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Judiciary Committee LR535
December 05, 2012

[LR535]

The Committee on Judiciary met at 9:00 a.m. on Wednesday, December 5, 2012, in Room 1113 of State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR535. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Colby Coash; Brenda Council; and Amanda McGill. Senators absent: Burke Harr; Tyson Larson; and Scott Lautenbaugh.

SENATOR ASHFORD: (Recorder malfunction)...everyone. Good morning. Let's get started. Senator Lathrop is coming, I know, and maybe some others hopefully. But this is a very important hearing. Senator McGill has presented a resolution to us and...that we're going to be talking about today. Let me give you some preliminary things. First of all, there is, I guess, two new additions to our Judiciary Committee team--well, actually three. There is Henry Cooper Conroy, who was born...Stacey, when was Henry Cooper Conroy born?

STACEY CONROY: August 27.

SENATOR ASHFORD: August 27, so congratulations to...and then Jono, Jonathan, had a baby, I think, when...Sunday or, what, Saturday or Sunday, Sadie--I hope I get this right--Sadie Leighton (sic). Is that right, or is it Bradford? So I apologize for not getting the middle name right, if I didn't. And Anna Erway from the university...well, from Oregon, who is here, and she's going to be working with us on juvenile justice issues. She is an intern...she's right over here.

_____: Stand up and...(laugh)

SENATOR ASHFORD: Stand up. There's a pillar there, and that pillar cannot be removed. That pillar is...

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR MCGILL: It holds the entire Capitol up.

SENATOR ASHFORD: That pillar holds the whole Capitol up (laugh), so we're going to maintain that pillar. The...so welcome to Anna. And all of you, I'm sure, know Stacey Conroy, or you should, the legal counsel who really has done...over the last six years has been incredibly important to the juvenile justice reforms that we have made. Oliver VanDervoort is our committee clerk. And Senator Coash is here, from Lincoln, as well, who has taken an incredible interest in these issues as well. Let me...we have a...Senator McGill is going to introduce LR535. We're not going to...as you know, we have an ejection system here that ejects witnesses after three minutes normally. But we're going to...we're not going to do that today. We're going to allow for a robust discussion on these issues. I would like us to kind of stay within around seven to ten minutes on the introductions or the...for each witness, and then we'll just see how it goes. I know that Senator McGill and Senator Coash have a meeting at 10:00, but hopefully that won't last too long because...

SENATOR COASH: We'll come back.

SENATOR ASHFORD: And they will come...you will come back?

SENATOR MCGILL: Yeah.

SENATOR ASHFORD: Good. And...because I'd be awful lonely sitting up here by myself. And in any event, why don't we start with Senator McGill's opening, and then we'll go...we do have a list of witnesses here, so. Welcome.

SENATOR MCGILL: (Exhibit 1) Yes, well, I appreciate being able to start. (Laugh) Good morning. I am state Senator Amanda McGill. That's A-m-a-n-d-a M-c-G-i-l-l. And I'm here today to introduce LR535, an interim study to examine the conditions, use, and effectiveness of Nebraska's Youth Rehabilitation and Treatment Centers. As a part of

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

this study, informal focus group discussions were conducted with young people at both Geneva and the Kearney facilities. I've distributed a synopsis of those focus group findings to members of the committee. I attended the focus group discussion at Geneva. The facility director, Dan Scarborough, and a young person placed at Geneva gave me a tour of the facility, and I was very impressed by everything that I saw and the services that are provided to the young women there. He and his staff were even gracious enough to come in on a holiday, on Veterans...or, yeah, for Veterans Day, and so I really appreciated that. They have worked very hard to provide information that we've requested through this study, and I'm grateful to all of them for their cooperation and hard work. I learned a great deal from talking to the women who were at the facility, and I have committed to continuing conversations with these young women. And I think we as legislators should make efforts to regularly obtain information from the young people at both facilities, and I plan on continuing to work with Project Everlast and YRTC administration to facilitate this. I was very moved by some of the stories that these young women...one was a human trafficking victim, others come from domestic violence, I mean, they...some have gone through 12 caseworkers during their time. And many cases, it's no wonder they've ended up there, you know, in my mind, if we don't have other community services to support them elsewhere. As a part of the LR535 study, I also requested data from the YRTCs regarding assaults at the facilities and the use of seclusion, restraint, and other matters. The data did reveal some concerning practices that will be discussed further in subsequent testimony. Concerns were brought to the attention of Children and Family Services Director Thomas Pristow, and he expressed a willingness to work to make changes and has already started to do that. I know he wrote a letter back to us and Voices for Children very soon after it was brought to his attention, and he's working on improving those standards. And, you know, we need to continue to work towards best practice standards, and I think that we must not only examine the behavior and needs of the youth but also, you know, continuing to look at how they're treated by staff and other environmental factors. Again, I commend the work of the staff and administration that work tirelessly to serve the young people in Geneva and Kearney, and I look forward to working with all of them and all of you as we

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

continue this project. I'm happy to answer any questions. [LR535]

SENATOR ASHFORD: Any questions? Senator Coash. [LR535]

SENATOR COASH: No. [LR535]

SENATOR ASHFORD: What I would...I just want to underline Senator McGill's work in human trafficking. It...she has gained a national reputation in this area and has brought the Legislature and the state a long way towards addressing, in a more full way, what that problem is. So thank you, Senator McGill, for that. [LR535]

SENATOR MCGILL: Thank you, Senator. [LR535]

SENATOR ASHFORD: No other questions. Let me just, before we get started, I think all of you that have been in this...go ahead, Amanda. [LR535]

SENATOR MCGILL: Okay. [LR535]

SENATOR ASHFORD: All of you that have been in this committee before know that over the last six years we have committed endless hours and days and weeks to discuss juvenile justice. And the YRTC issue is immensely important to us, as it is to you, or you wouldn't be here. We must resolve all of these issues involving juvenile justice, and time is wasting. So where we want to go in the next two years is to solutions, and I'm deadly serious about this. There's no more jacking around. We're going to get to the bottom of these issues, and we're going to get these kids from the very beginning of where there's evidence of behavioral issues. Whether it's truancy or whatever it is, we're going to get them help so that they don't go to YRTC or any other place but stay in their homes. And I...we are going to...we have addressed these issues as a committee and as a Legislature. And I commend the Governor for his support of the initiative to get our young people back in school. Six thousand children in Nebraska

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

are now in school that were not in school two years ago. There will be a study we'll talk about this afternoon in conjunction with the testimony by UNMC, a study that was commissioned actually by Senator Council and myself two years ago dealing with youth violence in Omaha. And this has just been completed--yesterday actually--and this study is incredibly important because it shows that of the cases of violence in Omaha...and, make no mistake about it, juvenile violence in Omaha has not gone down. It has not gone down a lick. And what is happening is in every single case where there has been a homicide or significant violence in Omaha at the emergency rooms at Creighton and UNMC, there has been a huge...every case, those children are not in school; they haven't been in school; they have significant familial issues that are not being addressed; and there are hundreds of them, hundreds. We will not let this continue in this state. We've got two years to make these changes that have not been made, and we need to make them. And we have to think about solutions. There's no...you know, meetings are great. Meetings are great, but the days of meetings are over, and the time for solutions are now. We need to have data sharing; we need to know when...at the first instant when there is a problem with a young person in this state. All the agencies, every single one of them--HHS, Probation, whomever it is, education--must, must have technology in place to get that information to the appropriate party at the appropriate time. And it has to happen, and it has to happen now. I have been...I have spent four years listening to excuses why data cannot be shared, and it cannot happen anymore and it will not happen anymore. So with that, I will also say this: I don't want to preach, but I do want to commend everybody in this room for what they...what you have done. We have moved the state forward. We have a long way to go, and we have two years to get there. So with that, we have a list of testifiers. And we're going to start with Sarah Forrest, and then Tamarie. Is Tamarie here? There she is. You're going to come next, okay? Is that all right? [LR535]

TAMARIE SIMMONDS: Yeah, (inaudible). [LR535]

SENATOR ASHFORD: Okay. Sarah. If you're not on the list, it doesn't mean you can't

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

testify. [LR535]

STACEY CONROY: Right. [LR535]

SENATOR MCGILL: Yeah. [LR535]

SENATOR ASHFORD: Yeah, right. That's... [LR535]

STACEY CONROY: Do we just...this is just... [LR535]

SENATOR ASHFORD: It's public...it's a public hearing. [LR535]

STACEY CONROY: It's just a list of people we knew about, so. [LR535]

SENATOR ASHFORD: Yeah, so. Yeah, Stacey does remind me of those things. Okay.
[LR535]

SARAH FORREST: (Exhibit 2) Okay. Good morning, Senator Ashford, members of the committee. My name is Sarah Forrest, S-a-r-a-h F-o-r-r-e-s-t, and I am the policy coordinator at Voices for Children in Nebraska. I work on both child welfare and juvenile justice issues. Today I just wanted to bring some data highlights to the committee's attention. Again, I would like to thank the YRTC's and Senator McGill for all their work in gathering a substantial amount of data over the interim. What you have before you is just a quick, two-page fact sheet that distills some highlights that Voices for Children thinks is very important to consider, especially as we look at reform and what changes need to happen for youth in our system. There are a couple points that really rose to the top. First, the YRTC's continue to serve primarily nonviolent youth. Despite the decline in the YRTC's population, over 50 percent of admits to both YRTC's--in fact, almost two thirds--have never committed...have not committed a violent offense. National data in this area strongly suggests that housing low-risk, nonviolent offenders in these large

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

institutions increases their risk for further criminal justice involvement and increases their risk of recidivism. We also wanted to draw your attention to some...the common use of practices that can be quite harmful to youth. Senator McGill alluded to this. We did bring this to Director Pristow's attention, and he and Terri and Jana and Dan have met and have written us a letter back. I have a copy of our original letter if any of you are interested. But the fact is that seclusion is used widely at both YRTC's, especially YRTC-Kearney. Youth at Kearney spent over 100 hours...or 100 days, excuse me, each month in seclusion from January to June of 2012. This can be linked to increases in anxiety, depression, and psychosis, especially in the case of juvenile offenders. At Geneva the times are much lower. But still, you know, the shortest time that a youth has been in seclusion in June 2012 was nearly two days. So we can see that there is lots of room for improvement. Both facilities also use mechanical restraints. Geneva used between 30 and 40 restraints a year. Kearney only began recording restraints in January 2012. But between January and June, 75 restraints were recorded. Restraints are certainly sometimes necessary, but reducing the use of them and reducing the use of seclusion, adopting more trauma-informed practices has been shown at other facilities to really reduce the risk of harm to both youth and staff. Finally, I wanted to raise the continued safety concerns with the rate and number of assaults. I would say that this data may not fully reflect the impact of the changes that the Legislature made because it only went through the end of June this year. But when you calculate the rate of assaults per ten admissions, nearly seven youth for every ten admitted at Kearney are assaulted. At Geneva the rate of assaults on staff is actually higher than at Kearney. But in both facilities assaults are clearly an issue, remain an issue, and the safety of both youth and staff is of some concern. So I just wanted to raise all those data concerns for the committee as you consider the path forward. If... [LR535]

SENATOR ASHFORD: They're not just data, right, are they? They're real cases of... [LR535]

SARAH FORREST: They're real cases. I took the numbers from long sheets of, you

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

know, incidents of seclusions and assaults, and I think all of those are...Senator McGill has and would be available to folks who wanted to go through the pages and pages and pages, but this is sort of a concise highlight. So I think, on the whole, what Voices for Children would suggest is that we're serving the wrong youth at the YRTCs--there are many youth who could be better served if services existed in their communities--and that we're still using practices that we know are not trauma informed and are not best practice for youth and that safety and the safety and well-being of young people at the YRTCs remains a concern. I certainly know that Director Pristow, Terri Nutzman, Dan, and Jana are committed to working on these issues. But we remain concerned, and we think that there is a lot of work to be done here. [LR535]

SENATOR ASHFORD: Senator McGill. [LR535]

SENATOR MCGILL: Do you have...amongst all of that data, all the pages and pages, do you have information on where most of the youth are coming from, in terms of region, so we can identify where the, you know, we need community resources? [LR535]

SARAH FORREST: Yeah, the YRTC annual reports do identify that. [LR535]

SENATOR MCGILL: Um-hum. [LR535]

SARAH FORREST: The majority of commitments, I believe, are actually from the southeast service area and Lancaster County, followed by Douglas County, and then sort of a smattering across the state. So, you know, I can't say if there is one service area more than another. [LR535]

SENATOR MCGILL: Um-hum. [LR535]

SARAH FORREST: But there definitely are those data, and I'm sure that the department would be happy to work with you on that. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR MCGILL: Yeah. Oh, I'm sure. I'm just...you know, if we're looking at what community resources need to be there and what's missing, and that will help us identify that. [LR535]

SARAH FORREST: Um-hum. [LR535]

SENATOR ASHFORD: And usually the department, when we ask them, they will bring us things. [LR535]

SARAH FORREST: Yes. (Laugh) [LR535]

SENATOR ASHFORD: Welcome to Senator Lathrop. Senator, good morning. [LR535]

SENATOR LATHROP: Mr. Chair. [LR535]

SENATOR ASHFORD: Sarah, how are we doing on the longitudinal evaluation of these young people when they leave the facilities? [LR535]

SARAH FORREST: When they leave...I do know that the department and others have worked on a reentry grant here in Lancaster County that will sort of begin to track the long-term effects and try to work on improving reentry of youth into the communities. Both YRTC's calculate recidivism rates with reentries and parole violations within one year of release, so it's a very small look at actual recidivism. It doesn't take into account any new charges that may bring the youth into adult court, and it only captures those 12 months after release. So... [LR535]

SENATOR ASHFORD: And the average age is 15, am I right? [LR535]

SARAH FORREST: I believe it's 16 now for both facilities. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR ASHFORD: So if they're 14, and we've...what have we...last year we limited the age to, what, 14 or...? [LR535]

SARAH FORREST: Fourteen, yes. [LR535]

SENATOR ASHFORD: 14. [LR535]

STACEY CONROY: It was 12. [LR535]

SENATOR ASHFORD: It was 12, and we moved it up to 14. So if we have a 15-year-old, we're looking at him for a year, and so they're 16. They're still juveniles. [LR535]

SARAH FORREST: Right, so, you know, if they finish that year we wouldn't necessarily be capturing either reoffenses that made them enter the juvenile justice system, and we definitely don't capture reoffenses that enter them into the adult criminal justice system. [LR535]

SENATOR ASHFORD: Into the adult system. [LR535]

SARAH FORREST: And, as you know, we tend to use a fair number of adult filings here in Nebraska, so my guess is that we don't really have good numbers on that. [LR535]

SENATOR ASHFORD: Right. And let me just ask one more question about adult filings. You know, we have had bills introduced to have these cases...well, we've introduced many bills to have these filings go directly into juvenile court and not to adult court. We're one of the few states, the only state, I think, left that does that. What is the view of Voices? Because I know there's been some kind of...not total support for that. Or what is your view of that? [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SARAH FORREST: You know, Voices for Children's position is that there should be a juvenile court of origin. We think that that's...the way we do things in Nebraska, however it evolved, is a bit backwards. You know, we want to be giving young people immediately a chance for rehabilitation, to access services. It creates a lot of confusion and problems not just for youth who we may have to...may be transferred to adult court. But, for example, in the cases of juvenile diversion, a case will get filed with the city attorney. It will lay on their desk for three months, and then four months after it will be transferred back to juvenile diversion. [LR535]

SENATOR ASHFORD: Well, that hopefully will... [LR535]

SARAH FORREST: And I'm sure none of you would try to ground your child after waiting for four months to address this situation. [LR535]

SENATOR ASHFORD: Right, and... [LR535]

SARAH FORREST: So I think it creates a lot of problems and confusion. It would definitely be better for youth to start in the juvenile court. [LR535]

SENATOR ASHFORD: Right. I picked up some resistance when we tried to introduce this a couple years ago from Voices, but maybe I misunderstood. So that's your view. So...and certainly in Douglas County, as hopefully we've transitioned those juvenile filings over to the county attorney and not the city prosecutor, that that will...and if we have the juvenile filings, too, that would be an improvement, correct? [LR535]

SARAH FORREST: Um-hum, yeah. And I think, you know, it would certainly have to be a change that you planned for; there would have to be additional juvenile court capacity, I would assume, particularly in Douglas County where you have maybe about 1,500 adult filings a year. But even small counties are sending a lot of youth for, for example,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

minor in possession through the adult court system. And we know that most youth in the adult court system plead guilty. [LR535]

SENATOR ASHFORD: And that is not the case in Douglas County anymore... [LR535]

SARAH FORREST: Right. [LR535]

SENATOR ASHFORD: And we are...all of those cases are now with an...the chief. And Marty Conboy and myself reached an agreement, and those filings are now going into the juvenile court. But again, it's a capacity issue, and we...there will be a bill for an additional juvenile judge in Douglas County this year. [LR535]

SARAH FORREST: Okay. [LR535]

SENATOR ASHFORD: But...so hopefully that will address. Any other questions? Thank you, Sarah. [LR535]

SARAH FORREST: Okay, thank you. [LR535]

SENATOR ASHFORD: Okay. Tamarie, would you like to...? Oh. (Laugh) This is the friendliest committee of all, so don't...(laugh). I only lecture once a year. I'm sorry that...(laugh). [LR535]

SENATOR MCGILL: Oh, yeah. (Laughter) [LR535]

TAMARIE SIMMONDS: Whose word do I take? I'm not sure. [LR535]

SENATOR ASHFORD: Just give us your name, and then just go ahead. [LR535]

TAMARIE SIMMONDS: (Exhibit 3) Okay, so my name is Tamarie Simmonds, and I'll

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

just go ahead and I'll read this here that I wrote. I was recently discharged from the Youth Rehabilitation and Treatment Center at Geneva. Since leaving there I have faced a lot of struggles, but I gained a lot of skills there that have been able to help me since I've been outside of the treatment. The real world is extremely difficult coming from such a structured environment, extremely, extremely difficult. And while I was in the treatment center, I had access to all the resources. I had group four days a week, staff that loved to help. For example--I was talking about this earlier--there was a staff member there that her and I just butt heads all the time. But I can't tell you how much she helped me because she never punished me. She would set me aside and ask me, you know, what's going on and help me. But, I mean, I didn't like her while I was there, but I appreciate her very much now. And sometimes the help, again, seemed misguided, but I knew that they were trying to help and what was said did help me a lot. And I come from a pretty average family. There's...I mean, my family is great. There is nothing wrong with them. The structure was there when it needed to be, and there was rules. And being placed in the system was purely my fault. I wanted to be like all the other kids I hung out with. In turn, this got me addicted to alcohol. My parents tried everything from putting me into counseling to having me live with my grandparents for a summer. Nothing seemed to work out for me. Soon after the summer I came home from my grandparents', I got a DUI. And then very shortly after that I got an assault charge. My life was literally spiraling out of control, and I had absolutely no control over it. My addiction to alcohol was worse than ever, and my parents were overwhelmed. They had no idea what to do with me. And so I was placed in the state's custody after my parents had done everything they could. Within a year I jumped between five placements and six different schools until it was decided I needed more help, a more intense form of help. And then they decided I would go to YRTC at Geneva, and I knew that once I was placed there that I wanted to get the help. The opportunities at Geneva can help. However, the treatment doesn't work unless the individual takes it seriously. I learned really fast that my life was short on a lot of things. However, I had many things that a lot of girls did not have. I had a supportive family, friends that wrote me. My mom came and saw and me every single week. And I was one of maybe the two or three girls that

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

had that, and so that was a really, really good thing that I had. Geneva allowed me and other girls many chances to build ourselves. While I was there I also got really in touch with my spiritual life. The programs there are so...they're amazing, and it offers a safe, judge-free environment where every girl gets three meals a day and treatment in a specific field that they need it in. And I really stress that food because, I mean, some girls come back and come back because it's safe, they get food, they have a roof over their head, I mean, it's heated, it's air-conditioned, whatever, and that's a big reason why they continue to come back. And, I mean, so it's great that they have it there. However, you know, we need to get on with our lives and not have to depend on that. And also while I was there I got to join Project Everlast, and it's given me many, many, many opportunities. I have an insane amount of help with my college, a support system outside of my home, and I have a chance to have a voice. And treatment has done so much for me. I'm still in recovery and working on my sobriety. And I know that if I use the tools I learned while I was at YRTC I'll be fine. I plan to...will continue college in January and look forward to exploring all the options that are now available for my future. Thank you. [LR535]

SENATOR ASHFORD: Great job. Senator McGill. [LR535]

SENATOR MCGILL: How old were you when you went to YRTC? [LR535]

TAMARIE SIMMONDS: I was 17 when I got there. [LR535]

SENATOR MCGILL: And when...do you mind me asking when your substance abuse problem started? [LR535]

TAMARIE SIMMONDS: When I was 15. [LR535]

SENATOR MCGILL: Okay, so about two years down the road to that. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

TAMARIE SIMMONDS: Well, I got sent away when I was 16, but... [LR535]

SENATOR MCGILL: Okay. Okay. Just give me what you think the best thing about YRTC was and then what you think needs improvement. You've said a lot of good things, so. [LR535]

TAMARIE SIMMONDS: Yeah, it helped me. I can't even explain how much it helped me. [LR535]

SENATOR MCGILL: That's great. [LR535]

TAMARIE SIMMONDS: Well, the best thing, I think, there is that they stress so much on treatment, like...I mean, it seems to me like they could care less about punishing you. They just want to help you, and that helped me a lot. A part I didn't like so much personally was other girls. They...I mean, if their attitude is poor and they want to come at you, they can do that. I mean, there's nothing anybody can do to stop them besides getting them in more trouble, but what's that going to stop them from doing? So I didn't like that part, but... [LR535]

SENATOR MCGILL: So like what you probably heard us talk about before, just that some girls maybe need to be there more than others or need a different type of treatment facility or... [LR535]

TAMARIE SIMMONDS: Yeah. Yeah. [LR535]

SENATOR MCGILL: Okay. [LR535]

TAMARIE SIMMONDS: Yes. [LR535]

SENATOR MCGILL: Thank you very much for coming and testifying today. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

TAMARIE SIMMONDS: Thank you. I'm nervous. [LR535]

SENATOR MCGILL: You did a good job. [LR535]

TAMARIE SIMMONDS: Thank you. [LR535]

SENATOR ASHFORD: What are you going to...what would you like to do when you get out of...where are you in school? [LR535]

TAMARIE SIMMONDS: Why? [LR535]

SENATOR ASHFORD: Where are you in college? Where are you in school? [LR535]

TAMARIE SIMMONDS: Oh, well, right now I'm just...I just started in October, and I was taking on-line classes. And I'm transferring to the campus though, because on-line is just not working for me very great. (Laugh) But the field of study that I'm going to start practicing in is radiology. My mom is in radiology, and I kind of like it. [LR535]

SENATOR ASHFORD: Great. [LR535]

TAMARIE SIMMONDS: But I'm not for certain what I want to do yet. [LR535]

SENATOR MCGILL: That's okay. [LR535]

TAMARIE SIMMONDS: Yeah. [LR535]

SENATOR ASHFORD: That's a good goal. [LR535]

TAMARIE SIMMONDS: Yeah. Yeah. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR ASHFORD: Thank you. [LR535]

TAMARIE SIMMONDS: Thank you. [LR535]

SENATOR ASHFORD: Thanks very much for coming over. [LR535]

TAMARIE SIMMONDS: Thank you. [LR535]

SENATOR MCGILL: Thank you. [LR535]

SENATOR ASHFORD: Dr. Pope. [LR535]

KAYLA POPE: Do you want my...and I have supporting documents. Do you want to have those distributed now? [LR535]

SENATOR ASHFORD: Sure. [LR535]

KAYLA POPE: (Exhibit 4) Thanks. Well, I'm actually encouraged by what I just heard. I was assuming things were far more dire there based on the seclusion data that I had an opportunity to do. But my name is Kayla Pope. It's K-a-y-l-a, Pope, P-o-p-e. I'm a child and adolescent psychiatrist, and I'm here today speaking on my own behalf as a concerned physician that works with this population. The data on use of seclusion at Kearney and Geneva was quite shocking to me. Let us remember that we are talking about children, and to place a child in isolation for days or even weeks is nothing short but being unconscionable and I think abusive. Nebraska is one of the few remaining states that allows for the use of seclusion as a form of punishment. This is a contravention to best practices, federal guidelines, and the practice in the majority of states. Current guidelines in Nebraska allow the use of seclusion for punishment for up to five days. It is worth noting that the average length of seclusion in both facilities was

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

around five days, which is highly suggestive of why it's being used. Current federal standards and best practice guidelines preclude the use of seclusion for punishment and set strict standards on the length of time a youth can be kept in isolation for safety reasons. These practices have been guided by advances in our understanding of brain development in adolescents, the incidence of trauma in these children, and also the incidence of mental health problems among this population. I would like to say a few words about each of those factors and how they play out in these children and why it places them at increased risk for suicide, self-harm, and increased aggression on the unit. First, as the committee members are well aware, in recent Supreme Court decisions the court recognized that adolescents think differently than adults, and these differences make them more vulnerable to adverse outcomes, including in emotionally charged situations. These differences, which include increased impulsivity and an inability to appreciate the consequences of their behavior, place them at increased risk for suicide and self-harm. Extended periods of time in seclusion have been associated with an increased incidence in these outcomes. With respect to mental illness in this population, the data is compelling. In any given sample, 60 to 70 percent of children in the system have more than one...have one or more than one "Axis I" diagnosis, and by that I mean they struggle with depression, anxiety, and trauma, which are too often undiagnosed and untreated. Again, the presence of these disorders, especially if untreated, increase the risk of adverse outcomes when these children are placed in seclusion. Finally, the vast majority of these children have significant histories of trauma. For females in the system, three-quarters of them will have experienced physical abuse and nearly half of them sexual abuse. For the males, approximately three-quarters will have experienced physical abuse and about 10 percent sexual abuse. A history of trauma also serves to increase the risk of suicide and self-harm, especially when they are retraumatized. It is without question that placing them in seclusion for extended periods of time does just that. I urge this committee to end the use of seclusion as a form of punishment and to adopt developmentally appropriate procedures for the use of seclusion for reasons of safety. I was encouraged by Director Pristow's response and support his recommendation of forming a task force to look at

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Rough Draft

Judiciary Committee LR535
December 05, 2012

and evaluate current practices and develop better recommendations. I gave you some supporting documentation which provides you with data on mental health problems and trauma in this population and also what current practices are in federal and state levels. Any questions? [LR535]

SENATOR ASHFORD: Questions of anybody? Senator McGill. [LR535]

SENATOR MCGILL: Well, just to make it more real to me, so if a child acts up, what is the best practices? Say there's a fight, he's beating up another person at YRTC. [LR535]

KAYLA POPE: I mean, the first thing you want to do is try to talk a child down and understand what the precipitating factors were and to help them deal with whatever those factors are. But you have to take into consideration what's happening in the context. I mean, first you want to separate them, but then try to talk the child down. [LR535]

SENATOR MCGILL: Yeah. [LR535]

KAYLA POPE: And if you have to place them in seclusion for a period of time, it should be an hour or two. I mean, can you imagine if, when you were a child, your parents put you in your bedroom for days and what that experience would be like? [LR535]

SENATOR MCGILL: Yeah. [LR535]

KAYLA POPE: And these are kids that are already highly traumatized, so that's going to reignite a lot of things in them. [LR535]

SENATOR MCGILL: Thank you. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

KAYLA POPE: Yeah. [LR535]

SENATOR ASHFORD: We...and Senator Coash is really our expert on the committee on issues of mental health and so forth. And I think what everybody should know is that this next two years we are going to be focusing on mental health in the juvenile area. And so it's a gap; it's clearly a gap that we see and we need to address, so it's important that we lay the... [LR535]

KAYLA POPE: I mean, I would certainly encourage better screening. I don't know that we actually have been doing that systematically now. And if you don't know a child's mental health status, it's very hard to know and predict what...how they're going to react to situations and definitely places that increase risk for violence. [LR535]

SENATOR ASHFORD: Senator McGill. [LR535]

SENATOR MCGILL: I know. I had a different interim study on access in schools to mental health services. [LR535]

KAYLA POPE: Right. [LR535]

SENATOR MCGILL: So I would love for you to be a part of our working group that we have. [LR535]

KAYLA POPE: It's another area where comprehensive screening would really pay off,... [LR535]

SENATOR MCGILL: Yeah, exactly. [LR535]

KAYLA POPE: ...absolutely. Great. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR MCGILL: And I think that our LB603 Committee, dealing with children's behavioral health issues, is going to add the whole schools element in and how to best get them where we have them, you know. [LR535]

KAYLA POPE: Absolutely. [LR535]

SENATOR MCGILL: And teachers...or parents sometimes don't know or acknowledge the problems their kids have, and it's teachers who can first identify that. [LR535]

KAYLA POPE: Absolutely, and I think it's been interesting. The whole truancy project has really, I think, flagged a lot of these kids. [LR535]

SENATOR MCGILL: Um-hum. [LR535]

KAYLA POPE: As you're right, parents don't want to bring them forward, don't want to identify. And the truancy... [LR535]

SENATOR MCGILL: Or they think they did something wrong. [LR535]

KAYLA POPE: Right, exactly, a lot of guilt associated with it, so yeah. [LR535]

SENATOR MCGILL: Um-hum. [LR535]

SENATOR ASHFORD: And that's a point. I mean, I think truancy is a trigger. When we started with...on the truancy initiative with the Governor and John Tuell from Georgetown, we...the idea was that...certainly that their attendance issues are not indicative of significant mental health or behavioral issues with everybody. [LR535]

KAYLA POPE: No. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR ASHFORD: But what we're finding is that there is somewhere...you know, we'll think, we'll get some numbers, continue to get numbers on this. But it is, you know, it's in the 10 to 15 to 20 percent range that...where these young people need additional follow-up, and they weren't getting it at all. What...we have physical health screening for young people when they go into school. [LR535]

KAYLA POPE: Every child is required to have a physical exam every year before they go to school. [LR535]

SENATOR ASHFORD: Right. [LR535]

KAYLA POPE: It would be easy... [LR535]

SENATOR ASHFORD: How difficult would it be to do... [LR535]

KAYLA POPE: It would be very easy to incorporate it. [LR535]

SENATOR ASHFORD: How easy would it be to do that? (Laugh) [LR535]

KAYLA POPE: You could do a simple...it could be very easy. You could have a simple computer screen that would take five minutes, which they would do while they're waiting to see the pediatrician. The pediatrician would have that information. If there were red flags, they could just refer on to mental health for further evaluation. [LR535]

SENATOR ASHFORD: Well, I think it's interesting. Senator Lathrop--and it's been a...and it's really working--with his bill on concussion screening with...and, you know, now even my son, who's 15, playing basketball got his baseline concussion thing as a result of Steve's efforts and that bill. And I think if we can do that, it seems to me we could do mental health screening if it's that effortless. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

KAYLA POPE: The state would save a lot of money in the long run for sure. [LR535]

SENATOR ASHFORD: Yeah, any other questions? Thanks. I think we'll go...thanks. [LR535]

SENATOR MCGILL: Thank you. [LR535]

SENATOR ASHFORD: Let's go to Jeanette. [LR535]

JEANETTE MOLL: Actually, if you don't mind, my colleague has some introductory testimony first. [LR535]

SENATOR ASHFORD: No way. (Laughter) No, go head. First of all, sit down. No. (Laugh) But I would like...I see John McCollister in the room. And John has been a friend of mine since we were in our...seven or eight years old. And I want to commend John for all his work at the Platte Institute. I think you have brought the institute into the mainstream of issues in your tenure. And I know you're going to be leaving, retiring from that, so thank you. Let's go. [LR535]

MARC LEVIN: Well, I want to thank... [LR535]

SENATOR ASHFORD: Go ahead, give us your name and... [LR535]

MARC LEVIN: Oh. Marc Levin, with the Texas Public Policy Foundation and Right on Crime. And here's my affirmation, and I want to thank John, too, for bringing us up here and also giving us the opportunity to issue this report from the Platte Institute that Jeanette, my colleague, primarily wrote and will be talking shortly about the findings. But this provides a lot of specific data on Nebraska's juvenile justice system as well as a number of solutions. And so before she gets into that, I wanted to just talk a little bit about what we've done in Texas and what other states have done. And, you know,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

Nebraska has got many great aspects of its juvenile system. But I think there's always a chance to kind of learn and cross-pollinate across state lines here, so we're delighted to be up from Texas in this great state. First of all, we're with Texas Public Policy Foundation, which is the Texas counterpart to the Platte Institute. And we began working on adult and juvenile justice issues in Texas in 2005. And we started our Right on Crime initiative in 2010, which has brought a number of leading conservative voices, such as Jeb Bush, Newt Gingrich, the former drug czar Bill Bennett, former Attorney General Ed Meese, all together to endorse a statement of principles and to work on criminal justice reform from the right side of the spectrum, which traditionally hasn't always been... [LR535]

SENATOR ASHFORD: Well, you really didn't need to go into all that. [LR535]

MARC LEVIN: Sure. [LR535]

SENATOR ASHFORD: We're a nonpartisan Legislature here. [LR535]

MARC LEVIN: Sure, sure, but I just wanted to point... [LR535]

SENATOR ASHFORD: So we will accept your views no matter where, what side of the political spectrum you come from. (Laugh) [LR535]

MARC LEVIN: Well, we're delighted to be working with the Voices for Children and groups here across the spectrum. We're nonpartisan as well, and...(laughter). But I think the point is, regardless of what side of the spectrum you're on, a lot of these solutions make sense. So let me just talk briefly about what we did in Texas and some other states. In Texas we had a crisis of abuse in our juvenile facilities that really started in...well, it first became public and was a source of a lot of media attention in late 2006. And that led our legislature...juvenile justice, frankly, wasn't on the front burner. But in early 2007 it was...with all these reports of youths being assaulted by staff in our

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

facilities, we...legislators turned to us and other groups to help draft legislation, and it was senate bill 103, which passed unanimously in Texas in 2007. And the reason I bring that up is what it did...a number of things, but one was to say we would no longer send misdemeanors to our state youth lockups. And we also put in place an inspector general, video cameras, an ombudsman, various procedures to try to root out the abuses and ensure that when they did occur they weren't swept under the rug but, instead, were addressed. And so then in 2009 we went further and implemented something which we recommend for Nebraska, which is the juvenile incentive funding program, called the Commitment Reduction Program. And what this involves is, essentially, the state has created a pool of money that counties can apply for to receive funding to implement community-based alternatives for youths. And they target a certain reduction in the number of youths that they send to state lockups, and so...and certain exclusions like, you know, murder, rapes, some of those serious offenses are not part of this. But for other types of offenses, they would reduce the number of youths they send to state youth lockups by a certain number for each county, and then they get, essentially, what's essentially a share of the state's savings to use for both nonresidential and residential programs at the local level. They also have to submit data showing, when they apply for this funding, that the programs they are proposing have worked in other jurisdictions, have reduced recidivism, have produced positive outcomes, and then that data is also looked at every year by our juvenile justice agency in terms of...to make sure that...to continue funding those programs, they have to demonstrate success. Now two other...and, by the way, we're now at our lowest crime rate since 1973. The first fiscal year after that juvenile Commitment Reduction Program went into place we saw a 36 percent drop in commitments to our state youth lockups, and we've seen drops in arrest rates in our major cities of juveniles. Now Ohio and Illinois have actually had a similar funding incentive system even in place for a longer time, and the results have been quite spectacular. Ohio was really the originator of this with their RECLAIM program, and they recently expanded that under Governor Kasich. They have, again, through the local programs that these youths have been diverted to, they have had a 12.6 percent recidivism rate versus 39.5 percent with the state youth

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

lockups. Illinois Redeploy is a very similar funding mechanism, and they've seen savings of \$40.2 million and a drop of 11.8 percent in the arrest rate in the sites that were participating, while there's been a 9 percent increase in arrests in state...in counties that weren't participating in the Redeploy program. Let me just conclude by saying that one of the other differences in Texas is 16-year-olds are youths. Now we do have a certification. You can certify a youth to stand trial as an adult. The prosecutor can go before the judge and say, due to the gravity of the offense, if that youth has been through a lot of the juvenile system before, for whatever reasons, we want to certify that 16-year-old, or 15 or 14, as an adult. But here in Nebraska, of course, you've got dual jurisdiction over 16-year-olds. And so we'd recommend taking a look at the way we do it in Texas. I was actually, earlier this year, testified in the Colorado legislature, and they had what was called the "direct file" system, where prosecutors could direct file. In other words, the judge gets no say. They just say, we're going to file this in adult court. And it was quite a legislative victory that the legislature, over some objections, decided to get rid of that direct file and move to what we have in Texas, which again is the prosecutor goes before a neutral, objective judge and says, I think, because of the gravity of the offense, this 14-, 15-, 16-year-old needs to go into adult court. So I would encourage you to take a look at that. We've found, through the research, there's a 33 percent higher recidivism rate when youths are processed in adult courts. And certainly adult facilities have had even more problems when it comes to abuses of youths than have juvenile facilities. So thanks so much for...and I look forward to any questions you might have. [LR535]

SENATOR ASHFORD: Seeing none, thanks. [LR535]

MARC LEVIN: Thank you. [LR535]

SENATOR ASHFORD: Yes. [LR535]

JEANETTE MOLL: (Exhibit 8) Good morning. My name is Jeanette Moll, J-e-a-n-e-t-t-e

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

M-o-l-l. I also am with the Texas Public Policy Foundation and Right on Crime. And you have before you a copy of the report that we issued today with the Platte Institute, our policy study entitled, "Right-Sizing the Cornhusker's Juvenile Justice System." And this is a...this encompasses our recommendations to Nebraska on the juvenile justice system. We studied the state for about six months. We looked into the budgets and all of the issues and the data, and this is what we come up with, not based on the experiences we've had in Texas but the national experience in juvenile justice reform, how you can implement a system that costs less while decreasing crime and recidivism in youths. The backbone of our recommendation is the County Juvenile Services Aid Program. As you all well know, this was implemented back in 2001. And this really was kind of visionary by the Legislature in that year because this is the exact same time of program, as Marc was just discussing, that Illinois and Ohio and Texas have done more recently. Use of this program would dramatically decrease costs, as well as give counties the tools that they need to handle youths in their jurisdictions rather than send them to the state level. The way to fund that kind of a program is to reduce the use of the most expensive options in the juvenile justice system. I'm going to go into the ways that we can do that. But taking a portion of those savings that we can achieve through reducing the use of those options and funding the County Juvenile Services Aid Program at a greater level will permit counties to retain more youths and use more successful programs for those youths. It's only funded, I believe, by about \$1 million or \$2 million each year, and with increased funding the counties would be able to handle more youths. Under the funding system right now, one diversion under the County Juvenile Services Aid Program is equal to the cost of just two days in the YRTC, so substantially more cost-effective. Now how you can reduce the use of the more expensive options and pay for this program, first of all, we know that there are a very large number of truancy cases filed in the courts every year in Nebraska--there's about 9,000 each year--and this is a really ineffective way to handle truancy. [LR535]

SENATOR ASHFORD: That's not correct. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

JEANETTE MOLL: No. [LR535]

SENATOR ASHFORD: Where did you get that... [LR535]

JEANETTE MOLL: I got that information from the Omaha...the newspaper study that they did. [LR535]

SENATOR ASHFORD: What year was that? [LR535]

JEANETTE MOLL: 2011, I believe. [LR535]

SENATOR ASHFORD: Okay. [LR535]

JEANETTE MOLL: So the number of youths that are sent to the juvenile justice system for truancy is a little high, whether it's 9,000 or less than 9,000, because we know that that doesn't work. There's no evidence that adjudicating the youth for truancy reduces truancy in that youth or any other youth. Every jurisdiction that has implemented justice system handling of truant youth have not seen any changes in their rates of truancy in their schools. So a school-based system, like the one that Douglas County has implemented, would really be a more effective and more cost-efficient way to handle truant youth. The other...the second system point where we think you can reduce the use of expensive options for youths is pretrial detention. There's about 3,000 bookings into detention centers in Nebraska each year, and this is a really expensive way to supervise youths prior to trial. It costs about \$200 a day in a detention center, and there's no evidence, again, that that is necessary in the case of every single youth that is put there right now. Detention is a great tool when you have a violent youth, when you have someone that's going to be a risk to the public safety before their trial date. It's absolutely where they should be. Otherwise, I think that there are more effective ways to supervise those youths, including electronic monitoring, day reporting, some of those other options, the JDAI sites, like Douglas County have begun to implement. The third

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

point is the adult court handling of the youths in Nebraska. As my colleague noted, 33 percent more recidivism in those youths is really unfortunate. There are more we...
[LR535]

SENATOR ASHFORD: Is that in Nebraska? Where does that 33 percent come from?
[LR535]

JEANETTE MOLL: That's a national study the DOJ did. [LR535]

SENATOR ASHFORD: Okay. Well, I mean I think we have to look at the number. I agree with you about juvenile filings. I'm not debating that. [LR535]

JEANETTE MOLL: Yes. [LR535]

SENATOR ASHFORD: But if we're going to throw 33 percent around, I think we have to think about what's actually happening in Nebraska. And I'm not disputing your 33 percent nationally but, you know, I think there are other factors that go into that in Nebraska. [LR535]

JEANETTE MOLL: Absolutely. You're absolutely right, and we attempted to look into that to get that Nebraska-specific data. Unfortunately, the adult court system doesn't, kind of, divide out those...the youths from the adults, so I couldn't get any specific data for us. But that is absolutely some information that we would need specific to Nebraska. The fourth point that we were looking at is the high rate of unsatisfactory or unsuccessful closures coming out of diversion and probation right now. We know that diversions and probation can be a great tool for kind of cutting the cycle of crime out of the youths' lives early on. But unfortunately, we see a little bit higher rate of unsuccessful closures in Nebraska than we do in other states, and so we have some proposals in the way that you can increase successful closures and get the kids out of the system entirely. One of the things is what you mentioned earlier: information

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

sharing. Everyone needs to have the information. The person handling a youth diverted from the system needs to know if they're in school or not. It's a really simple thing for them... [LR535]

SENATOR ASHFORD: And they need to know it immediately, don't they, I mean? [LR535]

JEANETTE MOLL: Exactly. [LR535]

SENATOR ASHFORD: Yeah, and there almost has to be an early alert. [LR535]

JEANETTE MOLL: It has to be every adult handling a youth has to know, and they have to know at every point. [LR535]

SENATOR ASHFORD: And if a caseworker should know immediately when...immediately when that child is...when there's a suspension at school or...not two days or a week from then. [LR535]

JEANETTE MOLL: Exactly. [LR535]

SENATOR ASHFORD: Yeah. [LR535]

JEANETTE MOLL: Exactly, swift and sure. One of the things that we see sometimes is, for example, a probation officer, if a juvenile is in probation, they might know that that kid isn't in school. But then that kid goes before a judge because he's revoked a term of his probation; that judge doesn't know. So it's important that every person in the system has that information and can use it to really kind of tailor the probation system for that youth. [LR535]

SENATOR ASHFORD: Do you have a data-sharing system in Texas that does that?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

[LR535]

JEANETTE MOLL: We have a case management system that does share that data.

[LR535]

SENATOR ASHFORD: Across all disciplines? [LR535]

JEANETTE MOLL: It's supposed to. Whether or not it does in practice is, of course, as you well know, another question. It can always be improved though. [LR535]

SENATOR ASHFORD: I mean, but it's important to you, in your opinion. [LR535]

JEANETTE MOLL: Absolutely. It's essential. [LR535]

SENATOR ASHFORD: Okay. [LR535]

JEANETTE MOLL: Another thing that we've pointed to in terms of increasing successful probation outcomes is using more familial involvement. We know if the parents are involved it's much more likely that kid is going to succeed in probation. And we also think that Nebraska should consider Civil Citation Program. This is something that Florida had... [LR535]

SENATOR ASHFORD: We have one. [LR535]

JEANETTE MOLL: Yes. It's a pilot program, and expanding it statewide we think is a great idea. As you well know then, Florida has saved millions of... [LR535]

SENATOR ASHFORD: Dade County started it, and it was very successful. [LR535]

JEANETTE MOLL: Yes, absolutely. And then the final thing that we looked at is the use

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

of secure confinement, the YRTC's in Nebraska. We think that there are some youths in those facilities right now that do not need to be there. The nonviolent youth, the low-risk youth. Youths convicted only of shoplifting probably do not need secure confinement to rehabilitate their ways. And given how expensive that is, between \$180 and \$257 a day, downsizing those youths will create substantial budgetary breathing room for you to do some of the more effective things here in Nebraska. [LR535]

SENATOR LATHROP: Can I ask you a question? [LR535]

JEANETTE MOLL: Yes. [LR535]

SENATOR LATHROP: You have said putting people in there that could be someplace else and... [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR LATHROP: ...or not putting people in the YRTC that could be someplace else will result in substantial savings. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR LATHROP: What percentage of the people that are at the YRTC do you believe shouldn't be there? [LR535]

JEANETTE MOLL: Should or shouldn't? [LR535]

SENATOR LATHROP: Should not be there. [LR535]

JEANETTE MOLL: Should not be there. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR LATHROP: You gave shoplifting as an example; you made a broad statement, talked about an individual for shoplifting. My question is, what...how many of those kids that are in there now do you think shouldn't be? [LR535]

JEANETTE MOLL: That's a good question. I think that there are a couple different places you could draw that line. They mentioned earlier the number of nonviolent youth that are in the facilities. I believe it was about 59 percent. That's a place that you could draw the line. Texas, for instance, has said, no youths convicted of a misdemeanor will be in our version of the YRTC's. If you drew the line there, it would be about 40 percent of the youth current... [LR535]

SENATOR LATHROP: But that could include youth that have...are convicted of a misdemeanor assault too. [LR535]

JEANETTE MOLL: Sure, sure. It's not...maybe, you know, a case-by-case basis would also be... [LR535]

SENATOR LATHROP: Here's the reason I ask, because while you're talking I'm thinking of what we did with mental health. We cut...everybody said, jeez, we need to go to more community-based care, and so let's shut down the regional centers, which is where we sent the mentally ill and housed them, and they...most cases, languished there. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR LATHROP: We shut them down, and then we didn't spend the money someplace else in the community. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR LATHROP: And when you say we could save a lot of money by having

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

fewer people at the YRTC... [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR LATHROP: ...and then counties can do something, that sounds like the state saving money and the counties getting in a pinch, to me. And I'm wondering how much money we could save. And then I guess you may not have the answer to this, which is, how do we get the monies to the counties that's been saved by having fewer people at the YRTC? Or do we just repeat the problems that we had with mental healthcare, where we still haven't made the investment in community-based care that we promised when we closed the regional centers? [LR535]

JEANETTE MOLL: Absolutely. Let me address your second question first, in terms of how you get those funds to the counties. We think the best pool to do that would be through the County Juvenile Services Aid Program. That is a program where you could specifically tie grant money from those state savings to specific counties and specific youth in perhaps a per diem rate or an overall cost. And that is something that you could codify so that you can make sure that that kind of funding, it cannot just evaporate the next session. The...as for your first question, in terms of how we save the money, research in this area is very good. We know, almost to a science, who needs secure confinement to reform their ways and who doesn't. [LR535]

SENATOR LATHROP: And so in Nebraska, what percent of the people, given the science that you've described, how many people...what percentage of people are we talking about in the YRTC in Kearney are there and shouldn't be, if we used your model as a standard? [LR535]

JEANETTE MOLL: Yeah, I would estimate it's about 40 to 50 percent. I don't have those exact numbers in front of me because the information, in terms of who was convicted of a nonviolent versus a misdemeanor, was not up to date when we conducted this study.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

Someone else might have that information. [LR535]

SENATOR LATHROP: Okay. [LR535]

JEANETTE MOLL: But that's my...that's what I would guess, between 40 and 50 percent. In terms of how you save that money, the YRTC is the most expensive option, so pretty much anywhere else you place that youth you're going to save some money. Something like probation costs about \$10 to \$15 a day, as opposed to \$250 a day. Even something more intensive than probation, like a group home, costs about \$60 a day. One of the most successful options that we've seen are family-based therapies, and those still cost about maybe \$30 to \$40 a day. So when you're...every time that you put a youth in one of those systems rather than the YRTC, you're going to automatically save money. [LR535]

SENATOR LATHROP: Have you made a study of why we're doing it? In other words, do youth end up at Kearney because the juvenile court judge is looking at the kid and saying, you know, we don't have this program anymore, and this program isn't available to us, and this one used to be and it might have worked but that's not available anymore, I don't have any choice but to send you to Kearney? Have you studied that issue? [LR535]

JEANETTE MOLL: We have actually heard that exact issue from judges in Nebraska is they, especially in the rural counties, they don't have the resources available to them. And so they do send them to the YRTCs in order to obtain that kind of needed counseling. As you all well know, substance abuse/mental health issues are very prevalent amongst youth in YRTCs, and those kinds of issues can seem very daunting to deal with in a rural county that doesn't have access to all of those resources. [LR535]

SENATOR LATHROP: So what do we do if we're...if you're a judge in Cedar County, in Hartington, and you have one of these kids where you look around and you say, I'd

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Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

send you here, but we don't have one, so off to Kearney you go? Are we...it's about money eventually. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR LATHROP: I mean, that's what mental health and closing down the regional centers has taught me is that if you don't put money into the programs...so do we have the programs? It's good for you to say there's a lot of savings to be had, but do we have the programs in place and the infrastructure in place in the community-based or in the probation-based or pretrial diversion, whatever the alternative is, to do this? [LR535]

JEANETTE MOLL: Um-hum. It exists. We have the same issue in Texas where we have some very rural counties and some very urban counties. What those rural counties have begun to do, as the state has given them the funds to be able do this, is some really kind of innovative ways to deal with mental health. Say they don't have, you know, a child psychologist in their county. They will do a videoconference with that child that needs the psychology, with wherever that psychologist might reside, once a week. So it's the same thing as a therapy session, just over video. Sometimes they do things where they will contract out with a neighboring county that does have access to those resources. So there's a lot of really innovative ways. We have another piece of research--I don't have a copy of it with me, unfortunately; I can certainly make sure your office gets it though--and all of the different kind of community mental health options that cost less than a day in a secure confinement and are available to rural counties as well as urban counties. [LR535]

SENATOR LATHROP: You know, I (laugh)...the parallels between mental health and the developmentally disabled are very close to what you're talking about today. I think the developmentally disabled do better in sort of a community-based setting. The people with mental health issues do better in a community-based setting. And I'm sure, given the number of hearings that we've had...and I don't do juvenile court work any

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

longer, but I'm sure that they do better if they stay at home, stay around people they care about, and then have enough services. My frustration is...and I'm not advocating throwing everybody or even the kids that are in the YRTC. But it's a frustration I have when we say, we've got to quit the institutionalization of this population, whether they're developmentally disabled, mentally ill, or young people. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR LATHROP: And then we go, okay, we passed a bill, we reduced the population at YRTC, and we have done nothing to provide the substitute that was the incentive to reduce the population in the first place. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR LATHROP: And then we have another problem in Nebraska, and this is a huge problem in Nebraska. We ask people to provide community-based services for the developmentally disabled, for example, and then we cut the provider rates every year. [LR535]

SENATOR MCGILL: Yeah. [LR535]

JEANETTE MOLL: Hmm. [LR535]

SENATOR LATHROP: And now we can't get people to come into Nebraska to do the work. And you can't get community...we're working on the developmentally disabled who are both mentally ill and developmentally disabled. They need special kinds of care, and they're getting bounced back and forth, and no one wants to touch them. And we can't get a provider to come into Nebraska because they look at it and say, why would I come to Nebraska? Every time I set up and people make promises, and then you cut the provider rates until we can't make it. We can't make ends meet; we can't

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Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

provide the service. So I agree with your premise completely. I think the whole...I'm not speaking for the whole committee, but I think that's generally a great idea. [LR535]

JEANETTE MOLL: Hmm. [LR535]

SENATOR LATHROP: The problem is if the state can pass the expense off to the county, we've been doing it, and then the county can't provide the services. We cut provider rates, and then people leave. And then we don't have the services you're talking about. [LR535]

JEANETTE MOLL: Yeah, it's absolutely an issue and I would assume every state has that issue. And that is why, as I mentioned earlier, you can codify this system, so that later issues, budgetary issues, that arise do not mess with it. [LR535]

SENATOR LATHROP: And not to be argumentative, unless you have a solution, here's the problem. We say, in this committee, this needs to happen, this program needs to be in place, and then over to Appropriations is where the money gets allocated. We can say whatever we want, but if they're cutting provider rates or if they say, we're going to hold flat the appropriation from biennium to biennium for these services, it isn't going to happen. [LR535]

JEANETTE MOLL: Um-hum. Um-hum. Yeah. [LR535]

SENATOR LATHROP: There's no way we can appropriate money beyond...well, we can't appropriate any money in this committee. [LR535]

JEANETTE MOLL: Right. Yeah. [LR535]

SENATOR LATHROP: That's the frustration. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR ASHFORD: We can tell people to spend money, I suppose. [LR535]

SENATOR LATHROP: I agree with your...I agree with what you're saying, but it's a problem. [LR535]

JEANETTE MOLL: Yeah. [LR535]

SENATOR LATHROP: And historically, why would a provider want to come to Nebraska when they get treated the way they have been? [LR535]

JEANETTE MOLL: Yeah. No, absolutely. That is something that came up as well in Texas when we first started looking at justice reinvestment in this way. The counties came to us and said, you know, this is a great idea in theory, but what happens next legislative session? Are you going to cut this money? What are we going to do then? And the reason that...and we're now four years into our program. And it has stayed consistent in those four years--that's two budgets for us--because there is such, kind of like, a groundswell of support from both sides of the political spectrum, from outside the legislature and inside the legislature. There was a consensus: This works, we will protect it, absolutely. And, I mean, just yesterday I was in an event with a state legislator who said, we're not touching this money no matter what, it's golden now. [LR535]

SENATOR LATHROP: That works when people remember what the old system was like. As soon as you get rid of the regional centers, then the baseline changes. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR LATHROP: Five years later, people don't remember what we were spending on the regional centers. They just say, how much are we spending on the mentally ill in community-based care. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

JEANETTE MOLL: Um-hum. [LR535]

SENATOR LATHROP: And they go, well, we need to get another tax cut out, so we're holding the providers; we're going to adjust who qualifies and who doesn't qualify. And pretty soon it's just another target for saving money. [LR535]

JEANETTE MOLL: Um-hum. Yeah, downsizing in general is...and future downsizing is sometimes a road block. But every state that is looking at this issue is kind of coming to the same conclusion on this. So hopefully that consensus will prevent those issues in the future, hopefully. [LR535]

SENATOR LATHROP: Okay. [LR535]

JEANETTE MOLL: Well, that about wraps up our recommendations, unless there are any other questions that I can answer. [LR535]

SENATOR ASHFORD: No, no, I ask that. Are there any other questions? (Laughter) [LR535]

JEANETTE MOLL: (Laugh) My apologies. [LR535]

SENATOR ASHFORD: We've got to get these role...this role thing going. Any other questions? I know Senator McGill and Senator Coash need to go for a few minutes. [LR535]

SENATOR COASH: We'll be back. [LR535]

SENATOR MCGILL: Okay. I forgot. [LR535]

SENATOR ASHFORD: I do want to follow...you're going too? [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR LATHROP: Where you going? Oh, your caucus? [LR535]

SENATOR MCGILL: Yeah. [LR535]

SENATOR ASHFORD: Yeah. Go ahead. I just need to follow up with a couple points. You know, and I told John beforehand that if someone came in, in this report, and didn't agree with what I was doing, that that wasn't fair to me. No, I'm just kidding. (Laughter) No, let me just, just for the record, on the truancy initiative, prior to 2010 there were no filings. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR ASHFORD: The reason there were filings in 2010 was because we passed the law that said we've got to do something about these truancy rates, because we had 26,000 kids throughout the state that were excessively absent, over 20 days. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR ASHFORD: So what was happening was the schools were taking no action and that everybody...and that, well, and the people that got into the system for other reasons. What we found when we brought John Tuell in from Georgetown was in every case they had attendance problems. [LR535]

JEANETTE MOLL: Um-hum. Hmm. [LR535]

SENATOR ASHFORD: So what we did then is we initiated this intervention by the county attorney. The county attorney then, who had never received these cases before, started filing them. There are very few that were actually adjudicated. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

JEANETTE MOLL: Um-hum. [LR535]

SENATOR ASHFORD: And what we...what came out of that was a model that we passed last year or the year before--I can't remember, Steve, but last year was it or two years?--two years ago that said, no, it...just to clarify, we want this to be school based so, you know, we backed the county attorneys off. But as a result of that, we've had 6,000 more, you know, more kids in school now than were two years ago. [LR535]

JEANETTE MOLL: Yeah. [LR535]

SENATOR ASHFORD: So I think what...your point is absolutely correct. The outcome is not quite as dire. I think what we've done is we've created it...the Douglas County model grew out of the...there would not have been a Douglas County model. [LR535]

JEANETTE MOLL: Right. [LR535]

SENATOR ASHFORD: So I think...and we also have a model in Grand Island. We have a model...and the model in Grand Island is incredibly successful. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR ASHFORD: And what they've done there is actually brought an authority figure into the school...schools working with the kids. In Douglas County, as you know, the GOALS program and other programs which are funded by the Kiewit Foundation have been successful. But you've got to get ahead of the thing a little bit. [LR535]

JEANETTE MOLL: Yeah. [LR535]

SENATOR ASHFORD: And you can't allow 26,000 children not to be in school. That...every data we look at indicates that proficiency is directly correlated to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

attendance. And in addition to that, the behavioral issues that bring these children into juvenile court for a variety of other reasons,... [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR ASHFORD: ...that attendance is a major trigger to that as well. [LR535]

JEANETTE MOLL: Yeah. [LR535]

SENATOR ASHFORD: So, I mean, you know, and when you're trying to change things, sometimes you step on a few people. But there are no 9,000 filings now. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR ASHFORD: And so what I'd invite you to do is...with all due respect, because I think you've done a great job here. So it's not a criticism because you can't just continue to investigate year after year. But I think if you'd look at where we are now, statewide, you'd see the filings are substantially down, attendance is substantially up. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR ASHFORD: So I would just... [LR535]

JEANETTE MOLL: Yeah. [LR535]

SENATOR ASHFORD: I would...maybe Texans need to come look at our model. [LR535]

JEANETTE MOLL: (Laugh) We might just do that. No, I would agree completely. From

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

what I've looked at from the Douglas model, that's kind of like the best way for the system to work. The judicial system intervention is kind of the stick that makes... [LR535]

SENATOR ASHFORD: And that's the way Grand Island works; that's the way Hastings works; that's the way Scottsbluff works; that's what...so we do have a statewide response to your data that has turned it around. [LR535]

JEANETTE MOLL: Yeah. [LR535]

SENATOR ASHFORD: So I think...and primarily because of the people on the ground, not necessarily because it was my bill. Don't get me wrong. But I think we had a crisis that we need to...we needed to address. The county attorneys took it as a directive to start filing cases. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR ASHFORD: But some of these young people had been out of school for longer than six months. [LR535]

JEANETTE MOLL: Um-hum. [LR535]

SENATOR ASHFORD: And so it was pretty bad. And now it's because of the work done by the courts, by the local county attorneys, by Probation, by all these people, HHS, whomever here, we're starting to turn that around. [LR535]

JEANETTE MOLL: Um-hum. Absolutely. And the legislation that you all passed that permits a school, when they send that information to the county attorneys, to say, we want to continue working with these youth,... [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR ASHFORD: Right. [LR535]

JEANETTE MOLL: ...that is great. [LR535]

SENATOR ASHFORD: It even requires that. [LR535]

JEANETTE MOLL: Absolutely. [LR535]

SENATOR ASHFORD: There has to be...at 20 days there has to even be another look-see at the case. [LR535]

JEANETTE MOLL: Yeah, we...Texas actually follows your lead in that regard. [LR535]

SENATOR ASHFORD: Gosh, it's good to get that out of you. (Laughter) See these probing questions, Senator Lathrop, that we...thank you. [LR535]

JEANETTE MOLL: Thank you very much. [LR535]

SENATOR ASHFORD: Good job. [LR535]

JEANETTE MOLL: I appreciate it. [LR535]

SENATOR ASHFORD: Okay. Very good job. Tom, and then Bob Houston after that. Are you...you're testifying? You're... [LR535]

THOMAS PRISTOW: (Exhibits 5 and 6) Good morning, Senator Ashford, members of the committee. My name is Thomas Pristow, T-h-o-m-a-s P-r-i-s-t-o-w, and I am the division director for Children and Family Services for DHHS. Good morning, everybody. Regarding the safety of youth and staff at the YRTCs, both facilities are accredited by the American Correctional Association and assessed through the Council of Juvenile

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

Correctional Administrators through an ongoing program of improvement by comparison to peer facilities. Each organization's standards require a safe and secure environment. As background, ideally, before youth are committed to the courts...or committed by the courts to YRTC, all community placements should have been exhausted. When the court adjudicates a youth as a delinquent, OJS makes a recommendation to the court based on two evidence-based assessment tools that measure the level of risk to the community and the needs of the youth. Most often, youth at both YRTCs have committed assaults. When they arrive they are assessed to determine the level of support needed and their possible risk to self, other staff, and youth. They are given information about prevention, intervention, and self-protection from assaults, as well as available treatment and counseling. High-risk youth likely to be victimized are monitored, counseled, and provided treatment. Both facilities saw significant reductions in youth-on-youth and youth-on-staff assaults in the past year, and the majority of assaults on youth and staff have resulted in no visible injury or pain. When assaults or other violations occur, the facilities are providing written notice to the county attorneys, as required by LB972. To address the immediate safety concerns, youth may be secluded in a security room. ACA and Nebraska Administrative Code states seclusion cannot exceed five days. We are aware both YRTCs have exceeded the five-day administrative rule. Both facilities recognize that the current status of seclusion is not treatment-oriented. I recently stipulated three operational changes for seclusion and they are, number one, youth will be kept in seclusion only until they can be de-escalated and then reenter the milieu in a productive and healthy manner. We're not going to...we will no longer have X offense for two or three days in seclusion. It's going to be until they de-escalate and then could be moved back into the...into their unit. Youth who are in seclusion for more than 24 hours will automatically undergo a mental health assessment. And youth having more than three seclusions in a 48-hour period will undergo a mental health assessment. I am also putting together an external stakeholders task force to resolve the seclusion issue. On the far end, where we have violent youth, we have two facilities, and both...one facility in Geneva, one in Kearney that handles the more violent youth. And I'm going to be using community members to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

begin a task force to study on what is the best practice and how do we handle those youth, because they are difficult. Training coordinators at each YRTC provide regular training to staff. First-year employees receive 160 hours of training, and current employees receive at least 40 hours of refresher training and attend external training related to juvenile social and emotional development and safety. In line with LB972 the YRTCs collaborate with our Correctional Services. Corrections have worked with YRTC staff on safety and quality confinement and addressing such topics as Pressure Point Control Tactics, programming, increased security, placement of gang members, and the curriculum for preservice training. YRTCs have received accreditation assistance from the medical director and with internal audits. They've also helped to improve medication delivery at Geneva and counseled us on implementation to the federal Prison Rape Elimination Act requirements. This collaboration has helped to increase safety of the facilities for both youth and staff, and we will continue to draw from the expertise of Director Houston and his staff. YRTCs provide a variety of treatment programs. At Geneva the core program is based on gender-responsive philosophy, taking into account the unique individual needs of each youth. Geneva also uses dialectic behavioral therapy, an evidence-based cognitive behavioral approach, as well as core treatment program called "My Journey," which is an individualized, outcome-based program. The past fiscal year, YRTC-Geneva has also incorporated family therapy. Kearney uses a cognitive, evidence-based program called EQUIP, which offers tools that assist juveniles with anger management, social decision making, and social skill development. They learn how to identify, own, and replace their negative thinking errors and behavior problems. This program is staff-directed. The EQUIP program was recommended for Kearney following an evaluation in 2007, and it was implemented in 2010. Licensed counselors, psychologists, a contractual psychiatrist, and other treatment staff assist juveniles to help youth identify individual personal problem areas, as well as outcomes and strategies to prepare them for eventual release into the community. In addition, youth participate in family team meetings, monthly caseworker visits, furloughs, and regular contact with family members. The recidivism rate for Geneva in fiscal year '10-11 was 10 percent; in fiscal year '11-12 it was 9 percent.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

[LR535]

SENATOR ASHFORD: Is that within a year, Tom? [LR535]

THOMAS PRISTOW: A fiscal year, sir. [LR535]

SENATOR ASHFORD: The recidivism, is that tracked for one year? Is... [LR535]

THOMAS PRISTOW: Yes, sir. We are... [LR535]

SENATOR ASHFORD: Is that standard practice or best practice? It seems rather narrow. [LR535]

THOMAS PRISTOW: It is very narrow. We are looking at...in my division we recently redesigned our quality assurance piece, and we are...as some folks have already talked about longitudinal studies to look at, we need more than one year, post-seclusion or, I mean, post-YRTC. And it...we are trying to design that now. [LR535]

SENATOR ASHFORD: Do you think that will be done by the, well,... [LR535]

THOMAS PRISTOW: It'll be done within two years, sir. [LR535]

SENATOR ASHFORD: What will be done within two years? [LR535]

THOMAS PRISTOW: That...I mean, making sure that we have the longitudinal study and a practice in place to look at these youth that leave our facility, post-YRTC. [LR535]

SENATOR ASHFORD: Okay, I...and this is not a...trust me, I'm not...but why is it going to take two years? [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

THOMAS PRISTOW: Oh, no, no. I was just...no, I'm saying... [LR535]

SENATOR ASHFORD: Okay. [LR535]

THOMAS PRISTOW: I was commenting earlier about your, you know, we have two years to do this. I'm saying it... [LR535]

SENATOR ASHFORD: Oh, no. I say I have two years. [LR535]

THOMAS PRISTOW: I know. [LR535]

SENATOR ASHFORD: Steve has two years. Senator Lathrop has two years, and we're going to get it done in those two years. [LR535]

THOMAS PRISTOW: Yes, sir, I hear that. That's... [LR535]

SENATOR ASHFORD: That's the two-year deal we were talking...you have... [LR535]

THOMAS PRISTOW: All right, that's what I was talking about. [LR535]

SENATOR ASHFORD: You may have ten years--I don't know. [LR535]

THOMAS PRISTOW: Yeah. [LR535]

SENATOR ASHFORD: But we have two, so. [LR535]

THOMAS PRISTOW: I am going to make sure that it is done within that time frame,... [LR535]

SENATOR ASHFORD: Yeah. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

THOMAS PRISTOW: ...and the sooner as possible. I mean, this, you know, the research piece is not rocket science. It's just setting up a system that has a rhythm to it and that we have the capacity and resources to do it with internally. [LR535]

SENATOR ASHFORD: And data sharing isn't rocket science either, is it? [LR535]

THOMAS PRISTOW: No, it is not, sir. It's very much a conundrum that I struggle with that I can... [LR535]

SENATOR ASHFORD: Yeah, it must drive you stark-raving mad, because it drives me stark-raving mad, and I don't even work with it every day. [LR535]

THOMAS PRISTOW: Yes, sir. It's an issue. [LR535]

SENATOR ASHFORD: Senator Lathrop. [LR535]

SENATOR LATHROP: I want to ask you some questions in follow-up to the testimony of Ms. Moll, the suggestion that we have young people at the YRTC who could...who don't have to be there by some criteria. [LR535]

THOMAS PRISTOW: Yes, sir. [LR535]

SENATOR LATHROP: Do you agree with that premise? [LR535]

THOMAS PRISTOW: I absolutely do. [LR535]

SENATOR LATHROP: And what percent of the young people at YRTC or the YRTC do you believe are there and don't need to be? [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

THOMAS PRISTOW: Well, Senator, I can't give you a number because we don't have a standardized protocol across the state for admission from judges. [LR535]

SENATOR LATHROP: Can you spitball it for me? [LR535]

THOMAS PRISTOW: Well, the...(laugh). [LR535]

SENATOR LATHROP: I mean, is it half or 40 percent, as she's suggested? [LR535]

THOMAS PRISTOW: I would say that it's a majority of...I would say it's a high percentage of youth. The testimony here was 40 to 50 percent, I believe. I would say that that's probably a comfortable... [LR535]

SENATOR ASHFORD: And that's what we, sort of, have been thinking, I think, Steve, is 40 to 50 percent as we've been looking at this. [LR535]

THOMAS PRISTOW: But I haven't done the analysis. [LR535]

SENATOR ASHFORD: Correct. [LR535]

SENATOR LATHROP: Do you think that's... [LR535]

SENATOR ASHFORD: But let's just pretend that's the number. Yeah. [LR535]

SENATOR LATHROP: I won't hold you to it specifically, but generally you think it's about half? [LR535]

THOMAS PRISTOW: I could say that...yeah. I think that we have a system that doesn't attend to entry issues. We don't...judges need options. When you talk about judges in the western part of the state, they see a kid, they may not have the community

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

resources that... [LR535]

SENATOR LATHROP: Oh, I'm going to get to that in a second. I just want to start with an answer to my question about, do you think it's about half? [LR535]

THOMAS PRISTOW: I would say that would be an estimate that I could live with until I do the research. [LR535]

SENATOR LATHROP: Okay, and if we...so how many of those kids are there because there isn't the proper program in the community that a judge can access? [LR535]

THOMAS PRISTOW: Again, Senator, I think that until we have a process for the judges to have options and a process to standardize how they enter, I can't answer that. I mean, I would say that there's a lot. I think kids are being traumatized by going to YRTC because we have no other options across the state for them. [LR535]

SENATOR LATHROP: Why don't we have the options? [LR535]

THOMAS PRISTOW: I'm working on it, Senator. Well, the... [LR535]

SENATOR LATHROP: Oh, no. Well, if you're working on it then you should be able to answer the question, which is, why don't we? [LR535]

THOMAS PRISTOW: We have no...we... [LR535]

SENATOR LATHROP: Is it money? Is it... [LR535]

THOMAS PRISTOW: Our systems are counterintuitive across the state from a child welfare point of view, which juvenile justice falls under my division. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR LATHROP: Sure. [LR535]

THOMAS PRISTOW: We don't give the judges options about how to handle these type of youth when they come in front of them, and we...most of my money is spent on the back end of the system instead of the front end. My biggest push that I'm trying to do as the director is to move the money to the front end of the system, so that these juveniles and children can get prevention and intervention services prior to even coming into the... [LR535]

SENATOR LATHROP: Let's say that we move the money to the front end, and I want...I'm a juvenile court judge in Broken Bow, and I want to do something with somebody. Are the services available for that judge... [LR535]

THOMAS PRISTOW: Every... [LR535]

SENATOR LATHROP: ...to send the kid to where they need to go instead of the YRTC? [LR535]

THOMAS PRISTOW: I think it needs to be developed. There are not... [LR535]

SENATOR LATHROP: Okay, let me stop you there. If they need to be developed, what do we need to do to develop them? Because here's...it's frustrating to sit here. And you make a very good point; the Platte Institute makes a very good point. We are spending...it's just like jails and it's like regional centers and you name it. Every time we put people in institutions, it costs way more than if we deal with them in the community. And then we say, we've got to have fewer people in there. And the problem is--and I maintain this with the Beatrice State Developmental Center, which I'm very familiar with--if we had...if people had confidence in the community-based services, folks would leave BSDC. They'd leave it and say, there's a better deal out there in the community. And it's the same thing here. If we put those services in place and then properly fund

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Judiciary Committee LR535
December 05, 2012

them and treat our providers like partners, then we'd have the services available and we wouldn't need to put the youth in there. [LR535]

THOMAS PRISTOW: Senator, in my experience in other states, that has worked and that's what we've done. We are... [LR535]

SENATOR LATHROP: What are we doing to make that happen? [LR535]

THOMAS PRISTOW: We're working with our community partners now. I have a number of different... [LR535]

SENATOR LATHROP: Are we spending any more money? [LR535]

THOMAS PRISTOW: We're trying to shift how we spend the money right now, Senator. We want to move it again to the front end of the system so that we can catch these youth and these children in a... [LR535]

SENATOR ASHFORD: And that's what we want to do. That's what we've been trying to do for years. [LR535]

SENATOR LATHROP: We do. We do. We do, but here's... [LR535]

SENATOR ASHFORD: I mean,... [LR535]

SENATOR LATHROP: Until you have fewer people in the YRTC, you're not going to have the savings to spend,... [LR535]

SENATOR ASHFORD: Right. [LR535]

SENATOR LATHROP: ...unless you spend or invest some money in the community and

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Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

then anticipate the savings from the YRTC in year two. [LR535]

THOMAS PRISTOW: I have the ability to...I have capacity for dollars for community support, and I could use that. What we're trying to do is develop those community resources through the service area administrators across the state so that there are some options for, excuse me, for judges to use and... [LR535]

SENATOR LATHROP: Okay, then let me ask you this: How long have you been working at that? [LR535]

THOMAS PRISTOW: I've been here eight months. [LR535]

SENATOR LATHROP: Okay. (Laughter) [LR535]

SENATOR ASHFORD: Entirely, you should...why isn't it done? (Laugh) [LR535]

SENATOR LATHROP: All right. Yeah, trust me, I'm not...(laughter) Okay. [LR535]

THOMAS PRISTOW: I work on it every day. [LR535]

SENATOR LATHROP: I know you've only been here eight months. So have you been working on it for eight months? [LR535]

THOMAS PRISTOW: I...my whole concept of how this Children and Family Services Division should work should be moved to the front end. So everything I'm doing, not only with Juvenile Services but also children and youth, is to move our capacity to the front end, and it's the dollars and services. We had a very awful record of collaboration with our providers over the past years. That's changing. I'm out in the community with them. My service area administrators are out in the community working with them. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR LATHROP: Okay. [LR535]

THOMAS PRISTOW: So we're...it's...we have a culture that was not consistent with what you're talking about. It takes... [LR535]

SENATOR LATHROP: I can't agree more. [LR535]

THOMAS PRISTOW: And we're... [LR535]

SENATOR LATHROP: I cannot agree more. [LR535]

SENATOR ASHFORD: I mean, you've got to kick butt. I mean, this is a... [LR535]

SENATOR LATHROP: And I would say if we went over to Health and Human Services Committee, they would agree completely with you. [LR535]

THOMAS PRISTOW: We...there is not one person on my team, my senior team, or in my staff that doesn't believe this is priority, and we are working towards it. [LR535]

SENATOR LATHROP: Okay. [LR535]

THOMAS PRISTOW: Everything we're doing with our providers, inclusionary aspects, and changing how we work is... [LR535]

SENATOR LATHROP: Okay, so you've told me in general terms that you're working on it. Can you give me a progress report? I know you've only been on the job eight months, but how are we doing? [LR535]

THOMAS PRISTOW: I think that we are not better off yet. We're not. I mean, it's going

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Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

to take...I mean, relationships need to be re-formed across the state from the division. There has to be relationships redesigned with judges who had lost confidence in the division. All those things are happening. It's not an overnight deal, and we are... [LR535]

SENATOR LATHROP: Don't you think the judges will have more confidence if the programs are there? If you sat down with a judge from Broken Bow...and I have no idea who that judge is, and I'm not criticizing that person; I just use that as typical, small-town Nebraska. If you...or a small county seat, Nebraska. If you sat down with a judge in Broken Bow and you said, hey, look, we've put a couple things in place, A, B, C, and D are now an option for you, don't you think he'd take...or she would take advantage of them? [LR535]

THOMAS PRISTOW: We are doing that, Senator. Yes, absolutely, and it's...but it's not sequential, it's concurrent. So as we develop the relationships, we're working with providers out there, we're trying to get our federal waivers in place so that we can have the money available to pay the providers. I mean, all that is just happening. [LR535]

SENATOR LATHROP: Okay. What's the time line? [LR535]

SENATOR ASHFORD: Inside two years. [LR535]

THOMAS PRISTOW: I am looking to do this...look, there is no other priority for me than to make this happen. I want to make this happen. [LR535]

SENATOR LATHROP: I get that. I get that. I can tell that this means a lot to you. Tell Senator Ashford and I, who are term limited, when it's going to happen. (Laughter) [LR535]

THOMAS PRISTOW: Right. Within two years. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR ASHFORD: All right. I mean, that's...we've got to hold you to it. I mean, seriously, this...so... [LR535]

SENATOR LATHROP: No, because every time you come back here, I'm going to remember you, and I'm going to ask you. And I don't care what you're testifying on, we're going to get an update on how we're doing setting these... [LR535]

THOMAS PRISTOW: Senator, I'd be glad to come to your office every month and give you an update on this. This is extraordinarily important. [LR535]

SENATOR ASHFORD: Or week. [LR535]

THOMAS PRISTOW: I can't give you... [LR535]

SENATOR LATHROP: Well, as you're planning this, though, and as you are implementing whatever your plan is to do this, you've got to have a time line in your head. [LR535]

THOMAS PRISTOW: I have an operational strategy that looks at development of the waiver process to push money out to the front end by this spring and early summer. [LR535]

SENATOR LATHROP: And... [LR535]

THOMAS PRISTOW: And then as that happens, we're developing our resources so that there's providers out there, so that they can then...the judges and other service providers or other protocols can use these providers to get service to these kids. I am not the only player in this. I am a facilitator and a...in this process, so I am moving a whole group of folks around this so that we can do this together. This is not just a Child and Family Services Division issue. This is a judges issue, county attorney issue, a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

provider issue, a community issue. So we are working closely with all of them across the state, with my service area administrators, to make this happen. Some parts of the state are going to move faster than others. I've got privatization to deal with in Omaha around this process with the judges and how this works with Juvenile Services, so.
[LR535]

SENATOR LATHROP: I know you've got a lot on your plate, and in some respects I think that this study, or the point that Ms. Moll was making as a consequence of that study, is sort of obvious, that if we're putting kids into institutions we're spending more money than we need to on those people... [LR535]

THOMAS PRISTOW: Yes, sir. [LR535]

SENATOR LATHROP: ...if they can be treated more effectively at home. [LR535]

THOMAS PRISTOW: Best practice absolutely indicates that, trauma-informed care absolutely indicates that, and I'm right there with you. [LR535]

SENATOR LATHROP: Okay. And so the most important piece in this...and I have listened. We'll probably listen to more people testify. But the most important piece is right in your office. [LR535]

THOMAS PRISTOW: Yes, sir. [LR535]

SENATOR LATHROP: How soon do we go from institutions to having the resources in the community to provide the services that are better and cheaper than what we're doing? [LR535]

THOMAS PRISTOW: As soon as I can get that in there. I'm looking at what my benchmarks are every month and I look at how we're doing in each month intervals.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

And, you know, in some parts of the state it's going to be quicker than others. I will get there. It will happen. I can't...I'm not going to say by June 30 I'm going to have everything in place because I don't know. I may have it in place in one part of the state and not in the other. There's a lot of variables. [LR535]

SENATOR LATHROP: What do you think, if we're going to talk about this every time you come in here, what is the...what are the benchmarks that this committee ought to look at to judge progress? [LR535]

THOMAS PRISTOW: The metrics are going to be my federal waiver application that we're applying for January 15, which will help us push flexible dollars into the front end of the system. [LR535]

SENATOR ASHFORD: Tom, how many years, and you didn't cause this, but how many years have we heard that you're going to do it? But how many...we've heard that flexible waiver thing for... [LR535]

THOMAS PRISTOW: Senator, I have... [LR535]

SENATOR ASHFORD: ...I mean we've heard it for five years or... [LR535]

THOMAS PRISTOW: I've got a committee from the Children's Commission that has helped me push this through and... [LR535]

SENATOR ASHFORD: I'm not...you're going to do it, I know you are. But why didn't they do it? [LR535]

THOMAS PRISTOW: And we are absolutely going to do it. [LR535]

SENATOR LATHROP: Are you getting more money, or are you just rearranging the

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Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

money that you have? [LR535]

THOMAS PRISTOW: We're able to use the waiver to draw down different dollars to help to move those monies to the prevention...to prevention services. [LR535]

SENATOR LATHROP: I'm not sure what that answer means. [LR535]

THOMAS PRISTOW: We...it... [LR535]

SENATOR LATHROP: So let me ask the question again. [LR535]

SENATOR LATHROP: Does that mean that you are going to get more... [LR535]

THOMAS PRISTOW: No. [LR535]

SENATOR LATHROP: ...federal dollars or have more flexibilities with the same dollars? [LR535]

THOMAS PRISTOW: It's not an expansion. It's more flexibility. It's more flexible. [LR535]

SENATOR LATHROP: Are there more federal dollars you could access but you can't for other reasons? [LR535]

THOMAS PRISTOW: We have a children's...or a legislative bill that is instructing us right now to look at cross-divisional analysis for Medicaid, and that report is being written. [LR535]

SENATOR LATHROP: Do you support that? [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

THOMAS PRISTOW: I support doing best practice, Senator. I support making sure that we have the right services for the children. [LR535]

SENATOR ASHFORD: Yeah. [LR535]

SENATOR LATHROP: Well, I'm not sure what best practices has to do with supporting a bill that would bring in more federal dollars. [LR535]

THOMAS PRISTOW: I have to make sure that I can live within the budget that I have in front of me, and I am looking at various ways to make that happen, so. [LR535]

SENATOR ASHFORD: And we'll look at the budget too. [LR535]

SENATOR LATHROP: Okay. I could tell you...I can tell you this is the first time we've had a chance to talk in the committee, right? [LR535]

THOMAS PRISTOW: Yes, sir. [LR535]

SENATOR LATHROP: And so sometimes people that come in who are the head of some division of HHS, I feel like I don't get, like, straight answers, and then it becomes hard to judge whether or not we're getting progress or we're getting generalities. And this kind of stuff, now that I've been doing it for six years, we'll have...we're either going to talk often or we're going to talk when you come in to find out what's happening because I... [LR535]

THOMAS PRISTOW: Senator, I... [LR535]

SENATOR LATHROP: ...get exactly the point all these people are trying to make. Essentially, everybody is making the same point: There's a better way to do it and we'll save money. And then it's whether you, trying to do that, are so constrained that you

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

can't get the job done, right? [LR535]

THOMAS PRISTOW: Sir, I'll get the job done. [LR535]

SENATOR LATHROP: All right. [LR535]

THOMAS PRISTOW: And I'll be glad to come and brief you monthly. [LR535]

SENATOR LATHROP Okay. [LR535]

THOMAS PRISTOW: I do that with other senators on other different issues, and I have...I absolutely would be willing to do that with you. [LR535]

SENATOR LATHROP: Okay, thanks. [LR535]

SENATOR ASHFORD: Tom, and our particular interest is juvenile justice, as you know. [LR535]

THOMAS PRISTOW: Yes, sir. [LR535]

SENATOR ASHFORD: So we really want this done. I mean, and Corey is going to come up and talk, and what I'm hearing is that there are some communication issues on data sharing. You know, whatever those issues are, Tom, and I'm not laying...and I don't know what Corey is going to say, but we have to resolve them. I mean, we...this is absolutely serious. This is so darn serious that I can't even tell you. When we see that violence every day in Omaha, Nebraska, this has got to stop. [LR535]

THOMAS PRISTOW: Yes, sir, I agree. [LR535]

SENATOR ASHFORD: Okay? [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

THOMAS PRISTOW: I agree. [LR535]

SENATOR ASHFORD: All right, now let's get it done, all right? [LR535]

THOMAS PRISTOW: Yes, sir. [LR535]

SENATOR ASHFORD: Okay. [LR535]

THOMAS PRISTOW: Thank you, Senator. [LR535]

SENATOR LATHROP: Is this your first time in front of the committee? [LR535]

SENATOR ASHFORD: You're up. [LR535]

THOMAS PRISTOW: This committee, sir. [LR535]

SENATOR LATHROP: Okay, good. Welcome to Judiciary. [LR535]

SENATOR MCGILL: Thank you for coming, and...(laughter) [LR535]

SENATOR ASHFORD: I mean, you know, this is...Tom, this is very refreshing, and I mean it. [LR535]

SENATOR MCGILL: Yeah. [LR535]

SENATOR ASHFORD: We have not heard this from anybody for six years. [LR535]

SENATOR MCGILL: Yeah. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR ASHFORD: Okay? [LR535]

THOMAS PRISTOW: Yes, sir. [LR535]

SENATOR ASHFORD: Okay. Let's go. [LR535]

SENATOR MCGILL: I know I missed out on this. [LR535]

THOMAS PRISTOW: I'm sorry, Senator. [LR535]

SENATOR MCGILL: I'm sorry. I had a Committee on Committees thing, and I bailed early, which is why Colby isn't back. But I do want to thank you for how forward you've been and up-front in all the times that I've been working with you so far. [LR535]

THOMAS PRISTOW: Thank you, Senator. [LR535]

SENATOR MCGILL: And I feel like we have a great opportunity to move forward and make some significant changes. [LR535]

THOMAS PRISTOW: I agree. Thank you. [LR535]

SENATOR ASHFORD: Okay, Corey. What will you have to add to this discussion?
(Laughter) [LR535]

COREY STEEL: I don't know if I want...jeez, oh, Pete's. [LR535]

SENATOR LATHROP: This is not your first time here, is it? [LR535]

COREY STEEL: No. No, Senator, it is not. My name is Corey Steel. I'm assistant deputy administrator with Probation Administration. And I come on behalf of Ellen Brokofsky, as

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Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

she can't be here right now. There's just a few things that I would like to do to connect the dots or add a little bit to some of the holes in some of the questions that have been done. [LR535]

SENATOR ASHFORD: That hurt my hand, by the way. (Laughter) Go ahead. [LR535]

COREY STEEL: Dr. Pope had talked to you about a committee that has been formed, or a subcommittee or a commission, under Thomas Pristow with DHHS and looking at the YRTC facilities. I also want to add that, under the Children's Commission, a legislative bill that was created last year, there is a subcommittee of the Office of Juvenile Services, and that committee's drive is to look at the YRTC facilities, the role of the Office of Juvenile Services administrator, and parole from those facilities. That's the role of that subcommittee, and they are to make recommendations to the full Children's Commission, which then will come to the legislative body of the DHHS committee. So I wanted to fill the hole in there and connect the dots a little bit, that there is a committee that is legislatively mandated to look at the Office of Juvenile Services and the roles and the functions of the facility and the administrators and the parole function. And so I just want to make sure that as we move down that road of looking at the Office of Juvenile Services, the facilities, and the administrator, that we're working together with Thomas Pristow and the division and what they are looking at as well, so we're hand in hand. And I know Thomas and I are going to meet, fairly short order, to make sure we're going down the same road and have the same goals toward outcomes with that facility and the administration of that facility. The second thing that has come up that I want to touch on is the dollars. And Senator Lathrop has touched on this quite extensively about the closing of the regional centers, the lack of funds being pumped into the communities for services. I just want to talk about eight to ten years ago there was a bill, I believe that was by Senator Thompson, that was to put a large portion of dollars back into the counties for juvenile services, county aid dollars. I believe the original request was around \$6 million. Now Doug Koebernick could fill you in to specifics, and he would be able to do that in a heartbeat. I'm going to give some, from my memory, what I can think

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

of. I believe eight to ten years ago there was about \$6 million that was supposed to be given out to counties for juvenile services. That money was cut back to around \$2.5 million to \$3 million when it came to actually funding the recommendation of this committee or the DHHS committee. I'm not sure which committee that came out of. But it was for juvenile services, the county aid dollars that were specifically talked about in the report by Jeanette Moll. Right now those county aid funds are around \$1 million to \$1.5 million that are put out to the communities, so a fraction of what was originally requested of that \$6 million. I will tell you, from my standpoint in Probation, community-based services are key to the success of what we do, whether it be in Omaha, where there is...right now we have 198 contracts with providers to provide services, or if it's in the smallest community that you could think of. There are needs for community-based services, and some way, somehow we need to pump resources into those communities in order to get providers to go to those services. It's not something that is...we cannot do. It's something that's going to take resources; it's something that's going to take building the capacity for those services in those smaller communities. This afternoon I'll be talking a little bit about LB985 and the Nebraska Juvenile Service Delivery Project and to connect the dots a little bit there as well with in those rural areas what we're doing. But together, DHHS and Probation are working towards increasing foster care in those rural communities. [LR535]

SENATOR ASHFORD: Remember why we had to do that, Corey. It's because we heard for at least four years before we did the juvenile project, or three years, from every...I did and Steve did, I'm sure, and Amanda, from every judge, and I think...is Judge Turnbull coming this afternoon? [LR535]

STACEY CONROY: No, he's going to send a letter. [LR535]

SENATOR ASHFORD: But, I mean, from North Platte is that it was terrible. It was terrible. And the resources in the communities weren't there, and this is going back ten years. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

COREY STEEL: Correct. [LR535]

SENATOR ASHFORD: So I don't know what they did with the money in the counties, and obviously it's gone down. But there was a tremendous...that's why we moved into LB985, right? [LR535]

COREY STEEL: Correct, correct. But it's the pooling, it's the partnering, and it's...Thomas can't do it with just his department. Probation and the 4,000 to 6,000 juveniles we work with a year can't do it alone. [LR535]

SENATOR ASHFORD: So we share. [LR535]

COREY STEEL: We have to do it together. [LR535]

SENATOR ASHFORD: Yeah. [LR535]

COREY STEEL: There has to be commingling, there has to be sharing, and there has to be all these resources. That's why I bring up the county aid dollars, why that is so important, because when we look at counties that access those dollars and say, here's now some pooled resources that you can build what your county needs, not what Probation says you need, not what the department says you need. It's what the county has determined is our priority need in this community, and we can access those services that are created in those communities as well. So I wanted to bring that up as filling in the gap, as well as we look at how do we get the services in those communities. It starts with going back to that original intent, and I think Doug Koebernick would be a great resource in order to talk about the history and how that came down. I don't know if I want to talk about this, Senator Ashford, but I'm going to: information sharing. [LR535]

SENATOR ASHFORD: Well, talk about anything you want, because we're... [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

COREY STEEL: I don't...(Laugh) [LR535]

SENATOR ASHFORD: ...because by the end of the...by 11:30, when we move into the CASA hearing, this is going to be solved, okay? [LR535]

COREY STEEL: Right, right. It will be, it will be. (Laugh) [LR535]

SENATOR ASHFORD: So you...so... [LR535]

COREY STEEL: I just don't want to get yelled at. [LR535]

SENATOR ASHFORD: No yelling. I'm not going to yell, but I...no, no. I'll yell at Tom, but...(laughter). No, I'm only trying to make a point, you guys. [LR535]

COREY STEEL: I understand your point. We... [LR535]

SENATOR ASHFORD: We don't...okay. [LR535]

COREY STEEL: I've been working with you, side by side, for the past four years with information sharing and with John Tuell and what we have done. We have sent a team to Georgetown to work with John Tuell and others. That is a collaborative effort between the department, Department of Education, and Probation in order to start sharing information. I'll tell you where we're at. We're still at the infancy stages of building that. The technology is here. We have the technology today in the state of Nebraska in order to share information across systems. NCJIS, with Mike Overton and Mike Behm in the Crime Commission, that is the conduit to share information. So we don't have to go out and purchase a new system; we don't have to go out and create this new infrastructure of an MIS system. It can be done. We're already dumping information between all those entities into that system. It's just connecting all of that information up. What this is

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

coming to at this point in time is the will between the agencies to break down the silos and say, what's right for kids and what information should we share technologically in order so that we, at the right time, we can make the right decisions and put the kids in the right services at that immediacy need when information needs to be shared. [LR535]

SENATOR ASHFORD: I was actually yelling at a higher power and asking that higher power to give political will to everybody that needs it in order to get this done. That's what I was yelling at though. [LR535]

COREY STEEL: Well, I think that the Chief Justice is right there with you, as he has as well been pushing us forward in order to share the information between entities, so. [LR535]

SENATOR MCGILL: Real quick, is the Children's Commission helping to decide, like, what that data sharing should be? Because didn't we try to fund some of that information sharing or technology through them? [LR535]

SENATOR ASHFORD: We did money for...to look at it and... [LR535]

SENATOR MCGILL: Yeah. [LR535]

COREY STEEL: Right. [LR535]

SENATOR LATHROP: A lot. [LR535]

COREY STEEL: Right. I... [LR535]

SENATOR ASHFORD: Yeah. [LR535]

COREY STEEL: We...the individuals that are at the table trying to work through the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

issue of what information should be shared, we all...I mean, I report to Ellen, who is on the Children's Commission. And Vicki Maca reports to Thomas, who is on the Children's Commission. So the Children's Commission should be informed and will be informed of the process of as we move forward. [LR535]

SENATOR MCGILL: I was just thinking maybe they could help. If there are some turf battles going on between data, maybe they ultimately should just come in and say, this is what works. [LR535]

COREY STEEL: I think we already...we're at that point is we all know what information should be shared, and we have a conduit to share. It's just saying, yes, it needs to... [LR535]

SENATOR ASHFORD: Do we have a...do we need an MOU? [LR535]

COREY STEEL: I... [LR535]

SENATOR ASHFORD: Do we need to sit down in a room and write something up, or what have we got to do? [LR535]

COREY STEEL: We're at that process right now where we're going to get that done. I'm pretty confident that we can continue. My conversations with Thomas Pristow will be the same, that let's do it, how are we going to do it, and make sure that we're doing it in the right manner. [LR535]

SENATOR ASHFORD: Because what we'll do...we'll have another one of these sessions right when the Legislature starts, and we'd love to have an MOU. Could we do that, Tom? [LR535]

THOMAS PRISTOW: Corey and I can work on that, sir. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

COREY STEEL: We'll make sure it gets done, Senator. [LR535]

SENATOR ASHFORD: Okay. [LR535]

COREY STEEL: I just wanted to connect the gaps on those couple issues as they've been talked about. [LR535]

SENATOR ASHFORD: Like by January 10. By January 10 we'll reconvene this committee on that issue to see if we can get an MOU, okay? All right. [LR535]

COREY STEEL: Okay. Definitely. [LR535]

SENATOR ASHFORD: Okay. Good job. [LR535]

SENATOR ASHFORD: Good job. [LR535]

COREY STEEL: That's what I had. [LR535]

SENATOR ASHFORD: Good job. [LR535]

SENATOR LATHROP: Thanks, Corey. [LR535]

COREY STEEL: Thank you. [LR535]

SENATOR MCGILL: Look forward to seeing you this afternoon. [LR535]

COREY STEEL: Thank you. [LR535]

SENATOR ASHFORD: Yeah, and on January 10. (Laughter) Okay, let me see. Bob,

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Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

sorry, I've let you... [LR535]

ROBERT HOUSTON: (Exhibit 7) Good morning, Chairman Ashford and members of the Judiciary Committee. My name is Bob Houston, H-o-u-s-t-o-n. I'm the director of the Nebraska Department of Correctional Services. I'm here today at your request to discuss the assistance that our department has provided for Health and Human Services, more specifically the Office of Juvenile Services. Since the passage of LB972, our department has worked with various staff from OJS and certainly at the YRTC's, both Kearney and Geneva. Some of the key areas that we worked with them on--Thomas spoke well to those--regarding safety is that we certified six YRTC staff to train other persons in Pressure Point Control Tactics. The staff from there toured the women's facility at York, NCCW, and looked at things that had to do with safety, with security, and certainly in the kitchens, which is an area for a lot of attention for security. We have, ever since we were together under the same umbrella, worked on accreditation issues with the YRTC's. That continues. We worked to redefine assaults and escapes and the measurements of that using national standards on those reporting. We also had staff tour our youth facility, look at safety, security programming, and physical intervention models. We also worked with them on security threat groups and what the impacts are, how those can be combated through good identification for placement of gang members in the population. When it comes to quality confinement, our medical director, as Thomas spoke to, came out and met concerning accreditation requirements. We also had several discussions with both...among staff and also myself with Tom Pristow and with Kerry Winterer about the upcoming Prison Rape Elimination Act. That act has been in place since 2003, but there's more activities going now that the standards are out, and we're working towards that; also on internal audits, and accreditations we spoke to. Our director of nursing came out and worked on process improvements to medication delivery and also providing copies of our medical protocols and procedures. And we've enjoyed a long working relationship with Health and Human Services, and there's numerous opportunities for us to continue the collaboration with the YRTC's, and certainly with Health and Human Services in several areas. And we

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Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

continue to provide support as requested in the areas of unit management, PREA, security threat groups management, and staff training, areas where we...our two departments touch together. And I'd be pleased to answer any questions you may have. [LR535]

SENATOR ASHFORD: Bob, how many gang members are there at YRTC? [LR535]

ROBERT HOUSTON: I'm not sure at YRTC. It's got to be a high number. We, in our youth facility, we're over...it's becoming more who isn't associated with a gang than who is. [LR535]

SENATOR ASHFORD: Fifty percent? [LR535]

ROBERT HOUSTON: Well, if measuring my own...our own youth facility, it's well over 50 percent, yes. [LR535]

SENATOR ASHFORD: And it was at 60 percent, we talk about this a lot, but 60 percent in the youth facility, and then in the adult facility it's less. [LR535]

ROBERT HOUSTON: About 30, yes. [LR535]

SENATOR ASHFORD: Thirty percent. That's because you have a lot of older inmates, obviously,... [LR535]

ROBERT HOUSTON: Right. Yes. [LR535]

SENATOR ASHFORD: ...who have gone through the gang stage, I guess, huh? [LR535]

ROBERT HOUSTON: Yes, exactly, or never were involved in it. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR ASHFORD: Hey, Brenda. So our most illustrious member has just arrived. We've been pounding the table and shouting and...(laughter) [LR535]

SENATOR LATHROP: We? Did you just say we? (Laughter) Did you say we? [LR535]

SENATOR ASHFORD: I was trying to be collaborative about our... [LR535]

SENATOR LATHROP: Okay, got it. Bob, when we...last session there was a bill to have you take over control of the place, and we've sort of settled on you consulting with them to... [LR535]

ROBERT HOUSTON: Yes. [LR535]

SENATOR LATHROP: So what you're telling us today is you've been there, you've looked the place over, and you've given some advice. [LR535]

ROBERT HOUSTON: Yes. [LR535]

SENATOR LATHROP: Have you found things to help them with? [LR535]

ROBERT HOUSTON: Yes. [LR535]

SENATOR LATHROP: And are things getting better? [LR535]

ROBERT HOUSTON: I think so. I think, you know, we used to be under the same umbrella. We've always been impressed by the YRTC staff. And having gone out there myself, those impressions have not changed. You've got good, dedicated, hardworking folks. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR LATHROP: To what extent has the improvement...would you attribute the improvement to more staff, which was also part of our effort last year? [LR535]

ROBERT HOUSTON: Well, having not talked to Jana and Dan extensively about this, unit management makes a big difference. It made a huge difference at our department 33 years ago when we put it in place. What unit management is, is you put staff on each one of the housing units to pay attention to the security, safety, treatment of the youth, in this case, on that housing unit. That model works whether you're working with youth, from a treatment perspective, or you're working in the highest-security units under my department, working at it from a security perspective. The fundamentals are the...are very similar, and it gives the youth persons and people to go to that are there every day, and I think they were extremely wise in putting that into place, and I think it's starting to have its effect. [LR535]

SENATOR LATHROP: We did appropriate money for more staff though, did we not? [LR535]

ROBERT HOUSTON: Yes. [LR535]

SENATOR LATHROP: And that's been beneficial? [LR535]

ROBERT HOUSTON: You know, I mean, I say this without having deep and long conversations with...concerning that. But that's very beneficial... [LR535]

SENATOR LATHROP: Okay. [LR535]

ROBERT HOUSTON: ...to have that concentration of staff and to have...the way they're using their staff, I think, is very wise. [LR535]

SENATOR LATHROP: So they're deploying the staff differently, they have more staff,

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Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

and the violence is going down relative to where it was a year ago. [LR535]

ROBERT HOUSTON: I was just looking at the figures a little bit ago, and it looks like there's a marked improvement from last year. [LR535]

SENATOR LATHROP: Okay, well, thank you for the information and the advice you've given those folks over there and the collaboration. [LR535]

ROBERT HOUSTON: You bet. You bet. We enjoy it. [LR535]

SENATOR ASHFORD: Welcome, Senator Council. [LR535]

SENATOR COUNCIL: Well, thank you, Senator Ashford. Thank you. [LR535]

SENATOR ASHFORD: Bob, what about the configuration of the units? We had long discussions about that last year in the committee about the way the living units are configured with the 30 beds and the... [LR535]

ROBERT HOUSTON: Well, I really can't speak specifically to the YRTC units as how they're configured, but... [LR535]

SENATOR ASHFORD: Well, you know, the 30 beds and the dorm-like environment. [LR535]

ROBERT HOUSTON: Yes. Yes. I think one of the observations that one of our security staff made when they went out is that it's good to have space; it's good to have a place where inmates--in this case, residents or youth--can get away from each other, be in smaller groups, have some privacy, where they can have privacy and so forth. Improvements along that line are, I think, very important because that's just human dynamics, and certainly those dynamics are similar yet different among youth than they

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Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

are among adults. [LR535]

SENATOR ASHFORD: And I guess my...oh, strike that. That's all I have. [LR535]

ROBERT HOUSTON: Right. [LR535]

SENATOR COUNCIL: I just have one question. [LR535]

SENATOR ASHFORD: Yes, Senator Council. [LR535]

SENATOR COUNCIL: Thank you, Senator Ashford. Thank you, Director Houston.
[LR535]

BOB HOUSTON: Morning. [LR535]

SENATOR COUNCIL: Just looking at your testimony and following up on a question that Senator Lathrop asked about the number of assaults, one of the points in your presentation has to do with redefining assaults and escapes in alignment with accreditation standards. Can you explain that? [LR535]

ROBERT HOUSTON: Yes. Not all assaults are the same. Some assaults would be spitting, pushing, shoving, hitting somebody with an elbow. And so, I mean, an assault is an assault with the physical contact. But it's always helpful, and following the American Correctional Association's standards of reporting on assaults, to define those, to drill down and see exactly what you have. By doing that and identifying what those behaviors are, it gives you areas to concentrate on as to what, you know, where those assaults are coming from. So it could be that, you know, several assaults on staff could be accounted for when you have a small number of youth that are, in this case, youth that are fighting and the several staff; would be considered assaults. But when you drill down and see that it was in the course of breaking up a fight, then it looks much

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Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

differently than a staff member walking across the yard and getting smacked by an inmate or a youth. So we want to make certain that as we count things up that we're very detailed and specific on what those assaults look like, so that we have both an accurate picture for you and then also a good opportunity to build policies and practices and training around what that looks like. [LR535]

SENATOR COUNCIL: And now are the standards that you're looking to align with, are those standards that apply to adult correctional facilities or to youth correctional facilities, or is there any distinction between standards? [LR535]

ROBERT HOUSTON: Yes, there is. Well, just within our department we follow six different standard books by the American Correctional Association. They vary from about 80 standards up to 450 in our adult institutions. And they're tailored specifically for the type of facility--probation, parole. Whatever department you have, they're design specific. The common denominator is that they want to make certain you have policies and procedures, and they review them every year; want to make certain that you have policies that are specific to the standards, so you articulate in your policies exactly what the standards call for; and then also to show your practices. Your practice could be shown by showing count sheets, inventory sheets, that type of thing, and also by the national auditors and the internal auditors that come in and observe your compliance with that. So you have everything from the standard to your policies to your operational memorandums and down to the behaviors of your staff, so. [LR535]

SENATOR COUNCIL: Okay, so when you're...and so that kind of is a segue to the next question. So when you talk about NDCS staff assisting with internal audits for reaccreditation, those are the kinds of audits you're looking at to see if there is a standard for which there have been policies and practices designed and implemented. [LR535]

ROBERT HOUSTON: Yes. Exactly. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR COUNCIL: All right. [LR535]

ROBERT HOUSTON: That's exactly what we do, and those standards are specific to the type of confinement that you have. Um-hum. [LR535]

SENATOR COUNCIL: Right. Thank you. [LR535]

ROBERT HOUSTON: Very good. Thanks. [LR535]

SENATOR ASHFORD: Thanks, Bob. [LR535]

ROBERT HOUSTON: Okay. [LR535]

SENATOR ASHFORD: Do we...how many else...how many others would like to speak? Okay, it looks like we have one more. Come on up. [LR535]

ELAINE MENZEL: Chairman Ashford and members of the committee, I had not intended to speak today, but some of the issues that had arisen, county issues, have prompted me to make some comments. NACO has historically supported continuing of care and recognizing that detention is the most costly option but that it's oftentimes the most appropriate. We appreciate Senator McGill, Senator Lathrop, Senator Ashford, everybody, and particularly at this point Senator Lathrop, bringing up some of the issues that are faced by counties when it goes to the community-based system and the pressures that counties sometimes are faced or the obstacles they face. I've been working at the association I work with since 1997. We had done a study back then with Karen Chinn. I don't know if you recall her name, Senator Ashford, but this is when we developed the concept, to my knowledge, about the continuum of care and the availability and that type of thing. And just...as you know, there's multiple variables that go into the costs and other issues associated with juvenile justice and that type of thing.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

I appreciate Corey Steel bringing up the county aid dollars. And based on my recollection of the events, that is the way the history of that program has transpired. A lot of those dollars, from my recollection, are for pretrial diversion-type things. I know at least one county utilizes it for like a day reporting. They do some, I think I'm correct to say, evaluations and those types of things. The...a resource for obtaining additional information from that is your annual report that the Crime Commission issues, and I would gladly put together additional information on that program if so desired. Anyway, the point of all of my comments are essentially to say that we will gladly assist in the future and help, hopefully it's less than two years, but if it's two years, to come to some conclusions and address some of these issues. So if you have any questions, I'd be glad to attempt to answer them. I probably don't have the specific information here today but can talk in generalities. [LR535]

SENATOR ASHFORD: No, that's fine. I think you...the point that I think Senator Lathrop has correctly made is we have to define where our...where the delivery...where the points into the continuum are. And, you know, Hank Robinson always talks about the 15 points of entry into the continuum. And then how do we...you know, where does the funding source for each of those points. And if it is the county, then we need to bulk up those dollars to make sure that... [LR535]

ELAINE MENZEL: That would be appreciated. [LR535]

SENATOR ASHFORD: Well, I mean, I'm... [LR535]

ELAINE MENZEL: Yeah, I... [LR535]

SENATOR ASHFORD: This is... [LR535]

ELAINE MENZEL: But yes. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR ASHFORD: I mean, seriously, I don't know what else you do. [LR535]

ELAINE MENZEL: Yeah. [LR535]

SENATOR ASHFORD: You have to get the dollars to the services. And they have to be accounted for, and it has to be properly done. But if there aren't the dollars in the counties, as Senator Lathrop suggests, to address these issues, we're so foolish in our...in what we're doing because we're obviously not intervening and preventing. We're sliding people further down the continuum. And I think my last point would be that I think that's what we've all been struggling with is we know that there are early entry points into the continuum. And then at the very end we know there's violence, and there's really bad things going on at the very end of the continuum. And in between there are all these various points, and what is the best, most appropriate, efficient, prudent way to fund getting those children...they are children. I think Dr. Pope is absolutely right on brain development. They are children, and we're going to be addressing this issue of juvenile sentencing in the next several weeks. And I think we're...I'm thankful the Supreme Court has acknowledged now, finally, that brain development is a scientific fact and needs to be...so we just have to figure out how to get the money, and we've got to be very precise on how we...so you need to go to...if you can, go back to your counties. What are they doing now? How do the regions interface, as I...my understanding is the regions do very little juvenile mental health. Is that right? [LR535]

ELAINE MENZEL: I can't speak to that directly, but... [LR535]

SENATOR ASHFORD: I'm sure...I think I am right that there's very little...for...you know, in these regions, they don't have much juvenile... [LR535]

SENATOR MCGILL: They do some wraparound services. I know out in Grand Island they have... [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR ASHFORD: It's limited compared to adult... [LR535]

ELAINE MENZEL: I don't know what the breakdowns are. [LR535]

SENATOR ASHFORD: Okay. [LR535]

ELAINE MENZEL: But it's...since it's...I shouldn't say simple enough. But I've got the contacts in the event you want questions asked of them. [LR535]

SENATOR ASHFORD: Because I think what we're...I think what...and I think if you...yeah, I think if we report back to the counties and said, look, we are at a point now where solutions are going to happen, no more thinking about it, we know that we can think about it, but that's going to be as part and parcel of solutions. So where does the money need to go? How much needs to go there? What's a prudent amount? At what points in the continuum are there gaps? And how do we fill those gaps? Because we can't go through Beatrice again with children, and we already are. [LR535]

ELAINE MENZEL: Yeah. [LR535]

SENATOR ASHFORD: So, you know, that's my charge to you, if you'd go back to your client or your colleagues and... [LR535]

ELAINE MENZEL: And I did take note of the states that were previously with incentive programs and that type of thing with the testifiers earlier, so I have some interest in what their ideas were for doing that. [LR535]

SENATOR ASHFORD: Because I know the counties are concerned. I just...we just need real, concrete steps that we can take, as a committee, now to address these gaps and the continuum, okay? [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

ELAINE MENZEL: I'll have to pull out my old report. [LR535]

SENATOR ASHFORD: Okay. [LR535]

ELAINE MENZEL: And maybe there's a magic answer in there, but okay. [LR535]

SENATOR ASHFORD: Okay, okay. It could be in there. Who knows? [LR535]

SENATOR MCGILL: Well, and most of those programs instate the MacArthur Foundation programs, like Redeploy Illinois and using evening reporting centers and things like that,... [LR535]

SENATOR ASHFORD: Yeah, Redeploy Illinois is really... [LR535]

SENATOR MCGILL: ...that lots of you get in touch with their foundation. [LR535]

SENATOR ASHFORD: That's a good point. [LR535]

SENATOR MCGILL: Yeah. [LR535]

SENATOR ASHFORD: And Senator Council and Senator McGill, we were in Chicago and we heard about...or at least that's the first I heard about Redeploy Illinois, which... [LR535]

SENATOR MCGILL: And I think that Texas...I think a lot of those states were involved with the MacArthur Foundation and are targeted states. [LR535]

SENATOR ASHFORD: Right. So Redeploy is a good model. Ohio, you're right, Ohio, I think...wasn't Ohio the first state? [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR MCGILL: Um-hum. I'm pretty sure all of those are related. [LR535]

SENATOR ASHFORD: Yeah. [LR535]

ELAINE MENZEL: I appreciate that, and I'll make... [LR535]

SENATOR ASHFORD: Yeah, RECLAIM Ohio is the Ohio one, and the one in Illinois is Redeploy Illinois, so. [LR535]

SENATOR MCGILL: I think they've even worked with Texas too. [LR535]

SENATOR ASHFORD: Oh, okay. [LR535]

SENATOR MCGILL: So yeah. [LR535]

ELAINE MENZEL: Thank you for your time. I appreciate it. [LR535]

SENATOR LATHROP: Hey, before you get away, tell us your name. [LR535]

ELAINE MENZEL: Oh, I'm sorry. I thought I did that. I... [LR535]

SENATOR MCGILL: No. [LR535]

SENATOR LATHROP: No. We just need to have it for the record. [LR535]

SENATOR ASHFORD: Yeah, we know you, but... [LR535]

ELAINE MENZEL: Sure. It's Elaine Menzel, M-e-n-z-e-l, from Nebraska Association of County Officials. [LR535]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Judiciary Committee LR535
December 05, 2012

SENATOR LATHROP: Okay. [LR535]

ELAINE MENZEL: I get in the habit of doing it and think I've done it, so I apologize.
[LR535]

SENATOR LATHROP: Great. Yeah, that's all right. Thanks. [LR535]

ELAINE MENZEL: Thank you. [LR535]

SENATOR ASHFORD: Thanks a lot, Elaine. Anybody else like to...are the CASA
people here? [LR535]

STACEY CONROY: They'll be here at 11:00 (inaudible). [LR535]

SENATOR MCGILL: Oh, so in five minutes. [LR535]

SENATOR ASHFORD: Oh, at 11:00. [LR535]

SENATOR LATHROP: I saw Kissel leave, so you might want to wait. [LR535]

SENATOR MCGILL: Five-minute break? [LR535]

SENATOR ASHFORD: Let's take a break. [LR535]