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Health and Human Services Committee
August 24, 2018

[LR377]

The Committee on Health and Human Services met at 1:00 p.m. on Friday, August 24, 2018, at the Geneva Public Library in Geneva, Nebraska, for the purpose of conducting a public hearing on LR377. Senators present: Merv Riepe, Chairperson; and Sue Crawford. Senators absent: Steve Erdman, Vice Chairperson; Sara Howard; Mark Kolterman; Lou Ann Linehan; and Matt Williams.

SENATOR RIEPE: Thank you. It's a couple minutes after 1:00 and, in the interest of all of you that are here, we want to get started and so that we have plenty of time to go through the presentations and through the dialogues. So thank you. I am Merv Riepe. I happen to be the chairman of the Health and Human Services Committee. I represent what's Legislative District 12, which is in Douglas County, and that is Millard and Ralston. And I am pleased to be here. This morning we had the opportunity to take a tour of the facility here in Geneva, and it was well done, and we appreciate that very much. I would also like to first introduce committee members of the Health and Human Services Committee. And so I would start with my immediate right. And, Senator, I would allow you to introduce yourself.

SENATOR CRAWFORD: Good afternoon. I'm Senator Sue Crawford, and I represent District 45, which is eastern Sarpy County: (inaudible), Bellevue, and Offutt.

SENATOR RIEPE: Okay, thank you very much. And on my extreme right is Senator Lowe. Senator Lowe is the senator from Kearney, and they also have a facility there. And if you would introduce yourself...

SENATOR LOWE: Sure. Senator John Lowe, District 37: Kearney, Gibbon, and Shelton. I introduced LR37 (sic--LR377), so that's why I'm kind of here today.

SENATOR RIEPE: I want to...

SENATOR LOWE: Thank you.

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SENATOR RIEPE: Thank you. I want to have her...Kristen is the legal counsel for the HHS. I want to have her introduce herself, and then we'll go on over to Tyler.

KRISTEN STIFFLER: Kristen Stiffler, legal counsel.

TYLER MAHOOD: Tyler Mahood, committee clerk.

SENATOR RIEPE: Thank you all very much. We're going to working on...I have two people that will be presenting, as part of the hearing and, after that, then we will open it up for any other witnesses or people that would like to come forward. LR377, as Senator Lowe pointed out, the purpose for that was--and I go right to the legislation--it was to review procedures, practices at the Youth Rehabilitation and Treatment Center-Kearney, and the Youth Rehabilitation and Treatment Center-Geneva, with the intent to improve the safety and security of the residents of the facilities, staff at the facilities, and neighbors who live near the facilities. I think that's less of an issue here in Geneva than it is in Kearney, obviously. The study shall include and examine the following, as is pointed out in the legislation resolution: that the 1) the recent practices and procedures that have worked to improve safety and security and those that have not been effective; and 2) practices and procedures that have been attempted or at facilities to improve safety and security but have not been attempted at the Youth Rehabilitation and Treatment Center in Kearney or the Youth and Rehabilitation Center (sic) in Geneva. The resolution calls for the Health and Human Services Committee to be designated to conduct an interim study. That's why we're here today, to carry out the purpose of this resolution. And we will then subsequently make a report of the findings of this hearing. With that, if you have cell phones, then we'd ask you to, please, silence those. And if we have people of...this is a small enough group that we don't have to have you move to the front if you're planning on testifying. The people that will be talking to us will be seated at the table in front of us here, and we're going to ask them, for purposes of the record, to both state their name and spell their name, so that we can get this correct as we go forward. Again I state that we did have a five-minute clock and, with that, I think we're ready to begin. Our first person up, from a briefing standpoint, is going to be Mark LaBouchardiere. Is that close? [LR377]

MARK LaBOUCHARDIERE: Yes, close enough, I guess. [LR377]

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SENATOR RIEPE: We're going to have you state it and then spell it, so we'll get it, for sure, just right. [LR377]

MARK LaBOUCHARDIERE: All right. Right, Senator? [LR377]

SENATOR RIEPE: Yes, sir. [LR377]

MARK LaBOUCHARDIERE: Good afternoon, Senator Riepe and members of the Health and Human Services Committee. My name is Mark LaBouchardiere; that's M-a-r-k L-a-B-o-u-c-h-a-r-d-i-e-r-e. And I the director of facilities for the Department of Health and Human Services. I'm here to testify on LR377, which provides for an interim study to review procedures and practices of the Youth Rehabilitation and Treatment Center in Geneva, with the intent to improve the safety and security of the youth housed at the facility, the staff who work there, and the neighbors who live nearby. The safety of the youth in our care, our staff, and the surrounding community are of utmost importance. Assaultive behavior by youth is a constant concern. Our staff are trained in Handle with Care, a behavioral management technique that emphasizes on de-escalation skills. Our youth-on-youth assaults continue to be very low, and we have seen a three-year decline in our assault numbers. In 2016 there were 18 assaults; in 2017 there were 17 assaults. Thus far in 2018 there have been only 8 youth-on-youth assaults. Unfortunately, since March of this year, we saw an upswing in youth-on-staff assaults. I would like to note that 80 percent of these assaults were level one, where there no visible injury or pain, and 90 percent were level one or level two. Level two assaults are classified as injury or pain requiring first aid treatment only. We also have a significant amount of youth with mental health issues, and those youth tend to have unpredictable behavior, such as assaulting staff. As soon as we saw this trend, our new staff...they are receiving coaching and extra support in the living units by administrative supervisory staff members. There is an increased amount of support for these youth with our mental health staff. Both of the YRTC campuses are also working together on joint initiatives for staff safety and expect results from those efforts. We will continue to watch this data and youth behavior, moving forward, to provide the safest environment possible. We are happy to report that we continue to have very few escapes from the YRTC-Geneva campus. To keep this number low, we have increased supervision outside of the buildings and also have staff who are periodically watching the facility perimeter for any suspicious activity. Previous year escape

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numbers were also relatively low. 2016 saw four escapes and 2017 saw ten. It should be noted that, in one night in 2017, nine youth managed to escape our campus who were all apprehended within approximately eight hours. This situation prompted the increased security measures, as previously mentioned, to prevent any other large-scale escapes. So far this year, we have had one escape from campus, and that youth was returned to the facility in a little over four hours. In regards to the physical state of our facilities, the majority of the buildings were built in the mid-1900s, with our oldest building erected in 1924 and our newest building, LeFlesche Cottage, built in 2001. We currently have two of our living units open to house youth. Recent efforts with juvenile reform, to ensure that only high-risk youth are present in our facility, have drastically decreased our population to around 20-30 youth at any given time. YRTC-Geneva continues to increase its efforts to provide evidence-based programming for our youth and has recognized the following evidence-based programs: Moral Reconciliation Therapy, which is a cognitive behavioral program, currently implemented, that leads to enhanced moral reasoning, better decision making, and more appropriate behavior; Aggression Replacement Training, or ART, a program aimed at helping youth to develop more appropriate anger management skills--we hope to have this program implemented within the next six months; Adolescent Community Reinforcement Approach, a program the therapists utilize to treat adolescent substance abuse...this program includes both individual and family therapy sessions in order to support the youth through their recovery and is endorsed by the Substance Abuse and Mental Health Services Administration, or SAMHSA. The YRTC-Geneva also continues to offer the Mothers and Babies program. Coordinated by one of our case managers, this program is available to youth who are pregnant or have children. The program provides information and learning experiences centered on childcare and development, as well as prenatal and postnatal care. A crucial component of the program is a regular visitation schedule for the parenting youth and their child so that they can bond and interact, as well as gain support from staff for utilizing positive parenting skills. We also are offering our youth more vocational opportunities and have seen three of our high school graduate youth through their certified nurse's aide program, CNAs, offered by Southeast Community College. We hope to continue these types of opportunities thorough our collaboration with Vocational Rehabilitation and the Nebraska Department of Labor. With our youth who have not yet graduated from high school, representatives from Vocational Rehabilitation and the Department of Labor work with the youth on career exploration and postsecondary education enrollment. We are grateful for the opportunity to highlight the changes we have made to our

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campus, in terms of programming and security. Helping the youth we serve to live better lives and keeping our staff and communities safe will continue to be of the utmost importance to the department. Thank you, and I am happy to answer any questions you may have. [LR377]

SENATOR RIEPE: Okay. One of the questions I have, right out, is...is I know you were talking about the number of assaults and the number of escapes. I'm trying to segment those out between Geneva and Kearney, and I don't...just for clarification of the audience, do you have a breakdown in the number that might be assaults at the Geneva facility, as opposed...even if you want to give us a percentage? I'm assuming it's mostly at Kearney. [LR377]

MARK LaBOUCHARDIERE: That...the numbers I spoke of, they were strictly about Geneva. [LR377]

SENATOR RIEPE: Oh, okay. [LR377]

MARK LaBOUCHARDIERE: And on Wednesday, I will speak about...strictly about Kearney. [LR377]

SENATOR RIEPE: Okay. I thought it was including both of them. [LR377]

MARK LaBOUCHARDIERE: I'm sorry. No, this was just strictly Geneva, yes. [LR377]

SENATOR RIEPE: Okay. Okay, very good. Are there...Senator Crawford, please. [LR377]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you for being here today. I wondered if you could tell us a little bit about...you have 20-30 youth, and you just talked about three who are graduating with the CNA program. And then you mentioned that others are perhaps working on postsecondary education enrollment. Do you have any other numbers of...are...how many of those students are in getting their GED or getting other educational experiences? [LR377]

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MARK LaBOUCHARDIERE: I don't have specific notes. What I can speak of is, over the last year, I know we have 70 youth who have actually graduated high school from Geneva. But it depends on when they come in, you know, what kind of education that they come in with. A lot of these youth, just as I'm sure you're aware, they are coming to us who are truant, they don't go to school, they are...they have a lot of substance abuse issues, too. So to even bring them up to par, to where they need to be...and then that's the education piece, but then you have a behavior piece, as well, aware they have no desire to even go back to school. They don't think school is something that's important to them. [LR377]

SENATOR CRAWFORD: Um-hum. [LR377]

MARK LaBOUCHARDIERE: So trying to get them back on track behaviorally and change their mindset, and then I have to get them on track of...are they close enough to get a GED versus getting a diploma? We also have current...a few students right now, or youth right now, who are actually taking college classes at our...at this through community college, as well. But I can get you those actual numbers, in terms of how many have graduated, how many have GEDs, how many (inaudible)... [LR377]

SENATOR CRAWFORD: Well, that's helpful. I'm just here... [LR377]

MARK LaBOUCHARDIERE: Okay. [LR377]

SENATOR CRAWFORD: Thank you. [LR377]

SENATOR RIEPE: A question that I had, too, is I think---and correct me if I'm wrong--did you say that at one time that here at the Geneva facility, you had nine individuals that--what I call--made a run for it, or escaped? Or... [LR377]

MARK LaBOUCHARDIERE: Yes. I mean... [LR377]

SENATOR RIEPE: I'm just surprised. To try to get nine people to agree to do something seems like a major task. [LR377]

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MARK LaBOUCHARDIERE: So sometimes in our facility--this also occurs in Kearney, as well--we do have pockets of youth, sometimes, who come from the same area. We do have a large population from the Lancaster/Lincoln area and Omaha area who come in who...a lot of those youth who have known each other out in the streets. They are from the same gangs, they hang out with the same people out there, they've done drugs out there together. So when they come here, it's kind of like a meeting ground again of: yeah, I know you from this street, I know you from that gang. And sometimes when you have several that come in together and know each other, it makes it easier when they decide to make some poor choices. [LR377]

SENATOR RIEPE: Just knowing where the...because we did tour the facility this morning and it's not really close to the city of Geneva. I mean, where do...where were these nine going to run to? Do you... [LR377]

MARK LaBOUCHARDIERE: In that particular incidence, they did not necessarily have a plan. These are young teenagers who want to, sometimes, do something exorbitant, something big. And they all decided to take off together. They ran through the fields. We got some of them at the graveyard out there. Some of them were out by...hidden in the cornfields with...they all took off. In that case, they didn't have a plan put together; it was just: let's all take off. [LR377]

SENATOR RIEPE: And no one was injured in the process? [LR377]

MARK LaBOUCHARDIERE: Nobody was injured in the process. We all got them back that same night. We actually had quite a bit of assistance that same evening from NSP, which also assisted with that. The committee over here, with Fillmore County, and the police department...we've always had a very good relationship with them. That's been very helpful. [LR377]

SENATOR RIEPE: What kind of consequences go with making a run? [LR377]

MARK LaBOUCHARDIERE: We do have a confinement of...where initially they were all placed in confinement. And then it's with, based upon how they do and how they process their behavior, to be able to come back out of confinement. Just as your earlier campus, it is an open

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campus where someone who'd start off and take off that way, so it's why it's not just here, other states as well, they do have confinement as they settle up accountability. [LR377]

SENATOR RIEPE: Senator Crawford, and then we'll go...go ahead and start. [LR377]

SENATOR CRAWFORD: Okay, all right. Thank you. In the...in your testimony, you mentioned that you see an upswing on youth-on-staff assaults. And you note 80 percent are level one, 90 percent are level one or two. I wonder if you'd tell us a little bit about...we don't really have any numbers of how many assaults those are. Do you have a...how many assaults there were and what the ones that are in that 10 percent, what level one or level two look like, and a little bit more about what you are doing to try to reduce those assaults? [LR377]

MARK LaBOUCHARDIERE: Okay. So talk about numbers first. So some of the...something which, since I came here to Nebraska, one thing that's being changed is, at both facilities, people were not tracking, in my opinion, correctly what an assault was. So even if a youth pushed a staff member, that technically is an assault. If it was actually a police officer, that's what he'd consider the assault. So we tracked everything which was considered by law what assault was. And so from that, in the numbers which increased were from: January, we had 7; February was 6; March we had 18; April we had 8; May, 16; June, 19; and July, 25. However, from those...from that, from those numbers, 88 of those...80 of those instances, staff members that were assaulted received no injury and needed no care beyond basic first aid. Ten of the staff were treated and released the same day that they went to the hospital, and 11 staff also received outside medical treatment and were released the same day. So the majority of those, it could be a push, or they could be a minor incident, but the youth also need to understand why it's not okay to put their hands on staff. [LR377]

SENATOR CRAWFORD: Right, um-hum. [LR377]

MARK LaBOUCHARDIERE: When at one time a few years ago, those numbers wouldn't be calculated...captured in that manner. [LR377]

SENATOR CRAWFORD: Um-hum, thank you. [LR377]

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SENATOR RIEPE: Senator Lowe. [LR377]

SENATOR LOWE: Along those same lines, what happens to the youth when they do assault a staff member? Is it...you know, do they get put in a separate room for a couple, three days? Or what actually happens when a staff member gets assaulted? And maybe, is it adequate? [LR377]

MARK LaBOUCHARDIERE: All right. So when a youth does commit a staff assault, we do place them in room confinement. Per our ACA, American Correctional Association, the guidelines (inaudible) for, we can place the youth up to five days in confinement. However, our numbers have been running about anywhere from 10 to 15-16 hours, on average. The reason why is because data and...it is not beneficial mentally for youth to be sitting in a room because they aren't learning anything after X amount of time, to be placed in confinement. So we have drastically reduced our confinement numbers for that purpose. But while they're in confinement, we offer them a host or a slew of services to get them back on the right mind-set. Also with an assault, what we do do...we also refer it to the...to NSP. It is then up to NSP whether they choose to take that on to the county attorney, and then it's up to the county attorney to press charges or not. The facility has no say, in terms of just because you assault the staff, we press charges; that's not the way the court system works. But a lot of times, sometimes our staff do feel as though it's up to the facility to charge a kid or not, and it's not. It's...we give them our reports, and then it's up to them to bring forward the charges on it. [LR377]

SENATOR LOWE: And as a whole, do the staff feel that they are safe working in these conditions with these rules that they must follow? [LR377]

MARK LaBOUCHARDIERE: Working in any setting in a facility where you're working with high-risk youth, who have had a history of not following the law, can be a risky business to be in. We try to make it as safe as possible. We try and provide them the right training, we try to provide them the right physical restraint management. I mentioned Handle with Care. Prior to this, when I came back...came in here two and a half years ago, I brought the new restraint technique called Handle with Care, where it cut our staff injuries and staff assaults down by almost half across the board. Tried to bring new techniques and helped them prepare our staff. However, are there risks involved? Absolutely. These kids who we're getting are not kids who are

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generally here for first-time offenses. These kids have been in the system for a while, they've gone through...probation has done a really good job with only getting us those kids who have exhausted all measures. So even the judge cannot just generally send a kid to us. All community options and placements have to have been exhausted before a kid can come to us. So this is the last resort for them. Something where we have seen in the recent last year or so, we have gained some really mentally sick kids in our facility, to the point where there are kids who might have a state, as well, who have been kicked out of their placements who are coming to us. A good an example is a kid who we have who...Kierra (phonetic), who...she's been to almost every placement here in Nebraska. They've kicked her out. She's going to report to Richard Young, and that's a psychiatric hospital. And as soon as a youth is assaultive there, they kick them out right away, and not just at Geneva, Kearney as well. And sometimes we're the only option, so when we place our staff in some predicament, where even a place like Richard Young would eject a kid for being assaultive, and they have the highest level of care, where they have psychiatrists like ours all on staff right there, and they keep sending them back to the YRTCs, saying: You guys, take this girl, deal with it. It takes a lot of patience and a lot of stress to try to get them on the right path. [LR377]

SENATOR LOWE: So that most of the youth on the...in the facility, it's like a three- or four-strike deal. They've been through quite a bit, this being the parole officers and not doing what they're supposed to be told in the first place. [LR377]

MARK LaBOUCHARDIERE: I think it's much, much higher than three or four. [LR377]

SENATOR LOWE: Okay. [LR377]

MARK LaBOUCHARDIERE: I think it's...we've had some kids in...this would be their 20 and 30 placements. They've been in quite a few places when they come to us. But that's, compared to those placements, a placement like that could eject a kid for being assaultive or sexually assaulting the staff or hitting them. We can't do that. We're not a big...we're a no-eject/reject facility. We cannot say: Hold on, judge; I don't want to take this kid. Give us a...they're too assaultive or they're too mentally ill. We have to take them. Whether they are...they are, for whatever reason, they are committed to us by the courts. [LR377]

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SENATOR LOWE: Thank you. [LR377]

MARK LaBOUCHARDIERE: You're welcome. [LR377]

SENATOR RIEPE: One of the charges of this hearing is to understand practices and procedures that work and, also, some that don't work. As I look at your numbers, it looks like we had assaults of 7 in January and, slowly but surely, the trend was running up, up to, ultimately, 25 in July. What...that's a pretty significant increase. And what was it that we did, or didn't, learn as back in January, all through those early months, to get to this 25 number? [LR377]

MARK LaBOUCHARDIERE: So something which--not just here, any state, any facility in the country which will deal with...sometimes you get a slew of kids who are committed from a certain area who are challenging. So this particular case, we did have a group of kids who were American Indian, and we had a couple kids who have, for many years, have had mental, really some mental health issues where their way of dealing with things was assaulting staff. And sometimes it's, contrary to popular belief, it's not like a quick, like, snap of the finger we can get this...put them on the right medication and they'll be fixed this way. They're still...they have done this behavior for years. Something which, even with this case of the...with the 25...with this 25 it has just been a couple girls who are the ones who caused the majority of that 25. So something we have done just recently is...so as my role as director of facilities, at our Lincoln Regional Center, we have psychiatrists on staff. We have child and adolescent board-certified psychiatrists there. And we're...so one of the vision of the CEO Courtney Phillips was using our resources within our seven DHHS facilities, use that to our benefit to be more efficient. Sometimes, for us to get a psychiatrist's appointment, it could take months and, in fact, one of the cases with one of these girls who was causing a lot of those assaults was...we had referred it to the Monroe Institute in Omaha back in March, and we don't have an appointment until January 2019. We cannot wait that long for those things. So what we did is we brought a psychiatrist, who was child and adolescent board-certified, from Lincoln to Geneva a couple weeks ago so he can assess the kid right away, instead of having to wait for so long. So collaborate with the rest of our facilities when we have resources within the department is...is different than ways we're trying to address on these things instead of waiting so long. [LR377]

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SENATOR RIEPE: I noticed that...you know as I noted, that we went from 7 assaults in January to 25 in July, were the numbers in July the same individual, only repeat assaults, as opposed to...wasn't necessarily 25 individuals making an assault? [LR377]

MARK LaBOUCHARDIERE: It's multiple. [LR377]

SENATOR RIEPE: It may have been one or two that were making a lot of assaults. [LR377]

MARK LaBOUCHARDIERE: Yes, it was mainly a couple kids making... [LR377]

SENATOR RIEPE: Is that what happened there? [LR377]

MARK LaBOUCHARDIERE: Yes. [LR377]

SENATOR RIEPE: Okay. So that would... [LR377]

MARK LaBOUCHARDIERE: These are total numbers, so a lot of these are the same...some of those things are (inaudible). [LR377]

SENATOR RIEPE: And what's the success been of bringing in the psychiatrist? And did you say you brought him in from the Lincoln Regional Center? [LR377]

MARK LaBOUCHARDIERE: Yes. [LR377]

SENATOR RIEPE: And how frequently did you bring those in? [LR377]

MARK LaBOUCHARDIERE: This just started a couple weeks ago, so... [LR377]

SENATOR RIEPE: A couple of weeks ago? [LR377]

MARK LaBOUCHARDIERE: ...we hope we will see some results here soon. So by the psychiatrist coming in, what they do is--let's see--because when you have a medical doctor

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looking at a kid, or any of us, and you did that for medical reasons and that's their expertise. In terms of psychiatry and for mental health issues, we go with a child and adolescent board-certified psychiatrist; that's what their expertise is. So what Dr. Hartmann did was he came in, did a whole review and assessment/evaluation of where this kid has been. Is she on the correct meds? So you look at the medications and say: What do we need to tweak in order to get her the right baseline so that she can do best? That's what we were looking for. [LR377]

SENATOR RIEPE: Okay. So you're predicting that you'll have a significant reduction in assaults? [LR377]

MARK LaBOUCHARDIERE: We're hoping so. [LR377]

SENATOR RIEPE: Okay, okay. Thank you. Are there other questions from the committee, as such? Okay, thank you very much. We appreciate your giving us a briefing. [LR377]

MARK LaBOUCHARDIERE: Thank you. [LR377]

SENATOR RIEPE: Our next individual is Liz Hruska, who is the long-standing legislative fiscal resource, and Liz has been a great help to us. So if you would be kind enough, for the record, to introduce yourself to us. [LR377]

LIZ HRUSKA: Good afternoon, Senator Riepe, Senator Crawford, and Senator Lowe. My name is Liz Hruska. That's L-i-z; last name is H-r-u-s-k-a. I'm an analyst in Legislative Fiscal Office, as Senator Riepe has noted. [LR377]

SENATOR RIEPE: Can everyone hear? [LR377]

_____ : No. [LR377]

SENATOR RIEPE: Do..okay. Can we...we don't...I'm sorry. We don't...I don't think our mic is doing anything more than recording, so thanks for saying so. [LR377]

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LIZ HRUSKA: Remind me again if I... [LR377]

SENATOR RIEPE: Okay. [LR377]

LIZ HRUSKA: ...lower my voice. I was asked to give an overview of the YRTC-Geneva, as it relates to the budget. Before I present the data, it is important to know the criteria for girls to be placed at the YRTC. In 2013 LB561 made major changes to the juvenile justice system, transferring the responsibility for juvenile law violators, who were formerly under the jurisdiction of the Department of Health and Human Services, to Juvenile Probation, under the Supreme Court. The changes also impacted the commitments to the YRTCs. Since July 1, 2013, for placement in either YRTC, at Kearney or Geneva, the law states: Placement may be ordered if all levels of probation, supervision, and options for community-based services have been exhausted and placement of such juvenile is a matter of immediate and urgent necessity, for the protection of such juvenile or the person or property of another, or it appears that such juvenile is likely to flee the jurisdiction of the court. In the information I'm going to provide to you, generally I pulled data from fiscal year '11 through fiscal year '17, and that would be three years before the changes in LB561 through the most recent fiscal year that I have, which was fiscal year '17. The first chart is the average daily population and admissions. The three years prior to the passage and implementation of the LB561 change, the average daily population was 81 girls in fiscal year '11 and '12, and it dropped to 62 in fiscal year '13. At that time the capacity was 88. Beginning in fiscal year '14, the average daily population has steadily declined, with the exception of one year, in 2016, when there was a slight uptick. The range has...is from a low of 33 girls in '17, the most recent year, to a high of 59 years (sic), the first year after implementation of LB561, in 2014. The capacity now is, and was then, 82. Admissions mirror the average daily population. From a high of 140 girls in '11 and '12, down to 40 girls in 2017. The average length of stay increased as the number of admissions has decreased. And although the annual report for 2018 is not yet available, Mark told me that in 2018 the average was 26 girls. And today we hear there were 25. Now to go into the expenditure history, expenses for institutions are not easily adjusted as population trends change. Institutions have to maintain a certain level of staffing and operations to adequately provide the care they are entrusted to provide and to remain accredited. Over time, variable costs may decline as the population decreases, but it must be done in a planned and methodical manner to protect the individuals in their care. Because of the nature of

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institutions, as the population at the YRTC-Geneva has declined, there has not been a comparable decrease in the expenditures, as would be expected. That's not declined as we would expect it. In FY '11, expenditures totaled \$7.3 million, when the average daily population was 81. In fiscal year '17, expenditures were almost identical, at \$7.2 million, with an average daily population of 33. In the years in between, there were slight percentage increases and decreases, and the overall change from '11 to '17 was a negative 4 percent. Personnel expenditures are down by about \$400,000 from '11 to '18, even with salary increases and insurance inflationary increases. The number of staff has changed from 97 in fiscal year '11, and I looked at the HR report...it was showing 89 current positions. Operations increased only slightly during this period, by about \$130,000. The Prison Rape Elimination Act has a requirement for staff-to-youth ratios of 1 to 8 during waking hours and 1 to 16 during sleeping hours. The Legislature, to...in order for the state to be in compliance, funded four additional staff at YRTC-Geneva. In comparison, 27 additional staff were added at the YRTC-Kearney. And so the decline in the population resulted in us not having to add as many staff to Geneva, to meet those requirements. As the average daily population declined, it is expected that the per-diem cost would increase for the same reason the expenditures and institutions do not decrease at the same rate as the population. And that is the case with the YRTC in Geneva. In fiscal year '11 and '12, the per diems were \$246 and \$245 respectively. In 2013, when the average population decreased by 19, the per diems increased to \$309. It has steadily gone up every year since and, in fiscal year '17, it was \$598. By way of comparison, the per diems of the YRTC in Kearney were \$295 in fiscal year '16 and \$348 in fiscal year '17, and they were serving 108 and 97 boys, respectively. For the women's correctional facility in York, which is a high-security facility, the per diem in fiscal year '17 was \$1,800. I provided to you a chart of the reasons for the commitments at the YRTC-Geneva, just to give you an idea of what the offenses are that result in girls being committed there. But they are fairly diverse. There are very few status offenders, and the status offenses are a noncriminal...or non-criminal acts that are considered a law violation only because of the youth's status as a minor. For example, there were two commitments for a minor in possession in 2017, so that would...only a minor could be charged for that. Assault is consistently the most frequent reason for commitment. And lastly, I provided a chart that shows you the service areas where the youth come from, and the eastern and southeastern areas make up the vast majority, with 66 percent--or 26 out of 40--admissions in 2017, and the balance coming from the other three areas around the state. And lastly, I would like to leave you with an observation. In light of the decline

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in the population at the YRTC-Geneva to less than half of the capacity, further study of the facility is warranted, with input from the Judiciary Committee, judges, juvenile probation, and the Department of Health and Human Services, as well as service providers and other stakeholders. And I'd be willing to answer any questions. [LR377]

SENATOR RIEPE: Okay, thank you. One of the questions, and I want to read this here, what it says. I think you said in today that, or at least 2017, the daily cost here in Geneva was \$589. [LR377]

LIZ HRUSKA: \$598, just under \$600. [LR377]

SENATOR RIEPE: \$598. Okay. And that if Kearney--correct me if I'm wrong here--Kearney, because that same time period was \$348? Is that...I just want to make sure that...there were some numbers flying around, and I wanted to... [LR377]

LIZ HRUSKA: Yes...right. And Kearney, in fiscal year '17, it was \$348, which would be comparison to the \$598. [LR377]

SENATOR RIEPE: That's quite a variance. [LR377]

LIZ HRUSKA: Right. [LR377]

SENATOR RIEPE: And that's on...those were variable costs, not the fixed costs. [LR377]

LIZ HRUSKA: That's all costs. [LR377]

SENATOR RIEPE: All...oh. Okay, okay. [LR377]

LIZ HRUSKA: So that's maintenance, that's food service. [LR377]

SENATOR RIEPE: Yeah, okay. [LR377]

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LIZ HRUSKA: That's all the staffing. That's their total budget divided by the average of...average daily number of kids served. [LR377]

SENATOR RIEPE: Um-hum. In your working with those...the numbers which you've obviously done for some time, and you did specifically a lot of work for this presentation, did you have any observations or comments about why there would be the difference between the \$598 and the \$348? [LR377]

LIZ HRUSKA: I think the Geneva population...Kearney and Geneva are both seeing declines, I think, primarily when LB561 was implemented, and the standard for who could be committed to the YRTCs was changed. But it appears Geneva is probably declining at a more rapid rate than Kearney. [LR377]

SENATOR RIEPE: Okay. Are there other questions from the committee? Okay, thank you very much for all your hard work on this. We appreciate it very much. [LR377]

LIZ HRUSKA: Thank you, Senator. [LR377]

SENATOR RIEPE: Facts are important. Okay. With that, that's the conclusion of those that are invited to testify. I would...could there be a show of hands of those who want to testify in general? Okay. We have at least one, to get us started here. If you would, sir, if you would...and I would remind you that we don't have an amplifying service here, so... [LR377]

FRANK HEINISCH: I'll turn on my amplifier (laughter). [LR377]

SENATOR RIEPE: You sound good. If you'd be kind enough to give us your name and spell it. [LR377]

FRANK HEINISCH: Good morning. My name is Frank Heinisch. I'm a lawyer in Geneva, Nebraska, been in the community about, oh I guess, 46 years. My practice is 50 years now. I have been a member of the Community Advisory Board for YRTC for over 35 years. I eat with the girls once a month, except in the summer months. I'm familiar with the process from Don

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Best on forward, as far as directors, Geneva community. Many comments on it. One of the comments that I observe is that we have Geneva North. Geneva North is the high school the girls graduate from. I attend the graduations. I have attended the graduations...I'm chairman of the board, for I don't know how many years, but anyway...and hand out diplomas...hand out three to five diplomas, probably two/three times a year. What really impresses me with...is often the families are there, and this is the first child that has ever graduated from high school in that family; that is really neat. We have an accredited high school. It's expensive to keep an accredited high school, but the kids get an education. And I didn't...I'm very proud of our accreditation in the high school and think that it's an important thing. We've got girls actually with taking college course, as been mentioned; that's neat. We're...it's a slow process to determine how do you get a child to have the opportunity to be able to take these courses and the discipline to go through them. They are, of course, on-line, the courses. From there I go back too many years. One of my questions, when I eat with the children--the students--is, do you feel safe? And that's a comment I've probably asked the kids for 20 years. The trend is going where I would have maybe, once every two or three years, a child say that. And now I probably have, oh, three or four times. They question their safety. I don't think it's the operation of the facility; I think it's the nature of the children that are there. Way back in the dark ages, I was a county attorney. I don't do that anymore. I don't do criminal prosecution or defense. But the nature of the students that are there has changed radically. There is a high proportion of kids that have mental problems. There is a high proportion of the kids that are criminals. I don't know, I celebrate that we have the opportunity in Geneva to serve a bunch of youth that have been identified that they need help. We have 50-60 volunteers, on occasion, that are working out there with the youth in...out at YRTC. Boy, the nature of the youth that have come in have really changed, and they're a difficult group to work with. I don't know where else you're going to put these children. I don't know where there's mental facilities, I don't know...you put the criminals, I guess, in...up at York. I wrote down the number, \$1,800 per diem...wow, I didn't realize it was that much up to York, but it's expensive up there. YRTC has a history of a culture from the community employees, from the community, of getting these kids turned around; it's amazing. And some of the most difficult, hardened kids, on account it be six/nine months a year--they're coming around. And it's really neat that we have this opportunity to work with these kids and bring them around. They come into the community, we have a theater. Our theater...I can go to the movie for \$3.00...buy popcorn and all, I'm still under \$10.00. We have volunteers run the theater, okay? The kids...they

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volunteer and then they help with the concessions stand. Our senior center has a bank...a money-raising event; they help with that. We'd like to bring the kids out into the community. There's not that much fear, trepidation. We still enjoy having the kids in the community and try to work with them. Our community...I don't think we have a fearful community. There's always a little bit of that. If somebody wants to leave YRTC, they don't..they want to get out of Dodge. The might steal a car, you know, but they're not going to be assaulting, hassling people. They're usually in the cornfields. If you want to do the prediction, they're going north, trying to catch a ride on Highway 81, to get out of here. That's just the nature of the beast. Do they...we've got a neat system. I'm a little disappointed in this hearing. I had mentioned that to Senator Riepe earlier. We did not have good communication, within our community, of this hearing. No, I talked to Sheriff Bill Burgess. I said: Sheriff, are you coming to the hearing? What hearing? He knew nothing of it. I said: You're the tip of the arrow on this thing. You're the person that's one of the first called. So you're stuck with me and some of my observations and it's not lack of community interest. I harassed our poor mayor to come out and attend the hearing. He has other commitments. Our city administrator is here, but we're not well represented, and I apologize for that. It was just a lack of, I thought there had been notice on it. Back to what's going on. We have a system where, if there is an escape, that the sheriff is called and there's a telephone system. And the community is reached by telephone, individual callings. There's a number that the message is put out, so very quickly, the town is put on to notice that there is a problem going on. Once a town is then put on notice, I don't leave my keys in the car, but I make sure I've got them in my pocket. I might even lock my door; often I don't. But the town probably locks down a little bit more, becomes aware, looks for anybody that's unusual in the community and that. That system seems to be working. I don't think we have community assaults. I don't think we have problems with the community being concerned about these youth out here and, if they escape, that they're going to rain havoc in our community. Absolute worst, they're going to try to get wheels and get out of here. They may have some system of having somebody pick them up. I think the administration and how the YRTC is run, I think it's very difficult for a student to arrange a ride coming. The security has tightened. We've got more cameras, more officer of the day and all that; I'm not overly concerned. But what I am concerned about--I don't have a remedy for--is that we have a culture out there. We were in the 1890s when we started in this business. We have people that have been...family upon family have worked with the youth that we have the privilege to work with here. That opportunity of people working out there...our culture is changing, we're losing

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staff members. I think we're losing staff members because of assaults, among others. We're not quite sure what to do about that. That's an internal problem. But I think part of it is we have a much heavier staff turnover than we've ever had. And I don't know my statistics well enough...Dan Scarborough is here, runs the operation. But we probably have well over 50/60 percent of the staff that are working with the youth have been employed in that position less than a year. And Kearney had that problem and continues to have the problem. And I don't know how that's resolved except it gets to be very difficult. We take pride in our culture of being able to work with the kids and take these really difficult kids and get them turned around. And I think we're probably run in the high 80s and 90s percentile of success with these kids. It's amazing. I'll be eating a lunch, and we have an advisory board meeting or evening meal, and I'll have an advisory board meeting. And well, they'll say: Well, this youth has been here a year and boy, they we're difficult, but they've turned around. And they're really...they're neat kids. These are kids, and that's the thing we got to remember. Accreditation is interesting. Not enough emphasis has been talked about so far on the accreditation. YRTC is...YRTC-Geneva is accredited. They have a whole bunch of standards they have to meet. They hit a bullseye this year--they've never done it before--100 percent of the standards were met. That's unheard of in the country. They run a tight ship. They really know how to run the thing, and they run it by the rules. Now I'm a little frustrated because I'm...I've been around forever. And they seem to get these programs going, and then somebody has a new, evidence-based program. And then, you know, it's not a switch you turn on, and all of a sudden it works. It takes months, if not years, to train the staff to deal with the kids and see what works. And we had some neat things working and they've changed to more evidence-based...we've had some tremendous people working that have developed systems. And I keep thinking, where is the evidence? We should be the ones teach the nation how to do this. But I guess my overall reaction is that I think that we have been given a rough road with the youth that we have at this stage. In my experience in the legal side of it, I think that we need to possibly broaden our base of youth that we serve out there to a little bit broader base. One of my questions: How many foster homes have you been in? You know what's interesting is when I hit these kids with 25-30 foster homes, and they're 15, 14/15 years old. Think of that. You know, wow, what a life to have been exposed to. That's just the foster home system before they get into the variety of facilities. And they've been in two or three or more before they've hit Geneva. I asked Sheriff Bill...this morning I said: Sheriff, what's the big problem? And he says: You know, we really can hardly handle this. We get the State Patrol out and they help us with this thing. But

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the assault on a Health and Human Services person is a Class III misdemeanor. The assault on a corrections officer in the corrections system is a felony. I...we need to figure out some better tool to how to catch the attention of the youth other than an afternoon or a day by yourself in the room. I think the accreditation standards allow us only like 48 hours in the room. I heard five days, but I think our accreditation standards may be tighter. But we need to have better consequences. I come from the time they took away the mattress, peanut butter sandwich, bread and water (laughter). Those were great; we caught the attention of the kids. You know, if they were going to mess around, well, we're end up having additional consequences. Now it's a pat on the back. But I come from way too back far on that arena. So I would suggest that, maybe, some review as to whether or not a child that has physically assaulted...I noticed we had a concussion on one of our staff members not too long ago, and it was a long-term employee--I think 15, 16 years--and they quit; I don't blame them. And we need to have better consequences. Our county attorney, Jill...I didn't call her. I was hoping she would be aware of this meeting. I should've. Jill does prosecute some. And I know there was a reaction when they were put before the judge and given 90 days. This was a youth, I think, that was about ready to age out. I'd love to have that youth age out and spend 90 days in our county jail. We're not quite as nice a county jail as they are as the facilities out here. So that's my overall reaction. I should open it up for questions. The best I can offer is decades of experience, and I'm pleased to have the opportunity to work with these kids. And I think that we do a good service and it's hard to measure when you've brought a child that really is so far out of it into a productive citizen. And that's what it's all about, although it's frightening--my grandma was here, my mom was here, and now I am here. It's almost a rite of passage. I hope we don't have to raise too many more like that. Questions, please. [LR377]

SENATOR RIEPE: We very much appreciate your engagement and your willingness to come and to talk to us. Before we get into any questions, I would ask you to spell your last name so we get it right in the record. [LR377]

FRANK HEINISCH: Oh, I apologize. H-e-i-n-i-s-c-h, Frank Heinisch. [LR377]

SENATOR RIEPE: Okay. I'm also impressed with your perception of the power of a peanut butter sandwich (laughter). [LR377]

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FRANK HEINISCH: Had one for lunch. [LR377]

SENATOR RIEPE: I'd ask you if it was creamy or crunchy, but I suppose I should...that's irrelevant. You had said, too, in your testimony that you were talking about the safety and security. Was that safety and security within the Geneva facility or was that in their broader environment where they came from and at home and foster cares? Or...what do...where was that at? [LR377]

FRANK HEINISCH: I'll expand a little. Safety and security within the community, I don't think it's a problem. I think we can handle all right. We're over a hundred years and used to dealing with that. Safety and security within the institution is youth-on-youth or whatever, that safety issue I think that the nature of the youth, it's becoming more difficult to maintain a safe environment for the youth. LeFlesche is a lock-down facility; that helps segregate the hardest (inaudible) kids that are worked with. LaFlesche has two pods. They're both being occupied now. Traditionally we only had one pod occupied. So we're trying to get more of the high-security risks identified. Generally students at LaFlesche do not even eat with the community at large, and so they are segregating that population. There are exceptions, and a youth can eat with the population if they feel that they've reached that point. It's probably one of the things, the perks, they can give them. I don't know that that's an internal management problem as to how to deal with safety. I don't think there's a big problem of youth-on-youth assaults, from what I can tell. For some reason, I think there is more of a difficulty on youth-on-staff assaults, and I think that's something that we're just into a evolution of staff learning how the culture works. One of the things we've been running short, probably for...short staffed for a year and a half, maybe two years...a lot of overtime, very difficult when you've run a full shift and then have to pick up a second shift right away on top of that. And I think...oh, I'll get in trouble with this one, but I think there are probably six or seven...there either are going to be down six or seven staff, coming up. And, you know, you can't just put this on hold; somebody has to be there all the time. And so I know staff employment education, getting them not only educated, but in the culture of how you deal with the kids. And it takes a special technique; it's not easy. Have I answered your...I guess I've got community, student-on-student, student-on-staff. [LR377]

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SENATOR RIEPE: I would want to say this: The Geneva community has a reputation of being very embracing of the facility and of the young women that are here and from the (inaudible), we very much appreciate that. That's critically important to their recovery and for us to run a program that is not in conflict with the community. So... [LR377]

FRANK HEINISCH: When the kids are in the community, they're welcomed. [LR377]

SENATOR RIEPE: Well, for the overtime people like yourself that move forward. [LR377]

FRANK HEINISCH: I mean even when they're doing their various community services, yeah. [LR377]

SENATOR RIEPE: Yeah, okay. Are there other...any questions from... [LR377]

SENATOR LOWE: The...excuse me, I'm... [LR377]

SENATOR RIEPE: Oh, Senator Lowe. Go ahead. [LR377]

SENATOR LOWE: The assault on staff, that troubles me as much as assault on youth-on-youth. But the staff are free people that work there. They can come and go as they please, and they can quit. The youth cannot quit once they are there. They can just get better. We need the staff there to help the youth, you know, and I think we really need to do something to enhance the staff staying. When you have great turnovers in staff, you lose a lot of knowledge, and we need to keep the knowledge there. What do you think can be done? You had mentioned going from a Class III to a felony between the different positions. As an attorney, and I have seen that side of the law, what do you think would work in this situation? [LR377]

FRANK HEINISCH: I think these young ladies, in the heat of the moment, wouldn't really care if it's a misdemeanor or a felony, to be quite honest with you, sir. I know our sheriff would like to have a heavier thumb on it, and I hear him, and I respect him--he's a good friend--but really, we had a Christmas event and there was an assault situation that went on at that Christmas event. I don't think the youth that was aggressive towards others had any thought at all as to what the

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consequences would be. I'll go further out. We have a very successful community hospital now, and that community hospital has grown and is well received. They have--and I cannot tell you the name of the program, but--they have embraced a program that develops culture. And it's not just the culture, you know, do your job, you know, listen to the blood pressure--whatever; it's how you work with people and all. And I would advocate, and I have mentioned it informally, and I would advocate to see if we can put that culture into our YRTC. There are professional ways of developing employee culture. They have--I would call it--rah-rah meetings where they meet at like 8:00 between shift changes, or 7:00 or whatever, and they have a group together every morning, and they are really service oriented. And I'm not saying anything against the culture, except we're having a change in culture right now with the new staff and we're losing, as you say, this experience. I'm aware of what goes on in Kearney, to a degree, as well, sir, and I know there's been a tremendous change in staffing in Kearney, as well. It's very difficult, and so our advisory board, we have gone from probably 80 percent concerned with youth to probably 50 percent concerned with youth and 50 percent concerned with staff. Our flip on what we're seeing needs of is not only--I use the word loosely--but to minister not only to the students, but to minister to the staff and try to give them recognition and do things that we can to...of appreciation. We need to get our culture back where we've had it for decades and we're losing that right now. And it's not the fault of anybody; it's just that there's a turnover, so we have to do it. So if there's anything...I'm budget conscious, as well, and I'm not sure of the expense of hiring these people to develop these cultures, but there are professionals that help business entities develop cultures. And I think we need a probiotic, for a better term, to get that hard bacteria, to get our culture going, back in our Geneva. So that's my reaction as to what should...what could be done. [LR377]

SENATOR RIEPE: Okay. Any other questions, comments? Please extend our apology--my apologies, Chairman--for not being able to get the sheriff notified and also the local prosecutor. Our intent is to try to have as many people, that are engaged in the process, be here as possible, because we don't hold these hearings on a regular basis. This one is held primarily because of the legislative resolution, but it will serve us well. And it would have been nice to have heard from, maybe, those two individuals. So... [LR377]

FRANK HEINISCH: I am...yes. Thank you, sir. [LR377]

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SENATOR RIEPE: And thank you. Thank you for being here, and thank you for stepping forward. [LR377]

FRANK HEINISCH: You're welcome. [LR377]

SENATOR RIEPE: Thank you. Are there others that would like to be heard? [LR377]

JOHN ANTONICH: May we ask a question, Senator? [LR377]

KRISTEN STIFFLER: No, they need to testify. [LR377]

SENATOR RIEPE: I think legally we can do that, can't we? [LR377]

KRISTEN STIFFLER: No, they need to come up and testify. [LR377]

SENATOR RIEPE: Would you come up and testify, and then you can ask questions? [LR377]

KRISTEN STIFFLER: Well, no, they can't ask questions. [LR377]

SENATOR RIEPE: They can't what? [LR377]

KRISTEN STIFFLER: We don't allow questions of the committee. You can pose generic questions, but not ask questions of the committee. [LR377]

SENATOR RIEPE: Oh, okay. Well, I'm told that we don't have questions coming. This is my legal counsel. [LR377]

JOHN ANTONICH: Yeah, I met her at your office. [LR377]

SENATOR RIEPE: Oh, pardon? [LR377]

JOHN ANTONICH: I've met her at your office. [LR377]

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SENATOR RIEPE: Oh, you have. Well, very good. Maybe you can form this in the form of a statement, give us your perspective... [LR377]

JOHN ANTONICH: Oh, you don't want me to ask a question? [LR377]

SENATOR RIEPE: Well, go ahead and do your...give us your perspective, and then it will probably, or possibly, generate a question that we can ask to you. And we would hopefully, maybe, get to your question. [LR377]

JOHN ANTONICH: Okay. [LR377]

SENATOR RIEPE: So make your comments, is how you proceed. It's... [LR377]

JOHN ANTONICH: My name is John Antonich, A-n-t-o-n-i-c-h. My perspective is I've heard from the first witness--testifier--and the second, when there's a problem with the youth or the staff, there's some mental help available for the youth. My perspective is, do we ever offer mental or psychological help to the staff that's been assaulted? Even if they don't have to go to the hospital, it would seem to me that would be a critical assessment we need to change here. I just heard from this gentleman about the overturning of staff. [LR377]

SENATOR RIEPE: Sure. [LR377]

JOHN ANTONICH: And I'm also the executive director of NAPE/AFSCME, who represent a lot of the folks here. [LR377]

SENATOR RIEPE: Okay. [LR377]

JOHN ANTONICH: And they tell me they're working so much overtime they can't stand it, so they leave. So I'm wondering, can we offer mental health assessment to workers, to the staff? [LR377]

SENATOR RIEPE: Help to the helpers. [LR377]

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JOHN ANTONICH: Yes, sir. [LR377]

SENATOR RIEPE: I'm going to ask Sara (sic--Kristen) to please...I'm going to ask legal to comment. [LR377]

KRISTEN STIFFLER: We've had some additional discussions with the...with Director Wallen, with Children and Family Services. I know that this is something we've been working through with the Children's Commission, as well, looking at secondary trauma. So the secondary trauma would come to the caseworkers or individuals. I know that that's something that Director Wallen is looking at. [LR377]

JOHN ANTONICH: Thank you. [LR377]

KRISTEN STIFFLER: But I think that we can extend whatever that they are looking at...I believe that secondary trauma can happen in any of our divisions, and that might be something that we can take back to the director in further discussion. [LR377]

JOHN ANTONICH: Thank you. [LR377]

KRISTEN STIFFLER: Um-hum. [LR377]

SENATOR RIEPE: Thank you very much. Other than quizzing the panel (laughter), are there others that would like to, at least, make some statements or make...to be able to testify today? Okay. Are there any--I'm told to ask--are there any letters that we have? [LR377]

KRISTEN STIFFLER: No, no. We have, we have letters for the record. [LR377]

SENATOR RIEPE: Oh, we do have some letters in, okay. [LR377]

TYLER MAHOOD: I received a letter, signed by Spike Eickholt of the ACLU, and he asked to include it in the record. [LR377]

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SENATOR RIEPE: We have the one. [LR377]

KRISTEN STIFFLER: And it's on the Google drive. [LR377]

SENATOR RIEPE: Okay. Seeing no more, I declare this is a full and fair hearing, and it has been conducted today on August 24. And so with that, we thank all of you for being here. And we will take the ideas and, in our..the value that we gained from taking the tour, as well, and we will, as we move forward, looking at how we deal with the facilities and the programming and the issues and needs, and we'll go forward with...from there. Thank you very much. [LR377]