes your role with Problem-Solving Courts in Nebraska?

- PSC Coordinator
- Judge with a PSC Team
- Prosecutor with a PSC Team
- Public Defender/Defense Attorney with PSC Team
- Therapist with PSC Team

Staff of PSC Team
Court Administrator
Judge not directly involved with a local PSC Team
Other, please specify

Page 4 - Question 10 - Open Ended - One or More Lines with Prompt

Where is your problem-solving court located? City and County (include multiple counties when applicable)

City

County

Not applicable

Page 4 - Question 11 - Choice - Multiple Answers (Bullets)

[Randomize] [Up To 8 Answers]

Which of the following primary charges make a person eligible for your problem-solving court? Mark all that apply.

Drug-Related Felony

Other Nonviolent Felony

Driving Under the Influence (DUI)

Misdemeanor

Child Welfare Dependency, Abuse and Neglect Matters

Violent Felony

Not applicable

Other, please specify

Page 5 - Heading

Strategic Planning: Vision and Goals for Nebraska's Statewide PSC System

The following three questions ask your opinions and input as to the future vision of Nebraska's statewide problem-solving court system, as well as possible long term and short term goals or initiatives to work toward that vision.

Page 5 - Question 12 - Open Ended - One or More Lines with Prompt

If you were to leave Nebraska for ten years and return in 2022, what would you observe to confirm that problem-solving courts were working across the state? You may respond to any, some, or all of the prompts.

What would you see?

What would the data show?

What would the prisons look like?

What would problem-solving court programs look like?

What would the culture of substance-using or abusing individuals look like?

Other?

What short-term goals or initiatives would you suggest the statewide problem-solving court system work on during the next 1-3 years?

- Short-term goal/initiative - 1 _____
- Short-term goal/initiative - 2 _____
- Short-term goal/initiative - 3 _____
- Short-term goal/initiative - 4 _____
- Short-term goal/initiative - 5 _____

What long-range goals or initiatives would you suggest the statewide problem-solving court system work on in the next 3-5 years?

- Long-range goal/initiative - 1 _____
- Long-range goal/initiative - 2 _____
- Long-range goal/initiative - 3 _____
- Long-range goal/initiative - 4 _____
- Long-range goal/initiative - 5 _____

Thank You Page

The valuable information from your survey will be compiled and included in the September 17 & 18 Problem-solving Court Strategic Planning Retreat. Thank you again for your time, thoughtfulness and effort.

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