

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

WAYNE: [MALFUNCTION] represent Legislative District 13, which is north Omaha and northeast Douglas County for about 32 more days. Sounds great. We'll start off by having committee members do self-introductions, starting with my right. Senator DeKay. It's on.

DeKAY: I'm Barry DeKay-- Barry DeKay, representing District 40, which is Holt, Knox, Cedar, Antelope, northern part of Pierce and northern part of Dixon County.

BOSN: I'm Carolyn Bosn. I am from District 25, which is southeast Lincoln and Lancaster County.

JOSH HENNINGSSEN: Josh Henningsen, committee legal counsel.

WAYNE: There you go, Rolf.

ROLF KLOCH: Rolf Kloch, acting committee clerk.

HOLDCROFT: Rick Holdcroft, District 36, west and south Sarpy County.

WAYNE: Where's it at, table is on the left? All right, in the back to the left, there will be blue testifier sheets. Please fill those out and hand them to Rolf when you come up, that makes sure we have the correct spelling of everybody's names and the correct testifiers. Today, we'll be hearing LR495. It's just kind of a study on juvenile. I'm sure you'll hear today, it'll be a lot of topics of why juvenile is important. I'd also like to note the Legislature's policy of all letters must be received by the committee by noon. Because some of this notice wasn't necessarily heard, we'll accept all letters even up throughout the remainder of today if you'd like to send one. If you hear something, that's fine, we'll accept it. Testimony will begin with the opening statement. Followed by the opening statements, we'll hear by testifiers. I'll call a couple of people up but this is [INAUDIBLE] have scheduling conflicts, but other than that I would ask you just to come up and, and testify. And then we will not have necessarily a closing statement because it's an interim study, but please spell your first and last name for the record. We will be using 3-ish to 4 minutes on our table for testifying. But really, this interim study is to hear about you all. And I guess I'll go ahead and start with the kind of opening the way we're here. Juvenile is a big topic that going into next year will be even bigger and the complexity of juvenile is not necessarily understood. And what concerns me as my

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Rough Draft

way out is, we're going to have a whole lot of new senators down there who sometimes might think this is just a criminal thing or, or not or they're juveniles. And I think people don't understand the complexity of how HHS and reimbursement rates and how all those things play into how we actually deal with juveniles. And what we're seeing now as we start getting younger and younger, more violent offenders, is you're going to see competency issues and this body is going to have to address what are you going to do with those competency issues and, more importantly, who's going to pay for it? If not done correctly, this could be a huge tax increase for local property taxes. So I think people need to understand the complexity of these issues and what happens if a juvenile who is 12, 10, 13, 15, who are incompetent, particularly based off of their age, who's going to hold that individual in the incompetency status and are they going to if it's a serious crime such as murder, is there going to be prosecution when they become competent, i.e., turn 21? And what does that look like when you charge somebody who is now an adult for a juvenile crime and how does that work? There are going to be a lot of complexities to this issue. So I thought now that the elections are over with, maybe we can start having a productive conversation before session starts, which I won't be there. I think I'm the only one who won't be there, which I get to watch from the outside. So, first, I'm going to start off with Don Kleine. I know he has somewhere he needs to go. And then I want to follow up with Bill Reay. And then from that, it will kind of be-- and then-- I'm sorry-- and then Aaron Hanson and Mr. Dempsey, and then we'll kind of open it up to everybody else. Welcome, Don, to your committee.

DON KLEINE: Good morning. Who gets this?

WAYNE: Oh, sorry. Thank you again and welcome for being here.

DON KLEINE: Is that working?

WAYNE: Yeah. Go ahead.

DON KLEINE: Thank you, Senators. Thank you, Senator-- Chair. And, you know, I guess I think it's important to thank you, Senator Wayne, as, as Chair of this committee for calling this meeting. And thank you for your service as a senator and the job that you've done over the years. My name's Don Kleine, K-l-e-i-n-e. I'm the Douglas County Attorney and I graduated from law school a long time ago at this great institution

in 1977 and was a deputy county attorney at that time, right out of law school, was the chief deputy county attorney of Douglas County for a number of years and was-- and then the elected and in my fifth term. One of the things that I've seen in my 45 years of practice of the law, particularly in Douglas County, is the great change with regard to young people being involved in very, very violent crime. Didn't see it, you know, 30 years ago, 25 years ago, 20 years ago, even. Now, it's pretty much a weekly occurrence where we have 13-, 14-, 15-, 16-, 17-year-olds involved in extremely violent offenses, including murder, shootings, those kinds of things. So I have in my office, I have 63 lawyers. 16 of those lawyers are in the juvenile court system because I think it's important to put a lot of resources on the juvenile court system so that we can change a young person's path who has problems that we can do so or help families. So I have many, many resources in juvenile court. And one of the issues in Douglas County involving violent crime in juvenile offenders is we can only charge juveniles in adult court who are 14 or older. There's been an increase, obviously, in violent crimes committed by 12- and 13-year-olds. Juveniles younger than 13 cannot be detained regardless of the crime that's been committed. You know, and I've talked to doctors, I've talked to psychiatrists, I've talked to the people in Boys Town, and the fact that we can't even detain or hold somebody in a secure facility after they've committed an extremely serious crime involving guns, weapons, even property crimes, is not a good idea. There's no, there's no immediate consequence. We just turn around and let the person go back home. One of the doctors from Boys Town told me that's the worst thing you could probably do because you're sending them right back to the environment that probably was part of the problem. So we, we have to have the ability at least to detain, hold them in a secure facility. In fact, I have talked to foster parents who say there's got to be consequences. I've talked to parents who say please detain my child. I'm afraid they're going to get killed and something really bad is going to happen. And most of this juvenile issue with regard to crime started with property crimes. You know, kind of the infamous story now is about stealing KIAs. I mean, there's just young people who steal these KIA vehicles like there's no tomorrow. And if they steal one and they're about ready to run out of gas, they say, OK, let's not get some gas, let's just get another KIA. We'll find one to steal. And so that's how it seems like there's a progression with regard to the property crimes. So we can't detain juveniles younger than 13 regardless of what the crime is. Juveniles are frequently released by

juvenile probation after being booked at, at DCYC by law enforcement, commit additional, more violent crimes. This happens without appearing before a juvenile court judge due to the ability to waive detention hearings if juveniles are released on an alternative to detention. And what I mean by that is if a person, a young person doesn't get detained, then of course they're going to waive their detention hearing, which they have a right to do under the law. And the judge doesn't get to make a decision about detaining that individual. So it's, it's kind of silly that we, we don't have-- a judge shouldn't be making that decision ultimately, and we should have some input on whether that person gets detained. And by giving them the ability to waive a detention hearing if they're not originally detained, we're pretty much cut out of the picture. But I, I have some examples and I have a number of examples of, of violent crime. I'll give you an example, first, a 13-year-old, August 30, 2022, the gang-related murder of Alon Reed. The 13-year-old walked into the victim's mother's home, right around 9:00 in the morning looking for the deceased. Mom said he's not here. Unfortunately, the young person came up from the downstairs part of the house. The 13-year-old shot the victim in the head 7 times. He was 13 at the time of the murder, not enough-- old enough to charge as an adult. Was already on juvenile probation at the time of the murder. Was arrested 3 times while on juvenile probation for new charges and was released. Was released on electronic monitoring each time by intake probation. Even after noncompliance, cutting or removing the monitor previously. He waived his detention hearing then 3 times. Cut his electronic monitor again 8-29-22 before the murder and was on the run at that time. August 30, the codefendant to that individual involved in the murder of Alon Reed was the driver in that incident. They had stolen a KIA, parked it in a public parking lot, staged it, and went there so they'd have a, a getaway vehicle. He had been in the home program as alternative to detention prior to cutting the monitor off shortly before the murder. Was 15 at the time of the murder so was charged an adult but was transferred to juvenile court by the district court judge. Had been released on alternative to detention and waived detention hearing multiple times prior to cutting the monitor off again to commit the murder. September 23, a 12-year-old, armed robbery, held the victim at gunpoint, discharged the firearm into the vehicle, victim was shot in the leg. Not old enough to be even detained or charged as an adult, was released to DHHS, ward of the state due to his ongoing issues with behavior, mother's inability to control, not placed on the home program due to

them not accepting gun-related charges. If he had not been a state ward, he would have been released back to his parents with no restrictions in place. September of 2022, a 13-year-old participated in attempted robbery of a 62-year-old male neighbor, was trying to help the juveniles. This is, you know, again, horrific. Their car had stalled so they went to his house. He came out to help them jumpstart their vehicle. The juveniles then demanded his keys, then struck him in the head with a baseball bat numerous times resulting in his death. 13-year-olds at the time, 13-year-old at the time of the murder, not old enough to be charged as an adult, being released to a new facility radius in a couple of weeks despite the fact that he's already absconded from the CSI shelter when he was placed there as an alternative to detention. A 13-year-old that was involved in that case also helped destroy and conceal evidence after the crime was committed. Not old enough to be charged an adult. Another one, 13, not enough to be charged an adult. Another 13-year-old, not old enough to be charged as an adult sexually assaulted 2 female victims at knifepoint. Drives a stolen vehicle in Memorial Park in broad daylight, sees a 40-year-old victim, holds her at knifepoint, tells her to get in the vehicle, victim resists, puts hands down the victim's pants, penetrates her digitally. He flees. [INAUDIBLE], get out of the vehicle. Sees a 19-year-old victim, threatens her at knifepoint, shoves the victim into the bushes. Penile penetration of the victim, runs and hides in the bushes until apprehension. He's a 13-year-old so he--

WAYNE: I'll let you do one more example and then [INAUDIBLE] and see if there's questions.

DON KLEINE: Yeah, there's, there, there's, there's several more. One of the more recent ones, and I think Ryan will talk about it or Lieutenant Andrews about the 6 individuals including a 12-year-old who broke into a gun store in Nebraska City, stole a bunch of guns, came up here, did a robbery at 120th and Dodge. It's on video and then killed an Uber driver and then went back to Nebraska City. And at the scene of that original break in, somebody chased them. They chased them all the way back to Omaha. So it's an ongoing-- there are-- there, there isn't-- this isn't-- what I'm saying, I guess, when I give you all these examples, it's not an isolated incident that's taking place. These are, these are heavy duty crimes. And really there's, there's, there's a lack of ability to hold them responsible under the law as it currently stands. So we're just asking for your

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help at least to be able to detain young people for a time in the court system and also to being able to charge them as adults when they commit these most serious crimes as a very young age. And our goal isn't to, to set somebody that's a 12- or 13-year-old to a life in prison. But it's, it's-- there's got to be a start somewhere where we can do something with them and then figure out where we're going to go with that case. And it's, it's very difficult decisions that we have to make. These are very young people. We'd like to think we could maybe change their path and, and put them in the right direction. But there's also somebody whose life's been taken and so I'm, I'm here to answer any questions also and I know Ryan Lindberg is going to come up and talk about some changes being in the law also and all other testifiers that will be willing to testify but it's, it's a serious problem. And, again, I appreciate the committee meeting like this to, to address some of these issues so that we can address them legislatively. I'm happy to answer any questions.

WAYNE: Any questions from the committee? Go ahead.

McKINNEY: Thank you. Thank you for your testimony. I guess to start is a lot of this, you are already system involved in the system that has failed these kids and you're saying that you want to detain and charge 13-year-olds with serious offenses. How many in total this year-- how-- on average, how many youth is this a year?

DON KLEINE: Well, when you say how many youth, I don't know if you're talking about murderers or if you're talking--

McKINNEY: No, I'm just talking about that you, you had this list that you're reading off so I'm assuming that you have data. So how many youth per year are you talking about-- are we talking about? What is the population size, the demographic size of, of the people that you want to obtain an arrest?

DON KLEINE: Well, if you're talking about everybody that's involved in these kinds of crimes, whether they're property crimes or violent crimes, it's probably maybe 50 to 100, at least, at least.

McKINNEY: 13-year-olds?

DON KLEINE: Pardon me?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

McKINNEY: 13 and under?

DON KLEINE: 17 and under, you say?

McKINNEY: 13 and under.

DON KLEINE: 13-- no, not 13, but they're--

McKINNEY: How, how many, how many 13 and under do you [INAUDIBLE]?

DON KLEINE: Well, I have 2 first degree murders committed by 13-year-olds over the last year that have.

McKINNEY: How many 13-year-olds--

DON KLEINE: I don't know the exact number of 13-year-olds. I can tell you on first degree murders, there's at least 2.

McKINNEY: OK. But you don't-- but, but you're saying this is like severe issues, but you can't even give me a number and you're saying you can only, you can only think of 2 that you just added to the list.

DON KLEINE: Well, if you want me to read the rest of these off, I'll be happy to.

McKINNEY: No, I don't, I don't want to hear it. What I'm saying is, you're, you're coming up here advocating to arrest kids who more than likely will look like me that-- but, but you don't even have the data. You, you only could point to two 13-year-olds, but you can't point-- you're saying you want to lock up 13-year-olds and 12-year-olds because they're a problem. Give me a demographic side of how many 13-year-olds and under are doing these things.

DON KLEINE: Sure. I can, I can get that for you, Senator. But the goal isn't to-- it's to detain them. You make it sound-- we're not--

McKINNEY: Nope, you're trying to charge them with murders, too, and, and arrest them for, for a long time so it's not just detaining them.

DON KLEINE: OK, well, they committed a murder. They killed somebody--

McKINNEY: OK, but--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

DON KLEINE: --in a very premeditated manner.

McKINNEY: Not all of them.

DON KLEINE: Well, the ones I'm talking about did.

McKINNEY: OK. But they're 13, the science says that they are still kids and we need to treat them as kids and you want to treat them as adults.

DON KLEINE: I want to start--

McKINNEY: That's the problem.

DON KLEINE: --I want to start to treat them as an adult and go from there.

McKINNEY: You shouldn't, they're kids.

DON KLEINE: Well, tell that to the person that they pointed a gun at--

McKINNEY: I will.

DON KLEINE: --and could have been killed.

McKINNEY: I live in that community. I've, I've, I've had friends on both sides of this issue. So I've talked to these families. I've, I've seen both sides of it. So because you, you don't live in the community, you don't deal with those people on the daily like I do. So I've had these personal conversations. So, yes, I'll, I'll, I'll tell them. I've talked to these people. I've had, I've-- I had little cousins-- I have a little cousin right now who is serving, and you talked about this is rare, this, this just started happening. My little cousin got sentenced to, like, 65 years when he was 14. And this was in, like, 2006 or '07. And I know other people in that age range that got sentenced to long periods of time. So this isn't, this isn't new. The problem is the system has failed these kids. And instead of addressing the system, the system wants to lock these kids up for the rest of their lives. And that's the problem.

DON KLEINE: Well, I think the system needs to have the tools because we have to protect the public.

McKINNEY: The system has, has failed them.

DON KLEINE: At this-- if you're-- if, if they're not going to take their own responsibility and your constituents aren't going to take the responsibility to make sure that these kinds of things don't happen--

McKINNEY: Is the system going to take responsibility--

DON KLEINE: --and they're not the parents, supervisors of these kids.

McKINNEY: --for failing these kids? A lot of these kids are system involved. Is the system going to take responsibility for dropping the ball? Is the system going to take responsibility for having an impoverished community for 40-plus years? Is the system going to take accountability for systematic depression and racism? And is the system going to take any accountability? You keep talking about the families, but the system needs accountability. And that's the problem. So thank you.

WAYNE: Any other questions? Senator DeBoer.

DeBOER: Thank you. Can you hear me?

HOLDCROFT: Sure.

DeBOER: Is it working?

HOLDCROFT: Yeah.

DeBOER: OK. I was wondering-- so you said that 14 is the wrong age to be able to charge an adult. Where would you put the, the levels as well as where do you think you would put the levels for being able to detain? Right? So I--

DON KLEINE: I think we should be able to detain any juvenile--

DeBOER: Like a 6-year-old?

DON KLEINE: --at least for a time. And detain means hold them, at least for initially, the judge can make a determination what should happen. If they go through the juvenile court system, the court can then make a determination as to where to place that child. If the, the home is a problem, if they're not being supervised, if they're

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

committing crimes, then we have to have some ability to, to stop, take a look at what's going on, and let the judge take care of business in the juvenile court system.

DeBOER: So you would have-- I assume you would have some alternative to a traditional detention site for someone who's, say, 6 years old.

DON KLEINE: Yeah, we have secure facilities now. They're called-- the, the name right in the system is alternatives to detention, but they're secure facilities to some extent where there's-- where we can put this young person in until we figure out what the problem is. Just somebody that commits a serious crime and you just turn them loose 2, 2 minutes later.

DeBOER: What are those-- what, what are the-- what does the holding facility look like? Is there-- I, I haven't been to visit them so can you elaborate on what that looks like a little bit?

DON KLEINE: Sure. It's a secure facility. With that, I mean staff secure. There's not guards. There's not people with guns or anything like that, it's staff secure meaning there are people there who are responsible for keeping an eye on that person to make sure they don't escape. OK? There's differences, there's, there's staff secure facilities. There are secure facilities, which would be the Douglas County Youth Center, which has guards. And, yeah, I think it's more like a jail, but it's not. But the alternatives are there for people to be placed. We have electronic monitoring. We try to use that at times. People cut their monitors off and there's several examples of, of that and commit crimes.

DeBOER: So, so in these staff secure facilities, are they set up like a dormitory? Are they set up with individual rooms? How-- what do they look like?

DON KLEINE: Well, they-- they're-- some are set up with individual rooms, some probably have 2 people to a room. That just depends on the facility. There's, there's some-- there's, there's more than 1. There's, there's 1 in Sarpy County and I know there's at least 1 in Douglas County.

DeBOER: And do the--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

DON KLEINE: And maybe somebody else can answer that question more appropriately than I can.

DeBOER: OK. OK. So you think-- you'd like to be able to detain at any age, is that right?

DON KLEINE: Well, I use this thing like you want to be able to detain. I want the ability to appear before a judge and ask the judge, hey, this, this young person needs to be detained, Judge. You need to make the decision. The judge looks at all the factors involved--

DeBOER: Sure.

DON KLEINE: --and makes that decision.

DeBOER: You'd like, you'd like--

DON KLEINE: The opportunity.

DeBOER: --you'd like judicial discretion to detain at any age.

DON KLEINE: Yes.

DeBOER: OK. And you would like judicial discretion to charge as an adult at any age or is there a cutoff there?

DON KLEINE: Well, it wouldn't be judicial discretion, at least at this point in time. You know, like you said, like all I can do is give you the examples like the 13-year-old that was charged in juvenile court with first degree murder, a premeditated murder and is out already. Escaped from the Lincoln Correctional Facility, stole a car, had a gun, within maybe a year of committing the murder to begin with.

DeBOER: Do-- would you like to be able to charge a 10-year-old as an adult if the crime is severe?

DON KLEINE: Probably not.

DeBOER: OK.

DON KLEINE: Because, because the age--

DeBOER: Probably not?

DON KLEINE: It depends on the individual and it depends on the act. We look at every single case and the circumstances of that case and the, the, the mental state of the individual. We, we look at people's mental state, even when they're adults by responsibility. So it's the same with children, young people, juveniles.

DeBOER: So you say probably not. But I, I guess what I'm hearing is that you're-- I'm just trying to understand what your testimony is. So what I'm trying to understand is, do you think that any age child should be chargeable as an adult if all the circumstances are, you know, I guess just wrong, not just right, just wrong?

DON KLEINE: Well, I'd have to look at that case. I mean, there's been cases where I've sent to juvenile court a 14-year-old or 15-year-old who committed a homicide.

DeBOER: Yeah. So, so I guess what-- I'm just trying to understand. You think that if all the circumstances are wrong, right, they're-- it's a heinous crime, they seem more savvy than other kids their age, you think any age could potentially, if all the circumstances are wrong, be charged as an adult?

DON KLEINE: I, I don't think any age today.

DeBOER: OK.

DON KLEINE: You know, I mean, you could turn this into this ridiculous statement where I'm not talking about a 6-year-old or a 7-year-old or an 8-year-old, and probably a 10-year-old.

DeBOER: OK.

DON KLEINE: But every time I think we've reached the lowest common denominator as far as age, another one happens with somebody even younger. And so it's, it's a problem. And we need to address it together and try to figure out how to address that problem, because it's, it's not-- it's, it's a very difficult problem and it needs to be addressed. If young people-- you know, the juvenile court is usually for people who commit crimes that are juvenile in nature, whether it's graffiti, whether it's status offenses, not going to school or whether it's, you know, all, all kinds of different things,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

getting in a fight with somebody on the school grounds. We're talking about homicides, guns, people shooting up houses.

DeBOER: Isn't the juvenile court intended to be for juveniles? Isn't it based on the child, not on the crime? I mean, in the various crimes that we have in juvenile court, yes, there's status offenses, that's different. But I mean, the, the, the sort of theory behind the juvenile court is that we want to, as you said, get kids back on the right track, see if we can change their direction in life. Right?

DON KLEINE: Right.

DeBOER: OK. So it is more about the fact that they're a, a juvenile.

DON KLEINE: Well, it's true. But the Legislature has also set out parameters as to when we should charge somebody as an adult, as a juvenile. And part of it's a serious nature of the crime itself and their previous history with the juvenile court system. So those are factors that we look at. And then besides the fact of us doing what we do, a judge in the district court would then look at that case and determine, I think this case belongs in juvenile court and can overrule our decision. It's just, it's just that we need to have some kind of major consequence when we're talking about the serious nature of these crimes. But not just those crimes, it's even property crimes because that's how it all starts.

DeBOER: Thank you.

WAYNE: Senator DeKay.

DeKAY: Thank you. When you talked about these kids being detained in a juvenile center, are they being detained until their case goes before the court? And if they are, whatever length in time that is, are they receiving counseling and therapy there? I mean, while they are detained?

DON KLEINE: No, but that there's tutors that are in, in the, in the Douglas County Youth Center. There's counselors. Usually a judge is going to see that case and make a decision about detention, a detention hearing within probably 48 hours or at least in a, in a week's time period. And then they can look at all the factors and make a decision as to whether they think that this individual needs to be detained or not be detained during the pendency of the proceedings.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

And during that time period, defense counsel can always ask to review that situation of detention. Just like an adult, they can ask for a bond review.

DeKAY: Thank you.

DON KLEINE: OK.

WAYNE: Any other questions? Senator Bosn.

BOSN: Thank you. So we've talked about the [INAUDIBLE] 14 versus 13-year-olds going to adult court. Do you have instances where you have reason to believe that individuals are selected based on the fact that they're 13 and they're being manipulated into thinking they can't be charged as an adult so they're a better candidate to commit this crime?

DON KLEINE: Yeah. And I'm sure somebody after me would testify to that. But part of the problem we see is, is the people who are involved in gang activity and as such, they're not stupid. I mean, they watch what's going on, they realize that a 13-year-old can't be charged as an adult. And I, I see people in, in the gang life handing the guns to the younger people and asking them to go out and do the dirty work in effect.

BOSN: I-- and I guess-- let me follow up on that. Is that all right?

WAYNE: Sure.

BOSN: OK. So when we talk about detention versus an arrest, it's my understanding, and I haven't been in juvenile court in a very long time, but if a youth is placed in detention, that's all-- always subject to a review hearing for placement pending any trial. Is that fair to say?

DON KLEINE: Absolutely.

BOSN: OK. That didn't change when the age limit has changed on things?

DON KLEINE: No.

BOSN: So I, I guess I consider a detention following an arrest and contact and having them be detained, at least until they can see a

judge as more of a time-out, a, a break for everyone to determine an appropriate placement.

DON KLEINE: Exactly. Just-- OK, let's stop everything, at least put this child out of the situation they're in. Let the judge assess the situation and figure out what's in the best interest of the child.

BOSN: And are there circumstances where-- I mean, you named a couple but you went through some of those kind of quickly where kids have been cited for automobile theft. I think you used the KIA situation that everyone has probably seen in the media and then they are not detained, but they are cited, released back home and commit a more serious crime before the court date has even come to pass.

DON KLEINE: Yes. I mean, I've had-- there was, there was a couple of young people involved in stealing cars from a used car lot a while back and they were released and went out and did the same thing again. They were released and did the same thing again. I had car dealers coming down to my office saying what are you doing? They keep doing the same thing, somebody's going to get killed. These are 12- and 13-year-olds driving these hot cars around Omaha and somebody is going to get hurt. I said I can't do anything about it. I can't detain them.

BOSN: Thank you.

WAYNE: So I just have 1 question or maybe 2. How do we practically do this? Considering I practice juvenile and detention hearings are already pretty much full in every judge's chamber when we have detention, how do we practically-- because my understanding about 60 to 70% of the arrests or releases prior to without a detention hearing. If we were to go straight to detention hearing, how do we practically do that? From your office standpoint, would you have to hire more people? I know the PD's office definitely would. But, like, how do we, how do we practically do that?

DON KLEINE: I'm, I'm sure it would. But it doesn't mean that everyone's going to have a detention hearing. There might be once a week we agree. I think most of the time there's-- it's parties-- there's a lot of-- most cases people agree. Our office agrees with defense counsel that this young person doesn't need to be detained or we can come to some agreement before we even have a hearing. But certainly there's going to be probably a little-- a few more hearings

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Judiciary Committee November 18, 2024
Rough Draft

and it'll probably take more resources. But I think it's that important.

WAYNE: And then the second question from the practicality standpoint is, how would the county be able to handle-- I mean, DCYC was getting forward and the county wants to go to-- and I'm talking Douglas County-- I don't know the rest-- I mean, I do know a little bit about the rest of the state. But if they were to close DCYC, clearly there's not enough beds, there's not enough beds already. So I'm trying to not throw you this political nightmare I'm about to ask you, but how, how does that happen if you start detaining more? The facilities aren't big enough so the county would have to pay for that and not the state.

DON KLEINE: Well, it doesn't necessarily mean they're going to be at DCYC. It means they could be in a, be in a home program and alternatives to detention. So we probably need to work on having more resources in that regard. Staff secure facilities and secure facilities of some sort other than DCYC. And I think we have-- the last I looked, we have 90 juveniles in Douglas County Youth Center, so. I mean, we, we don't want to see that many young people in there. But if we have to place them somewhere, at least we want to give the judge an opportunity to place them somewhere to keep them safe and to keep everybody else safe.

WAYNE: Oh, and the reason-- and the second-- let me just follow up and give some clarity. The home program won't take somebody with typically any gun charges. And what we're seeing is more violent crimes so I don't know where these kids go. And that's kind of where I'm-- the committee is going to have to figure all these out. If we're going to go down that path, you're going to have to work with the counties and you to figure that-- these out because it is going to take resources.

DON KLEINE: That's true.

WAYNE: OK.

DON KLEINE: I mean, there's going to have to be some, some added facilities besides even the youth center that maybe we can take these kids to. You know, we-- I've, I've made calls down to Sarpy on some of these latter cases. Say would you take and they say nope. And so, you know, it's trying to find places where we can place young people that are involved in these kinds of cases that are-- that, again, will keep

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Judiciary Committee November 18, 2024
Rough Draft

them safe and the public safe for a time until we get things figured out with them.

WAYNE: OK. Thank you. Senator DeKay followed by Senator McKinney.

DeKAY: All right. One quick question. Have you seen where if you picked up a juvenile for, say, stealing a car, at some point seeing that same individual with their crimes escalating going forward at the same age or a little bit older?

DON KLEINE: Absolutely. I mean, that's where it starts. And I think that you'll hear from testimony later that the property crimes are-- there needs to be consequences from the very beginning, otherwise things just escalate it seems like. When people think the system's not going to do anything, there's no consequence and more problems.

WAYNE: [INAUDIBLE]

McKINNEY: Thank you. You mentioned recruiting. In my family-- a lot of my family are involved in gangs, and young and old, and, honestly, I've never seen people over recruiting their team or, or anybody honestly. It's just the environment in which you grow up in. But working on your theory that 13-year-olds are being recruited to do these things, which I don't think is true because I've talked to people who are [INAUDIBLE] and they don't think its true. So if 13-year-olds are being recruited and then there is some law change to arrest 13-year-olds, then under your theory that people in gangs or there's no even-- it's not even gang leaders really anymore, but let's say there are, they're going to go to 12, then you'll be back saying let's arrest 12-year-olds. Then if that passes, you'll be back saying, well, let's arrest 11-year-olds. So this isn't the solution. The solution is the system is failing. Then you talked about the environment. Let's get the kids out of their environment. The problem is the environment. There isn't a willingness for the system to improve the environment. It hasn't been willing to improve the environment in which these kids live in. Because a lot of these kids are system involved, a lot of these kids have went through the foster care system, child welfare system, and the systems have dropped the ball completely. They haven't taken care of these kids. A lot of these kids have been wards of the state and the state has failed them. So I, I understand why the public safety is the thing, but we have to be honest that the solution isn't increase the penalty. The solution is

fix the system. And that's what we should be having a discussion about, why is the system failing these kids? But you're up here advocating to arrest them and detain them instead of saying, Senators, can you please fix the system so these kids don't end up in these situations? And that's confusing to me. Then you talked about resources and the state just put a cap on municipalities so how is that even possible?

DON KLEINE: Well, first of all, the-- with the system failing and it's everybody else's fault. If you go way back, the system can't take the place of parents. OK? And there needs to be people who mentor young people. There needs to be parents that hold them responsible. There needs to be parents that supervise people. And government or the system can never take the place of that. They can try. We can do the best we can. But I'm saying, you know, that's what, that's what-- you're, you're blaming the system for everything and I said it goes back even further than that.

WAYNE: I don't know how this little thing-- thank you. Any other questions? Going to have to turn it off. Any other questions? Seeing none, thank you for being here.

DON KLEINE: Sure.

WAYNE: I appreciate it. And next up-- sorry, I know you got to go so I'll go-- it's Aaron Hanson. Aaron Hanson, I know you have another thing if you want to go. Mr. Kleine and I have to go there by 10:30 and then I'll go the other way. Welcome to your Judiciary Committee.

AARON HANSON: Thank you very much. Aaron Hanson, Douglas County Sheriff, 3601 North 156th Street. You know, I think when we, when we talk about these very difficult concepts, we, we heard a little earlier the, the interplay between Senator DeBoer and County Attorney Kleine about, you know, what is the intent of the juvenile system, what is the intent of the adult system? You know, everyone you're going to hear today will have opinions about what those public policies are ending up in, the end result of those public policies when it comes to juveniles or adult crime. But, ultimately, you, at this table, you're the, you're the most important people in this conversation because legislators are the ones that actually define what means what in these public policies. And so as I look at it, and, and I agree here, you're going to have some testifiers behind me who

are going to be able to give some, some great examples of very tragic and sad examples. But I think, ultimately, we have to ask ourselves what do we really want? And I think what we want, what I think we should all want is options. We should want options. You know, recently we had an 11-year-old that was involved in a homicide. And because the public policy, which came from the Legislature, took away the ability to legally detain that 11-year-old who is involved in a homicide, charged with a homicide in juvenile court. I'm not going to sit here and quibble about whether cases should go adult or juvenile. Again, that's, that's, that's for legislators to decide. The fact that we have 11-year-olds involved in homicides is, is a symptom of a larger problem. But then also the fact that we could not legally detain that juvenile. And not only could we not legally detain that juvenile in a, a juvenile detention facility, our state laws and our administrative rules prohibit secure alternatives to detention. So here we have an 11-year-old that was involved in a homicide that already had a history of running and absconding from alternatives to detention, all of which are not secure. And as the end result, my agency had to position a sheriff's deputy around the clock. Position a camp around the clock preparing for the inevitable outcome, which did not occur because we worked very closely with the group home for the eventuality that this young 11-year-old would run again. That is indicative of a broken public policy. And, again, is there one answer? No, there's not. There should not be a one-size-fits-all, especially when you're dealing with juveniles. I have seen juveniles that were trending in a terrible direction. The parents were begging for them to be detained and, in fact, they were detained to see that same juvenile then go in a different direction, being able to get their head on straight on their shoulders and reclaim a life with their family. You know, much of my career with the Omaha Police Department focused on getting intervention, violence prevention, and gang investigations. And I was always frustrated as a, as a gang investigator to see in the, in the position that I was at the time, it was usually young men that were involved in this cycle of being arrested, being released, being supervised, violating supervision, going out and committing another crime, committing a worse crime. And a lot of them were very young. And it's easy to fall into a mindset where you get frustrated with those young men until you then experience what I did professionally. And that was dealing with young women and their families, young women who were involved in crime cycles as well, like young women who have been sexually traumatized and seeing them engage in that same

self-harm behavior really taught me that we're talking about the trauma results from these young people. And we don't have enough tools right now in the current system to address that trauma. But as much as we want to address the trauma, we also have to have safety nets to keep our community safe from those young people experiencing that trauma. There's a young lady, and I know her mother very well and she-- her daughter navigated the Sarpy County juvenile justice system for years. They would not detain this young lady because the thought process was per the public policy, that detention for someone involved in drug crimes and property crimes and constant running was more dramatic than the alternative. Well, I can tell you, as this young lady continued to be sexually traumatized and got addicted to-- escalated from methamphetamine to fentanyl, I can tell you the trauma of not being detained and not having a secure alternative to detention has probably destroyed this young lady's life. Recently, she picked up some serious charges here in Douglas County, and there was a juvenile court judge who took a chance, really pushing the envelope of the law and did keep this young lady detained for, I think, about 3 months. Allowed her an opportunity to sober up. Then they transitioned, transitioned her into a nonsecure alternative to detention, and she ran within 24 hours and currently is on the run right now. Probably being further sexually traumatized, hopefully not to be found on a fatal fentanyl overdose here any day. We need to have options. And if anybody comes up here and says there's a one-size-fits-all approach, I can tell you you probably don't know the real challenges of, of the issues that we face. I'll leave you with this. Let's let the public policy emulate what we would do if it was our own kids. If it was our own kids acting out, we wouldn't say, well, Dr. Spock's book says that we have to do this. And so, therefore, even though as a parent, I know that I need to take my kids' video games away or ground my kids, I can't do that because the book that I bought says I can't do that. That's literally where we find ourselves right now in our public policy. It's adults wrapping ourselves around our axles arguing about detention versus nondetention, consequences versus adult system versus juvenile system. What we need is options for the youth, for their families, and for the community to prevent them from being victimized. Last thought, absent the juvenile violence we're dealing with now, Omaha, Nebraska would be in a historically low violent crime position right now. Historic low absent the juvenile violence that we are facing. We have to address it because these kids only have one childhood. They only have one adolescence. And if we don't address it,

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Judiciary Committee November 18, 2024
Rough Draft

we're begging for them to move into the adult system and be a part of our adult prison overpopulation challenge that we're dealing with right now. I appreciate your attention to this. And, and Senator Wayne, thank you very much for all the years in working closely with me. And thank you for, for at the end of your legislative career putting focus on this very important issue.

WAYNE: Thank you. Any questions? Senator McKinney.

McKINNEY: Thank you. You talked about a lot, but you talked about options. And when I talk to juveniles in the community, they do want options. They want options to be able to enjoy their community, to keep them out of the streets, they want community, more community centers, they want more things to do, more activities, those type of things that keep them-- more preventative things. So why aren't we up here talking about things that prevent an 11-year-old from even committing a crime? And also, you talked about trauma and it's traumatizing for a kid to be detained. That is not just me saying it, that is research and it's studies. It's traumatic to be detained. Detaining somebody because they have a substance abuse problem is wild to me. I don't think anybody with a substance abuse problem should be detained, they should be getting treatment and care. And so I'm, I'm just wondering, why are we here talking about options as far as making sure the youth in our community are taken care of instead of just locking them up or options to lock them up? And that's what's being discussed. Why aren't we talking about a community that is not-- a lot of these kids come from my community that doesn't have adequate resources. Why aren't we advocating for the resources to make sure these kids don't end up in these situations? These homes are impoverished. The-- it's, it's, it's a lot of options, it's a long list of things I would say. But I'm just saying the options should be to take care of the kids and the families. It shouldn't be-- the options shouldn't be let's advocate to lock them up because it's, it's, it's ignoring the reality that we can lock them up, but the environment is the environment. If you don't fix the environment, then I don't see what changes. Because when I hear things like this, I just feel like the people who say that they care don't really care about these kids and these families because you're not advocating for things that would improve their lives holistically. And that's not detaining them, that's preventative things, making sure the families ain't poor, making sure they have adequate healthcare if they deal with trauma. Because a lot of people in our community deal with trauma because of a

lot of things. Those are the things that should be addressed. Saying let's have this discussion and talk about detaining these kids because they're committing these offenses, I'm not excusing the offenses, but there's a cause and effect to everything and we need to swim upstream.

AARON HANSON: Well, I think that's a good point, but I think we also need to be able to do multiple things at one time. You know, I don't-- I, I think that, of course, we need to focus further upstream on, on poverty prevention, disrupting cycles of poverty. And, of course, I agree with you 110%. But we also need real-time tools, because you had asked County Attorney Don Kleine earlier, how many kids are we talking about? I would argue it's a manageable number. I think that if you look at the data that the Omaha Police Department just released not too long ago to show the number of juveniles in Douglas County that have committed multiple felony offenses, so we're talking unique felony offenses. In 2016, it was 2. Since 2016, that has escalated 100-- 1,700%. I think it's in the low 50s right now on kids that have committed 5 or more unique felonies. And that doesn't count the kids who've committed 4 or 3 or 2, but that number was in the low 50s. That's a manageable number. And as much as some data shows that detention can be traumatic for some kids, there's also data that shows that if you immerse high-risk kids with low-risk kids or medium-risk kids, that that's, that's your best chance of turning low-risk or medium-risk kids into high-risk kids. My point is we need options. Does every kid need to be detained? Absolutely not. But do we need more PRTFs? Do we need more psychiatric regional facilities where kids can't just push a panic bar and run? Yes. Do we need more radius facilities where kids can't just push a panic bar like they do today and run? Yes, we do. And that's where we need to make sure that public policy really is for options based on the kid and the challenges that they're facing. Some kids are made for staff secure, they'll thrive at staff secure, and that might be what they're looking for. Other kids look at staff secure as a joke and an opportunity to re-offend and re-self harm. We need options and right now we don't have enough options. I think we, we agree on more than we disagree though on, Senator.

WAYNE: Any other questions from the committee? I just have one general, it goes back to the resource question. How do we pay for it?

AARON HANSON: I have no idea. I'm a lowly sheriff. It's--

WAYNE: I mean, but you're, you're--

AARON HANSON: Here's, here's, here's something [INAUDIBLE]. You have-- I should look at-- we should be looking at it as an investment, because if we don't invest on that front-end effort, it's going to cost us 10 to 100-fold down the road. So we, we do have to find a way to pay for that investment on the front end.

WAYNE: Any other questions? Don't see any, thank you for being here. Mr. Reay, you can come on up and then I'll rotate back and forth at this point. I don't think you ever testified in front of Judiciary since I've been down here. I mean, Health and Human Services. Thank you for being here today.

BILL REAY: I try to avoid these testimonies. I'm Dr. Bill Reay, I'm the CEO and president of Omni Inventive Care. I somehow get involved in each and every one of the cases that have been referenced this morning by the county attorney and also by the sheriff. Not before the offense, but after the offense. And I have been, out of necessity, an alternative to detention because some of the most difficult or challenging youth in detention are there for 270 days. That's more than detention in my mind. But anyway, what I want to chat about is I've been interacting with the juvenile court for 40 years and I've been dealing with lethal youth for that period of time: 11-year-olds, 13-year-olds, 15-year-olds, 17-year-olds. And I've testified as an expert witness in juvenile court on the release of juveniles or not the release of juveniles. And I've also heard people talk about the need for mental health services. And I'm a psychologist, but I'm one of those kind of weird ducks. I went to the dual degree program in Lincoln, the law and psychology program, so I have some legal training. So I think I'm uniquely qualified to talk about this. Kids are kids. There's no question about it. 11-year-olds are 11-year-olds. I asked 13-year-olds, why do you have a gun? And the response is, everybody has a gun. It's just not unique to me. Everyone has a gun. And, Senator McKinney, yes, the system has failed and it continues to fail for a number of reasons. It's not just an issue of detention in my mind, although there are those kids who should be detained but not in congregate care facilities because they come out hardened. You want a kid who has some problems, have a whole lot of problems, put him in a congregate care facility with hardened kids, they will learn strategies and tactics that you wish they wouldn't learn at 11 years old. Is it going to cost a lot? Yes, it's expensive. But what's it

worth? Is it an investment? Of course it's an investment, but what's it worth? When you look at the data that the Department of Health and Human Services and the state takes on families, you'll see that a lot of the families that are in the system, the parents, almost 50% of them suffer from a serious mental illness that affects the way they supervise, that affects the way they surveil their youth, that affects the way they look at their community. So is that an unaddressed need? Yes, it is. Has it been identified? Yes, for the last 30 years. Now, you can talk to psychiatrists and you can talk to psychologists, but you won't find anybody who's an expert in how to treat youth who murder. And you'll find very, very few people that will get themselves into the research and find out what's the best approach. And my suggestion to you, when you make recommendations as opposed to just opinions, which everybody has, try to find somebody that will give you the research results. What are the results of putting youth who act out together in groups of more than 5? What happens? The research is there. And I would suggest that you find out the answers to those questions before you make any recommendations. Don't take my opinion. Look at the research or find someone to give you that research result. Are there alternatives to detention? Absolutely they are. Do they exist in other states? Absolutely they do. But you can't take one from California and plant it here in Nebraska. Those ecosystems are different and the subcommunities are different. Has there been an overrepresentation of, of people of color in the system? Absolutely. We don't understand that. And that's been identified for, what, 30 years. Goes unaddressed. So, yes, there's a whole lot of things here. And you kind of opened up a bag of, of worms here. And all of it has to be addressed, not just the issue of detention. Competency is another issue. Children by general are incompetent, right? They just are. Now, when you talk about a competency evaluation, which is different from a psychological evaluation, which is different than a psychiatric evaluation, but there are attorneys and judges who don't know the difference so that needs to be explored as well. Ordering a competency evaluation on an 11-year-old is a waste of resources. Absolutely. But what it does, it kicks the ball down the road so somebody comes up with a reasonable, palatable solution. These are tough issues, man. I mean, they're really tough. And there are no clear experts. And the research is always evolving. And Nebraska has a tendency not to look at it. And I don't understand why. Some of these solutions are, are readily available, but, yes, they're expensive. But what's it worth? I'll continue to do it. I'll continue to work with

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Judiciary Committee November 18, 2024
Rough Draft

these kids and I learn a lot about them. I feed that information back to the system on a regular basis and it's not getting any better.

WAYNE: Any questions? I have a few, but I-- so because you're in a unique position, talk a little bit about the interplay between HHS, the juvenile, and, honestly, the reimbursements and how that affects the ability for you to recruit providers and other group homes and, and do it in a safe manner. And then also, if you could-- sorry, these are kind of loaded questions. I should have told you this ahead of time. Also talk a little bit about a 2 to 1, 3 to 1, and the, and the cost of that and what that looks like.

BILL REAY: Well, oftentimes when I get a referral on a, on a youth who was identified earlier in the testimony that are-- they're too young for a facility and so on, but they want to make sure that they're secure so a 2 to 1 staff ratio. In other words, somebody is, is literally eyes on that, that individual at all times. Well, you know, 24 hours a day, that's \$600 a day if you're going to pay someone a reasonable rate, hourly rate. And if you're going to do it twice, that's over \$1,000 a day. That's what it costs. Now, you want to put them in a congregate care facility, what are the costs at Douglas County Youth Center? I think they're almost 500 bucks a day, and that's for congregate care facilities. Right? So I, I think there needs to be some recognition that some of these rates are, yes, they look high, but what happens if you don't? You, you harden an 11-year-old-- and what I mean by hardening an 11-year-old, by the time they're 19, they're going to get even, they're going to get even. Let them out, they're going to get even. They know what's been done to them and they'll get even. What's it worth? You're going to pay one way or the other later on or now. And I don't know how many prisons you can build.

WAYNE: Senator McKinney.

McKINNEY: Thank you. Thank you for your testimony. Have you ever offered any other solutions to, like, DHHS or Probation or anybody?

BILL REAY: All the time. And they work with me very, very well. But-- and, and Probation is, is, is doing the best they possibly can with the money they have. The problem is they don't have enough resources. And when they say-- and they, and they say this to me often, they say, Ray, you're expensive. And I say, yeah. What's your alternative? I--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

if, if you want 2 to 1, this is what it's going to cost. It's, it's not like I'm making money on this thing. You want 2 to 1, this is what it costs. And I show you what it costs. And they say this is great. But they don't have enough resources. Well, the, the point is, their budgets are not enough.

McKINNEY: And in the hypothetical world that there is an increase of youth in the system because of some law change, do you, do you think you even have the capacity to take any more?

BILL REAY: I won't take any more and, and I'll tell you why. Right? This is not an issue of volume. This is an issue of, of niche where, where you train people to deal with this issue. And the more that one agency has or one set of organization has, it, it starts to get watered down. You can't supervise that many lethal kids and protect the community at the same time as doing right with that youth. It-- it's a balancing act, right? And, and it's a hard act to actually implement. An 11-year-old who wants to see his mother, and, and there's a order that he can't see his mother. Now, that's-- why? Well, they haven't dealt with the issues of what are the, what are the causes or, or what's the association. Well, when you find out the mother is mentally ill or, or functioning with multiple mental illnesses and lower functioning. So then, OK, how are we going to have visitation and keep everybody safe in that regard? The problem is the youth and families that are in the system are enormously complicated. Some of them also have diabetes, juvenile diabetes, other endocrine gland disorders. They're going unaddressed.

McKINNEY: Has there also been-- so in north Omaha, there's [INAUDIBLE]. And I know there's research out there that, you know, lead exposure causes issues down the line, especially for youth. And I know that north Omaha has had a lot of lead and it hasn't been, it hasn't been solved, and it hasn't been solved yet. So have you done or have you seen any research on that and how that has affected the youth in Omaha?

BILL REAY: No, sir, I have not. That's an interesting question. I'm sure the research is out there, but I, I haven't, I haven't seen how that affects north Omaha. There's a lot of things that, that affect north Omaha. Just, just-- it's just-- it's food deserts. People can't get to the grocery store. They don't have transportation. There, there's kids who gravitate to other kids because their parents are

working two jobs. So then the parents are blamed for not supervising, but yet they're required to get two jobs. I mean, there, there's just isn't a, a cogent understanding of what those things do to people. And it gets worse. It doesn't get any better. And the accountability, the accountability scale goes both ways.

McKINNEY: Right. How many, how many of those-- the kids that you've been around would have experienced a traumatic situation? Because I'm-- I know growing up-- you know, I've seen people shot. I've been in the middle of drive-bys. That is traumatic. So how many of the kids that you interact with over the years have dealt with those type of traumatic situations? And I know a lot of those goes unaddressed. We're just told to deal with it just like normal, but it's not normal.

BILL REAY: Every single one. There's, there's no exception. Gunfire, a friend, a father, a cousin, a brother being shot, killed or being shot at, their house being shot. There is some gang activity, obviously. Right? But that, that gang activity, I would argue, is not being understood well. I, I don't see the recruitment issue. I see kids being used opportunistically because they want to get along with other peers. And like I said before, everybody has a gun.

McKINNEY: Do you think the system factors in those traumatic experiences when they make decisions?

BILL REAY: Would you say that again? I'm sorry.

McKINNEY: Do you think the system is factoring in that these youth are dealing with traumatic experiences when they make decisions?

BILL REAY: I want to answer that question with a, a real-life example. I was dealing with a-- with, with a, with a near lethal situation with, with a youth, 11 years old, and they wanted the, the youth to have a parent visit. And there, there is rarely a detailed risk assessment done. Right? And a risk assessment is a, is a dynamic process. And so I suggested that the visitation occur not in the middle of the, the highest gunfire area in north Omaha. And a worker told me, well, that's what they do. They shoot each other. It was a callous understanding that they had of the issue that was rather pathetic in my mind. So, no, they don't.

McKINNEY: And I appreciate it.

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Judiciary Committee November 18, 2024
Rough Draft

WAYNE: Any other questions? Senator Bosn.

BOSN: Thank you very much for being here. Can you go back-- and perhaps I'm the only one that didn't totally understand the 2 to 1 ratio situation that you were talking about. Is that the location that you're working at that provides 2 to 1? Is that a group home? A secure home? I just--

BILL REAY: It's a secure home.

BOSN: OK. So-- and I think you called it inventive care or did I hear you wrong?

BILL REAY: Omni Inventive Care. Yes.

BOSN: Sorry?

BILL REAY: Omni Inventive Care.

BOSN: OK. And that's the name of the facility?

BILL REAY: No, that's the name of my organization.

BOSN: OK. Sorry. I apologize.

BILL REAY: That's all right.

BOSN: Is that a group home?

BILL REAY: No, it's a, it's a behavioral health organization.

BOSN: OK.

BILL REAY: Provide a lot of different services to primarily forensic cases. But over the last 10 years, it's, it's been most that-- we've, we've, we've been asked to respond to the, the most lethal cases in Omaha.

BOSN: OK. And so there is no placement at Omni behavioral healthcare in Omaha. Is that correct? It's not a placement.

BILL REAY: It's a placement. We, we have secure homes.

BOSN: OK.

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Judiciary Committee November 18, 2024
Rough Draft

BILL REAY: And most of them are in north Omaha.

BOSN: OK. So secure-- are these group homes then?

BILL REAY: Small homes, 1 or 2 kids. That's it.

BOSN: OK. So that's what you were talking about with the--

BILL REAY: Yes, ma'am.

BOSN: --2 to 1 ratio.

BILL REAY: Yes.

WAYNE: No, no. You're talking 2 staff members for 1 kid. Sorry.

BILL REAY: Yes, 2 staff members for 1 kid.

BOSN: OK.

WAYNE: So, for example, if you have a 13-year-old who may swing on 1 guy run away or a lady run away, there's-- there has to be 2 staff all the time to make sure that kid has eyes and can't just abscond.

BILL REAY: Thank you, Senator, that was well done.

BOSN: It's not your first time. OK. So these-- are they secure facilities then? Are they locked?

BILL REAY: No.

BOSN: OK. Do you accept all youth there, including lethal youth?

BILL REAY: Yes.

BOSN: OK. And is there an age range of which you'll accept youth to these facilities?

BILL REAY: No exceptions.

BOSN: OK. That's good to know. OK. So tell me, I guess, how many youth live in these small group homes?

BILL REAY: 1 to 2.

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Judiciary Committee November 18, 2024
Rough Draft

BOSN: OK, so that's where I got confused, 1 to 2 youth, but always 2 supervisors.

BILL REAY: Always supervised by, by 2 staff, well-trained paid staff.

BOSN: And tell me your success rates. I mean, what are-- are these kids going on to be successful in these group homes? Graduate, so to speak, from the program?

BILL REAY: My understanding, there's going to be a report coming out soon from Probation that would indicate that those outcomes are the best.

BOSN: Thank you.

BILL REAY: And the best being-- I, I should probably define that. They're going back to school. They're in school. They're passing school. No further law violations. That-- and, and that's, and that's, that's actually the-- you know, when, when you talk about outcomes-- everybody talks-- there is community safety and that can be an outcome that the kid doesn't hurt anybody again or doesn't shoot anybody again. And that's, and that's a reasonable community outcome. But the other ones are, can they graduate from high school? Can they get a job? Are they actually a taxpayer? I mean, those are the outcomes that ought to be demanded by everybody, actually.

BOSN: I couldn't agree more. Thank you.

WAYNE: Senator DeKay.

BOSN: I shut it off. Sorry.

DeKAY: Yes. Thank you for being here. When you talk about them going back to school, graduating and stuff, does their, does their environment change after they've been in one of these homes? Do they go to different high schools and get a different scenery and get a different group of people they're hanging out with?

BILL REAY: Sometimes, Senator, sometimes they go to their original home school district. What is the typical approach as a staff member will go to school with them to make sure that they're not affiliating with the wrong folks and making sure that the skills that-- the new skills they're learning, right? You know, it's just like anything

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Judiciary Committee November 18, 2024
Rough Draft

else. You learn the dance, you got to practice. So those skills that they're being taught with, with-- and I want to make this very clear. They're, they're with culturally similar people, right, there, there with adults that have had as youth difficult periods. They know, they know what the kids are going through. They know how to do it. Both black and white, or I'm sorry, both, both male and female.

DeKAY: So these staff members that are watching and going to school with them, they potentially could see a problem before it actually happens?

BILL REAY: Absolutely. And that, that's a great observation and it happens quite regularly, especially with some of the lower functioning, multiply-- multiple mental illnesses with youth that make serious errors in evaluation when they're at school. So they'll see somebody and they'll misunderstand a, a facial expression and they'll, they'll think that they're being hostile toward them and, and so the youth will act and there's staff that are there to prevent that, number one, and then, number two, work with the youth to understand what the, the actual social system is. Expensive, but it works.

WAYNE: Senator DeBoer.

DeBOER: Thank you. So your company, we'll call it, Omni Inventive Care, how many on average per year juveniles do you deal with?

BILL REAY: Lethal juveniles or just--

DeBOER: Yeah, yeah. Let's, let's start with lethal.

BILL REAY: Lethal. Somewhere between 20-- 15 and 20 lethal juveniles. And I want to say lethal, there's been a comment about kids who murder. There are kids who could easily have murdered but didn't through either their incompetence or luck. You know what I'm saying? So do you distinguish between those two? Right? Those who tried to murder and didn't or didn't know what they were doing and shot somebody. Yeah, so I'll include those. But there's a whole bunch of others. We, we serve about, about 100 that have property crimes, have truancy, have assault crimes, but they're not lethal. And, and all of the 100 that we deal with, I, I don't, I don't believe, I don't believe there's any that, that don't have that kind of assaultive background. But they don't, they don't need-- they need supervision training and surveillance. But-- and, and they respond to that in, in

a more nurturing environment where there's people that supervise them. And I, and and I just want to-- and they're in foster homes, basically. What you would, what you would call foster homes. But they're enhanced supervision and things of that nature. But I, I really do want, want to just double down on one thing. A lot of the biological families that, that these kids are emerging from are enormously desperate. And I, I don't know if you quite understand that, what that means. I mean, survival on a daily basis is an act of desperation. And I don't think the average citizen in Nebraska knows the level of poverty and inability to impact an environment and the effect that has on a person. It's, it's tragic. And it pops out in all sorts of ways as threats to the community.

DeBOER: So about how long are the youth that are in your care in your care? How long is your program?

BILL REAY: There's no one metric on that. It's-- you have a parent that's mentally ill, you want, you want the child to go back to that parent. But how does that work? What-- does everyone agree that that, that is possible? Not because of the mental illness, because of other things. They don't work, they're on, they're on supplemental secure-- it's just complicated. So of those cases where they can go back home safely and, and it's a, a relative placement, then they'll go back quickly after there's some identification. But a lot of the kids that we have are with us for very long periods of time because there's not, there's not a lot of alternatives.

DeBOER: So in the short cases, would you say that's like a couple of months?

BILL REAY: Yeah, a couple of months. Yeah.

DeBOER: OK. And in the long cases, this is--

BILL REAY: Years.

DeBOER: --20 years?

BILL REAY: Years.

DeBOER: Yeah. You said that these are, like, enhanced supervision foster homes. Let me be clear about, those are these 2 to 1 facilities

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

that you're talking about are like enhanced supervision in foster homes?

BILL REAY: Pretty much. Yes.

DeBOER: So explain that to me because I-- so I've been-- I recently went through the foster care training.

BILL REAY: Great.

DeBOER: So--

BILL REAY: You have an inside understanding now. Right?

DeBOER: Well. So I assume that the people-- because the foster care, you imagine a placement in foster care to be like a family situation.

BILL REAY: Correct.

DeBOER: So are these 2 to 1 facilities family-like facilities or are they run more like an institution?

BILL REAY: No, they're, they're more like family.

DeBOER: So is it somewhat similar to-- I mean, I don't have a lot of reference, so is it more like the Boys Town?

BILL REAY: No.

DeBOER: OK.

BILL REAY: Nothing at all.

DeBOER: OK.

BILL REAY: Right. We-- this, this-- it-- and, and it-- I'd be more than happy to sit down and show you how this all works. But this all came out of necessity of, of, of-- from the department some years ago with the medical director. Her name was Dr. Janine Fromm. There was a recognition that the state's typical system was failing many, many kids. But the most lethal kids that they didn't know what to do with. Inpatient hospitals won't take these kids because they're dangerous. And so they deny their care. PRTFs will not take these kids because they don't have to, because there's other kids that they take. Right?

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Judiciary Committee November 18, 2024
Rough Draft

So these are kids that there's just no place to go. The state hospitals won't take them. There is none. No state hospital for kids. So it was, Bill, will you please build something that will serve these kids safely and keep the community safe? And I said sure. I mean, I'm been doing this a long time, I know how to do it. And then I cost modeled it out and said this is what it's going to cost. And it's just the way it is, this is the cost. He says no. So it's rotating staff. If you have a kid who's lethal, you got to make sure that he's not going to run away. And that was a concern with one of the youth that the sheriff talked about earlier. And we had to convince the sheriff that, no, this kid is not going to run away. We, we can guarantee that there's not going to be that circumstance. So there's rotating staff to make sure they're fresh. And one of the requirements is that you have to run faster than a kid.

DeBOER: So, so-- sorry not to belabor this point,--

BILL REAY: That's all right.

DeBOER: --but you talk about it being rotating staff and at the same time like a family setting. Can you explain to me what this looks like? You have a house, it's got 3--

BILL REAY: You got 3, you got 3 rotating staff. The kid builds a relationship with those 3 people.

DeBOER: And are there any other people living in the house?

BILL REAY: No.

DeBOER: OK. Thank you.

BILL REAY: Yeah.

WAYNE: So I know I talked about the 2 to 1. But in many of these cases, some of these kids are not going to school, you're also providing therapy for them.

BILL REAY: Yeah.

WAYNE: So it isn't just a 2 to 1 cost. I don't want the committee to think that it's just \$1,000 a day.

BILL REAY: Yeah, I, I, I-- yes, I was responding to a certain question. Yes, there's therapy. Nursing staff therapy goes on on an ongoing basis. Kind of like teaching somebody to dance then practice, practice, practice. All the cognitive changes and new skill acquisition then performance. All of those things are, are being done. The issue related to the trauma is addressed through resiliency issues. I mean, that's, that's the, the flip side of, of trauma is resiliency, right? You teach resiliency to those issues. Being a young black male, you have to be resilient. You have to.

WAYNE: So are we talking \$1,000 a day, 30 days, 30 days in a month? So we're talking anywhere, plus therapy, \$40,000 to \$60,000 per kid per month.

BILL REAY: That would be on the high side. Yeah. Therapy is built into the, the actual rate.

WAYNE: OK.

BILL REAY: That would be really high.

WAYNE: So not to get too much into the, the rate discussion because that's not our committee, but I do think it's important that they under-- that people understand juvenile does-- is affected by. How does the, the rate set affect your ability to hire?

BILL REAY: Nobody wants to work with these kind of youths and circumstances for \$15 an hour. It just doesn't happen. And everybody says that there's a, a, a work short-- workforce problem in mental health. It's a reimbursement problem. It's not, not a workforce problem. So we have to hire staff at between \$22 and \$25 an hour. At that point, we don't have a problem anymore. We don't have a workforce problem anymore. But that's what it costs.

WAYNE: And are you familiar-- we talk about, about Omaha, just to give a perspective, are you familiar with western Nebraska at all?

BILL REAY: Yes.

WAYNE: OK.

BILL REAY: We take, we take some kids from western Nebraska that do naughty things out there that can be seen as or identified as lethal

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Judiciary Committee November 18, 2024
Rough Draft

or potentially lethal. Yes. So judges or county attorneys or Probation will call and say we have youth that we really need help with and we don't have any resources or any folks that know how to deal with that. So we will take kids from our outstate.

WAYNE: Any other questions? Senator McKinney.

McKINNEY: I just got one. So there's been a lot of talking and there's been a memo sent out by the Governor's Office or DHHS cutting our the budget by like \$200 million and there's discussion about more budget cuts going into next year. Does that concern you?

BILL REAY: Yeah, we've, we've already experienced some of that. Just kind of a wholesale rate reduction on kids that are very high needs. And what I mean by high needs, high supervision needs, that, that sort of thing. Without any discussion, without any analysis, without any evaluation of the youth, just too much. Here you go. And I've said no. I'm not going to serve them. So, yes, it concerns me in 2 ways. It will affect community safety. No question. Those kids get to the community who have been surveilled and supervised tightly for a 2-year period and then are sent somewhere without any understanding of what, how, and who provided that sort of treatment and service to that youth to keep them from doing more community harm. Yeah, they'll be community harm. Yes. It concerns me that way and, and also related to the ongoing rehabilitation of kids.

McKINNEY: Thank you.

WAYNE: Thank you for being here today. Appreciate it.

BILL REAY: Yep.

WAYNE: And if anybody wants to take a tour of a facility that we was talking about, just let me know.

BILL REAY: Thanks a lot.

WAYNE: No problem.

BILL REAY: Good luck.

WAYNE: Mr. Dempsey. Congratulations on your promotion or whatever you want to call it. Maybe, maybe being your headache now. I don't know.

PATRICK DEMPSEY: Yes. Good morning. My name is Patrick Dempsey, P-a-t-r-i-c-k D-e-m-p-s-e-y. And I am the president of the Omaha Police Officers Association. So I represent about 900 members of the Omaha Police Department. We've heard a lot from Sheriff Hanson, from County Attorney Don Kleine about some of these juveniles and what the solution is to this problem. Obviously, if we had a solution, we wouldn't all be here on a Monday morning talking back to each other. But I want to talk specifically about a case that's been touched on, and that's the Alon Reed case, because that has affected me. It's affected my crewmates who actually had to deal with that situation. And it continues to be dealt with in the community today. That was August 30, I believe August 30, 2022. On August 17, 2022, in the area of 61st and Redick, there was a gang dispute that took place. That gang dispute culminated in around 60 shots fired from 9 different guns and the ultimate death of a gentleman by the name of Iyantae Rigmaiden. He was 18 years old at the time. My crew worked that homicide. We were never able to solve it based upon how many different people were shooting. Given the names of several people we knew to be involved, every single one of them was 16, 17, 18 years old. And all of them had been involved since the ages of 12, 13 years old. When we talk about recruiting, fast forward to August 30, when Alon Reed gets killed. Alon Reed is in his basement, scared for his life to the point because of that shooting that happened on the 17th that he won't even park his car in front of his house. He parked his car a block away and would walk home knowing that someone was out looking for him. During this time, the 13-year-old suspect places a car, steals another car so that they can dump the first stolen car and grab the second stolen car as a getaway vehicle. Premeditately goes and looks for this-- make sure that this kid's sister is not home to witness this, makes sure that she's at school, and then goes over to the house and executes Alon Reed in front of his mother. We're not talking about 13-year-olds who are making mistakes, we're talking about 13-year-olds who have a very high criminal IQ. And when we talk about recruiting, the reason he committed that homicide was because his friend, Iyantae Rigmaiden, died 2 weeks prior to that. It was in full vengeance for that murder to the point where he even went and got his buddy's hoodie to commit the murder and to show a sign of respect to his buddy who died 14 days prior. But when we talk about just the ramifications of this murder, it's still happening today. As of last week, a father showed up to a school to defend his child who was getting, getting in fights. The father engaged these students. And on the way out the door, the

students started yelling about Alon Reed and very negative things about him. So we're still dealing with that in our community today, the effects of this. So when we talk about recruiting gang members. Does it always look like a billboard or a Navy recruiting center where they say, hey, come be a gang member, come commit crimes for us? No. But when they start to idolize these 16-, 17-, 18-year-olds at that young age, that is recruiting. That they know, hey, I'm going to go and murder this guy in vengeance. With that, I'll take any questions. I know we're here as part of the solution. I don't want it to happen to one of our members to get killed. It happened in Lincoln with Officer Mario Herrera, a system-involved youth who probably should have been in, in a secure facility, was not, gets out and ultimately kills a police officer.

DeBOER: Are there any questions? Senator McKinney.

McKINNEY: Thank you. Were any of these youth that you kind of described, were they-- prior to these incidents, were they already system involved?

PATRICK DEMPSEY: Yes, they were.

McKINNEY: And that is my point. The system is failing and we're, we're swimming downstream to say let's do this instead of checking the system for failing these kids and failing to properly and adequately do their jobs. And I don't know why we aren't advocating for the system. To be honest, we should be demolishing and rebuilding because it's, it's, it's horrible. And that, that's what confuses me, is like this push of let's change the law to detain 13-year-olds. But I don't see the same energy for changing the system and making changes to the system or demolishing the system so it doesn't fail these kids so they don't have any situations. Because in too many times I've, I've heard kids not just go commit no type of offenses, I always, I always see something where we knew that kid was going to offend. We knew that was potentially going to happen. And I'm like so if you knew this or you felt this, why isn't the system who is interacting with these kids stepping in to address these issues and prevent this stuff from happening? But all I see is a push to detain and lock them up. But I don't see the same energy to fix the system that has failed them.

PATRICK DEMPSEY: I think if you're asking from the standpoint of my organization and who I represent, we're all on board. Whatever-- if

there was a bill that came about that implemented new programs in north and south Omaha, we would be involved in those. We're involved in the Boys and Girls Club. We run a peaceful athletics league trying to keep people out of gang life and in athletics. We run things like Operation NETS. If there was a push from a state senator or a bill that helped build the infrastructure in north Omaha, south Omaha, built more community centers, staffed more community centers, we would be on board just like we were with supporting the SNAP benefits for felons. We're in this together. It's a lot bigger picture than just these little-- these juveniles. But I do think this is part of the problem is some of these younger kids see this as an opportunity because they know there's no consequences.

McKINNEY: I guess for me, it's bigger than just a program because I think the same way you guys think, like, these kids should be locked up, I want to save energy to say these people should be fired. These people shouldn't have a job. It was mentioned earlier by the gentleman prior that a staff or a caseworker said, like, some-- that's what these people do and like-- it-- like, where is the push to say the people in the system in charge need to go? Because we don't just need more programs, we need more people that actually care in positions of power to influence change. We need that too.

PATRICK DEMPSEY: We're all on board. Obviously, I'm just a community member out here with a microphone. That's what we look to the legislators to do, is fix these larger problems than just what we're speaking about today.

McKINNEY: I understand that. But when I see, when I see your organization postings, it's more on the lock them up side of things or like accountability. But I want to see the same accountability for the people in the system who are dropping the ball that everybody in this room can say is happening, but nobody is holding them accountable. So if the police association-- for me, if the police association truly, truly cares, I want to see the same energy for the head of DHHS, the head of Probation, the people at the county who are failing, I want to see [INAUDIBLE] too.

PATRICK DEMPSEY: I think the OPOA has been pretty vocal about that at times. I think that we have attended those county board meetings and been a part of some of these discussions on a county level since 2018, when the decision was made to build the new youth center. I think

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Judiciary Committee November 18, 2024
Rough Draft

we've been part of what do these programs look like and how are they working? But that's on the county level. And I think we are part of those discussions and have been very vocal about that.

McKINNEY: All right. Thank you.

DeBOER: Thank you, Senator-- thank you, Senator McKinney. Are there other questions?

PATRICK DEMPSEY: Thank you.

DeBOER: Thank you for being here. We'll have our next testifier then. Welcome.

NICHOLAS ANDREWS: Hello. Thank you for allowing me to talk here. I'm Lieutenant Nicholas Andrews with the Omaha Police Department.

DeBOER: Can you spell your name?

NICHOLAS ANDREWS: Absolutely. Nicholas, N-i-c-h-o-l-a-s, last name Andrews, A-n-d-r-e-w-s. Again, I'm here on behalf of the Omaha Police Department. Thank you for the opportunity. For the past 2.5 years, I've supervised the homicide unit in the Omaha Police Department. Unfortunately, of those 2.5 years, I've been to 23 homicides involving juveniles as either an offender or a victim of crimes of the crime of homicide. My colleagues who have already spoken or who are going to speak can provide evidence showing a need for action. I want to drill down on one example, and it's been talked about already. That's the case of the 11-year-old. On August 13 at 11:58 p.m., Mr. Mursal Jama, a 64-year-old immigrant, was just getting home from his apartment after finishing an extra shift as a delivery driver. Unfortunately, Mr. Jama owned a Kia Sportage, that's a vehicle commonly stolen by juveniles and used to commit other crimes. On the night of the 13th, 6 juveniles noticed Mr. Jama's car, which he had just parked sitting in its garage stall at his apartment complex. Mr. Jama had gone to his apartment to retrieve his anti-theft device and was walking back down to his Kia when he interrupted those juveniles trying to steal his car. Mr. Jama attempted to defend his property and scare off the kids. One of them produced a gun and shot Mr. Jama. All 6 juveniles stole the car and drove away. After being shot, Mr. Jama made his way back up to his apartment where he collapsed and begged for help from his wife and daughters. He was transported to the hospital and unfortunately died. The juveniles involved in this case had been on a

crime spree that most citizens probably would not believe. I'm going to share that information. Their ages ranged-- range from 11 to 17 years old. Between August 12 and August 13, the juveniles stole 7 cars and attempted to steal 3 others. They burglarized the gun store in Nebraska City, stealing 9 guns. They also drove to Kansas City in a stolen car, ditched a car that's-- ditched that car in Kansas City, stole another and drove back to Omaha. They then committed a person robbery at gunpoint at the gas station at 120th and Dodge. After the robbery, they killed Mr. Jama. The juveniles then drove back down to Nebraska City, attempting to steal more guns from that same gun store where they were interrupted by local law enforcement. A pursuit ensued, and it crossed 3 counties where it ended in Omaha, and 4 of those 6 juveniles were taken into custody. These crimes were not the first time these kids had broken the law. The 11-year-old involved in this case had a history of theft from motor vehicles where he specifically looks for guns. As a matter of fact, in July of 2024, just 1 month prior, he was observed on video breaking into a car in the Boys Town research hospital and stealing a gun. He was arrested for that crime and spent 2 hours at the youth center before being released back to his parents. As you all know, there's not much our current system can do with an offender his age. Mr. Kleine spoke at length. The 3 other juveniles involved in the murder case and on the crime spree ran away from Child Saving Institute the day before the spree began. The juveniles were supposed to be there for treatment for the previous theft charges from which they were arrested. They quickly caught up with the rest of their friends and unfortunately made decisions that ultimately cost Mr. Jama his life. Detainment and rehabilitation would have saved Mr. Jama. I have no doubt. I'd like to close with just a few statistics specific for Omaha. Since January 1, 2022, 15 juveniles have been murdered in Omaha. Over that same time frame, 38 juveniles have been arrested for their involvement in homicide cases. To summarize those statistics, since 2022, 31%, 31% of homicide cases involve a juvenile. We owe it to the victims, the citizens, and the juveniles to do something about the system. With that, I'll take any questions.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

NICHOLAS ANDREWS: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

WAYNE: Next, we'll have Juliet, and then followed by Celeste and then Mr. Lindberg. I'm only-- I'm calling people because they're the ones who have approached me because they have appointments and things so just that's, that's why. Welcome.

JULIET SUMMERS: Thank you. Good morning, Chairman Wayne and members of the Judiciary Committee. Would you, would you like me to use this?

WAYNE: Yeah.

JULIET SUMMERS: Good morning,--

WAYNE: There you go.

JULIET SUMMERS: --Chairman Wayne and members of the Judiciary committee. My name is Juliet Summers, J-u-l-i-e-t S-u-m-m-e-r-s. I'm the executive director of Voices for Children in Nebraska and I really appreciate the opportunity that you're creating for us today to share information about our juvenile justice system and, in particular, in Douglas County. So I have shared my written testimony with you, which you'll see attached, has some longitudinal data pertaining specifically to Douglas County. We do also have state level data as well as national data following trends in youth justice, both in terms of youth offending and in terms of responses and research into over those decades what has worked and what hasn't worked for either. So my spoken testimony that I had planned on roughly mirrors that testimony, but I actually would really like to use the time to speak to a couple of things that I have been listening to today and see if I can answer any questions from, from Voices for Children's perspective or my own experience with this. So the long and the short of my written testimony and the data that you see in front of you is that if you step back and you look at the overarching trend lines over the last 30 years, we are nowhere near the peak of youth offending, including in violent crime, which did peak both nationally and locally in 1993, which was not coincidentally the same time, the same era where the Douglas County Youth Center, the detention center that we're talking about today, was built. It was built in an era where, where there were fears of the super predator, which were racist fears that turned out to be untrue. And, in fact, youth crime was already declining by the time these facilities, not just in Nebraska and in Omaha, but across the country, had been built and we had invested taxpayer dollars in the, in the hardware and in high-security style settings. So here we

are having this conversation today about options, and the option that's being presented is detention, secure detention. What we're really talking about in this moment is the ability to incarcerate children in a high-security style building that was built in an era before we really knew anything about trauma, about trauma-informed design, about trauma-informed responses, much less about the science of adolescent development and what works to deal with, with the, the spectrum of youth behavior from, from the kids who are doing the little things that we worry about, all the way to the kids who are already showing up on our doorstep very, very hardened from the trauma that they've experienced. So I really have appreciated-- excuse me-- in, in Sheriff Hanson's testimony talking about options and that we need more options. And I think everyone in this room agrees with that. And we come, come at that from a range of perspectives. From our perspective, we have not done enough, particularly in our mental health space, particularly in addressing endemic poverty, housing instability, hunger, these various traumas that children experience when they're young, haven't done enough to bolster our child welfare system so that it is strength based, family based, but also responds swiftly when kids are in real danger. And we haven't done enough to invest in those community-based resources throughout our city that can meet youth need at the age when they need it to be proactive rather than reactive, as Senator McKinney is talking about, and also be research informed and data based on not just the what but the when. So there's good data out there showing that the, the peaks of the day when youth crime is most likely to occur and it's right after school. So how many great involved sports programs do we have, afterschool programs do we have that are going to keep kids right from the, the day the school day ends, keep them busy and keep them engaged and keep them on a positive track all the way through the evening time? I know that sounds like being soft on crime when we are talking about really serious offenses and so I don't mean to, I don't mean to ignore the gravity of what we're discussing, but really hammer home the investments that we need to make in order to prevent it in the first place. We just haven't ever gotten there. I have lots of data that I would love to dig into with you and share some answers to some of the questions that were held earlier about the, the number of young people that we're talking about, the breadth or the scope of it, the ages. But I won't, I won't bore you with that unless, unless you want it. I do just want to say that I also agree with Sheriff Hanson that this is not an impossible number of kids to get our arms around here in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

Douglas County. We are absolutely seeing a rise in, in youth crime, a spike coming out of the pandemic at the same time that we're seeing a rise in general anxiety, depression, mental health concerns with our teenagers. But it is not-- we're not yet at the place where it's impossible and we need to throw our whole system away and everything that we've tried. So with that, I'd be, I'd be happy to answer any questions if you have some. And thank you again for taking the time today to talk about this.

WAYNE: Any questions from the committee? Seeing none, thank you for-- oh, Senator-- oh, can you spell your name for the record?

JULIET SUMMERS: Yes. Juliet Summers, J-u-l-i-e-t S-u-m-m-e-r-s.

WAYNE: Senator DeBoer.

DeBOER: No, that was actually my question.

WAYNE: Oh, OK. Thank you for being here.

JULIET SUMMERS: All right. Thank you.

WAYNE: Next, we'll have Celeste, hope I didn't say your name wrong, and then we'll have Kimara, and then-- I just forgot your name.

KARI RUMBAUGH: Kari.

WAYNE: Karen [SIC], then we'll go elsewhere. Thank you, Mr. Lindberg, for allowing that.

CELESTE BUTLER: Thank you for having me this morning. So I want to talk about this morning about my mom.

WAYNE: I don't know if that's working.

BOSN: It's not working.

CELESTE BUTLER: Yeah, it's not.

BOSN: Do you want this one?

WAYNE: I was here on Friday for [INAUDIBLE].

CELESTE BUTLER: Who I consider a renaissance woman. Can you hear me?

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Judiciary Committee November 18, 2024
Rough Draft

WAYNE: Yep.

CELESTE BUTLER: OK.

_____ : She didn't give her name.

WAYNE: Can you state and spell your name for the record?

CELESTE BUTLER: It's my alarm. Got to go to the doctor so thank you for having me. My name is Celeste Butler.

WAYNE: Can you spell it?

CELESTE BUTLER: C-e-l-e-s-t-e or C-e-l-e-s-t-i-n-e. Celeste Butler. I'm a native Omahan. I've been in this community, God willing, December 6, 66 years. I live and work here. I love my community and the people who push hard for our youth to be protected. And that's what I'm asking for today. Because in the system we're in right now, everybody is getting paid from the morgues to the people who embalm, to the people who have to serve food, to the people who have to clothe the dead and everything else that's wrapped around it from the police department and the uniforms they have to wear to the shields that they have, everybody is getting paid. And our youth are totally being neglected in a system that is no longer working and has not worked in years. And one of the reasons why I'm referencing my mom from back then until now or when she passed in 1999 of colon cancer, that woman had something underneath her to raise 7 kids, and I was not part of the system because she provided resources in our homes of art and everything wrapped around that, that to this day has afforded me a lifestyle, a living, and afford me the, afford me the resources to be able to work in my community and save youth on a daily basis 1 on 1. I'd like to see that duplicated. Art, art therapy is one of the keys that we refuse to talk about. It's one of the things that we refuse to embrace. But if it was not for art that kept me off the streets, that kept me away from teenage pregnancy, that kept me away from all the things that I seen that was going on inside of my apartment, but I was not a part of that environment. I can still walk and talk in those streets with those same people and they don't harm me in any, any way, shape or form, nor am I afraid of them. Because they know me and I know them. I also go and offer my resources where I'm doing my daily walks throughout my community. I get to talk with people that people won't even-- normal people would not even step up to on any way,

shape, form, or fashion. I'm not afraid of them. They're human just like anybody else. And we got to quit looking at people as somebody other than who we are because they're not raised in our communities and they don't live next door to us or they don't go to our churches or they don't have the same systems that we were raised in. If-- we have to start looking at human beings as human beings, we're the problem. The kids are not the problem. We as grown folks are the problem. And what can we do to change that and set a new path forward for the generations to come? Because the majority of us, we won't be here 10, 15, 20 years from now. So if we keep locking them up, when they get out-- once they go in, they're learning new skills. When they come out, they got more skills to hit the street with, which is more negative stuff that have been fed to them. So they come out 5, 10, 15, 20 times worse than what they went in because of the skills they acquired within. So now they get to use those skills in addition to what they already knew out here on the streets. They're hard, their hearts are hard. And I don't want to see another young person with their heart so hard. So I get to soften them up when I work with them. So I'm asking you, so the resources that are available now, in addition to adding more resources to the communities and the, and the services that are being supplied today, you have NOMA, you have the Culxr House, you have the Union for Contemporary Art. All of those are right down on the 24th and Leighton. How come we're not asking them to come and take some of these children on? Whether it's 5, whether it's 10 or 15, that's 15 that's saved by each organization as well as the artists there in the community that don't mind working with these kids. We work with them anyway, and I don't mind taking on a few more on an individual basis. I have helped so many kids. I don't try to count it like that and I don't keep numbers because when I see them down the street and they nod at me, let me know they're good, then that's the reward that I need. They tell me they're good or they come up to me and give me a hug and let me know they're OK by the resources I told them to go check into or a person that I told them to go talk to. It don't take nothing to have a conversation with them. They want somebody to talk to them, they don't want you to look at them like they're dirt when they-- when you approach them. They just want somebody to say that I loved you and I cared about you today. And to the police department, you want to talk about trauma? I'm going to tell you about some trauma. My boys, they're all grown. They're both grown right now. But my husband and I were raising 2 sons and a daughter. And I don't know if any police that are still on the force

right now, but I guarantee to either your relatives or somebody is on the force, and I very rarely speak about it because it hurts me to my core. When you came to my house that day and my boys had just stepped off the porch to walk our little dog and they were all in the house with my husband because I just left to go check on my mom. And at least 20 cars came into my neighborhood that day with police jumping out all over the place with 3 or more police officers in each car. You want to talk about trauma? When you stood on my front porch and in my yard and dared my husband to come off to protect or talk to my sons, and you waved guns with them and you beat both of my boys down in the ground. When Saint Joseph Hospital was on North 30th Street, we had to take them to the hospital that day. And I want you to know, all of the records disappeared like they were never there. I hardly ever repeat that story. You want to talk about trauma? That's where my trauma started. And to this day, my boys are still trying to make an adjustment to what you did to them, to what you did to me, to what you-- when you dared my husband to step off the porch with you, you would have killed him if he stepped off the porch to protect his sons. You want to talk about trauma? Just a few years ago, the building behind my house with 200 shots was fired off that building. And to this day, nobody wants to say, Ms. Butler, I apologize. Everybody erasing the records and acted like it never happened and then come back and fix the report and said that it was, what do you call, the paint bomb-- paint balls. But what you don't know is I walk my streets every day. And that very next morning I walked around and there were no paint balls where there should have been paint splattered on the houses, my house and everything else. There was not a paint ball splatter anywhere. So when you want to talk about trauma, come and talk to me about trauma. Because by the grace of God, I'm here today. And if I never get a chance to say it again, you owe me an apology.

DeBOER: Ma'am, let's, let's see if there are any questions.

CELESTE BUTLER: Oh, questions.

DeBOER: Are there, are there questions from the committee? OK. Sorry about that. I don't see any today, then. All right, let's have our next testifier. I can't remember who he said was next. Kimara? Make sure you say and spell your name, first and last.

KIMARA SNIPES: Thank you. Can you hear me?

DeBOER: Yep.

KIMARA SNIPES: Thank you, Chairperson Wayne and other esteemed members of the committee and colleagues. My name is Kimara Snipes, K-i-m-a-r-a S-n-i-p-e-s, and I wear a few hats. I'm here today. I sit here as someone who was arrested at 12 years old. I'm sorry. It's hard to follow that. Placed in handcuffs with my hands behind my back and taken to the police station right on 48th and Ames because I was a traumatized youth acting out. I'm the mother of a son whose father was murdered, shot 8 times. I understand all of this, and through multiple lenses. Today, I am the executive director of a nonprofit dedicated to empowering people where they live through education, training, and engagement. I am also an elected member-- excuse me-- of the Omaha Public Schools Board. I thank God for the resources I got access to as a young child. The work I do centers on building thriving neighborhoods in Omaha. And in our mission, we strongly believe that addressing the root causes of crime, particularly juvenile crime, requires a focus on prevention and intervention, not punishment. In my own experience, I've had the privilege of working with some of Omaha's most vulnerable youth, including my time serving as a youth librarian at the Charles B. Washington Branch Library. I created and facilitated a program called "Teen Talk About" where we focus on trauma through literacy. These were kids who had witnessed or been the victims of some of the most unimaginable types of trauma, from witnessing murders to being molested and physically abused. The majority of them had grown up in environments of extreme violence, neglect, and instability. Despite these challenges, when they were part of Teen Talk About they were safe. They weren't getting involved in trouble, and they weren't being arrested. They came to a library, not just for books, but for connection, for a chance to process their trauma, and for a space where they could feel heard and valued. We didn't just focus on literacy. We focused on healing, on giving them the tools to cope with their past and build a better future. One of the most important parts of the program was bringing in positive community figures to build trust. I invited Captain Mатуza, the former Captain of the Omaha Police Department's northeast precinct, to join us every week-- bridging the gap between youth and law enforcement, and creating opportunities for understanding. I'll never forget when I saw Captain Mатуza at Scooters Coffee one day after the program had ended. And he told me, I would have had no idea what those kids were going through if I hadn't been included in that program. He wasn't alone in

his realization. The program allowed us to humanize each other, break down barriers, and establish trust where there had been none before. This was my small part in building positive police-community relationships, something so desperately needed in neighborhoods where mistrust runs deep. But when the pandemic hit and Teen Talk About was shut down, the consequences were swift and devastating. Since that time, three of my babies I worked with have been arrested for homicides. These weren't kids who had been on a violent path when I was working with them. They were kids who needed support, love, and the opportunity to process their trauma. Without a safe space we provided, they were left vulnerable, and the tragic result was a life-altering loss for them and their families. There's been a lot of rhetoric lately suggesting that juvenile crime is out of control, with people like Sheriff Hanson making it sound like there are waves of kids out here causing havoc. But I know that's not the case. I simply like to look at the data, but every time I ask, I don't get it. I'm sure, though, that when I do get it, we'll see that the number of youth involved in serious crime is far smaller than it is often made to seem. In fact, I was at an Omaha 360 meeting, where Chief Schmaderer himself said that the vast majority of youth are not involved in violent crime. And as Senator McKinney stated, we shouldn't be treating them as though they are. The problem isn't the kids themselves. These kids don't commit crimes simply because there are no consequences. It's the systems that are failing them. And when we pull the resources and spaces that allow them to heal, we have them-- excuse me-- we leave them with little to turn to but the streets. These young people need the chance to heal, to grow, and to change. They need safe spaces, mentorship, and access to mental health services. So as we talk about investment, know this: When we invest in prevention and rehabilitation, we offer youth the chance to turn their lives around as we saw in Teen Talkabout before it was shut down. Strong communities are built by empowering our youth. We need: 1) community based mentorship programs where young people can connect with positive adult role models; 2) school-based mental health resources, ensuring that youth have access to counseling and support when they need it; 3) job training and skill-building initiatives, helping young people develop the tools for success in school and beyond; 4) safe and engaging afterschool programs that keep youth off the streets and provide constructive outlets for their energy. When young people are given access to the right resources, resources that help them process trauma, develop healthy coping strategies, and build

their futures, they are much less likely to engage in violent behavior. This is what I saw first hand at the library, and it is why I believe so strongly that we must invest in preventative measures, not punitive ones. As we move forward, I urge this committee to focus on empowering our youth through support systems that work. This is a compassionate response and a smart approach. By investing in prevention, we can reduce crime, create stronger neighborhoods, and ultimately lead to better outcomes for all of our communities. As the gentleman said, whose name I do not remember, you're going to pay for it now or pay for it later. Thank you for your time and consideration.

DeBOER: Thank you. Are there questions from the committee? I don't see any. Thank you for being here. We'll have our next testifier. Please say and spell your name.

KARI RUMBAUGH: Good morning. Can you hear me? Good morning, members of the Judiciary Committee. My name is Kari Rumbaugh, K-a-r-i R-u-m-b-a-u-g-h. I am employed with the Nebraska Supreme Court's Administrative Office of the Courts and Probation as the deputy administrator overseeing the Juvenile Probation Services Division. I want to start by thanking you for the invitation to come today and speak to you. And it, it is essential that probation is here today to be part of this important work and discussion. We do believe in the fact that youth can change behaviors and that we can support and advocate youth that come into the juvenile justice system. But these are very complex youth that we're working with every day. I did provide a formal testimony that I had typed up, but I'm going to speak to this and then answer questions. I'll speak to some of the important data elements in there and also answer any questions that you might have in regards to juvenile probation. Some of the important pieces of the work that probation does is that probation is part of all of the communities across the state. Probation officers work diligently with youth and families every day to assess risk, to support them where they're at, and work with communities and stakeholders. Every stakeholder in this room is an essential partner to work with probation and impact change with youth and support youth. Probation officers wear many hats, from an advocate, to an accountability authority figure, to a teacher, to a parent, they really are jumping in and supporting as much as they can. And probation works very hard to train and build skill and probation officers to help them be successful within their roles. We are dedicated to the success of youth and families, and we are a partner in this work. A few of the

statistics that I included in your testimony that I think are important is that probation also has witnessed a increase in incidents of violent and serious offenses with young people in Omaha. We do track incidents, and of the incidents reported for violent offenses, Douglas County had 41% in the last year. So we have seen that Douglas County, although, as you're hearing, there are incidents occurring in other areas of the state, as well. I want to stress, as others have today, that this population we're talking about, although extremely important, is a small population of youth, the total youth on probation and this would be a statewide number, not Douglas County specific, but total youth on probation fiscal year 2023, of those total youth, 79% of them were successfully released from probation. That number usually is around 81 to 79%. We really are about-- 80% of youth are leaving probation successfully, and building skill, and being successful with the conditions that they've been ordered by the court. Additionally, in that same fiscal year, of youth placed on probation, 12% were for felony-level offenses. So again, I'm trying to give you an example of the smaller number of youth, but the intensive need for this smaller number of youth. And on September 30 of 2024, our total population at that time was 2,653 youth, and 3% of those were assessed as very high risk for recidivism on our validated risk/need assessment instrument that probation officers use. But that does not take away from the importance of what I'm here to talk to you about today. And as Dr. Bill Reay spoke to, probation youth are also utilizing the service that he provides. And he is correct. That's because they are denied at all other levels of care within the state and sometimes without-- with-- outside of the state. And so, they are willing to support very complicated, complex young people within their placement. And so, that is a placement that probation has utilized. A couple other items I wanted to share with you is that part of our focus on this population as well as continuing to improve the way that we support young people who come into the probation system, there are three different projects I wanted to talk to you a little bit about today. One of them is a partnership that we are involved in right now with the University of Omaha [SIC], where we're having our risk assessment instrument validated. Our instrument is a validated instrument. It was used, it was used to-- it was created by using validated instruments from other states. But we need to validate our instrument in Nebraska, so we're doing that right now. That is the instrument that's used at the point of juvenile intake, so that's when a probation officer is determining if detention or an alternative is

the decision at that point of law violation and an officer taking a young person into custody. I do think it's important, though, to stress that over the last fiscal year, so 2023, 93% of youth that did score to be either placed in detention or in a staff-secured detention facility on our risk assessment were placed in one of those facilities. So 93% of youth that score were placed in those facilities. One example of a youth who wasn't is the 11-- is an 11-year-old, example where a fe-- a young youth that isn't able to be detained was brought forward, then there would be an alternative decision made. Another item that we're doing is a proactive reachout. We have released a request for information seeking more residential treatment providers that are willing to provide intensive placement services. And so we have a specific request for information out right now, to see if we can find providers that are willing to partner with us and provide these services for youth that-- with these very complex needs. And then finally, we are taking an in-depth look at youth with serious offenses. We are looking to see do we need to change practices, do we need to change policies to ensure that we have the right approach when working with these youth? And the-- I also shared with you a recent study that came out from Council for State Government, about youth, crime, violence, and mental health. And they recommend several services. And I wanted to mention that we do have multiple services that are mentioned there. But one of those that we have brought in, which is an evidence-based service, is multisystemic therapy. That was brought into Nebraska in 2017, is available in Douglas County, and it is a cognitive behavioral and family therapy model, which is one of those models that that report is requesting as important for youth with violent offenses. And 66 unique, unique Douglas County youth and families received that service in 2023. So ultimately, I just want to stress, again, this is a small but very, very essential population that we work with, but we cannot do this alone. Probation can't make this change by ourselves. We need diversion. We need law enforcement. We need attorneys, senators, schools, Department of Health and Human Services, the community, and community providers. We have to partner together to make the impact to change. And so, again, I want to stress that probation and the courts are a committed partner in this. And we believe that young people can change behavior and live long lives outside of the system. And I know that's a goal of this committee, as well. So, thank you for your time, and I'm happy to answer any questions that you may have.

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Judiciary Committee November 18, 2024
Rough Draft

WAYNE: Thank you. Senator DeBoer.

DeBOER: You mentioned that your risk assessment tool is being assessed by UNO. What's the timeline on that assessment?

KARI RUMBAUGH: Our hope is-- we're hoping sooner, but our date to have it finalized was March. But we're hoping that we may be able to speed that up and have that completed late December, January.

DeBOER: All right. Thank you.

KARI RUMBAUGH: Mm-hmm.

WAYNE: I have just a-- questions about how-- do you know about how many youth right now are placed out of the state of Nebraska? Do you have that information?

KARI RUMBAUGH: I don't know the exact number off the top of my head, but we do put that data in our annual report, and it's about 11% of youth who are placed out of home are placed out of the state, but I could get you an exact number.

WAYNE: And then, it's particularly-- I know we were talking a lot about Omaha. I also want to-- if you can get the data to me, because I heard it in a meeting with probation that our-- I had it written down. I'll get it to the committee-- the number in Wyoming, Colorado, South Dakota, but particularly Wyoming, because I know western Nebraska, that it's easier to get to Wyoming in some cases--

KARI RUMBAUGH: Right.

WAYNE: --so-- and then the cost associated with those so I can give this to the committee.

KARI RUMBAUGH: Absolutely.

WAYNE: Senator McKinney.

McKINNEY: Thank you. When, when you do send kids out of state, do you provide resources to the families to go see those kids?

KARI RUMBAUGH: So usually, the facilities provide the ability for families to come and see youth. So that's the majority of the time. It would be-- I'm not sure I can think of a facility that doesn't provide

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Judiciary Committee November 18, 2024
Rough Draft

support and services to help families come and see their children in other states. And then probation officers also go out on a monthly basis to every facility outside that a youth is in, to meet with and support. And then, of course, there's virtual meetings in the middle of those times where family isn't able to be there.

McKINNEY: Why doesn't the state provide resources for families to go see their kids?

KARI RUMBAUGH: At this point, I would say it's because the facilities are supporting that, but that's mainly the reason why. We would support families seeing them as well.

McKINNEY: All right. What is the average length of stay for juveniles in DCYC? And I ask this because I've talked with commissioners, and they say part of the problem with the 90 kids being in DCYC is because state probation isn't transitioning kids out fast enough.

KARI RUMBAUGH: So I can give you statewide data. I can get you Douglas County specific. Statewide youth are in detention a little over 30 days on average. But I will tell you that the majority of youth in Douglas County detention are on adult charges. Juvenile probation does not track youth in detention on adult charges. We would only for youth in juvenile court.

McKINNEY: What about the ki-- whoa. I, I guess I'm kind of confused. Because they-- when I've talked to commissioners, they say state probation, some of these kids are under the purview of state probation, and state probation isn't transitioning these kids out fast enough. So the kids that are not-- those kids you just talked about, how long are they staying, and what is the problem with the-- with getting them out faster?

KARI RUMBAUGH: So I can get you exactly how long they're staying so that I-- so that you have an accurate number for that, in Douglas County specifically. The reason that it takes a long time for youth to transition out of detention is because there are not placements for them to go to. So right now, there are extremely long waits for the psychiatric residential treatment facilities in Nebraska, or our officers are looking and hunting for facilities that may be willing to take them. So if you're-- when we see a delay, it is directly linked to delays in access to placement.

McKINNEY: That goes to my next question. I've talked to service providers in the community. And they say-- what I've seen when I've talked to multiple-- they're like, we got the space, but they're not sending them. So where's the disconnect?

KARI RUMBAUGH: I, I would say that the disconnect is probably, at least the experience that I have had, is we see our high-risk youth being denied at these facilities, and those are youth that we would place. We aren't placing low-risk youth in, in facilities. That happened prior to reform, and laws are pretty clear about exhausted efforts. So these are very high risk, complicated youth and they are being denied placement after placement.

McKINNEY: I'm talking about people who are saying, like, we will take those tough kids. We really want the kids that people are saying are challenging, that when we go to try to get rec-- you know, a-- referred to us, it's not happening.

KARI RUMBAUGH: If you have those names, I would love to have them because that is-- we are sending to every single option that's available in the state. We also create a juvenile catalog. And so all of the placements and all of the providers are mapped out, and we have an open provider network, so there's no you can or can't be a provider. Our provider network is open, so unless there's a licensure issue or a significant concern, that would be the only time that a provider wouldn't be able to be a registered service provider with probation.

McKINNEY: All right. My last one. When I was talking to commissioners, they also brought up the, the conversation of reimbursement, that the state reimbursement level isn't the greatest, or you guys should be providing more. Are you guys having further discussions about that?

KARI RUMBAUGH: So we are always looking at rates. Yes, absolutely. Over the last 5 years, because of the support of the Legislature, there's been a 20% increase in rates. There was a 15, a 2, and a 3. And so we have increased rates. Probation, our goal is always to align with other rate structures for a consistent rate structure in the state. So we always look to align with Medicaid, or we look to align with child welfare to ensure that our rates are similar. There are times where our write-- our rates may be a little bit different. For example, we received the support to be able to give that 2% increase.

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Judiciary Committee November 18, 2024
Rough Draft

Where Medicaid didn't probation still did, because we received that from the Legislature. So now we're slightly above for our behavioral health services, but we do hear that. That's something we're constantly looking at. We're even digging right now into detention to look at the detention rate, to make sure that that is a rate that's appropriate so that we can continue to have access to detention facilities for youth when we're in those circumstances where we need those in an urgent matter.

KARI RUMBAUGH: All right. Thank you.

KARI RUMBAUGH: Thanks.

WAYNE: Any other questions? Senator Bosn.

BOSN: Thank you for being here. And you sort of answered my question, but I want to make sure that I understood you correctly. As it relates to secure detention facilities, is it probation's position that that is a necessary-- having those alternatives are necessary?

KARI RUMBAUGH: Yes. There, there are times when community safety is absolutely at risk in certain situations and a detention facility is necessary. And like I mentioned, you know, there are times where a young person needs the community needs this time, to ensure that we are addressing safety and ensuring the young person gets to court, when court is-- when they're ordered to attend court. So that's really what we look at, is will they continue to get in trouble prior to court and will they come to court, and if there's significant community safety risk there, then that's when we would need to use detention. So there, there is a place for detention, but it's very important that it's used only when it's extremely necessary.

BOSN: And then my other question is you talked a little bit about the PRTF and the waitlists for those. Am I correct that there's Immanuel, and then, is it Boys Town has a PRTF? Are those the only two in the state?

KARI RUMBAUGH: No. NOVA is also a PRTF.

BOSN: OK. Do you know what the bed totals are?

KARI RUMBAUGH: They're substance use-specific.

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Judiciary Committee November 18, 2024
Rough Draft

BOSN: OK.

KARI RUMBAUGH: And then-- actually, no. They do do co-occurring. I apologize. I misspoke on that. And then there are two-- there's a state-run PRTF, Whitehall, and they have two programs: Youth who sexually harm and substance use.

BOSN: So they are-- Whitehall does not do any treatment for some of these high-risk probation kids that are violent offenders?

KARI RUMBAUGH: If there were-- was a medical necessity around substance use or youth who sexually harm, they would work with higher risk youth.

BOSN: OK, but not the--

KARI RUMBAUGH: I don't know if that answers the question.

BOSN: --youth that we've sort of been talking about, where occurring violence and things like that--

KARI RUMBAUGH: Correct.

BOSN: --violence and things like that.

KARI RUMBAUGH: Correct.

BOSN: And maybe they don't even need that, but that's just not on the table in White Hall. Is that fair to say?

KARI RUMBAUGH: Most of your psychiatric residential treatment facilities are not accepting youth would-- with extreme violent offenses.

BOSN: Do you think that we would benefit from a facility that did accept those youth?

KARI RUMBAUGH: So right now-- and that's what our RFI is asking for, requests for information-- right now, probation did create a service definition for an evidence-based placement model that's focused on delinquency and very high-risk youth. Right now, RADIUS has taken that-- is doing that service definition, as well as-- but that is the only one in the entire state. And so we're asking right now if other providers would step up and take on that model, but it's a

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Judiciary Committee November 18, 2024
Rough Draft

trauma-informed, evidence-based model in a congregate setting. And RADIUS is the only one right now doing that. And RADIUS is only accepting probation youth into that program. And they are working with violent youth and, and very serious risk youth.

BOSN: And is-- our big goal, I assume?

KARI RUMBAUGH: Yes.

BOSN: OK. And they're fairly new.

KARI RUMBAUGH: Very new still.

BOSN: And do you know if-- maybe you don't know, but have they had some of these issues with kids running away or walking away from the facility?

KARI RUMBAUGH: Yes.

BOSN: So they are not considered a secure facility, even though they are 24/7 staffed?

KARI RUMBAUGH: Correct.

BOSN: OK. Thank you.

WAYNE: So, any other questions? I, I heard RADIUS mentioned a couple times. Do you have a evaluation on RADIUS, what their success rate is?

KARI RUMBAUGH: Oh, rate. We do not. I mean, they-- they're just so new right now, we do not have any evaluation. But I know that that's the plan, is that there will be. But there just needs to be some type of 1 year--

WAYNE: So they've been around for a year. Do we not-- do we know how successful they've been in a year? Do they have anything that was reported to the state?

KARI RUMBAUGH: We-- so we do watch success on an internal level in regards to probation and, and what that looks like. There have been some allotments from the RADIUS program and there have been some youth that have failed in the RADIUS program. But I would say that I don't

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Judiciary Committee November 18, 2024
Rough Draft

believe that we've given them enough time to show that they're-- what they're able to do by evaluating within one year.

WAYNE: OK. And what's the overall budget for juvenile probation?

KARI RUMBAUGH: \$52 million.

WAYNE: And what is that-- can you break down high level what-- I guess that's contradictory [INAUDIBLE].

KARI RUMBAUGH: That's services.

WAYNE: So that's services? Does that include your-- how much of that is-- well, a lot of it's personnel.

KARI RUMBAUGH: No, that is service-- our service budget.

WAYNE: That's your service budget.

KARI RUMBAUGH: Our juvenile probation service budget.

WAYNE: So that's not, that's not your probation officers?

KARI RUMBAUGH: No.

WAYNE: What's that budget?

KARI RUMBAUGH: I don't know that off the top of my head.

WAYNE: OK. Any other questions? And can you-- yeah, if you can get the information on the out-of-state, that would be-- and then costs overall.

KARI RUMBAUGH: Yes. I will send that your way.

WAYNE: Thank you.

KARI RUMBAUGH: Thanks.

WAYNE: Thank you for being here. Mr. Lindberg, thank you for your patience. And then we'll just go over whatever comes up. We'll just kind of go down the line.

RYAN LINDBERG: Good morning. My name is Ryan Lindberg.

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Judiciary Committee November 18, 2024
Rough Draft

WAYNE: It's not on.

RYAN LINDBERG: It's not on.

WAYNE: It's like a slight delay.

RYAN LINDBERG: Good morning. My name is Ryan Lindberg, R-y-a-n L-i-n-d-b-e-r-g. I'm here on behalf of the Douglas County Attorney's Office, as well as the Nebraska County Attorneys Association. I'm a deputy county attorney. I've worked in the Douglas County Attorney's Office since 2009, and have been in our criminal division since 2011. And the issue, obviously, that we're all here to talk about is an expansion and a critical issue of youth violence, especially in Douglas County. And some of the things that I would say I've seen and, and our office has seen and that you've heard from, is the current law does not provide enough avenues for law enforcement, for probation, for the county attorney's office to deal with juveniles involved in increasingly violent crime. And, and the cycle that we see in our office is a juvenile may be involved in some, some less serious crimes, released to their guardian, that escalates over the period of 3 months, 6 months, or a year, where there's been no meaningful accountability or traction with that juvenile. And then eventually, we get them when they've committed some really violent crime, a murder, a shooting, killed somebody in the course of a robbery. And that cycle didn't exist, you know, when I was-- I've been-- I was in juvenile court for a few years and then in district court for a long time. The ages of those kids have, have you heard have progressively come down. The violent youth used to be 17 or 18, then it's 15 or 16, and now we're in that range of where a lot of it is they're 11, 12, 13, 14. And so, you know, the examples you've heard, I think most of those youth, there was a chance where they-- crime could have been stopped if they had been in a serious enough placement, if they had been detained for some time and gotten out of whatever community or role they were in, you know, some of those murders or shootings would not have happened. And so when we look at it, is what changes need to be made. And, you know, nobody wants to talk about prosecuting young offenders in adult court, but I do think there needs to be some ability to do that beyond the current law. Our association introduced LB620 back in January of 2023. That was a Senator McDonnell bill to address some of these issues. That did not make it out of committee. And we've been working on some new proposals that would have some of the same elements, and some of the basic ones would be providing

jurisdiction, concurrent jurisdiction in district court for youth now 12 and older, 12 and older. So if you are 12 or older and you've committed a IIA felony or more serious, you could be charged in district court. Currently, the law is 14 or older. The other one that I think definitely needs to be changed is the age at which you can detain juveniles. Right now, they have to be 13 or older. And we're seeing youth that have committed a violent enough crime and have run from placements that do need to be detained for their safety and for the communities'. Now, the proposed change would allow detaining juveniles starting at age 11. Something that has also happened is the basis for which juveniles can be detained has been really narrow. You know, the current law just says the physical safety of persons in the community would be seriously threatened, or detention is necessary to secure the presence of the juvenile at the next hearing by evidence of a record, willful failure to appear at a scheduled hearing. And what we see, what happens with a lot of these juveniles is they're arrested. They've got a car theft, fleeing from police. They are booked into the youth center. They're screened out by probation. They never go before a judge. So they waive their detention hearing. That cycle may repeat 2 or 3 times, where they get screened out by probation, don't see a judge, and then something really bad happens. They're involved in a shooting or a murder. So we also have proposed going back and allowing detention. The language we looked at would be a matter of emergent-- immediate and urgent necessity for the protection of the juvenile by a record of fleeing from law enforcement, absconding from court-ordered placement, absconding from home, committing crimes involving violence, statements to cause harm to themselves or others, and also looked at some history of, of committing property crimes or car thefts. The current setup, law enforcement, our office, judges, don't have all the tools that they need. You know, something we do here from juvenile probation would be if they-- if this person doesn't show that they're a serious danger to the community, they have to release them. A judge doesn't see that. Another piece would be to-- right now, you can waive that detention hearing-- would be to change the law so that detention hearing can only be waived by agreement of the prosecutor and the defense counsel. So if someone is released to an alternative to detention, there would still be a hearing, and a juvenile court judge would get a chance to hear from the juvenile probation, hear from them, hear from the prosecutor's office, hear from the defense counsel, and make sure is this a safe and meaningful placement? Right now, that, that just

doesn't happen, so a lot of these youth don't really make it to a court or before a judge until it's too late and they've committed a crime that's either so serious or heinous that they are now detained. And that is a youth that is going to sit in detention if there's an adult criminal proceeding, that is going to be a slow process. You know, this is not a, a perfect solution, but I think we absolutely need to make a change to give some more resources to the courts, to law enforcement, and, and to prosecutors to, to deal with this. We also proposed providing a specific definition of detention. There have been some issues with courts looking at what does detention mean? What-- is an alternative to detention detention? And so this would define detention as essentially meaning a facility designed with construction or fixtures, fixtures to prevent the movement of juveniles. But the youth center would be detention. An alternative to detention, the HOME program electronic monitoring, would not be detention, so to provide some clarity there. You know, the part that's unfortunate is by the time these juveniles make it to the district court case, it's often too late. And so they've, they've committed a murder. Maybe they're 16 years old, and then we're left to deal with them there. The goal would be if we're getting more serious interventions with juveniles when they're younger to try to prevent some of the murders, shootings, things like that happening. I would say now that there's not enough of a consequence early on that some of these kids go blowing through the juvenile system in 6 months. And by the time we get them, there's not a lot of options left if they murdered somebody, involved in a shooting. And it makes it difficult, then the district court is left with that case. Under any changes that are made, LB620, we're-- what we're likely to introduce again, all of those juveniles absolutely have a right to have a transfer hearing in district court that will be heard by a district court judge. Those are very common in Douglas County. The public defender's office does a lot of those, and they'll hire an expert to evaluate that youth. The district judge will hear all the evidence and make a determination if this is appropriate for a juvenile to be in, in district court or be moved to juvenile court. And I think the judges take those very serious and the defense counsel does as well, and they put a lot of resources into, into doing those. And a lot of those juveniles do get transferred to juvenile court. And there's also a lot of cases our office screens out every day and sends to juvenile court if they don't have that high risk, not involved in violent crimes, they would go to juvenile court. And, and you heard from Mr. Kleine that our office has

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

and will continue to send on occasion, you know, shootings and, and murders to juvenile court that are appropriate to be there. But currently, the law, I would say, restricts law enforcement and, and prosecutors to deal with some of the violent crime that we're seeing. Thank you.

WAYNE: Questions?

McKINNEY: All right. Thank you. So just to be clear, you want to lock up 12-year-olds and detain 11-year-olds?

RYAN LINDBERG: I think there are situations where it's necessary for their safety and for the community, yeah, to detain some 11-, 12- and 13-year-olds. Yes. We're, we're seeing them involved in murders, sexual assaults, things where just releasing them back to their guardian, I think is, is not safe for that juvenile or our community.

McKINNEY: And then you talked about crime could have been stopped. But nothing you-- whatever thing you have here and talked about, any resources for the community for preventive measures like prevention, making sure the community has resources and things like that. The district attorney's office, you always scream about public safety, but in my view, public safety is making sure people have adequate housing, making sure they have food to eat, making sure they got proper education, transportation, proper healthcare, and those type of things. You guys never advocate for those type of things, but you scream you care about public safety. So what's missing?

RYAN LINDBERG: I mean, I think, you know, Don Kleine's an elected county attorney. I think he supports our community. I'm, I'm a prosecutor, right? That's, that's the job I have and I've, and I've chosen. And so, you know, I'm looking at it from the prosecutor's perspective of we need to do something to make a change here. Would our office support resources? Absolutely.

McKINNEY: [INAUDIBLE] perspective you talk about public safety, the need for public safety. What I'm saying is you're, you're not advocating for it from a holistic lens. You're advocating for it from a biased lens of only the prosecutor's side. You're not thinking about the community and the needs that these kids and these families need to make sure none of these situations happen. You're not advocating for

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

full, full public safety. You're just advocating for it from a biased lens, and that's the issue.

RYAN LINDBERG: And again, I think our office, we do tons of intervention with juveniles, young adult courts. We absolutely want to intervene and, and change people's lives before it gets to shootings and murders. And, and we do put a lot of time, energy, resources, and prosecutors into, into those areas. So.

McKINNEY: Well, well maybe you come down to Lincoln or go to city council or county commissioners to advocate for increase in services for affordable housing, SNAP, those type of things, like when do you guys do that?

RYAN LINDBERG: And I guess, you know, that's not quite what I do, is, is what I was say-- I-- well--

McKINNEY: That's the problem. But you, but you say you care about public safety.

RYAN LINDBERG: Absolutely.

McKINNEY: It, it, it doesn't make sense.

RYAN LINDBERG: If, if there's a--

McKINNEY: It's not true.

RYAN LINDBERG: How about this If there's a hearing, Senator McKinney, that you would like our input on about housing, then let us know.

McKINNEY: [INAUDIBLE] you should know though. I shouldn't have to. That's your job. You pay attention to everything else that goes on in the Legislature. Why can't you pay attention to a hearing for increase in SNAP benefits for families? Why can't you pay attention to that if you care about public safety?

RYAN LINDBERG: And I guess, you know, there's only so much that I would say I'm responsible for.

McKINNEY: But you care about public safety.

RYAN LINDBERG: Absolutely. And so-- and I know you do as well.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

McKINNEY: So, so pay attention to everything. Thank you.

RYAN LINDBERG: OK.

WAYNE: Any other questions? I have some. So, this waiver thing, I, I heard a couple times and I'm just kind of getting frustrated about it. Your office has the right to request a hearing to review a, a waiver if, if there's no detention. In fact, I have one. I just-- I had one last week.

RYAN LINDBERG: You could file a notice with the court and ask for a hearing. Yeah. The prosecutors office could.

WAYNE: So you could-- both sides could always request a hearing-- or not request, file a motion and get a hearing.

RYAN LINDBERG: You could file a motion and request a hearing date.

WAYNE: So the idea that there's a waiver and nothing happens, the only reason nothing happened is because the prosecution office decided not to file for a waiver, or file for a motion to go in front of that judge.

RYAN LINDBERG: I mean, I think let's say you or I want to file a hearing in juvenile court, and I call the bailiff and say, hey, can I get a hearing? You know, you might get a hearing in a week, 10 days. You know, I don't know what the timeline is, but the idea would be you still have that detention hearing the Monday after. So you're arrested Friday night. You get screened out by juvenile probation. That's-- OK, that's fine. But I would like that then, on Monday, when we come through and do detentions, it should be any of those detentions that the parties haven't agreed to the waiver, let's say the prosecutor's office. Now, you can just file the waiver, right, Mr. Wayne?

WAYNE: Right.

RYAN LINDBERG: I waive it. We're saying if we disagree and want the judge to review the conditions, it should happen that Monday automatically. Otherwise, I got to go in Monday morning, I'm filing a motion, I'm getting a date, and 10 days may go by. And then, you know, the concern we see is those youth go ripping through some of these--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

WAYNE: But this is--

RYAN LINDBERG: --[INAUDIBLE] so quickly.

WAYNE: But this isn't form, though, right, because we have auto bonds in adult court.

RYAN LINDBERG: Sure.

WAYNE: Where judges don't review. It's a DV, it's a \$50,000 auto bond.

RYAN LINDBERG: They're scheduled bonds in, in county court, for, for misdemeanors.

WAYNE: Well, not-- yeah, misdemeanors, but not felonies.

RYAN LINDBERG: Right.

WAYNE: But that's-- I guess I'm-- so it's not, it's not crazy idea that there's waivers in-- it's not-- I just don't want the committee, who's not a practicing attorney--

RYAN LINDBERG: Sure.

WAYNE: --not to think that 4 months go by be-- the prosecutors can do something.

RYAN LINDBERG: You-- right. You could file a motion to review detention on those cases. I think it would just be another tool the--

WAYNE: Understood.

RYAN LINDBERG: --have the judge looking at these things right away and saying what's appropriate.

WAYNE: Understood.

RYAN LINDBERG: We're having probation make judicial decisions.

WAYNE: Which raises the next issue when you said, OK, the ones we don't agree with. So, me and you actually had some juvenile case a long time ago. Walk me through the practical. Like, we-- to your point, if I were to call right now and want a date--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

RYAN LINDBERG: Yeah.

WAYNE: --I'm 7 days to 10 days out. If I had 200 more detention reviews, how?

RYAN LINDBERG: Yeah, I don't think it's a huge number. And even this population that we're talking about, you know, it's not 50 detention hearings on Monday. I think instead of 5, it might be 7 or 8. So I, I don't think it's-- you know, it's not like they're screening out 25 kids on felonies over the weekend. It's maybe 1 or 2 or 3.

WAYNE: But you've been on the 11 a.m. calls. You, you-- there's, there's 20 kids that we're reviewing with probation at 11 a.m., and you're trying to walk through it, if you had 10 more of those, I mean, we'd get-- you'll get--

RYAN LINDBERG: You'd have to start at 10.

WAYNE: --done at-- you will have to start at 10, you get done at 1, and your hearing is at 1:30. I mean, there's a practical problem of staffing all of this. Would you agree with that at least?

RYAN LINDBERG: Yeah. I mean, it would-- you'd need more time and, and resources. We used to do them in, in Gary Dietrich's office. I don't know if you remember.

WAYNE: Yeah, I do, I do remember. So then the second thing is, is because we're seeing evidence, and I'm not saying I'm in favor of lowering it to 11 years old because I'm not, but if we're-- if you're seeing evidence and we see things happening and the science is changing, et cetera, so you're down here saying we should lower it to 11. On the flip side, we're also seeing science and evidence saying we should increase juvenile jurisdiction to 25. So would you-- would your organization support increasing the jurisdiction of juvenile, if you want to go down, then we should also go up, because the evidence is saying that we need both.

RYAN LINDBERG: Yeah, it's really complicated, right? If you wanted to completely blow up the juvenile system and, and rewrite it from scratch, you know, maybe that's something you'd consider. But it's hard because you couldn't have-- if you're talking about sentencing juveniles to a definitive term, you know, those juveniles couldn't be

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

with the adult population and vice versa. And you couldn't have juvenile probation supervising someone who's 23 or 24, probably.

WAYNE: Less-- I mean, so that's-- but I'm just saying, though, if we're going to lower it, then we should also look at the science and the data saying we should increase it. It may not be 25, it may be 21. To the next, which you just brought up, the next point I was going to ask or at least ask the question on, is walk me through the scenario of how this is so unfair-- and I probably should have asked Don and I apologize-- 13-year-old is charged with murder. Nope, that's unfair because I represent a 13-year-old charged with murder, so let me use a different one before somebody files a complaint on me. A 14-year-old is charged with a violent assault. He's incompetent due to low IQ, and age, and other factors. What happens to that juvenile? Because in adult court, we re-- we rehabilitate or we secure them until they're rehabilitated. But in juvenile court, what happens? Because technically, Victor Lee says you can dismiss it, but it doesn't say you have to. So do we just hold somebody? And how do we do that?

RYAN LINDBERG: You know, a, a couple thoughts. If you're talking about-- you know, we do sometimes-- there's the Developmental Disabilities Act, right, where you might see somebody who has such significant developmental disabilities that they, they couldn't be prosecuted, but they also couldn't safely live on their own. And, and they can be committed through the Department of Health and Human Services. But that's a pretty narrow class of people. But that exists out there, for someone who might be dangerous but has some very significant developmental disabilities that they can't--

WAYNE: But in Victor Lee--

RYAN LINDBERG: --you know, be on their own. But--

WAYNE: In Vic-- in Victor Lee, it was, it was the IQ, and that's a Supreme Court case, [INAUDIBLE] everybody.

RYAN LINDBERG: Yeah.

WAYNE: But it was the IQ. But they also-- the biggest factor was age. Age can be cured. So I'm asking, what do you do in that gap? Do we charge them later as an adult for a juvenile crime?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

RYAN LINDBERG: You know, and I don't know the--

WAYNE: But you're asking--

RYAN LINDBERG: --answer to that exact question. I'm sorry.

WAYNE: But you're asking for detention of 11-year-olds, and, and probably--

RYAN LINDBERG: You're saying if--

WAYNE: --12-year-olds.

RYAN LINDBERG: --if somebody is found to be not competent at that time, what, what's the solution?

WAYNE: Correct. And more importantly, how do you just hold the kid?

RYAN LINDBERG: Where you could-- certainly couldn't hold them indefinitely, right? And if it's a juvenile court case, it's a, a rehabilitative court, so you'd have to figure out a solution with the court and, and whatever that may be. And it might be that you can't prosecute them, right? If there's an opinion from the Regional Center that says, hey, this person is not competent now and, and won't become competent, you'd have to find a different solution and, and a different place.

WAYNE: I'm not, I'm not so much worried about that. What I'm worried about, the scenario of if age is a huge factor, because you want to prosecute 12-year-olds. So we know maybe by 14 or 15, they could be competent in our youth court.

RYAN LINDBERG: Right.

WAYNE: What do you do for the 3 years, and who the hell pays for it?

RYAN LINDBERG: I think if someone is not competent, not restorable, right, you can't prosecute them. So if there--

WAYNE: But those crimes don't have statute of limitations. So mur-- like, for example, murder.

RYAN LINDBERG: Murder, right.

WAYNE: You can bring it back--

RYAN LINDBERG: If someone--

WAYNE: Sexual assault, you can bring it back 10 years from now.

RYAN LINDBERG: If you had someone who was 13 and, and they weren't competent by virtue of they didn't understand the court process, you know, I think they could theoret-- theoretically get outpatient treatment, either through the Regional Center or somewhere else, to educate them on the court process. And you could reeval-- reevaluate that over a period of time. You know, I haven't dealt with that exact scenario. It's been a long time since I had my own caseload in juvenile court. But there were certainly cases where someone was found incompetent.

WAYNE: Right.

RYAN LINDBERG: And then you would-- the juvenile proceeding, as far as being a delinquency proceeding would end, and it might transition to a neglect proceeding, or a, you know, they didn't have an appropriate placement. And then it would be they may become a ward of the state. You know, I definitely had some things like that, where there wasn't a safe solution at home, and you might file a, a no-fault neglect, and look at-- this person would then need to go into HHS custody for care and supervision. So, you know, as the gears are turning my brain center, that's the things I can think of that have happened. But I know the court's-- that's part of the court's role, is right, they've got to figure that out.

WAYNE: I meant to ask juvenile how many-- probation, how many of their cases were dual 3a's, and if you can get that information through, as I look over the probation, that would be great, because we are seeing a lot of kids who are both. Yeah, I'm just-- I mean, those are the kind of questions I'm thinking about as we start going younger and younger with charges. There's going to be this competency issue. And then what happens, who pays for it, and then-- you're going to have a 17-year-old who might have been incompetent at 13, and now he's being charged at 17. And I just-- that's a hu-- that's going to happen more and more. I think it would be mal-- I think it would be legal malpractice if you have anybody under 14 and you don't raise the issue of competency.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

RYAN LINDBERG: Right, and most of those kids are certainly at least getting evaluated for a transfer evaluation of-- some sort of psychological and--

WAYNE: Right.

RYAN LINDBERG: --transfer evaluation to look at all of that. I've not had a district court case that I can think of where it was that they weren't competent, but those would be 14 and up.

WAYNE: Any questions? Thank you for being here.

RYAN LINDBERG: Thank you.

ANTHONY KAREFA ROGERS-WRIGHT: Thank you so much for the opportunity. My name's Anthony, A-n-t-h-o-n-y, Karefa, K-a-r-e-f-a, Rogers-Wright, R-o-g-e-r-s-W-r-i-g-h-t. I'm the policy coordinator and organizing director for the Black Alliance for Peace. We operate in over 30 cities here in the United States, as well as in the Revolutionary Republic of Haiti and the Boliviar-- Bolivarian Republics of Venezuela and Colombia, and it's good to be with you this morning. Clearly, with the exception of Senator McKinney, the terms poverty and racism have been uttered in a very anodyne and synoecious way. And part of that might be because the majority of the witnesses and experts who have spoken this morning have been white men. And, and I, I just think that, that needs to be named and that, that needs to be stated. Because with all this talk about Trump, I really do want to impress upon the committee that white supremacy and racism are very, very, very traumatic. And they affect people, of course, differently. And this may also be why some of the, some of the statistics we have to talk about have also not been uttered by anyone. Violent crimes, black youth accounted for 54% of juvenile arrests for violent crimes, while white youth accounted for 42% back in 2023. This is according to the Brennan Center for Justice. Overall, arrest rates for black youth are more than-- black youth are more than twice as likely to be arrested than white youth. This is according to the Center for Constitutional Rights. And also according to the Center for Constitutional Rights, black girls are 4 times more likely to be arrested than white girls. The 2021 placement rate we always talk about, which is locking these kids up even more, the placement rate for black youth was 228 per 100,000, while the right-- rate for white youth was 49 per 100,000. So we really do have to talk about the instances of white supremacy and

systemic racism. And if we're not going to be serious about that, we're not being serious about this problem. One thing that I also wanted to state is that we also have to talk about the examples that we're setting for our youth, because right now what we do see potentially is a trickle down effect of perceived impunity. With due respect to Mr. Kleine, he should ask himself what message it sends to our youth when they see law enforcement officers constantly walk after committing the homicides of unarmed, mainly black people. What message, Mr. Kleine, does it send to our youth when Mr. Kleine let James Scurlock's lyncher walk free, and even enjoyed police escorts to the airport when he escaped to Oregon like the coward that he was. So, you know, justice and juvenile justice has to be a function of consistency. When our legal systems lack consistency, the people will view them as tyrannical racists and classes. The last thing that I did want to say is that radically iniquitous challenges require radical and innovative solutions, like transformative justice. An organization I founded here in Nebraska 8 years ago, RegeNErate Nebraska, with my dear friend Graham Christensen, we have called for using agro-ecological work as a form of transformative justice, much like our indigenous siblings do, because they have taught us that the heart learns what the hands touch, and separating people from the land means separation from each other. Also, to Senator McKinney's point, universal basic income programs, citizens review boards with actual decision-making power, alternatives to policing, free childcare and children's program, and probably a study investing the correlation between disproportionate exposure to lead and behavior and developmental challenges, because we know that environmental racism is alive and well in Omaha and has been for some time. And this has led to some children being dispro-- disproportionately exposed to toxins like lead rather than others. I would also just end on saying study after study after study have revealed there is no correlation between increased spending on policing and a reduction in crime. That's just a fact. So before we are throwing more money at, at, at policing, more money, even at probation, let's try and throw some money at some innovative solutions that are ex ante instead of post hoc. Thank you so much.

DeBOER: Are there--

ANTHONY KAREFA ROGERS-WRIGHT: Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

DeBOER: Are there any questions from the committee? I don't see any. Thank you for being here.

ANTHONY KAREFA ROGERS-WRIGHT: Thank you, Senator.

DeBOER: We're, we're going to have Ryan from UNO next. And please spell and say your name.

RYAN SPOHN: Dr. Ryan Spohn, R-y-a-n S-p-o-h-n, and I'm director of the Nebraska Center for Justice Research at the University of Nebraska-Omaha. But I'm testifying today on my own, and my viewpoints do not represent that of the University. I wanted to start, Dr. McKinney, your question about lead is a very good one, and I'll send you a couple of articles on research that has been done on lead, child maltreatment, and criminal outcomes. It exists. Douglas County Health Department tests for lead. We have that information. We should tie it to outcomes, criminal contacts with the, the county attorney's office. That should be looked at. It could be looked at, so definitely something to think about. Just from a criminolo-- criminology perspective, most of what I've, I've been hearing and, and what I've been thinking about this issue, because I, I see what's going on. I, I, I watch the news, I see these cases. They are very, very serious cases. They are very, very young youth. For me, it's kind of a perfect storm of the cars, the guns, the families, and things that have gone on with the educational system. And that's one area that I don't think we've talked about a lot. But we had the pandemic. A lot of these youth are not super invested in the educational system. We have school absences. And then we had the pandemic where they said, you don't have to be here. So they've been you need to be in school, you need to be-- oh, well, you don't need to be in school. Right. And there was good reasons for that. I have a young child. I didn't really want them to be in school. Everybody was scared. We didn't know what was going on. But then we said, OK, one semester later, you got to go back. Well, those expectations had changed. They already probably didn't want to be there. Now they didn't have to be there, but we're going to try to get them back. That changed expectations, adding with that the vehicles. Nobody has talked about where are the PSA announcements for how do we stop these cars from being sold? We had a Hyundai Sonata. We went and got the technology added to it. They put the little sticker-- I don't know if the little stickers work or not, but it says this car is not as easy to steal as you think it is. It's been fixed. You can also get the club. One of my staff members bought an Elantra. She had

no idea. She works with all of us criminologists. She should have known. So they immediately gave her the club to put on the steering wheel. Where are the PSAs? These are leading to homicides, these are leading to horrible, high-speed accidents. Where are the PSAs? Where, where is the-- we're talking about accountability. Where's the accountability to Kia and Hyundai? I don't want to get sued by them, but I'm not seeing any of that. So we have the cars, and we have the guns, the accountability to the pawnshops, the pawnshops that have been robbed over and over and hundreds of guns going into the streets. Now, the OPD is-- has said we have more illegal guns on the streets right now than we usually do. There, there-- I have faith in them. They're getting those guns off the streets, but it's going to take a while. And then the families, so some serious family issues. It's always been there. The youth have not changed. So the youth that we had in the 50s, 60s, 70s, 80s, 90s, the 2000s, it's the same youth, right? We've always had youth come from har-- harmed backgrounds, and we've had youth-- we act out. All of us acted out when we were young. The youth haven't changed. Those 4 factors, in addition to other things about society, including underfunding of important programs, that has changed. So what we're seeing is the product, as a number of people have said, of what adult decisions have resulted in a society that has brought us these issues. I believe I'm the only researcher in the state of Nebraska that has evaluated a crossover youth program. Everybody familiar, that's youth that are in both the juvenile justice and the child welfare system, generally to consider that they've crossed over from child welfare to juvenile justice. They can go both ways. We also call them dual status youth. You have a status in both systems. I was there at the beginning for Youth Impact, our crossover youth program here in Douglas County. I think it's a, a good program. Our evaluation showed some positive aspects is tied to diversion, and we need diversion and that's important. But what we don't have, risk, needs, responsivity, the science of evidence-based practices says if you only have limited funds, which everybody said that, focus on those high risk youth, you get the largest bang for your buck. We don't currently do that with our crossover youth practice model here in Douglas County. We focus on our lower, lower risk youth. So I think that's something else that nobody's talked about is I believe we need an expanded crossover youth or dual status program. It should focus on high-risk youth. And speaking of accountability, when you make people go through programming and make changes and address what's going on in their lives, that is accountability. One way that we've had some

success in doing that here in Nebraska and in Douglas County is through problem-solving courts. I did a little bit of research. I was flying back from California this past week. I didn't have a lot of time. I couldn't find anything on a problem-solving court for crossover or dual status youth. I think it would be a fantastic thing for Douglas County to be the very first one of those in the nation. And I'll end there.

DeBOER: Are there any questions? I don't see any. Thank you for being here.

RYAN SPOHN: Thank you.

DeBOER: We'll take our next testifier. And please say and spell your name.

TAMIKA MEASE: Hello. Hello, everyone. My name is Tamika Mease, T-a-m-i-k-a, Mease, M-e-a-s-e. I am the executive director of North Omaha Community Partnership, where we have implemented a program called the Blueprint, which is a second chance juvenile program. As the executive director, I work with families of youth that are in the juvenile justice system. I work very hands-on, more so than your average executive director would. I attend court hearings, and they're for juveniles that have been detained at DCYC. I just attended a court hearing just this past week of an 18-year-old that had been detained for violation of probation in a request to have their probation revoked and have him sent to Lincoln. This young man is 18 years old. His original charge was back in October of last year, where he was in school and him and other friends got into a fight with some other students. And it was, it was like a group fight. OK. And him, along with some other juveniles were, were charged and convicted of that and he was placed on probation. And then in March of this year, he stole someone's phone because he had been restricted from social media, had his phone taken away, and he stole someone's phone and they pressed charges. That's the gist of his, his charges and his criminal activity, if you will. He was detained. He was ordered to go to school or find a job. He-- there was a picture that was, that was circulating on-- or that was found on social media by his probation officer. The sheriff's department went in, searched his home. They found a BB gun. It matched the picture that they found on social media. The father was able to keep the BB gun, but they detained this young man and he had been referred. I'm just pulling this up on my phone, pardon me. He had

been referred to a, a number of agencies for a group home, and I'm counting 9, including Boys Town, Omaha Home for Boys, Nebraska Youth Center, Heartland Boys Home, and so, so on. He was denied by all 9 of them. I've seen this far too often. I have a youth that's with me today that was denied by numerous agencies for group home. And thankfully, Judge Brown saw a value in our program where we work intensively with the youth and their families. We, we assign a CYC, a community youth coach, to the youth that serves as an advocate and an accountability partner. We work with them through school, whether it's OPS or private school, and we also work with the family. And we assign each family a family support specialist, where we work to maintain stabilization of the home or to stabilize that home with wraparound services. OK. None of this right now is state-funded. I've been promised some funds to go towards that, but I've stepped out on faith here and used existing philanthropic funds that we had obtained, and with the permission of that foundation, reallocated those funds for this program to cover wraparound services. Because we have to address, you know, the, the, the condition of the home and why there is lack of supervision. Why are they in the middle of a crisis? If you have a single parent that's working 2 jobs, well, how can she supervise when she's having to work 2 jobs to pay the rent? You know? If, if you have a kid that is, is skipping school because-- and this is a real situation-- because between him and his brother that are both in high school, they have 3 outfits that they interchange and switch shirts and pants, and everybody at school notices it. OK. And I had a mother that was yelling at her sons in my office saying, well, at least you're going to school clean because I'll make sure that those 3 outfits are clean. And with the help of our program, we were able to intervene and take those kids shopping this past weekend to get them a week's worth, 5 days worth of clothes each. There aren't enough funds that goes towards those supportive services, and that really matters. And now today, this morning, I confirmed that those young men got up, got ready for school without incident. They were happy to go. They, they didn't give their mother a hard time. They were excited about going. They were on time this morning. I have a young man that's in here that advocated for himself from that-- from DCYC over the monitor, where they're saying he didn't do A, B, C, and D. And he said, well, I needed therapy. I was told I would get therapy and you guys never got it for me. But they're wanting to hold him accountable. Well, we have these professionals that are in these positions that are not doing what they are supposed to do. And these are court-ordered

services; where a, a, a probation officer just testified last week and had to admit he had not sent out referrals for those court-ordered services, but here we are in the courtroom, asking the court to revoke this young man's probation and send him to Lincoln. And in respects to the 11-year-old that was involved in Mr. Sharma's murder, my organization, not only do we provide services and support for the shooters and the youth that's out here committing these crimes, we are also the only agency in the state of Nebraska that provides help and support to victims and families of gun and gang violence. And so our organization was tasked with that. We actually assisted the family in burying their father and husband. We actually relocated them to an emergency shelter and then relocated them to a permanent location. So we're handling both ends. You can't handle one without the other or you're not going to get any healing. So I'm speaking from a space where I understand both sides, and I know that the system as it is right now is failing our youth. There's not enough supportive services for these families. And that 11-year-old, who is Somalian, no, he's not old enough to be detained. So he was placed into foster care that lacks cultural competency and sensitivity. And his family, they're, they're confused by the whole thing. They're refugees that don't truly understand-- and not just the, the Somalian refugees. We work with Koreans and Koreans, which I learned are 2 different things: 2, 2 different people and 2 different languages. And they're at a loss, because they have come and their children have come to America and have adapted to the American culture, and they have no help and no resources. And they're lost. So we have to do a better job. If it's probation, I would say probation and also other state agencies and spaces and departments. But if we're going to start with probation, we have to hold these probation officers accountable. And I'm not saying that they're all bad or they're all not doing their job. But if-- even if we have one, that's, that's one too many. But I have been in the courts all year, all year long. We can just focus on 2024, where the probation officers have dropped the ball or have put all of the responsibility on the community youth coaches and the service providers, and they're not doing anything. They're not following up. So we have to do a better job to support these families and to provide supportive services to these juveniles, that's cited and released. There's, there's a list that was created by the gang unit that we have been using since last summer, of juveniles that are cited and released. And North Omaha Community Partnership is the only agency that pays attention to that list and pursues the youth on that list,

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Judiciary Committee November 18, 2024
Rough Draft

because it is not funded. Cited and released, that list is not funded. And we have found that the same youth that are on this side of the release list come back months later on murder charges or more severe charges. But that list is being ignored because there is no funding source. And so we have stepped up to the plate and said if there's no funding source, we're going to do it ourselves. And that's what we're doing. But we are just one agency. One is not enough. And so there has to be funds allocated for the cited and released. Our Blueprint program has now put its focus on ages 10- to 13-year-old, because there are no supportive program services for age 10-13, outside of removing them from their home and placing them in foster care. And that is unacceptable. So I'm asking this committee to consider that as you are evaluating probation, and recommend that they put these services and funding in place for these nontraditional service providers that are willing to step up to the plate and provide these services, because we're dealing with a completely different youth. We're not dealing with our 2000s youth, with our 90s youth. They have, you know, everything at their fingertips with social media and the influence of that. And their gangs are not traditional. And, and sometimes, it's not even a gang. Sometimes, it's just a, a, a group, a group of kids, and they can be in the studio rapping, and beef occurs because of that. And so with that, we have to think outside of the box. We have to work with these families and not be against these families, and not say, oh, they're not fit to raise their children because their children were out doing this. Let's look at the, the root of the problem. And we have to address it from an economic standpoint, from an environmental standpoint, we have to. Even if you feel like that's not your lane when it comes to the juvenile justice system, it most definitely is, because it is the effects of that that causes this. And that's all I have to say.

DeBOER: Thank you. Let's see if there are any questions. Senator Bosn.

BOSN: Can you state the name of the group-- organization you're with again?

TAMIKA MEASE: North Omaha Community Partnership.

BOSN: Did you say something about Blueprint?

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Judiciary Committee November 18, 2024
Rough Draft

TAMIKA MEASE: Yes. That is the name of our juvenile program that we run in Sarpy County and Douglas County.

BOSN: Thank you.

DeBOER: Any other questions? Thank you for being here.

TAMIKA MEASE: Thank you.

DeBOER: We'll take our next testifier. Can I just see a show of hands, how many more people are intending to testify? One, two, three, four. OK.

JASON WITMER: Thank you all for staying. I know it's long, but the implications of what we're talking about can be tremendous for people. My name is Jason Witmer and I'm here-- Jason Witmer, J-a-s-o-n W-i-t-m-e-r, policy fellow at the ACLU. And I'm here to put on the record that the ACLU in Nebraska position is that Nebraska's youth should not be in the adult criminal system. Prosecuting children as adults harms their development and increases the likelihood of re-offending, disproportionately affects marginalized groups, and ultimately fails to protect public safety. And first, I want to emphasize that juveniles are not miniature adults. Research on adolescent brain development shows that the area responsible for impulse control, decision-making, and understanding consequences does not fully mature until the mid-twenties. This incomplete development makes young people prone to impul-- impulsive actions. However, this stage of development also means that they are uniquely capable of reform and rehabilitation. Here in Nebraska, the juvenile legal system is designed to provide age appropriate interventions, including counseling, education, and family support. These interventions are intended to address the underlying causes of delinquent behavior, giving the youth meaningful chance to reform and reintegrate into society, whereas prosecuting youth in adult courts and incarcerating them in adult facilities lead to severe and often avoidable harm. And I would like to highlight a couple of areas of concerns in that, and that is youth in adult facilities face sexual violent rates far higher than they ever would in juvenile facilities. Furthermore, while youth in adult facility are separated for their own protection, that often means that they are placed in solitary confinement, which exasperates mental health concerns and increases the risk of suicide. Further, which I can attest to personally,

furthermore, the long consequences of adult criminal record will follow a young person for life, restricting access to education, employment, housing, civic opportunities such as voting, military service. The barriers create-- these barriers create cycles of poverty and increased likelihood of reoffending, making it harder for young individuals to become contributing members of our society. Also, we know that significant racial disparities among youth charged as adults in Nebraska, and those can't be ignored. The Nebraska Supreme Court's 2023 annual report shows that black youth account for 25% of juveniles prosecuted for felonies in adult criminal courts, despite only making up a small proportion of Nebraska population. Latina and indigenous youth are also disproportionately represented as youth charged as adults. These numbers reflect the broader systemic inequities that we must address. Furthermore, 17-year-olds, 17-year-olds make up, and this is the same report here, 17-year-olds make up nearly 59% of all felony cases transferred to adult courts, highlighting the need for interventions that specifically tailor to developmental needs of older adolescents. We should not be prosecuting them as adults simply because they meet the, the arbitrary 18- or 19-year-old age of what's considered a legal adult. In 2021, nonpartisan survey by GBAO Strategies found that 78% of respondents supported legal system focused-- supported a legal system focused on rehabilitation and prevention over punishment, and reflecting wide-- and this, this reflected both Nebraska and nationally, that we need better outcome for our struggling youth. Nebraska has the opportunity to address systemic issues by prioritizing youth rehabilitation, which will benefit not only these young individuals but our entire community. So I urge the committee to consider a few following recommendations: 1) limit the prosecution of youth in adult courts; 2) expand access to rehabilitative-focused programs within the juvenile legal system; address racial disparities to ensure equitable treatment for all youth; and with the data that we're just seeing in the 2023 report of the Supreme Court here, is to increase inventions focused on age groups such as the 17-year-olds that our system too often considers legal adults, although we still know that-- know they're children. And then I've, I've-- just listening today, I would add that we should consider what we would legally call adults to match with the scientific evidence of mid-20s, 24,25. See, our children are worth more than the worst decisions that they have ever made. By investing in rehabilitation of supportive program, we can help them grow into responsible, contributing members of society. That same immature,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

impulsive mind has an enormous capacity for reform and renewal. So I would like to point out one-- I have just a couple food for thoughts. Because I listened to Senator-- and I'm just going to be real short, Senator Hansen, or I mean-- sorry, Senator Hansen. [INAUDIBLE].

BOSN: Don't tell him that.

JASON WITMER: Sheriff Hanson. I absolutely agree with his statement that we should be thinking that these-- as these kids as our own, and that public policy should follow suit. And with that being said, I think some of the food for thought is often, the organizations come up, county attorneys and the, and the police. And I know they have a hard job, but they come up before legislation and ask for harsher sentences and to lower the age group of the juveniles. But there's no consideration of the age of adults. How come they don't ask for the-- because one of the things is like we need to get harsher punishments. And then they go into the system and there's a longer sentence, right? Well, how come they don't argue-- let's go with scientific evidence and go 24, 25 is the adult. And if they have to be in the system, we have much longer time to work with them in that way. And then it ends with that juvenile thing, and we have a, a person who has a changed life. Does that make sense? Yeah? And then the other part is they say options for judges, and-- but the option is to prosecute younger. But there's no back end to that. Where is the showing up for the decades later that we're talking about options for judges to reconsider these life sentences, these 20-, 30-, 40-, 50-year sentences after people have been in for decades, because we wiped that out with our system. And so I'm going to bring this guy up again, because Earnest Jackson was 17 years old. We're decades later and we still haven't fixed that problem. And now we're talking about prosecutor younger kids. And we think it won't be the same situation. I get the details of his is very unique, which is also why we should have solved the problem. But that's an example of what's going to happen with juveniles that when we go younger, what happens in 30 years? Now we got this 11-year-old or 12-year-old that is 40. And so my question is, before we say options going one way, if we should have it both in. If we can't fix it on the back end, we shouldn't get harsher. No? Yeah? No? So.

WAYNE: You-- you've been doing this long enough, we don't respond to questions.

JASON WITMER: Yeah, it's-- all these legal, legal-- so you guys will have the power, and then, I guess the judicial and county attorneys. When are we going to show up together on some of this stuff? And it's not only about more, more crimes, harsher crimes, and younger ages. Where is the part where we're talking about people will be in for 30, 40 years. Where the part where we talk about we give a life sentence to a 14-year-old, and why does it have to remain a life sentence when he's a 40-year-old? And that's what I'm-- that's the part that I just wanted to add.

WAYNE: Thank you. Any questions? Seeing none, thank you for being here. And for those who are still here, you see people getting up, I had to actually go hop on a juvenile call. But this is all being transcribed so people will be able to have it for the-- later on for their records. Thank you for being here, and thank you for your testimony. Next testifier.

MIA CRAWFORD-GRAY: Hello? Hello? Is it working? OK. My name is Mia Crawford-Gray. First name is spelled M-i-a, last name Crawford, C-r-a-w-f-o-r-d, hyphen Gray. And I want to start with-- a lot of what I wanted to say, I cut it out because a lot of people already said it. So I'm one of those people who believe why say it again if it's already been stated. So I'm going to try to stick with things that I think weren't covered that I'll-- I think that are important in this conversation. I'll start with, I think that because of the recent changes in our laws, that this is an issue that we would probably want to get ahead of. And what I mean by that is now that we are saying by law that people have to become parents whether that's their choice or not, we are going to have youth entering the system where the parents may have that attitude of I didn't want this child, but I was forced to have them. The government told me I had no choice, so they can deal with it. So just like when they talked about the crack epidemic and how that was going to affect those systems, the school systems, the justice system, I think the new laws that we are passing in this country and in this state, they are going to affect this issue because we're going to be interacting with a lot of juveniles that are coming from home environments that, as already been described, are where children are being abused, where they're physically, sexually misparented, and then the results are going to be behaviors that are going to be concerning to all of us. So I think this is something we would want to get ahead of now, and start thinking of some solutions. Mr.-- or Senator McKinney, he talked about systems and systems being

broken. And also I heard a lot of people talk about adults who are in positions that are supposed to be addressing these issues before they become issues that the criminal justice system has to deal with. And that's specifically what I'm here to talk about. I work for a program called Justice for Kids Initiative that was housed at the Malcolm X Memorial Foundation. And after several attempts, we were finally able to get the data we were seeking from the largest school district in Nebraska, as we work to have suspensions for children in pre-K through second grade banned. We were, of course, not surprised by the racial disparities we came to expect when discussing, when discussing punishment in America. But we found that what was even more stunning, especially considering it was several years after our program was adopted by the district for the purpose of reducing out-of-class and out-of-school suspensions and replacing them with more positive resolutions. So the-- what the data we got back, we were absolutely stunned. And what, what I'll say is most of the data when it comes out from the school system, it's about suspensions. And I'm sure all of you heard about the school to prison pipeline. So I'm talking about the school portion, where you would hope that if we could catch things early, whether it's children misbehaving or whatever their family situation is, where they need help so that they don't end up in the juvenile justice system, you would hope that we would have systems in place that could start working with these children when they're young. So again, I'm talking about kids pre-K through second grade. And this is 2018 and '19, before COVID, so the data that I'm giving is not affected by COVID. And I-- not just suspensions, what I have here is referrals. So pre-K through second grade, there were 13,320 discipline referrals. Out of those 13,320 discipline referrals, only 96 times were the children referred to counselors. So you've got 13,000 discipline referrals; only 96 times where they referred to a counselor. Only 30 times were they referred to a social worker. Only 20 referrals for a SAT, that's a student assistant team, where the teachers get together, they, they notice that there's a problem. Let's get together and see if there's something we can do to help this youth. Only 13 for an IEP update, so that if the child has already been identified as special education and now the child is acting out, something is going on. And so they say, well, can we reevaluate their IEP and see if something can be done. Only 4 referrals to a school psychologist, only 3 referrals to a community agency, counselor, or mentoring, and only 290 result in conferences with their parents. So we're talking about out of 13,000 referrals for discipline, we're

seeing these type of numbers. To me, it was mindboggling. So we have these resources there. We have counselors, we have social workers, we have SAT teams, we have IEP, we have counselors outside of the school. But these-- all of these services are not being utilized. So I hear a lot of people here saying, well, what, what about the services and what about the resources? If we don't change the mindset of the people who are to use these services or these resources, then there is-- it, it doesn't matter. Because the schools have social workers there. They have counselors there, but they're not referring them to them. Instead, out of those same 13,000 referrals that I'm talking about, 4,360 ended up with what is called a packroom consult. And what basically that is, is in a school suspension, there is a paraprofessional there who runs that in-suspen-- in-school suspension room. So when that child gets in trouble, the solution is let them go down and have a consult with that paraprofessional. Remember, they're not calling the parents. The parents were only-- had a conference with them 290 times out of this 13,000. But instead, 4,360 consults with a packroom, with a packroom paraprofessional. 1,989 of them, we see removal from class admin. Now, what productive happened when they got removed from the class? I don't know. What, what-- did anybody talk to the child? What, what, what was, what was provided? So that's just removed from the classroom. And then 1,505, we see what is called a packroom admin, which basically means they were suspended, in-school suspension. They didn't just consult with that paraprofessional, but maybe talked to them and said, you know, why are we acting up? What's going on? They were actually suspended. 557 were removed from class, consult. That means that they were moved from class, somebody talked to them. But beyond that, don't know. And then, this is an interesting number, 150 of the children, no action was taken at all. So 150, no action taken at all. That adds up to more than the 96 times they were referred to a counselor, the 30 times they were referred to a social worker, the 4 times they were referred to a school psychologist, and practically all of those and other what we consider positive interventions, besides the only 290 times they had a conference with their parents. So doing nothing seemed like a better solution to the people at the school than referring them to any of these, any of these other professionals that are there at the school. And I, and I want to just say, as an aside, I really-- this really affects me or take-- I take it personal. My father was a guidance counselor at a middle school. My sister is a high school social worker, so I come with that background, too. So basically, I also wanted-- we talked about repeat

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Judiciary Committee November 18, 2024
Rough Draft

offenders with the juveniles. Well, we found here we have students that were suspended like 8 times, even more. I think the most I saw was a kid that was suspended, like when we looked at the data, maybe 10, 15 times, maybe even more than that. So they repeat and repeat and repeat. But again, like I said, we can see from the data they're not being sent to a school counselor. They're not-- a social worker is not getting involved. So when, when Mr.-- or when Senator McKinney talked about broken systems, I think we also have to look at our school system and what's happening there before these children even enter into the juvenile system.

WAYNE: Is it pos-- is it possible for you to email me that so I can send it out to the committee? Some of that data [INAUDIBLE].

MIA CRAWFORD-GRAY: Absolutely. Absolutely.

WAYNE: Thank you.

MIA CRAWFORD-GRAY: And I guess I'll just end at that. As, as I-- what I want to say is adults are failing children. And our wise and thought out solution is harsher punishment for the children. Please help me to understand how that makes sense. The only way it does is that the grownups have agreed to collude and protect each other while we throw the book at the children, refusing to take responsibility for our actions or lack of action when it comes to loving, raising, protecting, and truly disciplining, disciplining our children. And I feel like we should be ashamed. And that's, that's where I'll end it. Thank you.

WAYNE: Thank you for your, thank you for your testimony. Any questions? Seeing none, thank you for being here.

MIA CRAWFORD-GRAY: You're welcome.

WAYNE: How many testifiers do we have left, just 2? Joy, you can't testify. I just want you to know that. She's the one who dragged me to juvenile law 15, 20 years ago. Welcome.

ANNA COLE: Is this on?

WAYNE: No.

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Judiciary Committee November 18, 2024
Rough Draft

ANNA COLE: Yes. Now is this on?

WAYNE: Yep.

ANNA COLE: OK. Anna Cole, C-o-l-e A-n-n-a. I'm a resource facilitator with Brain Injury Alliance of Nebraska. We are a nonprofit that covers the state of Nebraska. Our mission is for education, prevention, advocacy, and support. And so I'm coming to you to talk to you a little bit about a project that we had with Douglas County Youth Center. But just to give a little bit of backstory, according to the Centers for Disease Control and Prevention, traumatic brain injury may affect around 8.5% of the population. However, the prevalence of brain injury is much higher among certain populations, such as domestic violence, those experiencing homelessness, juveniles and adults in the criminal justice system. A study conducted by Kaba, published in the journal-- Journal of Adolescent Health in 2014, found that 50% of male and 49% of female adolescents screened positive for a lifetime history of traumatic brain injury when they entered jail. And in the state of Nebraska, we have not looked at the juvenile population. The average likelihood of percentage is 32-72% of those likely having a brain injury nationally. So through funding from Healthy Blue, the Brain Injury Alliance, we worked with the Douglas County Youth Center to develop a better way to meet the mental and physical needs of the justice-involved youth, with the intent to improve individual well-being and direct those with underlying health problems to appropriate services. Brain injury is often undiagnosed, it's misdiagnosed, co-concurring conditions, and behavioral health. Those reporting a history of brain injury also have longer and more severe histories of substance abuse and more co-occurring behavioral health issues. As many as 75% of people seeking services for con-- co-concurrent mental health and substance abuse disorders are living with the effects of a brain injury. So we at Brain Injury went to Douglas County. We did a screening out of Ohio State University, one-on-one sat down with each individual there. We screened over 338 youth from January 2023 to January 2024.

[SNEEZE].

WAYNE: Bless you.

ANNA COLE: And the statistic set from Douglas County, as again, I said the national average was 32-72%. And this is not a medical evaluation.

It is not a-- it is a screening to-- it's not a diagnosis. These are one-on-one. These are self-reporting of these individuals. Douglas County reported 72.5%. So you can see that we're a little bit higher than the national average there. Each youth reported anywhere from 0-17 separate incidences. They've been hit, strangled, or any other event that could have led to their injury. And the average for those youth is 3.65%-- or 3.65 incidents at Douglas County. I also have gone into Lancaster, and I've screened over 100 in-- at Lancaster Detention Center there. And theirs is even higher, 86.4% of those youth with a likelihood of having had some type of brain injury in their lifetime, 0-17 with the hit/strangled. And the average there is-- potential incidence for each youth was 5. The top 3-- the other thing that we looked at is not just the OSU screening. We did a symptom questionnaire. And there are 9 different domains in that, that we looked at with the youth. We don't go in and say, hey, did you have a brain injury? We go in, we ask them, do you forget to misplace your homework, your backpack, your cell phone? And we ask them these questions in the different domains. So it's talking about attention, it's talking about memory, it's talking about their emotional side. And both at Lancaster and at Douglas County, the top 3, the top 3 domains that were positive were attention, emotional, and inhibition at both those facilities. Again, this is a screening. And with that, we were also screening the staff at both facilities, because they're not aware of that. So what we're asking is you to consider looking at this from a different lens, because we don't want to lump it all into behavioral health. We don't want to say it's just naughty kids. We want to be able to say, you know what, look at it different lens. Is this a deficit this, this youth has and that's why they're having these problems? Or is this a "can't," that they're being defiant, that they just don't want to do it? There is a difference. And with brain injury, as I said, 75%, you know, are living with the effects of a brain injury. So it's just asking those things, attending the multidisciplinary teams at DCYC so that we can help them. For all the people that are on that disciplinary team, I would attend that. Say the kids that were screened positive, and then these are some strategies that might be helpful to, to work with the youth. Maybe they need-- you know, that facility is pretty loud and bright. Maybe they need to be off to the side when they're doing the schoolwork. It's just different strategies that we need to be looking at to each individual to help them become successful. The other thing that we started doing was looking at, they're called life skill modules, and

they have a brain flavor to them, but they're ones that we were doing at-- because of the, the way Douglas County is set up, I could just go in and do those with them. But it's anger management, emotional regulation, memory skills, goal setting, grief, those kinds of-- there's 7 of them. And so we would go in and do those modules with them. At Lancaster, and now I'm just starting to do some work in RADIUS as well, in screening there. At Lancaster and at RADIUS, these kids started talking about how the food was terrible at these facilities. And so, I'm a mom and I like to cook. So I say, well, what's the possibility that can come in? So I bring food in and I cook with the kids. And then while the food is cooking, we do the life skill modules, and then we sit down and we eat. And these kids are saying, why aren't we doing this more often? This is like a family. She talks to me. You know, I don't-- you came back. Why did you come back? Because we're bad kids and we're dangerous. And why are you keep coming back here? And so-- they're kids. I sit across from them-- my hardest to help them, and I tell them they're not bad kids. They've made bad choices. But adults' bad choices, we have to live with our consequences. But if we're not even looking at brain injury as a possibility that this could be something that could be affecting them, we're doing a terrible disservice. And when you say invest, these are the youth. These are our kids. We don't need to have them in the, the justice system and paying all that money that they're a repetitive criminal, and paying for their adult life. We need to do something better and different. So I just ask you to take that lens and look at it from a different lens and consider that, because a lot of the staff didn't know about it. There's a lot of people in our state that don't know about brain injury, so thank you for your time.

WAYNE: Thank you for being here. Any questions from the committee? Seeing none, thank you for being here today. Welcome.

LAUREN WALAG: Hello. Good afternoon. My name's Lauren Walag, W-a-l-a-g, L-a-u-r-e-n. I'm an attorney with the Public Defender's Office here in Douglas County. I run our Juvenile Division, so I'm the head of our unit. We've got 12 attorneys focused primarily in juvenile court. We represent youth charged as juveniles in juvenile court with delinquencies and status offenses. We also, also represent adults on the child welfare side of it, charged with the abuse and neglect cases. Sev-- several of our staff, including myself, also represent juveniles charged in adult and district court, and we have those transfer hearings. I didn't necessarily have a full, I guess, print

out of points. I wanted, I think, primarily to be here to answer questions specifically on the practical aspect of these issues that you guys are talking about, as someone who appears in juvenile court every day, other than this morning, obviously, because I'm here. But I will be there this afternoon. And one of the things I know that you guys were touching on and the county attorneys focused on was the current waiver of detention. Those forms that are discussed. What I want to explain to you first off is, is the current statute allows for a juvenile to waive their detention hearing if they're placed into an alternative deten-- to detention by probation. So that would include the HOME program, a shelter, day reporting, crisis stabilization, anything like that other than being at the Youth Center. What the waiver does is saying I, as the attorney with this juvenile, I go over what their, what their rights are, their due process rights to have a detention hearing. And I can say probation has put you at the Boys Town shelter. That's where you've been placed. If you want to remain there pending your next scheduled court hearing and you agree to remain there and by the rules and regulations set forth by that facility or that program, we can tell the court, we can sign on this piece of paper that says we understand we have the right to have a hearing today, but I'm going to agree to remain as placed until I come before a judge. In 2023, there were 164 detention waivers filed with the juvenile courts. Of those, less than 1% of those youth did not appear at that next hearing. I think that's important because there's been a lot of concern saying these waivers are the issue. In my opinion, the waivers statistically are not the issue. The other thing with the waivers, I think it's important, as Mr. Lindberg mentioned when questioned, that the county attorney always has the right to file a motion and bring this case before a judge if they don't agree with that level of care that probation intake has placed and the youth has agreed to. So essentially, if I waived a hearing on Monday, saying this youth wants to remain at the Boys Town shelter, that county attorney, whether it's that day when they find out I do that waiver or the next morning, can say to the judge, we don't agree with this. I want to be heard on this, just like you would do a bond review. They can be heard on bond. They can be heard on detention. And that could be heard from the duty judge, so it could potentially be that next day, could be within 3 days, because you don't have to have the home judge. You could have the detention judge have that hearing, which is at 2:00 every day in juvenile court. So although they might not agree with it, they do have the ability to be heard on that at any time. The

other thing that I, I wanted to touch on is the lowering of the age to-- I guess I don't know specifically what number they stated because it sounded like it was 11 or 10 or maybe no number. What I think is important for everyone to understand that the data shows that since 2016, the average age of an offender in juvenile court is 15.5. So it, it is not going up and down. It has not changed since 2016, in terms of an average age of offender that we see in juvenile court. So while there may be some instances of individuals of a younger age committing more serious crimes, the average age remains one that is the same. One of the other things, I think it's important when we're talking about lowering the age is that you would have to change almost everything involved in juvenile, juvenile court if we do that. When I, when I talk about that, I'm talking about the 11-year-olds specifically. Shelters would not accept the 11-year-old, because it's a liability to have an 11-year-old at their facility if they primarily help 16- and 17-year-olds. So, same thing with group homes. If we're talking about placing an 11-year-old, whether in Omaha or in a different state, we are going to have huge problems with sending someone that age to a group home, because their average individual that they serve is going to be older. And when you're talking about 11, that's what, fif-- fifth-ish grade? Most of the group homes that we're talking about help kids in high school. Right? Their education is focused on assisting kids with getting your high school credits. How do you help a kid who's 11-year-old-- 11 years old, now at your facility, and you don't even have the right resources to assist this youth. There are resources in the state that is able to assist youth that are younger, 11, 10, 9. We do so on the child welfare part of our cases. Again, I see that from the opposite perspective when I help the families, the parents. But there are resources by the state, by the department, that are focused on helping children in that younger age before they're coming into the, the system as an older offender and being mixed in with these other juveniles in these systems. I know there were questions regarding the average length of stay at the Youth Center. My numbers, again, are going to be focused on Douglas County because that's what I do. Right now, the population today was 90 kids in August. The average population was 83. Our average length of stay was 64 days. For adults, that's older, obviously, you know, their cases take a lot longer. So in August, the average for youth charged as adults was 99 days. There were 49 kids on in juvenile court, 31 facing adult charges. Of those 49 in juvenile court, there were 18 kids for pre adjudication, meaning before their charge has been found true. And

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Judiciary Committee November 18, 2024
Rough Draft

then there were 31 youth on probation. So that's the total breakdown of those kids at the Youth Center. That's really kind of the main things I wanted to touch on. Oh, the other thing I had here was talking about extending the age up. And I-- I'm not going to necessarily get into that, other than I know at one point it had been discussed in the lature-- in the Legislature, about what's called extended juvenile jurisdiction. I know Minnesota, like Hennepin County, has what's called extended juvenile jurisdiction, which goes up until 25. But what you would do is getting, getting when you're, you know, 18, 19, you say-- the court could hear the case and then decide if this is someone you want to give extended juv-- juvenile jurisdiction to. There could be a separate, separate finding. So then essentially, they would-- you would kind of turn it so they would-- might be monitored by adult probation or in the adult system and could have some of those ramifications. But ideally, the case would remain in juvenile court from the beginning, goal being one of rehabilitation, and then still the ability to have that record sealed, and then ability to work with providers that help kids at the 18, 19, and then into that young adult area, just like we have in adult court, the young adult court, those providers. Just as another idea to throw out there, in terms of, of what to do on that other end. So that's my rambling for a minute. If there's any questions, I'd, I'd be happy to answer them.

WAYNE: Any questions from the committee? Senator Bosn.

BOSN: Thank you. Thank you for being here. So I want to go back to this detention hearing waivers you talked about. And I tried to type as fast as I could, but you talk as fast as I do, so that's-- which is fine. 2023, 164 detention waivers. Is that what you said?

LAUREN WALAG: Yes.

BOSN: OK. So what you're talking about is kids who did waive and did appear is 99%.

LAUREN WALAG: Yes.

BOSN: OK.

LAUREN WALAG: And I talked-- at-- so what we measure is that next hearing. So I'm not saying that af-- that there's never maybe a capias later. It's at that immediate next hearing, do they show?

BOSN: OK. So what my understanding from what the county attorneys and law enforcement's concern is, is that they want the opportunity for a hearing quickly. And you're telling me, yes, they could ask for-- they happen to have the ability to ask for that hearing. And their testimony-- I'm not sure you were here when they gave it-- was sometimes that's 10 days, 14 days later. And they're concerned and maybe you disagree with it, but their concern is one of public safety in that 10-14 day-- so if there was legislation that was proposed that said that they had to have that hearing within a certain amount of time, 24 hours. Is that something you would feel more comfortable with than just a blanket you have to have the detention hearing?

LAUREN WALAG: So you're saying if, if they didn't have the waiver and then came back with--

BOSN: Right. So if the county attorney has the opportunity to come in and say, we oppo-- we objected to this alternative, less restrictive placement. Right. Let's say they put the kid at RADIUS, and the kid signs off on that as a less restrictive placement. And the county attorney says, whoa, we don't think that's in the community's best interests. We want to object to that. And then there was a requirement that that hearing be held in 12-- within 24 hours.

LAUREN WALAG: I guess what I'm going to say is I disagree with their statement that it takes 10-14 days for them to get into court right now, for that hearing. So I don't believe that it's necessary to have a 24-hour turnar-- does that-- like restriction that you're saying?

BOSN: Sure. But if it is happening faster--

LAUREN WALAG: Because I believe that that could happen.

BOSN: --then the flip side is why would it matter if there's a requirement for 24 hours, if your point is it's happening within 24 hours?

LAUREN WALAG: My pushback would be, I think by requiring it that way, then I think that it's automatically going to happen. It's going to clog our detention, detention hearings if we do it that way, rather

than put it on the prosecutor. Just as it's on defense, if I, if I disagree that, that the youth should be detained, I have to file a motion and it has to be heard within the 48 hours.

BOSN: So-- OK, so if we say 48 hours then. So if-- parties have an opportunity to disagree with the decision that's made. And in the interests of public safety, that has a set time. You have 48 hours, the county attorney has 48 hours, and there's a hearing. And if somebody disagrees with that placement, then they-- their testimony earlier was we're talking maybe 5 cases every week that there wouldn't be an agreed upon placement by both parties. So it's not-- their point was it wasn't as many cases as maybe some were saying. And maybe you disagree with that, and they would start saying it on every one of them. Sure. That's always going to be the case. Just, just like if we started expanding jurisdiction until 24, there are some who would say, well, now we're going to do that with everybody. I doubt it would be that way forever, but we can probably both be wrong on that. The point is, if it's-- if it is truly a court of rehabilitation and it is a matter of public safety and there's a 24 hours for the juvenile to have their rights, then is-- what would be the difference in saying that the public safety, law enforcement, and the county attorney's office doesn't have that same obligation to have-- or the same opportunity to have that hearing within 24 hours?

LAUREN WALAG: I mean, law-- they don't have due process, right? So that's what the difference is. And I mean, I believe that they have the ability to be heard. And I would agree with that. And I don't, I don't have a problem with there being a, a general time frame on it. I, again, disagree with the stats and the time frame that they presented. As someone who is in juvenile court every day, I can tell you that the number would be exponentially higher than just saying 5 a week. I mean, today I want to say when I looked at the, the stats coming in, there were 5 that could be waivers today itself. And that's a Monday. So I, I just think that when you're talking about numbers and you're talking about changing the court system and how we do it, the data is extremely important so that you understand-- I'd have to probably have an additional attorney focus just on detention hearings if we were going to do something like that, in order to make sure that we're not postponing the rest of these juveniles' hearings. And the judges, they only set aside so much time every day to have their intake hearings. So that's what my concern would be, about having that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

many at a time. And then, again, in terms of, I guess, the time frame, that's just, that's just what my position would be.

BOSN: OK. So I, I guess I'm not understanding. Right now, are they not filing those hearings if they disagree with them?

LAUREN WALAG: I have had it maybe one time in several years. I do not bel-- they are not doing them on the cases that I have. They're waiting until we come into court the next ti-- at the next scheduled court time to be heard. I have not had a case where a prosecutor has asked to be heard on detention and it has had to wait over 2 days.

BOSN: OK. So they have-- there's 2 different things there. They have asked and it's been within the 2 days, or they have asked-- or they haven't asked at all?

LAUREN WALAG: I've only had 1 or 2 in the past several years where they've even asked.

BOSN: OK.

LAUREN WALAG: Like a separate motion asked.

BOSN: All right.

LAUREN WALAG: And that would be heard within those like 2 days. Other than that, the prosecutor might be asking to change detention, but it's at that next scheduled court hearing that's already set by the court.

BOSN: And what would be some circumstances in which a prosecutor would ask to change the status of a youth placement at that next court hearing?

LAUREN WALAG: So if we have it like the next hearing being a pretrial, most of the time, I mean, because we're talking about the preadjudicated youth, they would just simply file for the detention review to happen at that hearing.

BOSN: Right. But what would be some circumstances in which they would do that? I mean, they couldn't just say it for no reason. There has to have been some basis for it.

LAUREN WALAG: They, they could ask or they could say that we disagree with, with the placement that intake probation did. There doesn't have to be a new thing that occurs in order for them to do it. Just like you can be heard on detention at any time, as long as there's a notice given. So, I mean, most of the time it's that they don't believe that the level of care, excuse me, the level of placement that probation has put that youth in is appropriate. And so they disagree that the youth should be on the HOME program, should be in shelter, should be at home, and that they believe that the safety of, of the public is that that this youth needs to be detained. So.

BOSN:]OK. So it's not necessarily because they violated or they were a failure at their placement--

LAUREN WALAG: Correct.

BOSN: --in the coming 2 weeks, it's we didn't agree with them from day one, but we didn't bring it up until day 14 at this preadjudication.

LAUREN WALAG: My-- it-- I'm just saying it could be that. It doesn't necessarily have to be the fact that there was a violation in order for them to bring it up.

BOSN: OK.

LAUREN WALAG: But it could.

BOSN: What percentage of them is some sort of violation of their placement standards?

WAYNE: That's what they hope, actually.

LAUREN WALAG: That they're--

_____ : There's some reason.

BOSN: That the county attorney would come in and say this placement wasn't appropriate because Carolyn couldn't follow the curfew rules and she did this and she did that and she had failed UAs. What percentage of them aren't a new-- some sort of violation, not necessarily a law violation, but a, a violation of the standards of the expectated-- expected behavior at the placement?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

LAUREN WALAG: I, I don't have any type of number on that because if there is a, a violation that's severe enough, then a lot of times, that youth might be coming through detentions on their own, if that makes sense. So when-- if you're talking about just a specific time that the prosecutor has filed for the detention review at that next hearing and they weren't coming through detention on another violation or something like that, I-- does that make-- sorry. Does that make sense?

BOSN: Yes, it does. Yes, it does.

LAUREN WALAG: So I don't, I don't have a, a number for that specific type of kid coming through.

BOSN: Rare, is your point though.

LAUREN WALAG: Yes.

BOSN: OK.

WAYNE: Any other questions? So I think to clarify or to help, maybe I might confuse it more, is-- because this just happened to me last week. I think it's-- the violation could be that they got kicked off the HOME program--

LAUREN WALAG: Correct.

WAYNE: --for not-- right? And so then they're detained, because almost all your orders now that I'm seeing have-- they're on the HOME program. And if they fail the HOME program, their-- the judge gives them the right to detain after that point. So then you have a detention hearing off of the HOME violation. How many times, I guess this is the question, how many times have you seen the judges order probation to do something and the service provider just says no?

LAUREN WALAG: What? I guess-- can you--

WAYNE: I'm trying not to get into specific que--

LAUREN WALAG: --like, narrow that?

WAYNE: So service-- if you-- like, say, a kid is supposed to be in a program. And just like with beds, facilities say no, and there's actually not a program. So how many-- roughly how many times or do you

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

see it a lot, where probation just says we can't do it, we have nobody who can do it. So this kid's going to be detained.

LAUREN WALAG: Are you talking preadjudication?

WAYNE: Preadjudication. I literally have that right now, is kind of why I'm asking.

LAUREN WALAG: So a kid who they-- like, has been-- judge said you could go to like, shelter and we don't have a bed, or--

WAYNE: So the judge says you can go to HOME program, kid doesn't go to school. Wants to get a GED, but says, not going to school. So HOME program kicks him out of the program. He's not-- should not be detained. He just doesn't want to go to school. But HOME program is tired of trying to make this kid go to school. So they say, we won't deal with this kid. Now, this kid is sitting in DCYC for who knows how long, because probation can't actually do what the judge is telling them to do, which is we don't want this kid in, in DCYC, but we have nowhere else to put him, because all we have is the HOME program.

LAUREN WALAG: I'm-- I don't have the, the numbers, I guess, for the HOME program in front of me, or other ATDs. I would say that it happens, I mean, fairly often that we don't have the right amount of, of services available preadjudication. We only have, I, I mean, HOME program, that doesn't take weapons-related offenses. The shelters, which is really just Boys Town, CSI, and Uta Halee for girls, which they don't-- aren't even really in many girls right now. And then day reporting or, or placement at home, in, in terms-- I can't give you it, in terms of a-- terms of a number. I mean--

WAYNE: That's all right. That's fair. It was a unfair question, but I just--

LAUREN WALAG: But I would agree with you that at least recently-- because for a while there was if someone would violate the HOME program, they wouldn't necessarily get detained. That, that would happen after the statute changed. But what the judges have done in response to that is that they have included in their orders that if the-- if a youth violates this program or runs from this facility, that they are to be immediately detained, pend-- you know, come before the court for a detention hearing. So that has changed, I would say,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

in the past probably year, in response to that statute change, that in 2019.

WAYNE: Do you know how many people are in DCYC that-- youth that are in DCYC that are supposed to be out, but there isn't a place for them to go?

LAUREN WALAG: I don't have it on-- I mean, you're talking about release orders?

WAYNE: Yeah.

LAUREN WALAG: I don't know if I have that in front of me. Someone after me might have it. I could get it to you.

WAYNE: If you could do that, that would be helpful.

LAUREN WALAG: I would-- I mean, what my guess would be, if you're looking at-- if you're looking like, let's just say an obvious-- you've got 83 kids that are there. And you have 31 of those on probation, and then 18 on-- it can't, it can't be any more-- like there's 49 would be the juvenile court, right? So it would have to be less of those. And my guess is it would be less of the, the probation kids that are waiting on their next placement, which is 31. But I-- that's just a complete guess. I wouldn't have the-- I don't have the release number in front of me.

WAYNE: Thank you. Any other questions? Seeing none, thank you for being here. Oh, one more question. I do apologize. How many of those are 3-- how many-- do you know any data on 3a's, and then kids that pick up charges while they're already in the system, to Senator McKinney's point? And how many of your-- how much does your office see of that?

LAUREN WALAG: Well, I can tell-- it's like looking at this right now.

WAYNE: Microphone doesn't record. I'm sorry.

LAUREN WALAG: Oh, OK. Sorry.

WAYNE: It's all right.

LAUREN WALAG: In terms of the Youth Center or just in terms of us? So in terms of the Youth Center right now, it says there's like 14% of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee November 18, 2024
Rough Draft

the kids are state wards in the Youth Center. That was in August, so I guess that's a couple of months ago, but that's the data that I have. For us, I would say that that-- it's probably about 30% are crossover kids, I think would be-- so that means that they're both a state ward and also have their own delinquency cases. I don't have that number in front of me. I know that probation keeps it, and I think the county keeps it for sure on the preadjudication side of it. But I would say that it ranges from probably like 30-40% of the kids that we have. And our office has about 65% of the kids that come into juvenile court, because we initially get appointed on everybody. But then obviously, there's some youth that appoint-- are able to retain private counsel. And then also we can't keep conflicts. So, there are a lot of juveniles that pick up charges together. We can only represent 1 in a, you know, a group of 5 or 6. So we're about the 60-65% of all of the juvenile cases.

WAYNE: Do you represent those ones that you know about conflicts at detention hearings?

LAUREN WALAG: We, we do. If I know about a conflict-- so that's part of the things that I do everyday. If I know about a conflict before the hearing, I try to reach out to the courtroom to say, hey, I can't-- our office can't represent this youth coming through. So if, if you're able to get conflict counsel appointed, I, I think it's better to have that person there so they can see the case from the beginning, meet with the kid, and do the hearing. But there's a lot of times where the courtrooms are saying they're not able to do that. So our office will still represent all of the kids for that detention purpose only, and then they'll appoint conflict counsel after that, which is fine. We do that with adults, also. One of the things with kids, though, that I-- why I really think it's necessary is I'm going to call somebody at the Youth Center and talk to him about his hearing coming up. And he's going to want to start telling me about the charge and, and everything. And I've got to stop him and explain what's going on. And then I want to put him con-- in touch with the new attorney. So my personal feelings is I want to get the new conflict counsel at that hearing. But I would say most of the time, we would probably still end up doing it.

WAYNE: Thank you. Thank you for being here. Next testifier. And the reason I say left to the committee who is still here and those who might be watching this later, is most of the time, these juveniles are

in groups. And so that 24-hour, 48-hour becomes a little interesting on detention reviews. And it makes it a little harder for some of our judges to figure out all the conflicts and get everybody appointed before then, so, again, timing. Welcome.

JOY SUDER: Thank you. Good afternoon, now. My name is Joy Suder, J-o-y S-u-d-e-r. For 16 years, I've been an attorney, mostly representing youth. I currently run the Juvenile Justice Legal Clinic here at Creighton University School of Law, where I'm teaching law students how to represent kids in court. And we also have an arm of prevention services that we're working on, doing our best to move kids and family away from system involvement. I'm here today to speak from my own perspective, not that of Creighton University. First of all, I'd like to say that I-- it is my experience in the past 16 years that there is a pervasive belief that the system helps. And I don't think that that's always true. There is a pervasive belief that Health and Human Services helps more than it hurts, that probation helps more than it hurts, that the court helps more than it hurts. And I don't think that that is always true or accurate. The-- it is very important in my opinion and in my history to acknowledge the number of youth that are in the juvenile justice system. So on the probation side of things, who are or have been wards of the state, and the accountability. That word gets brought up at almost every hearing I have in juvenile court regarding that child and their behavior. But that same accountability does not extend towards service providers, and by that, I'm focusing on the bigger picture ones: Probation, Health and Human Services. Very frequently, there are competing interests between those state agencies about who is to pay for what. I have heard just last week, I had a-- I have a client who's-- they're awaiting placement for this client and they're a ward of the state. They're coming out of a YRTC, and Health and Human Services hasn't decided yet if a placement is appropriate because it would cost them, quote, a lot of money, end quote. And that was the only placement that had appeared to be available for this child. There are laws that are already in place with protections for children and for the interests of the state. And those detention review hearings, by law, it's already in statute that they should be occurring within 48 hours of a request. Daily, every day at 2:00 p.m., there are detention hearings done by a duty judge here in Douglas County. I was part of the committee that created that process so that we had consistency and access to those detention hearings. The other thing I really want this committee to be aware of is that children run

from all placements, not just RADIUS. We tend to only hear about kids running from RADIUS, within the last year or so here in Omaha, because it's new, and because it's in north Omaha, and because it's taking kids that otherwise would not be served in the state of Nebraska. But every day, if not every other day, children are also running from Boys Town, and they're running from NOVA, and they're running from other placements. I want to make that clear. Children oftentimes run from placements. It's not just RADIUS. RADIUS is filling a need in the community that has not been addressed to this, to this point. And to that end, I would say that gun violence and gang violence are the greatest concerns that I've heard talked about over the past, I would say 5 years. And I would ask this group to ask the state programming agencies that are responsible, what are the programs that you have created to address these areas? Within Douglas County and the Youth Services Juvenile Services Delivery Plan, where they set their 5-year budget and goals for particular issues, has had gun violence and gang violence as their top priorities. They haven't done anything. The county-funded program, the HOME program, does not accept youth with weapons charges. And the county commissioners will say, well, we can't do anything about that. It's your program. It's your program. You can. OK? Similarly, State Probation, Health and Human Services are well aware of what these issues are that are the headline issues, I'll put it that way. And I have not seen any new programming. What I continue to see are decisions to remove children from their families and their communities. And those decisions to remove children from their families and communities, either detaining them in-state or out-of-state, are reflective of other historic practices by our governmental systems to destroy families and communities, specifically those representing communities of color. Ms. Read-- Ms. Mease, who spoke about the North Omaha Community Partnership, her program, in my experience in the last 2 years, has been the most successful program that has worked with my clients. The Brain Injury Alliance has done remarkable work, making the brain injury issues, traumatic brain injuries, putting that at the forefront of services that are necessary for our children. The majority, statistically, it'll bounce between 60-80% of youth who are detained especially, have special education needs, at the Douglas County Youth Center. Those needs are not being met. And also in the majority of our school districts, those needs are not being met. So we have massive government agencies with massive budgets. And then we get into a courtroom, and my 13-year-old client is the one who is responsible for all of the failures that have

happened. And that's what I can't deal with anymore. And that's why I don't do the committee work anymore. I'll be honest with you. I did it for 14 years. And I'd rather work within the community to help strengthen the community and divert families away from the legal system. Because if the community can address the issue-- and Ms. Mease, Ms. Mease's program can and other programs that you've heard about can, and they're doing it without state funding. So here's another thing I want to say and then I'll wrap it up. There is an incredible distrust of our government agencies, of community-based programs. In my observation, the government, whether it is state or county level, wants to have their finger on the decision making, want to have their finger on the actual ins and outs of a particular program by a particular provider. And that negates the importance of and the proven effectiveness of community-based programming, period. And so, if you look at the, the woman from probation that testified, talked about their open catalog of service providers, you can see it. There are thousands of service providers. I would challenge any of you to ask juvenile probation in Douglas County which of these authorized providers do you actually utilize? And you will find that presently, there is one psychiatrist that's being utilized. If you look to mental health providers who are registered with juvenile probation in the area code-- or the zip code of 68111, 68104, Benson, north Omaha, those providers generally are not being accessed or utilized. It is a distrust of the community. So to that I say I would respectfully request that accountability gets placed on to these agencies. I would respectfully request that probation be required to submit who they are sending referrals to. I would respectfully request that probation, when they are contracting with service providers, have a no eject, no reject policy. I would also suggest that this committee ask Health and Human Services and the Office of Juvenile Probation what the benefit is of having dually adjudicated youth. In my experience over the past 14-plus years, what I will tell you is when I have worked with youth who are wards of the state and then cross over into the juvenile justice system, that is generally happening when those children reach the age of 13, which you have all heard today is the age at which kids can be detained. I can go through my own case history and point that out to you the number of probation filings that have been made, delinquency filings that have been made 1-2 weeks after a child has turned 13. The reality is that the legis-- or the, the law now allows for Health and Human Services and probation to offer the similar cadre in services. Each agency can provide the same services. The only extra

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thing you can get with probation is detention, electronic monitoring, and those other incarcerative measures. In conclusion, I will say to you this: You can Google it and nothing is going to come up. There are no positive benefits for children to be detained. There is not. An argument that detention increases and improves community safety is not sound. It's not true. Children who are detained are less likely to graduate high school. Children who are detained are more likely to recidivate. And this is why we are still here having the same discussion in 2024, because we are still relying on this "carcerative" system. I just received information as I was sitting here that the number of youth that are at DCYC right now, who are waiting for release orders. There are currently 10-15 youth sitting there today waiting for a placement, a more appropriate place-- or a court-ordered placement. By law, they should not be there. There is not a remedy at law to deal with these kids and to get them out. So, thank you for your time. Thanks for hearing me out. Are there any questions?

WAYNE: No. And I think we are getting kicked out, so that works. There's [INAUDIBLE] testifiers? Seeing none, thank you. And this will close the hearing on LR495. Thank you.