

BOSN: Good afternoon. Welcome to the Judiciary Committee. I'm Senator Carolyn Bosn from Lincoln, representing District 25, and I serve as chair of this committee. The committee is taking up the bills in the order posted. This public hearing is your opportunity to be part of the process and express your position on the legislation. If you're planning to testify today, please fill out one of the green testifier sheets that are on the table at the back of the room. Be sure to print clearly and fill it out completely. When it is your turn to come forward to testify, give the sheet to the page or the committee clerk. If you do not wish to testify but would like to indicate your position on a bill, there are also yellow sign-in sheets back on the table for each bill. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone telling us your first and last name and spelling both to ensure we get an accurate record. We will begin each hearing with the introducer's opening followed by proponents, then opponents, and finally anyone wishing to speak in the neutral capacity. We will finish with the closing statement by the introducer if they wish to give one. We're using a three minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have one minute remaining, and the red light indicates you need to wrap up your final thought and stop. Questions from the committee may follow. Also, committee members will be coming and going during the hearing. This has nothing to do with the importance of the bills. It's just part of the process as senators have bills to introduce in other committees. If you have handouts or copies, please bring up 12 copies to give to the page. Please silence or turn off your cell phones. Verbal outbursts or applause are not permitted in the hearing room, and will be cause for you to be asked to leave the hearing. Finally, committee procedures state that written position comments on a bill must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at nebraskalegislature.gov. Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. Also, you may submit a position comment for the record or testify in person, but not both. I will now have the committee members with us today introduce themselves, starting to my left.

HALLSTROM: Good afternoon, Bob Hallstrom representing Legislative District number 1, the counties of Otoe, Johnson, Nemaha, Pawnee, and Richardson in southeast Nebraska. Welcome.

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STORM: Good afternoon, Jared Storm, District 23, Saunders, Butler, Colfax County.

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

DeBOER: Good afternoon, everyone. Hello. I am Wendy DeBoer. I represent District 10 in beautiful northwest Omaha.

BOSN: Thank you. Also assisting the committee today, to my left is our legal counsel, Denny Vaggalis. And to my far right is the committee clerk, Laurie Vollertsen. If the pages today would please stand and introduce themselves.

AYDEN TOPPING: I'm Ayden, I'm a second year psychology student at the University of Nebraska.

ALBERTO DONIS: I'm Alberto Donis, I'm a first year political science student at UNL.

BOSN: Thank you. With that, we will begin today's hearings with LB584 and Senator Spivey. Welcome.

SPIVEY: Thank you, Chair Bosn, and it's nice to see you all again and the rest of the committee members of judiciary. I am Ashlei Spivey, A-s-h-l-e-i S, p as in Paul, i, v as in Victor, e-y, representing District 13 in northeast and northwest Omaha. I'm here today to introduce LB584. LB584 is a bill to moderate criminal penalties for children charged, charged as adults. This bill will build on our reforms that the Legislature enacted in response to the US Supreme Court ruling prohibiting life sentences for children. This bill is also responsive to the recent proposals to lower the age of prosecution of children as adults and to enact these so-called reforms to our juvenile system. Before I get into the rest of my opening, I wanted to read an email that I received on March 7. And so, you know, this bill has been online for a while, and folks both inside and out in community are watching. And I received an email from D.W., I will use a different name and not their full name for confidentiality. And they are currently incarcerated NSP, and they first wanted to say good afternoon and I'm-- that they hope I'm having a blessed day. And furthermore, they are reaching out to say thank you for bringing forth LB584. They are a person who is, who is currently incarcerated, and they were charged as an adult when they were younger than 18 at the time of their offense, and they were sentenced to a de facto life sentence as a juvenile. So seeing this bill makes them truly grateful and that they are happy that there will be, hopefully, limitations on

the sentence structures, giving juveniles a chance at life. He hopes that this bill gets passed and he sends his support and will reach out to his community and also support how he can from inside. And so I uplift this email just to say that again, you all grapple with really real issues when we talk about incarceration and the impacts it has on community members, our neighbors, family, friends, folks that we've been sent here to represent. It's heavy and it's a lot, but it's really important. And I know today there's a lot of bills that are in front of you that will impact people for the rest of their lives and in the structure of our community. And so I wanted to start my testimony just grounded in that, because, again, people are watching and they're seeing and they're currently impacted by the inaction or action of this Legislature. So for context, for the Supreme Court case that I mentioned, this was *Miller v. Alabama*. And this was in 2012. And it said that mandatory sentences of life without the possibility of parole are unconstitutional for juvenile offenders under the Eighth Amendment. So in response, many states, including Nebraska, amended their First-Degree murder statuses to comply with the court's rulings. In 2013, Nebraska changed its law to provide that children convicted of First-Degree murder from life imprisonment to 40 years to just life imprisonment. And so, while the Legislature changed the penalty range for First-Degree murder, it did not amend all of the other felony classifications. And so you do have a table in front of you in the synopsis that outlines what is currently in statute and then what this bill is proposing and changing. So children who are convicted of these other crimes face the same potential penalties as adults. The law allows for sentences to be de facto life sentences or sentences of decades are-- that are effectively, in essence, life sentences. So LB584 would moderate penalties for serious felony classifications for children under 18 who are charged as adults. As I mentioned, you have that table. And so there's Class IA, IB, IC, ID, Class II, IIA, and it currently has the ranges. These adjustments are to ensure that those children who commit such offenses while under the age of 18 do not receive a sentence of life imprisonment without parole. Today, as we heard read across, as Senator Riepe is prioritizing LB556, which would lower the age for children that can be charged as adults. And so if we are going to do that and we are going to prosecute children as adults, we really need to provide proportionality in the law to recognize that children should be treated and sentenced differently. This bill is a legislative directive to the courts that children should be treated differently in the adult court system when it comes to sentencing. Children, as we know, commit crimes for various reasons, including lack of maturity, peer pressure, adverse childhood experiences, or ACEs. You have to look at the trauma and the communities in which

these crimes are taking place. And we know that children's brains are still developing, especially in areas that control impulse, risk taking, and emotional maturity. And so children's moral reasoning and ability to understand are still developing, and we know that. And so that is why the Supreme Court has ruled that children are constitutionally different from adults, and their sentence should be reflected in that. And we know that children are less deserving of harsh punishments because they have greater potential for reform. So we don't need to throw them away, that there's an opportunity for rehabilitation and reform and to have a productive life contributing to society. So this bill puts us in step with other states. Data from the Campaign for the Fair Sentencing of Youth shows that 28 states have already passed similar laws moderating penalties for children. Four states have prohibitions on children serving de facto life sentences without parole. And then other states have similar legislation pending as what I have put forward. After *Miller v. Alabama* was decided, many youth offenders had their life sentences modified. And over 1,100 people-- because, again, they were juveniles and then serving those de facto life sentences, so they're now adults-- were sent home, who were originally condemned to die in prison as juveniles. Among that group of the former juvenile lifers, there is a rate of recidivism at only 1.14%. So again, it shows that there is an opportunity for rehabilitation and reform. Not only do the people who are home now have an almost zero rate of recidivism, they are finding creative ways to use their lived experience to make their communities stronger and safer. And you will hear one of those stories today. Again, when we don't throw our kids' lives away and we say that there can be meaningful investment, it has ripples effects to try to address the core root issue. And I'm looking forward to some of the testimony that will follow around that. You know, as a person, I myself am not system impacted, but my father was. And I like to bring this up because a lot of times when we are enacting laws or legislating, we don't come from a place of personal experience and what does that look like. And so my father was incarcerated most of my life, incarcerated in Oklahoma. He was in prison more than he was out. He went in at about 21 years of age, got out in his 40s, and had a heart attack and he passed away. And so when you talk about when you remove people from community, he was in the child welfare system. And so there's the larger conversation around child welfare and juveniles that we have to have here in Nebraska. But his story and his life demonstrates the trauma that he's seen being inside of that institution that prepared him to be institutionalized as an adult. And so this work is not just something that I, I thought of as I was running or that I wanted to bring. It's personal for me, and I see the

impacts that incarceration has on adults being removed out of our communities, moms, dads, aunts, uncles, cousins, future leaders, and then now what we're seeing around our kids. And I think that they deserve a chance. I think that we cannot give up on them, we cannot say that their life does not matter. And we have a responsibility as a body to legislate in a way that provides rehabilitation, that provides support, and really invest in the preventative nature of why they have this experience. I want to just uplift Senator Holdcroft's bill, LB215, which I think is a part of this conversation, and I appreciate you bringing that second chance, as my email that I read, this person would be eligible and has looked at that and talked about that they are not the same person they were as a juvenile. And so it takes all of us to address this. This is complex issues, some of the most complex issues our communities are facing, and we have to chip away at it in a meaningful and an intentional process. So thank you for, for bringing that. And then lastly, I will just add again that there is a bill that you all will see today that is now a priority that lowers the limit. And, and I, I don't think that that's the right step for our communities and the investment of our children and to really address what's in front of us around juvenile justice reform. And so I appreciate your time, I appreciate you as a committee grappling with these issues. And I will be happy to answer any other questions or thoughts that you have around this bill.

BOSN: Questions for Senator Spivey. Are you staying to close?

SPIVEY: Absolutely.

BOSN: Thanks. First proponent, anyone here to testify in support? Before she starts, and I'm sorry, Jen, could I just see a show of hands how many individuals are testifying in any capacity on this bill?

_____: Oh, on this bill?

BOSN: One, two, three, four, five, six, seven, eight, nine, ten. OK, got it. Thank you.

HOLDCROFT: [INAUDIBLE].

BOSN: What?

HOLDCROFT: [INAUDIBLE].

BOSN: We're not-- we don't do that. This one is-- welcome.

JENNIFER HOULDEN: Thank you. Good afternoon. I'm Jennifer Houlden, J-e-n-n-i-f-e-r H-o-u-l-d-e-n. I'm the chief deputy of the Juvenile division of the Lancaster County Public Defender's Office. We represent children charged with law violations in juvenile court. I did previously practice in adult and criminal court as well. I'm here to strongly urge this committee to put LB584 forward, to vote for it as a necessary component certainly of other bills that are being considered. What I want to echo is that the bill itself synthesizes principles that are already established in our law from Miller in Alaba-- v. Alabama, it's established that it violates the U.S. Constitution to sentence children as, as adults with regard to life without parole. And then we already know through our juvenile court jurisdiction that children are different. Our, our Supreme Court has expressed with regard to juvenile probation that we know that adolescents are different from adults in three important ways. They're less able to regulate their own behavior in emotionally charged context. They're more sensitive to external influences, such as peers or the immediacy of rewards. And they're less able to make informed decisions that require long term or attenuated consequences. And that's our Supreme Court saying that. So we've already accepted that, we know that, we've integrated that through the existence of the juvenile court scheme. The US Supreme Court said that children are different. This bill synthesizes those principles and presents a straight-forward moderation that is not extreme in its content in a way to allow children to be treated differently because they are different. It is simply a biological truth that children are different, that the things that bring them to the court system or to criminal violations come from influences primarily outside of themselves. I think the greatest truth of juvenile court is that the issue is never just the child. It is a complex family and community issue, and I think that to assign adult sentences to individual children ignores things that we've already found to be true in this state that this body has already shown in prior legislative action that children are different. I would just highlight that these-- the moderation of these sentences do not reduce sentences for youth under 18 to non serious penalties. There are still decades of years available, and what they do is just fundamentally acknowledge that the amount of years that a child should be exposed must be tailored to the circumstances at the time of the offense, when they were a minor and not capable of the same decision making or culpability that is inherent in the criminal justice system. I would suggest that there is an adequate range of penalties for all judges to impose in even the most serious of offenses that I know that this body is concerned about. And I certainly would take questions.

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BOSN: Any questions for this testifier? Oh, sorry. Senator DeBoer.

DeBOER: Thanks.

DeBOER: Under this bill, is there any sort of, like, prohibition on consecutive sentences or require that they be consecutive, or is there anything about consecutive sentences?

JENNIFER HOULDEN: This bill doesn't alter any of the operation of the criminal sentencing structure available to the court other than the penalty range. So certainly a-- under this bill where the maximum is now 20 instead of 50, if the youth was convicted of two of those crimes, they could be sentenced to 20 years, consecutive to 20 years. That is fully in the discretion of the court. So there's no alteration of the ability to impose consecutive or stacked sentences.

DeBOER: And what about mandatory minimums? Are there any change on mandatory minimums?

JENNIFER HOULDEN: There is a change from a mandatory minimum to a minimum in the Class IC felonies, and from a mandatory minimum to a minimum in the Class ID, those are three and five years. Mandatory minimum just means five years means five years without good time. A five year minimum would allow good time to be earned. And so that's the only change on the minimums for those lower Class Is, which are often drug offenses or possession or delivery offenses with drugs. There's other ranges. But those most typically we see those as controlled substance delivery offenses.

DeBOER: OK. And do you have a sense of where the shifted numbers come from in terms of is there a science behind it or--

JENNIFER HOULDEN: No, I mean, I don't, I don't believe that there is a science or a scheme there maybe referenced that the Senator had. But I would say that they are sort of equally arbitrary to the ranges now, I don't know that there's any magical meaning to 50 years or 20 years, and I think it's sort of a common sense accommodation of the reality of childhood. I'm not aware that there's any particular scheme underlying the numbers, though.

DeBOER: OK. Thank you.

JENNIFER HOULDEN: Thank you.

BOSN: Thank you for being here.

JENNIFER HOULDEN: Thank you.

BOSN: Next proponent. Good afternoon and welcome.

JULIET SUMMERS: Good afternoon, Chair Bosn, members of the 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 here in support of the bill. Every young person deserves the chance to grow into a healthy, productive adult. And we should respond to youth behavior in a thoughtful and effective way that preserves community safety, contributes to Nebraska's future prosperity, and gives both children and communities the protection they need, regardless of the offense. Voices for Children supports LB584 because it distinguishes youth offenses from other offenses, acknowledging that even in the most tragic of cases developmental factors simply make youth defendants different. Eliminating life without parole as a sentencing option for individuals up to age 18 will acknowledge this truth, bringing Nebraska into line with a growing majority of states. Sentencing youth to life without the possibility of parole is inconsistent with empirical evidence-based knowledge of child and adolescent development. Children and youth are not little adults. They have poor impulse control, are more susceptible to peer pressure, and are less capable of weighing long term consequences because their brains are still developing and changing even into their 20s. For these reasons, as Senator Spivey laid out, the Supreme Court and the Nebraska Supreme Court has consistently ruled that youth are less culpable for their actions and more amenable to rehabilitation, and as a result, should be treated differently. The court held in 2016 and reaffirmed in 2018 that life without parole sentences, as imposed by mandatory statute on a minor are unconstitutional, and since then, 28 states and Washington, D.C. have banned juvenile life without parole entirely as of 2023. Another five states still have it on the books, but do not currently have any individuals serving a life without parole sentence for a crime committed as a minor. The widespread trend in banning and reducing juvenile life without parole sentences signals a crucial normative and practical shift towards evidence based, age appropriate youth justice. And it is also a pragmatic cost saving measure because estimates indicate that it costs approximately \$2.5 million to incarcerate a child for life in the United States. In contrast, a productive, taxpaying, college educated adult contributes over \$1 million annual-- \$1 million to society over their lifetime. If paroled after serving ten years after being incarcerated at 16, a child with only a high school education could potentially contribute \$218,560 in tax revenue if they work until age 66. And formerly incarcerated children who obtain a college degree could contribute

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\$706,560 in tax revenue. Our responsibility to protect children and our communities requires us to hold youth accountable in a way that gives them the opportunity for rehabilitation, redemption, and hope for a second chance to become a contributing member of society. We believe this bill is an important step in that work, and we'd like to thank Senator Spivey for bringing the issue forward, as well as for all the committee's time and attention in considering it.

BOSN: Thank you. Questions for this testifier, Senator DeBoer.

DeBOER: Just one quick. And that is how does this scheme compare to other states? Do you know?

JULIET SUMMERS: That--

DeBOER: Because you usually know this stuff, that's why I'm asking you.

JULIET SUMMERS: I do usually know this, and I'm supposed to be the person who does, and I'm not today. My focus was on a couple other bills. But I will look right into it and happily follow up with the committee. And perhaps somebody's following me may know.

DeBOER: OK.

BOSN: Senator Storm.

STORM: Thank you, Chair Bosn. Thank you for your test-- testimony. How many children, or adults now, are in prison for life that were sentenced as juveniles?

JULIET SUMMERS: In Nebraska, the latest number we were able to find is 59. 59 individuals who are currently serving a sentence that is either juvenile life without parole or what is considered virtual life without parole, which as Vice Chair DeBoer asked about when sentences are stacked in such a way that realistically, if you're serving 120 years consecutively, even though that wasn't life without parole, it is.

STORM: Then if, then if-- say, a 17 year old commits a crime, they could never be tried as an adult with this? Or how does that work?

JULIET SUMMERS: That's not my reading of the bill, Senator. My reading is this bill does not change where or when a child could be prosecuted in criminal court. It's just changing the sentencing structure for, for these charges that are laid out, for the highest level felonies.

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That 17-year-old is still prosecuted in criminal court. They just would be facing a different sentencing scheme than an adult defendant.

STORM: 18 and under? Or under 18.?

JENNIFER HOULDEN: I believe it is under 18.

STORM: So an 18 year old would be not eligible for this policy?

JULIET SUMMERS: I believe so, but I'd like to double check. And if I'm wrong, I will follow up.

STORM: OK. Thanks.

JULIET SUMMERS: I usually have the bill draft in front of me, though.

BOSN: You're correct though.

JULIET SUMMERS: It's-- you know, we're all ready for Saint Patrick's Day.

BOSN: All right. Thank you for being here.

JULIET SUMMERS: Thank you so much.

BOSN: Next proponent. Good afternoon.

JASON WITMER: Thank you. Good morning. Or afternoon whatever it is. Chair Bosn and Committee. My name is Jason Whitmer, J-a-s-o-n W-i-t-m-e-r. I'm here on behalf of the ACLU in Nebraska in support of LB584. LB584 acknowledges as-- adolescent brain functions different-- are different than adult brain. By ensuring that Nebraska sentencing law reflects modern neuroscience and constitutional principles. Research from developmental psychologists and neuroscientists demonstrates that the prefrontal cortex and part of the brain-- is part of the brain that's responsible for impul-- impulse control, decision making, understanding long-term consequences. And it is not developed till somebody's in their 20s, mid 20s, etc. This is why LB584 is critical. It recognizes that young people act more impulsive, are highly susceptible to peer influence, and struggle with long term consequences and how they consider them in not in the way as adults, as we-- that's the biggest worry, is how we are treating them as adults. But what is most important to understand is that the young people also have unparalleled ability to learn, grow, and change. We have seen this play out in the real-world data, which I will point out an expert was brought down here for a second chance event on Senator

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Holdcroft's LB215 bill. Thank you. And she brought down some data about Pennsylvania, which had sentenced, had resentenced and released over 300 juvenile lifers under reforms similar to LB584 and reports that the recidivism, recidivism rate of that is 1.14. 1.14. So keeping young people in prison for excessive sentences does not serve the public safety or fiscal responsibility. This is why, as the handout I've given you shows a map that 27 states, including Washington, D.C., have already eliminated, eliminated life without parole for juveniles, as shown in that handout. Nebraska is not one of them. And by the way, we did not get those juvenile lifers out that got out. Alabama, ironically, their decision is the one that had resulted in resentencing of our juvenile lifers. But LB84 [SIC] does not eliminate accountability. It ensures that Nebraska follows constitutional precedents set by the US Supreme Court, which has ruled that young people are different from adults and their sentences should reflect that difference. This bill provides a balanced approach that allows judges to consider science and individual circumstances while holding offenders accountable. We ask this committee to advance LB584 to General File. Thank you.

BOSN: Thank you. Questions? Sena-- Senator DeBoer.

DeBOER: Sorry. So I thought that the Supreme Court in Miller said that you cannot have juvenile life without parole.

JASON WITMER: You cannot, I'm not a lawyer, mandate juvenile-- what-- did I rewrite-- did I write it wrong? Is that what you're asking?

DeBOER: No. I just don't-- I just-- It says on your chart that we have permitted juvenile life without parole, and I thought that we could not do that.

JASON WITMER: So we-- it says you can't have mandatory, this is my understanding, mandatory life, so the judge has no discretion.

DeBOER: OK.

JASON WITMER: And then that got the resentencing.

DeBOER: Got it.

JASON WITMER: It doesn't stop them from giving life. This one says we should not have a judge decide, well, I'm gonna give this 14-year-old life, or 12. Something that we should think about. OK.

BOSN: Senator Holdcroft.

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HOLDCROFT: Thank you, Chairwoman Bosn. So, Mr. Witmer. I don't know that we've had our discussion yet in this group about the calculation of good time. And, and there may be somebody else who knows more about it, but as I recall, and I have to be reminded every year, when someone's given a sentence, say it's 20 years, and they go in and they start their sentence, after they serve 60 or 90 days, then their sentence is essentially cut in half. You know, am I on the right track?

JASON WITMER: So, yes.

HOLDCROFT: I'm on the right track, right?

JASON WITMER: You're on the right track.

HOLDCROFT: And so-- and that's, that's their good time which they can lose. Correct? So it could creep back up again. So you kind of get your good time up front. Is that a fair statement?

JASON WITMER: Yes.

HOLDCROFT: So when we're talking about these, these sentences, we're really-- I mean if, if the incarcerated individual behaves himself and doesn't violate, then he's really he's serving half of these.

JASON WITMER: So--

HOLDCROFT: Half of this amount of--

JASON WITMER: It would be best if we just went off of a sentence, like, he was going to do 10 to 20. 10 is your bottom number, 20-- this is saying there is no change in a good time that I know of. It's what you're talking to, the 50-50. Which the judge knows, by the way, when he makes this sentence. The bottom number is where your eligibility comes in without any other factors that make this murky. So you do get the automatic time, but you can lose it. So half your bottom number says that's when you're eligible. It's complete discretion of the parole board and their parameters on whether they gave you parole, all the way up until your number is completely done. So then the top number, which we're saying is 20, it's saying before you lose any of that good time at ten years, if you have not done nothing to lose good time, which can be taken for anything that the rules in the prison says, so they can be as petty as having extra clothes, and if you lose a week, you lose a week. It's 10 years, but you can lose every single day up to the 20. So for instance, in this one you have a 50 year sentence. So if that child that we decided to give 50 years to, 10 to

50 doesn't get in no trouble, has no parole, for whatever reason, the judge deci-- they have to do 25, but they can do 50 if they were getting in trouble and continuously losing good time and never got that good time back. So the consequences are all there. The-- so often you hear people talk about, oh, they got half this, they only have to serve half this time, like, the judges, and we, we all know the judge is not ignorant. The judge knows what sentence they are giving this person. It's just sometimes as a public and sometimes as the media like to do is confuse the people that think a sentence that is imposed is not the sentence that is being served.

HOLDCROFT: OK, I just wanted to make sure there's nothing changes that calculation in this bill.

JASON WITMER: I, I agree with what was said, and Senator Spivey will correct me, this bill is about just saying these are the type of sentences you can put on a person, it doesn't change the consecutive, it doesn't mess with the good time. It just says, you know, if somebody has this Class I, don't give this child life. This is a child that will be a mature adult, and all the changes that come with that. 50 years is enough. Even-- a lot of us think that's a lot. But a lot of us that think there needs to be a harsh punishment, I would like to think that we can look at a child and say, 50 years is enough. 50 years is enough. So.

HOLDCROFT: Thank you.

JASON WITMER: Thank you.

BOSN: Thank you. Thank you for being here. Next proponent. Welcome.

SHAKUR ABDULLAH: Good afternoon, chairman and committee members. My name is Shakur Abdullah, S-h-a-k-u-r A-b-d-u-l-l-a-h. I am here today testifying in my own personal capacity as a citizen of the state of Nebraska. But I also certainly want to put a face on this issue. We have heard a lot of things, letters and emails and things like that. So just briefly, let, let me say that some 50 years ago, I was arrested for a very horrible offense, culminating in nearly a double homicide. At 16 years old, I was charged with first degree murder and shooting with intent to kill, wound, or maim. August 20th, 1975, I was sentenced to death row for that first degree murder case and an additional 15 to 50 years for the second charge. I was certainly punished and sentenced and held accountable for those horrible acts that I committed. I sit here today as one of the recipients of Miller v. Alabama. There were some 27 cases in the state of Nebraska, mine

was one of them. I was resentenced November 30th, 2015, had the opportunity to go back to court, make my argument as to why I might or should get out of prison. I certainly thank the judge for listening to my argument. I thought that I was ready to be released from custody without any supervision. I felt like I had been telescoped and microscoped for long enough in my life, had paid my dues, had been held accountable, had redeemed myself while incarcerated, that I did not need to be under anybody's custody anymore. I'm glad the judge agreed with me. My resentencing, the conversion of my life sentence was 65 to 82 years, which was still a pretty big sentence. But the amount of time that I had served actually allowed me, after sentencing, to discharge that 65 to 82 year sentence some 55 days later. January 24, 2016 that sentence came to an end. I am here to say that this system is soft on crime. Life sentences, death sentences, some of these virtual sentences that are given are really soft on crime, but tough on people. The soft on crime approach has really allowed the system to balloon up to the highest incarceration rates anywhere in the world. Nebraska is certainly included in that, in terms of having one of the most overcrowded prison systems in the country because of this get tough on crime approach, especially for children. And life without the possibility of parole to me, is a euphemism. OK? What it really ultimately describes more accurately is death by incarceration. People will die in prison as a result of these extreme sentences, children treated like adults. Children should certainly be held accountable for the harms that they cause, but certainly not to the extent that some of these sentences call for it. I do not even see this bill as an opportunity for a second chance for a child. Children who go to prison go to prison too young to have a first chance. I didn't experience some of my first adult experiences until after my release. So I am certainly here in favor of this bill advancing forward. I would ask you to do so, please.

BOSN: Thank you for being here. Any questions for this testifier? I just want to share you-- thank you for sharing your story very much. Thank you for being here. Next proponent? Next, we'll move to opponents. Anyone here in opposition to LB584?

BIANCA SWIFT: Sorry. I'm a proponent, I apologize.

BOSN: OK, come on up. If you're testifying in support, if you're testifying at all in this bill, if you 'll kind of move to the front just so we can save a little bit of time given we, and maybe you don't know this, but we do have a lot of bills on the roster for today, so.

BIANCA SWIFT: I apologize for only bringing one copy. My printer was broken. Hello. My name is Bianca Swift, and I'm here in support of LB584. First of all, I want to thank you all for being here and especially thank Senator Spivey for introducing a bill that I can be in this hearing to support rather than denounce. That means the world to me, that we have people in our legislation who are willing to speak up for the voiceless. So first, firstly, you'll have to forgive me if I am flowery because I am first and foremost a poet. But because of that career path, I have been allowed to be inside our Nebraska prisons. As a poet, I've been inside the Nebraska State Penitentiary, and I've been inside the reception and treatment center, and I've been inside the Community Corrections Center. And as a sister, I have been inside the Omaha Youth Correctional Facility. It is easy, I think, to forget about our neighbors, but the people we share our Nebraska with, and because they are forgettable, they are not spoken for. But they are there. And meeting them and speaking with them has been one of the won-- most rewarding things I've ever done in my life. And not for nothing, as the kindness and hospitality of a people should not determine whether or not they should be made to stay in prison. But they were some of the nicest, most intelligent, most brilliantly well-spoken men I've ever had the pleasure to meet. They were respectful and prolific and dissected poetry much better than any of my college students. And most of them had been in prison well before the age of 18. I'm not going to make some large kumbaya claim that they did not deserve their imprisonment or that crime should go unpunished. Instead, I am saying some of them went into the prison before the age of 18, and now they are older than me, and I cannot imagine that experience as someone who had a brother who definitely did his crime and so de-- and so deserved to do his time. Because-- but because there was a justice system willing to work with him and help him, he is now 23 and outside and thriving. And I know I was simply lucky, and I know that he was too. So I think this bill should be passed for both civic and personal reasons. Because we have people in there. I could have had people in there. But not only do we have people in there, we have poets, in there and theologians, and lawyers, and maybe even hopefully future senators. There are people currently in our prisons who have more than served their time, and they would be a boon to any community who would be lucky enough to have them, and we have them. How lucky are we? How privileged? I ask you to see our justice system for the system of reform it claims to be to trust in our rehabilitation abilities and shorten sentence times accordingly. To see that sometimes children make mistakes, that their adult selves should not have to be punished for. Thank you again. Please, please do the right thing.

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BOSN: Thank you. That was very nice. Two things. If you are willing to, we can have somebody make a copy of that--

BIANCA SWIFT: Please. Thank you so much.

BIANCA SWIFT: --for all of us. And second, I just have to ask you to spell your first and last name for the record.

BIANCA SWIFT: Bianca, B-i-a-n-c-a, Swift, S-w-i-f-t, like, Taylor.

BOSN: Perfect. Thank you very much. Nice job testifying. Any other proponents? Last call for proponents. All right. Now we will-- OK.

ELVA MORENO DEL RIO: I also have just one copy.

BOSN: That's all right. If you'll say and spell your first and last name before you start.

BOSN: OK. My first name is Elva, E-l, v as in victory, Moreno, M-o-r-e-n-o, space, Del, D-e-l, space, R-i-o. So Elva Moreno del Rio. Ready? My name is Elva Moreno del Rio. I am speaking to you today in support of LB584. For almost a year now, I have had the privilege to work with and learn from incarcerated college students at the Nebraska State Penitentiary. During this time, I have heard countless stories and experiences from students every single week since then, as I am at the institution for long periods of time, multiple times during the week. Throughout this time, students have often asked me if I was scared when I first started working there, and I had to admit to them that I was quite nervous, as I usually am at the beginning of every semester when I first have to meet a new group of college students across various higher education insti-- institutions that I have had the opportunity to work at. I know students in this space that know what people in Nebraska think about them, and have asked me if I have changed my mind about who they are after learning more about their experiences, about their stories, and about their concerns. Every time I get asked this, I inform students that their experiences and stories just reassure all that I have been learning about in relation to the incarceration system in the United States. I have wondered if many of us know this. I wonder if we even thought about the statistics and information in relation to the connections between age, brain development and behavior, and the impact of long sentences for young people who have received a better support-- who could have received better support from various institutions around them. I am often amazed by the environment that students have worked with. I-- sorry I have-- I am often amazed by the environment that students that I have

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worked with created for each other in this institution. Many students who I work with have been incarcerated before they were 18, and now as they have an opportunity to receive a higher education degree do not let it go to waste. They spent countless hours supporting each other, learning and providing support through their Microsoft accounting, business, and poetry courses, among many others. They find the importance of reminding each other of how proud they are for showing up at eight in the morning on a Saturday, ready to work on their Microsoft assignments, or preparing for their business ethics quiz. They often tell me that now that they have this opportunity, they will not let it slip out of their hands. If given the opportunity to be resentenced and receive a lower sentence with the passage of LB584, I know that they will not take it for granted. I know that they will, they will go into society with the same encouragement towards our communities, and ambition to grow and learn and receive an education. Thank you.

BOSN: Thank you very much. Any questions from the committee? Senator Holdcroft.

HOLDCROFT: So you're an instructor that goes into the university? I mean, into the prisons, NSP, or TC? Is that what I heard?

ELVA MORENO DEL RIO: I am a tutor, yes, who--

HOLDCROFT: A tutor?

ELVA MORENO DEL RIO: --goes-- Yes.

HOLDCROFT: OK. So do you work for, like, Southeast Community College or any other institute?

ELVA MORENO DEL RIO: I have the privilege to work for Southeast Community College, correct, and UNL as an instructor. I work with these students as a tutor.

HOLDCROFT: OK. Thank you.

BOSN: Again, if you'd like to have us have a copy of your testimony, we can have copies made if that's something you're interested. Thank you for being here. Any other proponents? This is the third call for proponents. Opponents?

MEGAN BUCHER: Good afternoon. Members of the Judiciary Committee. My name is Megan Bucher, spelled M-e-g-a-n B-u-c-h-e-r, and I'm here testifying in opposition to LB584 on behalf of the Nebraska County

Attorneys Association. The association's primary opposition to LB584 is the inconsistency it creates in sentencing of those convicted in adult court based on the defendant's age. The current sentencing guidelines laid out in the Nebraska Revised Statute 28-105 are reflective of the crime committed, the impact the defendant's action has on the victim, on the community, and reflective of the danger they pose to the peace and tranquility of our society. The association strongly believes that the maximum/minimum sentencing guidelines should remain the same to reflect the severity of these acts. Within the sentencing guidelines, there is already discretion allowed to the judge to take into consideration mitigating factors specific to the case, including the age of the defendant, the ability to appreciate the risk and the consequences of their conduct. But before even sentencing, there is a construct that provides the leniency and acknowledgment of the defendant's age and cognitive development. For these individuals that commit these types of felonies, there's the option for the changes to be-- excuse me, the charges to be filed in the juvenile court from the start and to be transferred there if filed in adult court. These transfer hearings place a burden on the state to establish that a juvenile offender is not amenable to the rehabilitative services that are inherent to the juvenile court proceedings. In Sarpy County, where I practice it, is typical for felonies like distribution of controlled substance, sexual assault, and unlawful intrusion to be filed in juvenile court as there is intensive, age appropriate rehabilitative services such as programs like the RSafe therapy and Aggression Replacement Training that have proven effective in advancing behaviors and decreasing risk. Additionally, juvenile courts allow for other placement options that are not incarceration when appropriate, such as secured and or rehabilitative facilities that adult court cannot offer. Even a case I had where a juvenile has committed a burglary, and then committed another burglary, the adult court was not the place for him, as rehabilitative services had not been exhausted in juvenile court. Therefore, based on what juvenile court can provide, the burden is high on the state to show the juvenile has exhausted those services and would not benefit. All this is to say, there's already an existing mechanism to which the defendant's status as a juvenile is taken into account. The impact on the victim in the community is not lessened because the person committing them is a juvenile. And creating a separate sentencing construct for the same crime is just that. The association's concerns with LB584 are those outlier cases where actions from the juvenile defendant are so unconscionable justice cannot support a differentiation in sentencing or rehabilitative measures. Recent examples would be the shooting of Pedro Velasquez in

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Omaha last month, and Mursol Jama last year. These examples provide real life instances of why LB584 would not be appropriate in application, and the current "tineset"-- the current sentencing guidelines are appropriate. Thank you for your time.

BOSN: Thank you. Questions for this testifier? Senator McKinney.

McKINNEY: Thank you. So if the current sentencing guidelines are appropriate, I'm going to assume, and I don't feel like I'm going out on a limb, that the county attorneys are going to come in support of LB556. So if the current sentencing guidelines are appropriate, why are you coming in support of that bill?

MEGAN BUCHER: Why am I not coming in support of a different bill?

McKINNEY: Why are you-- why are the county attorneys coming in in support of that bill?

MEGAN BUCHER: I apologize, I'm not-- can you explain?

McKINNEY: It's a bill to lower the age to arrest juveniles. So if the current sentencing guidelines are appropriate, why are you coming in support of that bill?

MEGAN BUCHER: So different. This is regarding sentencing ranges. That's regarding the age of the juvenile--

McKINNEY: No, no.

MEGAN BUCHER: --defendant which can come to adult court--

McKINNEY: Yes, but--

MEGAN BUCHER: --is my understanding.

McKINNEY: --the current, but the current sentencing guidelines are appropriate, right?

MEGAN BUCHER: In regards to the range in which this bill is addressing, we would say are appropriate. The County Attorney's Association's position is the lowering of the age for juvenile, but the imposition of the sentencing in which a judge has discretion to impose, the county attorney's office deems appropriate.

McKINNEY: But you said the currs-- current-- you didn't different-- differentiate when you said that. You said the current sentencing guidelines are appropriate, right?

MEGAN BUCHER: Right. I apologize in regards to the range, is what I mean not in regards to the age level.

McKINNEY: OK. So also, you-- do you also not acknowledge that a lot of these juveniles, who, I'm not saying they should have done what they've done, they end up in these situations. But a lot of them are system involved, meaning they have been in the system, whether DHHS syst-- like courts, everything. And that is, that, that's unique. And that means we should take that into account and the system should take that into account. And to say that the adult system is appropriate, I, I, I take offense to that.

MEGAN BUCHER: OK. I appreciate the clarification and the additional information. I do agree that the juvenile, usually when going into adult court, has touched the system multiple times in regards to whether or not it's through DHHS or through the criminal justice system through a juvenile. So the county attorneys' position is obviously taking into account the juvenile's age, but also the different aspects that I stated in my testimony in regards to the victim and the impact on the community as well as the reflective danger. So I apologize if that's offensive, that, that I believe is important, though, to take into account. And I don't believe that the current t-- current range and limiting it would still give any, any-- it gives less discretion to the judge. He could still sentence, or her, in that range, reflective of those measures that you're talking about or reflective background of that juvenile.

McKINNEY: OK. So, so, do you think all juveniles should start in juvenile court or adult court?

MEGAN BUCHER: That's a hard question because obviously you have premeditated murder, and whether or not I think a juvenile should start in juvenile court if they commit that, and this would be based on my own personal opinions, I don't want to associate this with the County Attorney Association, because I'm not sure what their stance is. But if a juvenile committed prete-- pre-- premeditated murder, I don't believe they're appropriate for the juvenile court. But I believe almost-- most offenses would be.

McKINNEY: What does the science say about the age of maturity and growth?

MEGAN BUCHER: I apologize, I haven't done a ton of research into regards the age of maturity, so I'm not the best to answer that question, but I'm happy to do research on it.

McKINNEY: I hope you would. Thank you.

MEGAN BUCHER: Thank you.

BOSN: Thank you for being here.

MEGAN BUCHER: Thank you.

BOSN: Next opponent. Anyone else here in opposition. All right. Neutral testifiers. Anyone here in the neutral capacity? All right, while Senator Spivey makes her way back up, I will note there were 24 proponent comments submitted, 5 opponent comments, and no neutral comments submitted. No, we're, we're too late.

_____: [INAUDIBLE] proponent? I got here late.

BOSN: Yeah, sorry, we're going to have to move on. So if you want to submit a comment to the senator, I'm sure she'd be happy to hear it, but we got to keep moving on. So go ahead.

SPIVEY: Thank you, Chair Bosn and members of the Judiciary Committee. As I started out in my testimony, this is a heavy day and it's a really important topic. And I think the intention of LB584 is not to solve for juvenile justice reform. I think that's a larger conversation that has a very different approach around what is restorative justice, how do we invest in preventative measures like affordable housing, wages, transportation, public education, like, that's larger. This bill specifically is addressing young children under the age of 18 that are charged as adults. So that is the intention of this bill are around the sentencing ranges for this. There was a question around, you know, is this arbitrary? Like, where are these numbers come from? And just like the current numbers, they are arbitrary in this way. I think it's a common sense approach around what does it look like for someone to seek rehabilitation, especially our young people, and which this bill is about and not become institutionalized. And so if you look at the Class ID assault, for example. If they received the max at 13, they would come out 63, at 63 years of o-- of age, right? If we look at it versus what I'm doing, it's 33. That is a whole lifetime difference. So what does that look like for them again, to not be institutionalized, to receive the rehabilitative support and services they need to be contributing citizens. So it doesn't absolve a responsibility. It says that accountability can also be hold with rehabilitation. And that's what our, our kids deserve. This bill, Senator Storm, I think you asked this question. This is about de facto life sentences. And so children

again, and as the county attorneys' mentioned, the judge has a discretion to say this is in juvenile court versus being charged as an adult. So this is if that decision has been made to charge this young person as an adult, and then their sentencing reflects a de facto life. So while it might not say a life sentence of what they're given, if they have two consecutive 50 year sentences, that's 100 years, right? So that's what this is trying to address. And I just wanted to mention that. And to the county attorneys' opposition, they did not reach out to my office, so unfortunately I didn't have a lot of thoughts that I could have prepared and talked about before to make sure that I work with them to address their concerns. Lowering the age does not address the issue at hand, and then locking up our kids longer makes the issue worse. So I think their testimony is eye opening to the issues, and why the system is broken, and why kids, especially from my district, are being locked up and thrown away. If you look at the adult prison population in Nebraska, over 60% of that population are black men from Douglas County. So again, this is a piece of a larger pie that-- of a system that is probably working the way in which it was intended, but we have the opportunity to fix, we have the opportunity to think strategically and intentionally about how do we, with this bill, not throw our children away. That they are not their worst mistake. That they can have accountability and rehabilitation and that, and that can exist. And I, and I think that they are worth it. I have a ten-year-old black son and I raise him. I have a two-year-old black son, and I think about what his life is going to be like, the experience he has, and what does that mean. And I am scared, not because of what we're saying about these kids are doing, but the systems that we are creating that don't allow for people like him, for my children to exist. And so the work that we are doing here today is so important. And we have to ensure that kids that have been exposed to these experiences, understanding ACEs, adverse childhood experiences, understanding trauma, and why they had this choice, again are able to have a re-- be a rehabilitative experience and be not thrown away, and then again move into adult prison and be institutionalized. And so I would be happy to answer any additional questions that this committee has, but would encourage you to move LB584 out of committee.

BOSN: Thank you. Questions for Senator Spivey? Senator Storer.

STORER: Thank you, Chairman Bosn. And thank you, Senator Spivey. I appreciate a lot of the testimony and the perspective today. I did want to be sure I understood, and I was sitting here thinking about that when-- after you made the comment about this, is our current

system not allowing children like your sons to exist. And I'm not making the connection, I'm sorry.

SPIVEY: Yeah, absolutely. So this is to the larger conversation around mass incarceration. So when you look at the data of who's being incarcerated at the juvenile level as well as at the adult level, it is black boys and black men. And so when I think about raising my son in a society that is not investing in preventative measures to ensure that he can be successful, I am concerned. And so this is a-- this, this piece of this bill is a part of a larger conversation around juvenile justice and then mass incarceration. And so I am concerned that we, as legislators, as a society, are not investing in preventative measures, affordable housing, mentorship programs, wages, quality education that allow for specific populations to be successful. Because if you look at the data, black boys and black men are under-- are over and disproportionately represented in our criminal system at both the juvenile and adult level despite our population size.

STORER: So the, the comments that I heard earlier were specifically in terms of the, the sentencing and how long, and, and I understand, you know, that the-- was based around the argument that juveniles, really under age 21, I think maybe even be up to 26, brains are not fully developed. So is it-- is this more a concern about, about specific to your district, or is this a concern about the development of the human brain?

SPIVEY: I think it's a yes/and. So when you look at the incarceration rates of juveniles that are going to this system and then are being charged as adults, my ge-- my geography is overrepresented in that. So I think from again representing my constituents, I have stake in that. And I think overall in general, when you look at the population of youth being charged as adults, the argument of around why they need sentences that allow for accountability as well as rehabilitation is because of the science behind it. And I did provide on-- like towards the end of my synopsis and on the back side just some data points around some of the studies and what they produced around the development of the brain when kids are exposed to trauma and what does that look like for, now, the experience that they're in.

STORER: Thank you.

SPIVEY: Thank you for your questions.

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BOSN: Any other questions over the vacuuming outside the door that makes it difficult to hear anyway? I'm working on addressing that. Thank you very much for being here. That--

SPIVEY: Thank you, Chair. And thank you Committee.

BOSN: That will conclude our hearing today on LB584. Next up, LB407.

DeBOER: We could just [INAUDIBLE].

BOSN: If you want to, if you want to unplug the vacuum, Senator Spivey?

J. CAVANAUGH: It's a s--

SPIVEY: I sure will. I'll [INAUDIBLE] on my way out.

J. CAVANAUGH: I think it's a sander.

HOLDCROFT: I think they're working on a [INAUDIBLE].

BOSN: It's all so loud, though.

DeBOER: Now is not the time.

BOSN: Before you start, let me see how many people are testifying if that's OK? Can I see a show of hands of how many individuals are testifying in some capacity on LB407? One, two, three, four, five, six, seven, eight, nine. Thank you.

J. CAVANAUGH: All right.

BOSN: Thank you, Senator Cavanaugh. You may begin.

J. CAVANAUGH: Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Senator John Cavanaugh, J-o-h-n C-a-v-a-n-a-u-g-h, and I represent the 9th Legislative District in midtown Omaha. I'm here today to introduce LB407, which provides a framework for dealing with children under the age of 16 who are charged with serious felonies and provides a procedure for bringing charges in district court if those children do not successfully complete juvenile court services. LB407 is an alternative to other measures this committee will hear, which seek to prosecute children as young as 12 years old as adults. It places original jurisdiction in juvenile court for children between the ages of 13 and 16 charged with Class IIA or higher felonies, and provides that proceedings can be transferred to adult court upon a finding that the child was not

amenable to rehabilitation under the Nebraska Juvenile Code. The goal of the juvenile justice system should be to rehabilitate, not to punish. I don't believe we should prosecute children as young as 12 as adults. Adults fully understand the consequences of their actions. Young children are incapable of fully understanding the consequences of their actions. LB407 represents a more measured approach, which recognizes that sometimes it may be necessary to charge children as adults, but only after we've demonstrated that rehabilitation has not worked. Some of my friends on the defense attorney side don't like this bill and feel it goes too far. I expect some of my friends on the prosecution side, law enforcement side, will say this doesn't go far enough. Maybe that means LB407's on to something. I thank committee for your time. And I'd be happy to take any questions.

BOSN: Are you staying to close?

J. CAVANAUGH: I will. I might bounce out. We have an exec session going in Government, so I might bounce out and come back.

BOSN: Thank you sir.

J. CAVANAUGH: Thanks.

BOSN: First proponent? Anyone here in support of LB407? Opponents. Anyone here in opposition? Come on up. Welcome, and thank you for coming.

KIM ANTHONY: All right. Thank you. Good afternoon, chairperson and members of the Judiciary Committee. My name is Kim Anthony, K-i-m A-n-t-h-o-n-y, and I'm here today representing the Omaha chapter of the NAACP to express our strong opposition to LB407 and LB556, introduced by Senators John Cavanaugh and Merv Riepe, respectively. These bills propose significant changes in Nebraska's juvenile justice system that we believe have detrimental effects on our youth, particularly for those from marginalized communities. LB407 seeks to permit criminal proceedings against juvenile charged-- juveniles charged with felonies following unsuccessful rehabilitation under the Nebraska Juvenile Code. While accountability is essential, shifting juveniles into the adult criminal system disregards extensive research indicating that such measures increase recidivism and hinder rehabilitation. The juvenile justice system was designed to address the unique needs of young offenders, focusing on rehabilitation rather than punishment. This bill undermines that foun-- that foundation, and risks exa-- exacerbating the school to prison pipeline. And that's what we find, that many of our children are put into the system at a

young age. And so it is actually putting them into a school to prison pipeline. LB556 proposes to change the jurisdiction of juvenile and adult criminal courts, allowing for the prosecution of children as young as 12 and secure detention of those as young as 11. The approach is deeply concerning as it contradicts developmental psychology findings that younger adolescents lack the cognitive maturity to fully comprehend the consequences of their actions. Subjecting them to the adult criminal system not only jeopardizes their future prospects, but also fails to address the underlying issues that contribute to delinquent behavior. It is imperative to acknowledge the disproportionate impact these legislative changes would have on our communities of color. In Nebraska, black youth are already overrepresented overrepresented in the youth juvenile system. Enacting LB407 and LB556 would likely intensify these disparities, leading to more young people of color, color being funneled into the criminal justice system. This outcome is antiethical [SIC] to the principle of equity and justice that our state strives to uphold. Instead of adopting punitive measures, we urge the Legislature to consider alternatives that have proven effective in supporting antirisk [SIC] youth, investing in the initiatives that address the root causes of juvenile offenses such as poverty, lack of educational opportunities, and family instability, providing accessible mental health services, educational resources to help children overcome challenges and succeed, implementing approaches that focus on repairing harm and reintegrating youth into their communities, fostering accountability without the detrimental effects of incarceration. In conclusion, the Omaha NAACP firmly, firmly believes that LB407 and LB556 do not align with Nebraska's commitment to a fair and rehabilitative, rehabilitative juvenile system. We respectfully urge this committee to reject these bills and instead champion policies that empower, uplift our youth, ensuring they have an opportunity to become productive, positive members of society.

BOSN: Thank you. Any questions for this testifier? Senator Rountree.

ROUNTREE: Thank you so much, Chairwoman Bosn, and thank you, ma'am, for coming to testify today. I have listened really intently to your testimony, and as a representative of our NAACP. And we're talking about championing policies and also fair and rehabilitative efforts. Could you talk some more about that? I know you're really active in the community. Could you talk about some of the things that we could do that could positively enhance and also encourage our youth and work with you as far as elevating?

KIM ANTHONY: Certainly. When you're dealing with youth as young as 12 and possibly 11, you know, there are all kinds of programs that they can go into to help rehabilitate them. Sometimes they don't have mentors. They don't have fathers in the home. There are all kinds of things that they're facing. They're being pushed by peers. There are adults that also can get involved in why youth do what they do. And they just need to have more positive reinforcement around them. So there's the girls and boys club. There are D9 sororities and fraternities that do a lot with youth, motivating them in many ways through helping-- well, we do all kinds of programs dealing with education. And when we do things dealing with education, we're giving them the tools that they need so that they can be successful. And we're partnering with parents. And a lot of times kids don't have the parents to be there for them. They're out there by themselves. You got kids taking care of themselves. So I just feel like there's other ways that we can do rehabilitative things to help our children along the way. And, and at 11 and 12, they do not have the maturity to be able to discern, really, what's right from wrong. Again, if you have people that are pushing you in a direction and no one has ever taught you anything different, that's the direction you're going to go into. And I just feel like there's more things that we can do that are positive to keep them moving and so that they can be successful. I personally don't have children that have not succeeded because my husband and I have two master's degrees children. But that's because we had them in programming. That's because we attended their PTA meetings and went to all of the things that they were involved in. You have so many children that don't have that. We pushed them. And so I'm just asking you to consider these two bills.

ROUNTREE: All right. Thank you so much.

BOSN: Senator McKinney.

McKINNEY: Thank you. What do you think is being lost when people come up here and advocate for juveniles to be-- to start in adult court before juvenile court? What do you think is being lost by those proponents of something like that?

McKINNEY: OK. Can you explain that again?

McKINNEY: So there are people that think that when juveniles are charged with crimes, they should automatically start in adult court and then be transferred down to juvenile court? What do you think they're missing?

KIM ANTHONY: I think they're missing the whole thing. My mind as a, as a 11-year-old, is not my mind as a 21-year-old. So why would you put a child into an adult system where all kinds of things are occurring? You have to find some other kind of ways that you can rehab-- rehabilitate the kid. I just don't-- I can't see putting a child into an adult system.

McKINNEY: They, they like to argue that these 11-year-olds are making adult decisions, so that's why they should start in adult court. What, what, what would you say to that?

KIM ANTHONY: I would say that an 11-year-old does not have the capacity of an adult. Their mind is not there yet. They have a lot of maturing to do. As a mother of a son, my 11-year-old was definitely not where he was at 18 years old. And so I would strongly consider putting him into a, an adult system where he's around adults that can intimidate him, can influence him, can do all kinds of things to him. I wouldn't want my child, and I want-- wouldn't want any other child to be put into a system where they're influenced by adults. They don't have the mindset for it.

McKINNEY: And lastly, I will say these, these youth are being recruited. So isn't that the argument that they should start in juvenile? If they're being recruited and manipulated, isn't that the argument to say their minds isn't there?

KIM ANTHONY: That is correct. That is the argument. Because a lot of times the kids are being recruited. If you don't have parents that are paying attention to what you're doing and you are out here trying to raise yourself, then those people that are on the opposite side that are trying to get you to do these things will have an advantage because they can manipulate the young mind. Having a, a parent that is involved with the kids is a whole total different thing. But you have so many kids, and especially our, our black kids, that are just out there bad, they're-- they get all kinds of things that they're dealing with in their homes. They're dealing with drugs, they're dealing with a loss of a parent, a parent may be in jail, they're dealing with not having food, just all kinds of things. Like when you talked about having proper places to, to live, the living situation alone. They may be children that are in a system where their parents are struggling and they're out there on the streets. There could be a number of things that, that affect kids. And certainly just throwing them in the system with adults is not the right thing to do.

McKINNEY: Thank you.

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BOSN: Senator DeBoer.

DeBOER: Thank you.

BOSN: Thank you for being here. Thanks for your testimony.

KIM ANTHONY: OK.

DeBOER: This bill, I think, gives original jurisdiction for every juvenile to the juvenile court. And that part you like, right? This one is-- there's a different one, but this one, I think-- let me ask you this way. If all kids started in juvenile court, you would like that?

KIM ANTHONY: It depends.

DeBOER: OK.

KIM ANTHONY: What,, what what-- it depends on what the crime was.

DeBOER: I'm, I'm saying that you never just go directly to adult court.

KIM ANTHONY: I would start at juvenile. I would never go to adult.

DeBOER: OK. So I think--

KIM ANTHONY: I, I can't see going to adult and then moving back to juvenile. I, I, I think they should start at the juvenile.

DeBOER: And I, I think this bill is trying to do that, and you like that part of this bill at least.

KIM ANTHONY: Yes, yes and no.

DeBOER: OK. All right. But, but your testimony, I think, I'm trying to make sure I got it right. Your testimony is you want it to-- you want kids to go to juvenile court?

KIM ANTHONY: Yes.

DeBOER: Great. Thank you.

KIM ANTHONY: OK.

BOSN: Thank you for being here. Just a reminder. If you are planning to testify, you have to fill out a green testifier sheet for each bill

number. So if you're going to testify on this bill and then on another number, you still have to fill out another green sheet. So if you need to grab another one, got the chance to do it. But if you are in opposition to LB407, come on up.

MEGAN BUCHER: Good afternoon again. My name is MeganBucher, spelled M-e-g-a-n B-u-c-h-e-r, and I'm here testifying in opposition to LB407 on behalf of the Nebraska County Attorneys Association. As an association, we have appreciated Senator Cavanaugh's willingness to have an open discussion with us regarding how to address the rising numbers of juveniles committing serious felonies. And we recognize that in LB407, part of that conversation is reflected, specifically the language attempting to lower the age to 13 for jurisdiction in adult court. However, there are some serious jurisdictional and constitutional issues with LB407. The main part of LB407, Section 8, lays out the transfer procedure from juvenile to adult court is problematic. It raises jurisdictional issues with the limited power of the juvenile court, lacks directive of procedure in criminal court, and raises a constitutional question of double jeopardy. I'll go through each individually. As written, LB407, on page 16, includes that language at any time after disposition, may file a motion requesting the juvenile court to dismiss the petition and authorize the county attorney to refile any charges as a criminal proceeding in district court. First problem, after disposition. In juvenile court, that means after an adjudication, or as we would call it, a conviction. An adjudication on a petition cannot be dismissed. Termination of jurisdiction is possible, but not dismissal of the adjudicated petition. The juvenile has no jurisdiction or authority to authorize the filing of an information in district court. That authority remains with the district court judge. Second issue. The language proposed in LB407 does not address the second half of the equation: how such a transfer will be handled once filed in district court. There is no directive language on whether it can be a district-- excuse me, a direct filing on how to handle a preliminary hearing. In adult felony cases, a defendant's entitled to a preliminary hearing. Typically, this happens during the county court phase, in which LB407 is silent on how or if it should occur. The bill as written outlines that the state shall file an information in district court, but this language is housed in the juvenile code. There is no cross reference, statute, or language added to Chapter 29 to direct the process. Finally, the section 8 transfer raises the issue of double jeopardy. As I discussed earlier, the transfer motion is filed after adjudication and disposition, but written as envisioning the County Attorney's Office refiling charges and seeking

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a new conviction in district court. In layman terms, double jeopardy prevents an individual from being convicted and punished for the same crime twice. While juvenile adjudication is not a conviction, the dispositional orders entered by a court to do a juveni-- to put a juvenile in a position where freedoms are restricted, detention, out-of-home placement, electronic monitoring, etc., the association fears that LB07-- LB407, as written, could fall under the double jeopardy. At this bill, transfers at post dispositional stage, transfer to an arraignment stage with the current criminal juvenile/adult transfer is an arraignment to an arraignment. Another transfer is a bridge order, which allows the custody-- Thank you, I see I'm out of time. I'd like to answer any questions if you have any.

BOSN: Questions for this testifier. Senator Rountree.

ROUNTREE: Thank you so much, Chairwoman Bosn. You are on a roll. Could you continue that? I was tracking with you and making notes. Could you continue that for me, please?

MEGAN BUCHER: Yes. So we were talking about how on LB407, the transfer is a post dispo-- dispositional stage to an arraignment in district court. And then when you have a transfer from juvenile to adult, right now, it's arraignment to arraignment. Another example would be a bridge order. So that's a custody order from a juvenile case that would be transferred to a district court case. I appreciate you allowing me to finish.

ROUNTREE: Thank you so much.

BOSN: Senator McKinney, do you have a question? Sorry.

McKINNEY: Yes. Did you say youth arrests are on the rise or--

MEGAN BUCHER: Rise of serious felonies committed by juveniles, correct.

McKINNEY: Does the data back that up?

MEGAN BUCHER: I believe so.

McKINNEY: Are you sure?

MEGAN BUCHER: I believe so.

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McKINNEY: OK, well, looking at data and showing the trend of arrests down in Douglas County. So I'm just curious. Could you share that data?

MEGAN BUCHER: I don't have any current data with me today, but I can have that shared through the Nebraska County Attorneys Association. But as you've seen in the news, there's multiple higher offender juvenile, which I gave in my last testimony, which was last year. There was the shooting of Pedro Velasquez and then Mursal Jama, so--

McKINNEY: I've seen the news, I watch the news, I read the newspaper.

MEGAN BUCHER: Yeah.

McKINNEY: But does that mean it's on the rise, though? That-- just because something is in the news does not mean there's, like, this massive spike is what I'm trying-- what I'm saying.

MEGAN BUCHER: I, I don't think I'm alleging that there's a massive spike. I, I would believe that there has been a rise in serious juvenile offenders committing crimes.

McKINNEY: I would love to see the data. When you say these things and you come to the committee and say these things, share the data.

MEGAN BUCHER: Thank you. I'll keep that in mind in the future.

McKINNEY: Thank you.

BOSN: Senator DeBoer.

DeBOER: Thanks. Thank you for being here. One of the portions of this bill that I think is really interesting is the-- that every case will begin in juvenile court. Does the County Attorney's Association have a problem with that aspect of things? I mean, understanding what we know about children being children and not-- their brains not developing and that sort of thing, starting things in juvenile courts where folks are trained how to deal with juveniles makes sense to me. So is that a problem for the county attorneys?

MEGAN BUCHER: I haven't talked specifically with the whole association. I do apologize. I believe, though, that part of the association believes in some direct filings, and I know that that part wasn't addressed in this bill, since there seem to be larger issues in regards to the constitutional-- constitutionality of double jeopardy, as well as how mechanics would work. And so I can get you an answer to

that. But I would believe that there might be some cases the County Attorneys Association may not want always in juvenile court.

DeBOER: Can you-- I know now we're sort of going out on a tenuous area here, but can you tell me what the logic behind that would be? What logic would there be for chil-- for charging a young person initially in adult court?

MEGAN BUCHER: So charging a juvenile initially in adult court could be an older juvenile who's had previous interactions, not necessarily through a juvenile offender case, but through the department or investigations through law enforcement, and commit a high serious level crime, such as murder, that it might be more appropriate given the information to file directly in adult court.

DeBOER: Except that if you filed it in juvenile court, you'd have the benefit of, you know, at least if that's the original jurisdiction, you have the benefit of someone, you know, a whole system that's been set up to work with young people. Right?

MEGAN BUCHER: Correct.

DeBOER: And so you have the ability to do an evaluation of their competency, do an evaluation of their x, y, z, looking through that lens. So is there something inherent in adult court that is better suited to handling certain kinds of convictions, or I can't, I can't imagine a reason why to start there because I can't see what adult court does that is different than juvenile court that would benefit anyone when dealing with a juvenile. So I guess-- but I didn't practice criminal law. So I'm asking for, like, is there something I'm missing that makes adult court better able to handle this, because I can't see why it would ever be better to start with a juvenile in adult court.

MEGAN BUCHER: I think it's exactly in regards to the transfer hearings and whether or not that's appropriate, but the direct filing of a juvenile who rehabilitative services may not be the answer for that based on the history of that juvenile. And the adult court's better able to handle more serious offenders than the juvenile court would be able to. They can still address things such as competency, as you were stating, and still have services, but that the juvenile should be essentially treated as an adult based on the conduct and history of that juvenile that the juvenile courts can no longer handle, that they can't offer the rehabilitative services.

DeBOER: I guess I can understand-- I can kind of understand that, except this. Wouldn't the juvenile court be the best-- in the best position to decide what it can or cannot handle.

MEGAN BUCHER: Yeah, I guess it's deciding on the separation of powers between the county attorney's office filing and the judicial system being involved and having the county attorney make the decision whether or not it should file in juvenile court versus adult based on the information known, because the court doesn't have all the contacts and information from law enforcement and background through the departments or other agencies.

DeBOER: So I guess that's kind of the, the crux of it. It's whether the county attorney should decide whether they're in juvenile court or adult court, or whether the juvenile court should decide whether they're in juvenile court or adult court. And I suppose it makes more sense to have a judicial body doing that than a prosecutorial, but--

MEGAN BUCHER: Yeah, and that's, I think, a conversation to be had on whether or not there should be always a filing juvenile. I think it's potentially overload the system and looking at other checks and balances, because I believe that the county attorney, having the current power and having transfer hearings, then gives the check on the county attorney to be able to make those decisions for the judicial, to then check whether or not the motion to transfer, whether that being filed by the defense. And so there's already the check in place of that, whether or not it should be direct-filed in juvenile versus criminal, adult criminal court, versus the Legislature just saying no, all county attorneys need to file it in juvenile. They need to then file the motion, have this argument, and then move it up and whether or not that's the most appropriate.

DeBOER: But if they-- if we do it that way, if they all start in juvenile, then, and again, I don't always know how this works.

MEGAN BUCHER: Yeah.

DeBOER: The transfer hearing is heard by whom?

MEGAN BUCHER: If you file in adult, in adult court, the district court judge, because it has to be bound over because it's the district court with the jurisdiction there, the trial court, then obviously, if it's filed in juvenile, the juvenile judge will hear that transfer [INAUDIBLE].

DeBOER: So wouldn't it be better for the-- for it always to be filed in juvenile and then the juvenile court to always be the decider, so it's always the same group, same person, same court deciding. And then they decide, the juvenile court would be tasked with deciding to send it up to adult or to keep it in juvenile every time.

MEGAN BUCHER: And potentially I would have to further explore all those options. But potentially, yes.

DeBOER: OK. Thank you.

MEGAN BUCHER: Yes.

BOSN: Senator McKinney.

McKINNEY: All right. So here's one of my fundamental problems with your position. When are we going-- when are you, your association going to acknowledge that the kid isn't the only one that failed. Like, a lot of these kids are in the system. A lot of these kids are in the-- like going through the system, the courts, the "department of hell, harm and suffering." And that sys-- those systems are failing those kids. And we're just saying these kids are failed, throw them in the adult system. The kids aren't the only ones that failed. I'm not saying what they did is acceptable at all, I would never say that. But there, there has to be some acknowledgment that the systems have failed these kids. And just saying, throw these kids into the system because they haven't done right for whatever reason is, is not acknowledging that the systems have failed. And in just saying go to adult court, doesn't acknowledge that. That, that's what I'm missing.

MEGAN BUCHER: I don't think the, the the County Attorney's Association has ever not acknowledged that the system's im-- that's perfect and that we're not imperfect or that we don't do things that can be changed. Otherwise we wouldn't have committees like this changing the Legislature or prosecutors ever evolving in regards to changes to society. I think we acknowledge it's imperfect. But I think the other argument is, is that sometimes the system doesn't fail a juvenile, and sometimes it is the juvenile. I'm not saying it's always, but do you think it's always system factors, and that a juvenile is always failed by the system?

McKINNEY: From my experience, and just-- I'm using me, I'm-- nobody else can speak for me. I grew up in north Omaha. I've, I've seen everything. Everything. It's not always the juvenile.

MEGAN BUCHER: I didn't say it was. I'm just asking if you've ever thought that it's, it's a-- it's always a system factor and it can't ever be--

McKINNEY: There's always a--

MEGAN BUCHER: --a juvenile or something else that's affecting it, that it's always the system.

McKINNEY: It, it, it is always a system or a factor that is outside. It's never 100% the juvenile. It's, it's, it's never.

MEGAN BUCHER: But is it always the system?

McKINNEY: Yes.

MEGAN BUCHER: A factor? OK. I was just curious.

McKINNEY: For me--

MEGAN BUCHER: Yes.

McKINNEY: --from, from my life experience? There, there is, yes, from, from my perspective. Because number one, just being a black man in America, that system, the system of oppression in America, the systematic oppression, systematic racism, that is-- that, that, that, that system alone is a factor. And you might not want to acknowledge that, but that is, that, that alone is a factor.

MEGAN BUCHER: But is that a different system or societal thing than what you deal with in the criminal justice?

McKINNEY: No. It's not because they all intersect.

MEGAN BUCHER: OK. That's fair.

McKINNEY: Thank you.

MEGAN BUCHER: Thank you.

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

MEGAN BUCHER: Thank you. Next opponent.

CHELSIE KRELL: Good afternoon. My name is Chelsie Krell, C-h-e-l-s-i-e K-r-e-l-l, and I am testifying in opposition to LB407 on behalf of the Sarpy County Public Defender's Office. I am a 12 year practicing

attorney. I practice mostly in criminal courts and have had experience in juvenile court as well. I'm currently practicing in juvenile court in Sarpy County. I appreciate Senator Cavanaugh's remarks at the opening, that he seems to envision this bill as a way to appease those who would like more things to start in juvenile court, but also people who say, well, what happens when juvenile court doesn't work or when juvenile court doesn't have enough time? Maybe juvenile court would need more time to work with this youth. I, I appreciate the impulse to try to have a marriage of the systems, or a blending of the systems. However, I don't believe that this LB407 is the-- as written is the correct vehicle to do that. It anticipates that at any time after disposition of a juvenile, that juvenile, that case could be transferred or assessed anew in district court. I don't think that's in the best interest of the juvenile. The-- in juvenile court, there is an immediacy to the consequences. And I think for juveniles in particular, having an immediacy to the consequences, having finality to the proceedings is in their best interest. It does raise the issue of double jeopardy, as Ms. Bucher mentioned. It also raises the issue of if we are contemplating adult penalties of a juvenile, does that juvenile then become entitled to a jury trial? And where would that jury trial occur? Currently in juvenile court, it's a bench trial to the judge who adjudicates the facts and decides whether that child is responsible for the crimes alleged. However, if we were suddenly rehearing the case anew in adult court with adult penalties possibly on the table, that juvenile would then be entitled to a jury trial. That could potentially be years later. We have kids coming into juvenile court as 12, 13-year-olds, and by some series of events, maybe they continue making boneheaded decisions, but they're still in the juvenile court when they're 16. Now it's four years removed from maybe what they've done. Witnesses and evidence aren't fresh, they're not available, and it's far removed from the immediacy of the consequences for the juvenile. I'm-- I've never testified before, so the yellow light has thrown me off. I'm sorry. I don't think that this LB407 is the correct vehicle to marry those two systems. However, it would be an interesting conversation to continue if we were to find some ground to maybe keep more kids in juvenile court where I believe kids belong, but provide some reassurances and some extended time to work with them. I would take any questions now.

BOSN: Questions for Ms. Krell?

McKINNEY: Thank you. As a public defender, have you seen juveniles who may have, like, violated, and I'm saying like just off or just any type of offense, didn't go to school, but just, just mult-- just different things. Have you seen that?

CHELSIE KRELL: Oh, of course.

McKINNEY: And just based on this bill, if they violate, they would be sent up to adult court. Am I read-- did I read this wrong?

CHELSIE KRELL: It appears to me that it would be highly discretionary to the particular prosecutor and then highly discretionary to the juvenile court judge. Subjective, not objective.

McKINNEY: But kind of what I'm getting to is juveniles mess up.

CHELSIE KRELL: Of course.

McKINNEY: And it's the nature of a juvenile. We've all been juveniles before, and we all did things that we definitely shouldn't have never done. And that's the-- that's, that's adolescence. That's being a juvenile.

CHELSIE KRELL: I agree, and I think that's the purpose of juvenile court existing is be-- that the decisions that we make when we're under age, when our brain isn't working, when we're more focused on our friends and fitting in and not thinking through our decisions, those decisions that we make shouldn't hold us back for our whole lives. And I think that's why juvenile court exists. And I would like to see more juveniles stay in juvenile court.

McKINNEY: And, and last thing. Is there any-- like, so a juvenile gets sentenced in juvenile court. What's the benefit? A juvenile gets sentence in adult court. What's the benefit?

CHELSIE KRELL: So if a juvenile completes juvenile probation in juvenile court successfully, their record is sealed, meaning that most people cannot see that they were in trouble in juvenile court. Most people can't see that they had an assault in juvenile court. Their record is sealed. If they are in adult court, that record is possibly eligible to be-- oh, I cannot think of the word right now, but it's still visible to-- on a background check, on-- a nosy neighbor could go down to the courthouse and search your name, and find different things that you did when you were an adult, even as young as 18, 19 years old. But in juvenile court, that record is sealed.

McKINNEY: All right. Thank you.

DeBOER: Thank you, Senator McKinney. Senator Holdcroft.

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HOLDCROFT: Thank you, Vice Chair DeBoer. Help me out here, I'm not a lawyer. If they're-- if, if they start off in juvenile court and they are bound up to adult court, do they go to the county court or district court.

CHELSIE KRELL: Oh, it has been a minute since I've had a case transferred. I-- it goes to county court first. There's a complaint in county court. I believe a bond is set in county court. And then there's a preliminary-- not a preliminary hearing. No, a preliminary hearing, I believe.

HOLDCROFT: OK. And then they can, based on the charges, they can be bound over to district court.

CHELSIE KRELL: Yes. If there are felonies.

HOLDCROFT: So this binding from court to court, to me seems like it-- the previous testifier, and actually it might have been in the last bill, had a bunch of issues about moving, you know, the case from juvenile to adult court. But it appears we move these cases from, from court to court without any-- at least at the adult level. So what is it between juvenile and adult court that is causing this issue about moving it from one to the other?

CHELSIE KRELL: Well, I believe that the issue is the adjudication or the determination of guilt. So in juvenile court, we may have a juvenile that would readily admit in juvenile court, knowing that there are juvenile court penalties at stake. However, if they-- the matter was to be refiled, started anew in district court, they may say, well, no, I'm not going to admit to that if I could potentially be facing adult court penalties, I would like a jury trial. So I believe that's what you were addressing?

HOLDCROFT: OK. Yeah. Thank you very much.

DeBOER: Thank you, Senator Holdcroft. Other questions from the committee? Thank you for being here.

CHELSIE KRELL: Thank you.

DeBOER: We'll have our next opponent. Welcome.

JASMINE ALEXANDER: Thank you. My name is Jasmine Alexander, J-a-s-m-i-n-e A-l-e-x-a-n-d-e-r. Good afternoon. I am testifying in opposition of LB407 as an individual citizen. Adult criminal charges and the potential for incarceration will not solve the challenging

behaviors that some of our youth exhibit. Our youth are expressing cries for help and entry into the carceral justice system will not answer these cries. The Nebraska Judicial Branch reported an 18% recidivism rate for youth across the state in 2023 Juvenile Justice System Statistical Report. This means that four out of every five youth did not re-offend, a glaring indicator of hope for our youth and proof that our youth are being rehabilitated. There is no need to engage in criminal proceedings when the juvenile justice system is working just fine, and supporting our youth. Violence at home, generational cycles of incarceration, lower socioeconomic status, and difficulty with school are often reasons that youth turn to crime. We need to focus our efforts on ensuring that our youth are clothed, fed, housed, and provided opportunities for quality education. Nebraska's prisons are already overcrowded and understaffed, nearly leading the country in overincarceration. Why contribute to an already pressing issue? LB407 is an attack on our future, and it will disproportionately impact black youth and youth from marginalized communities. LB407 will not make our communities safer. It will exacerbate a nearly non-existent issue. Effective alternatives to youth in-- incarceration include credible messenger mentoring programs, restorative justice interventions, and wraparound programs, all options that exist in the state and can operate more effectively with proper support. Nebraska can be better if we choose to do so. Thank you for your time.

BOSN: Thank you. Any questions for this testifier? Seeing none, thank you for being here.

JASMINE ALEXANDER: Thank you.

BOSN: Next opponent. Good afternoon and welcome.

KAVETTA THOMPSON: Good afternoon. I'm nervous. Sorry.

BOSN: No, no, Don't be nervous.

KAVETTA THOMPSON: It's my first time. My, my name is Kavetta Thompson. That's K-a, v as in Victor, e-t-t-a, Thompson, T-h-o-m-p-s-o-n, and I'm here in opposition to LB407 as an individual citizen in the state of Nebraska. I'm in strong opposition to LB407, which proposes to allow criminal proceedings against juveniles charged with felonies following unsuccessful juvenile court proceedings. The juvenile justice system is designed with a focus on rehabilitation rather than punishment. It recognizes that young people are still developing and have the capacity for change and growth. By allowing juveniles to be

subjected to adult criminal proceedings after a failure in juvenile court, LB407 effectively disregards this vital principle. It shifts this focus from rebuilt-- rehabilitation to retribution, a move that can have a lifelong detrimental effects on young individuals who are still navigating their forma-- formative years. Criminalizing juveniles not only increases the likelihood of recidivism, but also alienates them from their families and their communities. Research consistently shows that harsh punishment, punitive measures do not deter crime. Instead, they trap young people in the cycle of incarceration and involvement with the justice system. This transition to adult court can lead to harsher sentences and limit opportunities for restorative justice, which is the very issues that we seek to resolve here. Furthermore, the bill's provision to make certain that statements are inadmissible raises a significant concern for the rights of the juvenile. It's critical to ensure that any legal process respects the rights of the accused, and that for mi-- especially for minors who may not fully comprehend the ramifications of their statements or the legal proceedings that they are involved in. Protecting juvenile rights is paramount to ensuring a fair trial and safeguarding against potential abuses within the system. LB407 would disproportionately impact marginalized youth, including those from low income communities and communities of color who are already underrepresented in the juvenile justice system. Rather than criminalizing our children, we should be expanding the opportunities for growth, education, and success. I urge you to oppose LB407, and let us not regress in our approach to juvenile justice, but instead advocate for a system that emphasizes rehabilitation, accountability, and the potential for transformation. Our youth deserve a better chance from their mistakes, and they deserve a chance to become productive, responsible members of society. Thank you for your consideration.

BOSN: Thank you. You did a nice job testifying for your first time.

KAVETTA THOMPSON: I was so nervous. Thank you.

BOSN: Any questions from the committee of this testifier? Seeing none. Oh, Senator Rountree, I apologize.

ROUNTREE: That's OK. Thank you, Chairwoman Bosn. And thank you so much, Ms. Thompson, for testifying today. It was a great testimony. I wanted to just circle back on one of the positive things that we can do. We look at a lot of the negative, but we as a legislative committee, if you wanted us to enhance something that's really positive in your community that's going to impact our youth and maybe

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eliminate some of those coming into the system. What is one thing that you would ask us to do? I know I'm putting you on the spot, but how can we come into the community and help to kind of alleviate some of these situations?

KAVETTA THOMPSON: Well, I, I'm just a citizen, so I'm not a lawyer--

ROUNTREE: That's OK.

KAVETTA THOMPSON: --I'm not a medical doctor, not any of that.

ROUNTREE: That's all right.

KAVETTA THOMPSON: So when I-- I'm a mother of four kids--

ROUNTREE: Yes, ma'am.

KAVETTA THOMPSON: --that I raised in Omaha, Nebraska. And for me, positive reinforcement, helping with mental health issues, anything, counseling, anything that will give a positive outcome for me. So when I'm looking at rehabilitation, I, I think of therapy, I think of going to those mental health places or those things to help somebody. Because I think a child's mind is very formative. If you're, if you're committing a crime, this is just my opinion, as young as 11 that you're either have trauma or you've been groomed. And so in my opinion then you need some type of help. So I would like to see those agencies or those types of things come into play when you have these young people who are repeating the offenses or making the offense. I don't know if I answered that.

ROUNTREE: No, no, that's fine. And I respect your opinion. Thank you so much.

KAVETTA THOMPSON: Thank you.

BOSN: Thank you for being here.

KAVETTA THOMPSON: Thank you.

BOSN: Next opponent. Welcome.

ROSCOE WALLACE: How are you doing?

BOSN: Good. Thank you.

ROSCOE WALLACE: How's everybody? My name is Roscoe Wallace. I'm CEO of Viable Healing. We specialize in restorative justice practices. I'm

here in opposition of LB407 and LB556, but I'll just address LB407 for now. One of the things I would like to start off, because I don't want to take up you guys' time, you've, you've heard a lot of things repetitiously. And they all have, they all have merit. Age, have the kids needs really been met? Alternatives. I would like to talk about this. In restorative justice, the first principle is accountability, accountability to the victim. So we're here today to address accountability for these young kids, right? Some of the things that they've done, and I would be one to say is a small majority. Some may disagree that we're basically painting a broad brush and-- of a picture with. But for me, if we talking about holding the children accountable, and I heard the Senator McKinney talk about other factors in that accountability. So for me, if we here and we're talking about accountability, can we start with the parents first? OK? Then can we start with community? Or we could even say extended family. We go to the community. Next we go to OPS. Then we could talk about all community organizations. We could put probation in that, in that equation. And then I'm gonna throw one out there, that some of us in my age bracket didn't have to worry about. And that's social media. So I'm going to throw society in there. OK? So now we're talking about accountability, and now all these factors we're saying are not accountable? But the kids are? I mean we really have to think about that. Then we have to ask ourselves, did we exhaust all efforts in meeting their needs? And some of us will say, yes, we have. We have so many programs out there, these kids have opportunities. Have we once asked the efficacy of those programs? Have we one time held any of that accountable? Have we said, what are the kids getting out of this? Probation got 85% of the kids right now in the county. Have anybody say, how can we help you? Because this is not about getting in a room and fighting, this is about solutions, but if we're going to be honest, the only ones that we're, we're, we're holding accountable is the kids. The kids that everybody just said that, that, like, all of us, have made mistakes. And they should be accountable because everybody in the restorative justice frame is-- has to be accountable. But how can we just ask the kids for accountability? So I say, if we can look in the mirror, each and every one of us, Republican, Democrat, independent, I don't care. If we can look in the mirror and say we did those things as a community, we exhausted all those things, then we should be here doing what we're doing. But I know we can't say that. It's more of a scapegoat. Even the community had that issue. Oh man, we can't deal with these kids, this and that, because some of the parents are the problem. So I'm not trying to throw the bag on them, I'm saying they should have asked for help too. We got parents, parenting parents, I mean parents parenting-- kids, parenting kids.

And we still want to hold the kids accountable. Come on, now. I mean, that's for each and every one of us. Think about that. I would prefer the parents being up here right now. Hold them accountable. So as a community, if we're going to be accountable about this, because-- I'm just leaving with this. Right now, I'm teaching PAC teachers, right? They come in and they deal with these kids. Next week I'll have 100 of them. And what I'm teaching them is this, and I want us to understand this, that kid in that household be the night before school, imagine any type of abuse, even take on top of that maybe he seen somebody at the corner store just gets shot. OK? Our kids are not dealing with this trauma. They don't know how to deal with the grief of losing friends and all that, so it's coming out in behavior. So what happens is that kid come to school the next day, and as a teacher, we're thinking he should only have books in that backpack ready to study. We're not taking into account what else is in that backpack. So the kid comes in with that abuse, could be sexual, could be physical, could be verbal, or they just seen a traumatic event, or, or somebody left out, out of your life, any of those things. They come into the school, and guess what we judge, the same thing our system do, behavior. We don't ask what's going on, what happened. And so until we do those things on both of those bills, trying to pawn these kids off real quick to adult court and all that--

BOSN: I'm going to have you just wrap up your final thought and then we'll get to questions. I imagine there will be some, but just let me have--

ROSCOE WALLACE: And, and--

BOSN: you wrap up that last thought, and then we'll--

ROSCOE WALLACE: --and I'll say this. Right now, it is a scapegoat because we do have things that we can do for these kids, and if-- and it's shown. And I'm doing some of them now, if you want to ask me about that.

BOSN: Thank you. I'll, I'll start. Tell us about that.

ROSCOE WALLACE: Yes. Right now. I'm working-- I received a grant, so I'm working within DCYC. What we were doing before that, the kids would just sit there, all right? We had preachers going in, we had motivators going in, you know, and we had teaching going on. Nobody dealt with this trauma. It just sits there. And then we have trauma bonding going on. That's what those four kids did. They met in the youth center. And so what we're doing in there, we're going in there

and we do what we call support circles. And man, do those kids process. We come in first in the circle, we do a one through ten. Ask them how they feel. Imagine that, somebody's asking you how you feel. And giving them an opportunity to discuss those feelings, the failures, the way they hurting their family. This is their third time in there. And they'll tell you. Some of them say, I don't know. And that's where we as a community say, then we'll know for you, we'll help you get there. So that's for one. Two, I had a young man named Rashad Mackets [PHONETIC]. He shot-- he was in a, a, a vehicle and they shot at law enforcement. So you guys maybe heard the story. He hit one of the officers in, in his vest. The kid's very remorseful, all of that, didn't have nothing on his record. Right now, if we didn't intervene and we didn't, we didn't have the, the support of Donald Kleine's office, you know, because those guys did help us with this, and it was a tough one, this is law enforcement. But the judge even seen it, just throw this man away, give him 20 years with nothing on his record. So they gave him to me and my restorative program. He's doing great. And so hopefully that time comes where he can go to that officer, he can apologize to everybody, he's showing that. He wants to get to that point to where he can get to that officer and say, I am sorry for what I did that night. Because he's humanized that officer. He don't just see that any more, more that-- but that's where he was at. And that's what we mean by that frontal lobe developing over time with repetition. So we need to allow that to happen. But there is things that's happening. I got a partner with a blueprint right now. We are getting down to it right now. These are programs that we've never done. We've never intervened and given those kids anything at DCYC, we just let em right back out. So when we talk accountability, we need to look around at all of us. Me as a father. I wasn't a great one, but today I can stand up and be what I need to be for my grandkids because I learned. And so I'm speaking not only as, as a CEO, because I spent over 26 years in these same places, Boys Town, Youth Center, Kearney, Geneva, Holmes. Back then, you guys, you only sent us west, western Nebraska. Now you guys are sending these kids out of state and they're being traumatized there. Because anybody know I've been in the feds. and here in Nebraska we don't have a federal facility, so we have to go everywhere else. And when we go on other people's shores, we gotta show up. And the kids the same way. What's up with you? Where you from? These kids are being molested, raped and all kinds of things, this process that you guys don't know about happening to them because we sit here and just make decisions. So we really got to think this out. And I'm talking Republican, Democrat, independent. Because I'm all for victim-- you know I, I victimized. So I-- and my son was murdered, so I understand it, but I come from the

approach of the victim approach. And that's what we should be doing. But this system don't-- we, we, we, we, we plea bargain 98.5% of our cases. You think any victim satisfaction in that? So what we really need to think about is all I have to say on that.

BOSN: Thank you. Any other questions? Thank you for sharing your story.

ROSCOE WALLACE: Thank you.

BOSN: Oh, Senator McKinney, sorry.

ROSCOE WALLACE: Thank you. Thank you. Roscoe. Do you think any of these juveniles that you interacted with understood they were making adult decisions?

ROSCOE WALLACE: I believe that they were making decisions that they felt was the best decisions for them. When we talking Maslow, these kids needs are not being met. And when needs are not being met, you're in survival. I was one of them kids. And I won't, I don't want to bag on my mom. I didn't have a dad, never met him. It played a big part. My mom couldn't support me emotionally. She couldn't support me in the courtroom. The judge said, Miss Wallace, what are we doing here? And the first thing my mom say, I don't want to be here in the first place, I don't care. And I learned how to speak for myself. So some of these kids don't have that, so they're doing only what they feel they have to do until we show them different. So actually what we have to become is a surrogate. It's sad to say, but as a society, that's what we're going to have to become because the parents are failing. We have to admit that. The system failing but we got also talk about parenting and there's some issues with that, I understand. People can go on the red line, and we could talk about a lot of things, but I want to talk about today and everybody being accountable today. The community, parents, us. And then let's make a conscious decision before we throw these kids away.

McKINNEY: Thank you.

BOSN: Thank you very much for being here and sharing your story and for the work you do.

ROSCOE WALLACE: Thank you. Thank you.

BOSN: Next opponent. Anyone else here in opposition? Next, we'll move-- oh. Welcome back.

SHAKUR ABDULLAH: Thanks for having me. So I am Shakur Abdullah, S-h-a-k-u-r A-b-d-u-l-l-a-h. I am testifying here as a private citizen today. First, let me just say ditto to what Roscoe just said. To Senator Cavanaugh's point of maybe having some of his defense friends question what he has proposed here and some of his prosecutor friends question what he's doing here, and he thinks that maybe this is a approach that meets in the middle and it's the right approach. This approach is just more of the same. Ultimately, this is just another way to punish children for failing initially, maybe failing for the first single time in their life being put into a, a system. But Nebraska has a sordid history in terms of getting things right. There were six people convicted of first degree murder only years later to be exonerated. Have one case where somebody was wrongfully convicted, later executed for that wrongful conviction, only to be pardoned some 100 years later for that mistake. Right? So the system doesn't get it right to begin with, and they get it far less right when it's involving children. So I am certainly here just to lend my voice against this effort. Given my experience, I have experienced transfer hearings that went horribly wrong for me and it injected me into a adult system as a child. The one thing we have to keep in mind with these types of bills, we think that there is something mystical or magical that happens when we say we are going to charge this child as a adult, right? And place them into the adult system, which this bill would ultimately do if they fail. Right? That child, much like my experience when I went to prison, I was still legally treated as a child. I was convicted and tried as an adult, but that conviction did nothing to emancipate me. And this bill does none, none of that as, as well. So I just want to say that we need to keep that in mind, that prosecuting children as adults, holding them culpable as though they are adults, even though we will put you on death row at 18 years old and kill you. But as a last request, we would tell you that we cannot give you a cigarette, can't give you alcohol, because it, it's illegal, you are not old enough. Until there is some parity between all of that, these types of bills just don't make any sense to me personally given my experience.

BOSN: Thank you. Questions for this testifier? I appreciate you sharing your story. Thank you for being here. Next opponent. Every time.

JENNIFER HOULDEN: I'm Jennifer Houlden, J-e-n-n-i-f-e-r H-o-u-l-d-e-n. I'm here on behalf of Nebraska Criminal Defense Attorneys Association. I am the chief deputy of the juvenile division of the Lancaster County Public Defender's Office. I don't want to retread prior testifiers' comments about the very serious procedural and structural issues in

the scheme set out in LB407. But we are opposed to the current structure as written, certainly. However, what I think this bill is speaking to, and I think some members of this committee and the Unicameral share, is looking for a way to, in serious charges, find a backstop against the concern that juvenile court interventions are inadequate on the most serious charges. I think that's what this bill is attempting to do, and I think that that has some validity. It's certainly widely shared. I think that Senator Cavanaugh acknowledged that he was trying to provide an alternative that gave some teeth to the seriousness of the consequences of serious actions, but also facilitated a focus on rehabilitation first. And I think that idea itself has a lot of potential and maybe is an opportunity for the members of this committee and the member of the bodies to confer and talk about how to build a system that can provide some teeth in those very, very extreme cases where it's needed. Some of the concerns about LB407 for our organization is that it's overly broad in its scope with regard to including felonies down to the level of a IIA felony. It also needs to be taken seriously when we are giving judges the discretion to transfer jurisdiction back. If it was passed in its current form, it certainly would have those issues and, and problems concerned by the County Attorney's Association that when you have a post adjudicative status of a case transferred to another court, there are issues just legally with due process, with constitutionality, potentially with double jeopardy. So those are very, very real structural issues. But I think there's an opportunity here for this committee to look at sort of the spirit of LB407, which is we should be trying with juveniles in juvenile court to the extent possible, as much as possible. Everybody deserves a chance. But there may be a spot for some revision of our current laws that allow for a little backstop if those efforts are not adequate. But that should be limited to the highest level of offenses where we are comfortable as a community letting children suffer consequences of it, of adult criminal convictions. It cannot be expansive, and it must be narrowly tailored to allow for the spirit of the juvenile rehabilitation program to still persist. We have a model that is actively working. I know many people think it's not, but there are many success stories. So again, I think the spirit of this bill is, is well-founded. I would take any questions about that or any other thing.

BOSN: Sorry I missed it.

JENNIFER HOULDEN: That's all right.

BOSN: I'm sure it was great.

JENNIFER HOULDEN: Thanks so much.

BOSN: Any questions? Senator McKinney.

McKINNEY: Thank you.

JENNIFER HOULDEN: Yeah.

McKINNEY: I get what you said. But even in the spirit of that, we still have to acknowledge, for example, the system failures. Like these are big failures that I, I don't think they're easy to just look over. Like, a lot of these kids are system involved, and some of them are wards of the state in foster care. You go to prison, you go to NSP right now and you take a poll, there's a high percentage of the men in there that were in the foster care system all the way through. So that's what I think is being lost in, like, the whole conversation is let's hold the youth accountable, let's find a system to find a way to make it acceptable to lock kids up. But what about the people in these agencies that are dropping the ball, that's failing them. What about the lack of funding that's going to these communities? What about the lack of funding that is-- to me, unless we're going to just holistically look at the system, because it can't start in the courts, it has to start outside of courts, we gotta look at the roots. And that's what frustrates me is we fail kids and we tell kids because we failed you, we're going to lock you up.

JENNIFER HOULDEN: I completely agree with you, Senator, just to be clear.

McKINNEY: No, no, I, I know you're not it, but that's my frustration.

JENNIFER HOULDEN: What I, what I am really saying here is that there are a variety of bills pending, and we have what I feel is a well-established and in-progress juvenile justice system that is enacting rehabilitation. We have actually quite a bit to be proud of. And I agree with you. It is my position that juveniles should always start in juvenile court, full stop. That's my position. But what I want is to find a bridge between where we are and what we're doing, and integrating some of the concerns that are shared by other members. Again, I'm opposed to this bill, but I think that this bill is giving voice to a desire to have a slight rebalancing in the most serious of cases. And I just think that we are better off working together to look at what's here, look at different pieces of bills, and find a bridge--

McKINNEY: I guess.

JENNIFER HOULDEN: --so that we end up in a place that we don't have to be ashamed of in ten years.

McKINNEY: I guess my question is--

JENNIFER HOULDEN: Because some bills are regressive.

McKINNEY: --does the, does the bridge get built if we fix the system? Is there a need to build this bridge if the system was, wasn't so horrible in the first place?

JENNIFER HOULDEN: Probably not. I agree that everything is founded in the issues in society. I don't think anything starts with the child. I don't know that it starts with the family. I share that belief. But here in this body, in crafting a law, I think that we are reckoning with people who-- and I think Senator Cavanaugh is giving voice to that. I think that's what this does, acknowledges we need to try. But maybe there needs to be a backstop. I don't know that I would be advancing that. I'm acknowledging that it's sort of a voice that's being shared, that is being held, and I would like to find a way to ens-- without violating all the things that we, we are still working on in juvenile justice. Some things are going well--

McKINNEY: Yeah.

JENNIFER HOULDEN: --that we don't throw the baby out with the bathwater, blow it up, and regress 20 years and have a system that we're not going to be proud of when we look back and we learn more and we know more. So I think that there's a path to maybe--

McKINNEY: I guess--

JENNIFER HOULDEN: --finding some collaboration, some overlap.

McKINNEY: I hear what you said.

JENNIFER HOULDEN: Yeah.

McKINNEY: I guess from my perspective, it's like negotiating with the people that built the box and then telling me I built a box for you, now negotiate with me.

JENNIFER HOULDEN: Yeah.

McKINNEY: And, and I just fundamentally just disagree with that.

JENNIFER HOULDEN: And I think it's good that that is the way that you are giving the process and the tension on the other end. And I agree with you on, on those foundational beliefs. Certainly, certainly.

McKINNEY: Thank you.

BOSN: Any other questions for this testifier?

JENNIFER HOULDEN: Thank you.

BOSN: Thank you for being here. Next opponent. Neutral testifiers.

JULIET SUMMERS: Good afternoon, Chairperson Bosn, members of the 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, here to offer some neutral testimony on LB407. Voices for Children, as you may or may not know, has been around in Nebraska for nearly 38 years, and the-- maybe actually a little more than that now. The blessing and the curse of this kind of institutional history is that we have files and files and files of data and archives and documentation, legislative proposals and bill drafts dating back to 1987. When we moved in 2023, we actually shredded 2,000 pounds of paperwork, and we still have quite an archive. So we-- though my tenure at Voices has just been for a decade, since 2014, in preparing for the hearings today, I, I'm just all too aware of how long we've had and how frequently we've had similar conversations about youth crime and the best responses to it in Nebraska and in our country. And every time, every time we have these conversations, we have to step back and we have to ask ourselves, as both citizens and as policymakers, what is it that we want out of a youth justice system? It should be evidence-based, investing our taxpayer dollars in systems and programs that work. It should be targeted to cast a narrow net so that youth whose needs can be met by other systems that we've been talking about today are not processed through the, the costliest and the most harmful. It should respect parents' and guardians' rights and responsibilities, while being empowered to act when necessary in loco parentis. It needs to respond swiftly and effectively to youth behavior in holding people accountable in ways that are going to work with their developing brain structure. And it needs, as you've heard, to incorporate strength based interventions that really are-- do the magic to prevent adolescent misbehavior and youth crime in the first place, so that we're proactive and we're not reactive. We need to learn from the lessons of the past and not make the same mistakes over and over based on bad data, bad facts, or worst case anecdotes. I'm testifying neutral on this bill today because while we share some of the concerns

you've heard laid out about logistically and the procedure of how the refiling portion of it might function in practice, as far as-- compared with other proposals this session, such as LB556, this one does acknowledge the truth that all children who are before the court system should see their cases start in juvenile court. And our current statutory framework, passed just over a decade ago, just before I began at Voices for Children, on a 46-3 vote of the Legislature, and the changes rolled out in gradual waves over the next few years. And since then, the data show that juvenile arrests, juvenile detention admissions, and felony charging have continued on a downward trend. There was a significant dip in the two pandemic years, 2020 to 2021, as everybody stayed home. My red light is on, I will stop.

BOSN: You can finish.

JULIET SUMMERS: OK. Thank you. And Nebraska's data in this mirrors national trends as well. We saw a significant dip that was out of step with the overall trend line 2020-2021. And then we saw a jump back up to really where the data probably would have been otherwise had it not been for the pandemic bump downward. And now we remain in 2023, in some places where we have 2024 data, we see that that trend of decreasing arrests, felony arrests, etc. continues. So all that being said, thank you for your time. I'm happy to answer any questions on this bill.

BOSN: Thank you for your testimony. Any questions of this testifier? Thank you for being here.

JULIET SUMMERS: Thank you. I forgot to mention I, I offered you a table that is our best effort at laying out how the different criminal and juvenile jurisdiction works in this. So apologies if we made errors, but it's for you.

BOSN: Any other neutral testifiers? All right. While Senator Cavanaugh is making his way back up, I will note-- I'm on the wrong tab. OK. There were five proponent, two opponent, and no neutral comments submitted for the record. Welcome back. Sorry about that.

J. CAVANAUGH: Thank you, Chair Bosn, and thanks, members of the committee, for your attention. And thank you to everybody who came and testified today. So I apologize, I had to miss part of this for an exec session of another committee, but I did hear a good bit of the comments. And I, I admit that there are specifically technical hurdles if we did choose to go this method, and I didn't attempt to solve all the technical issues in the presentation of the bill, because it is--

this is a, a-- it would be a big change. But what I have done in my now five years here is I brought a bill to extend the jurisdiction of juvenile court to 25. And that went nowhere. I brought a bill to have all cases start in original jurisdiction in juvenile court, and that went nowhere. And the objections to both of those bills, aside from cost, were that if a kid gets in juvenile court and they don't successfully complete, they basically get off without having done anything. And I feel strongly and I agree with the members, the folks who came and testified that we do need to recognize that these kids are kids, and that we need to treat them that way, and that means that they need to start in juvenile court. And so all of these bills I've brought have been an attempt to find a way to get these cases to start in juvenile court. And I brought a bill, I think it was just last year, that was essentially this bill that just had original jurisdiction in juvenile court, and then a transfer hearing could be conducted out of juvenile court to adult court, which would be-- is something we understand. It's cleaner than the way that this bill would address the transfer. But it was-- well, not advanced by this committee and not-- I think it was opposed by the county attorneys at the time. But there is. I'm trying to remember Mr. Wallace's testimony I wrote down, we owe these kids more. And I agree with that. And, Senator McKinney, you pointed out that the system has failed these kids and why-- we have these bills in this committee that are attempting to address this. But it's not just this committee that has jurisdiction over places that we have failed these kids. So we attempt to address the kids in this box in part in this committee, because this is the box this committee deals in. But we're failing these kids in the Education Committee, and we're failing them in the HHS Committee, and we're failing them in the Natural Resources Committee as well. And I think we're failing them across the hall in the Revenue Committee today. So-- but we do need to attempt to do something. And my point in this is to, to establish that we should treat these kids differently, and we need to find a way to start doing that. And so this is my third attempt to get kids to start, every case to start in juvenile court. So I'm happy to take any questions, I know you guys got a long hearings ahead of us here. But I think that there was some really good constructive comments that were put forward. I think that if we do decide to make some changes, that there are some good ideas in this bill, I wouldn't have brought it if I didn't think there were good ideas. I think there are challenges as well. But I think that we can potentially integrate some of this-- these ideas into any sort of project or package that we would undertake. So, happy to take any questions.

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BOSN: Thank you. Questions for Senator Cavanaugh. Thank you for being here.

J. CAVANAUGH: All right. Thanks.

BOSN: That will conclude our hearing on LB470. Next up--Oh I'm sorry. It says 470 on my comments sheet. Oh, so I read the wrong comments. I apologize. We have LB407 and LB470 today. There were five proponent comments, four opponent comments, and no neutral comments submitted. Now we will take up LB556. Welcome, Senator Riepe.

RIEPE: Thank you. Are you ready for me to go?

BOSN: As ready as we're going to be.

RIEPE: Good after Chairman-- or Chair Bosn and members of the Judiciary Committee. My name is Merve Riepe, it's M-e-r-v R-i-e-p-e. I am the state senator from Legislative District 12, which is Douglas County, Omaha, Millard, and the fine city of Ralston. Today I'm here to present my personal priority bill, LB556, brought at the request of Governor Pillen and those on the front lines of community safety, my Douglas County prosecutor and my Douglas County sheriff, along with some other law enforcement professionals. My personal engagement in this issue is influenced by my political hero, Jack Kemp. Jack Kemp was a compassionate conservative. Those of you who are not familiar with the Honorable Jack Kemp should know he was a star quarterback with the Buffalo Bills before being elected to the United States Congress, and later serving as a vice presidential candidate alongside U.S. Senator Bob Dole. Mr. Kemp believed deeply in the value of people. But above all, he believed, and I quote, people don't care how much you know until they know how much you care. I am in front of you today because I do care. My intent with LB556 is not punitive, but interventional, to protect youth and to promote community safety while ensuring our juvenile justice system functions as it should. We are seeing crimes committed at younger ages, and too often juveniles engaged in serious offenses are released only to re-offend, placing themselves, their peers, and their communities in danger. While I recognize the calls for system reform and equity, I agree. These conversations must continue. Yet we cannot ignore the reality we face today. Addressing societal inequalities and ensuring accountability for criminal actions are not mutually exclusive. We must do both, and we must do them simultaneously. LB556 make several key updates to Nebraska's juvenile justice system to provide law enforcement, prosecutors, and the courts with clear tools to handle serious juvenile offenses. First, it lowers the minimum age for charging a

juvenile as an adult for the most serious felony offenses from 14 to 12. This change is narrowly focused on Class I through Class IIA felonies, offenses such as murder, sexual assault, and armed robbery. These are not minor infractions, they are life altering crimes with lasting consequences. Second, the bill defines detention in the Nebraska Juvenile Code to ensure clarity. Detention means placement in a physical, restrictive facility. It does not mean an ankle monitor or other forms of supervision. This clarification presents unnecessary barriers to using alternatives for younger juveniles who do not require secure confinement. Third, it requires a judge, after consultation with a probation officer, to determine whether a juvenile arrested for a felony should be detained. This step ensures detention decisions are made with judicial oversight, rather than being left solely to a probation officer. Fourth, the bill updates the criteria for detention. Detention is appropriate when a juvenile poses a serious threat to public safety, has a demonstrated record of failing to appear in court, or has a history of fleeing law enforcement, absconding from placements, committing violent or multiple property crimes, or making credible threats of harm to themselves or to others. Fifth, it mandates court hearings for juvenile placement reviews. Previously, these hearings could be waived, but under LB556 they can only be waived if all parties agree. This ensures proper judicial oversight. Finally, it lowers the minimum age from a detention from 13 to 11. This change is not about detaining every 11-year-old. It is about ensuring those who have demonstrated a clear pattern of serious offenses or danger to others may be placed appropriately rather than automatically released. You will hear individuals today who say an 11-year-old should not be held. My child is 11, my grandchild is 11 and they should not be held. But your child, your grandchild is not like, not like the child at issue. We are talking about a very serious set of young offenders who have engaged in serious or repeated criminal activity, offenders who are currently required to be released even if there is a clear evidence they will continue to commit crimes, and even if their parents ask them to be held. LB556 is about early intervention, structure, and public safety. It ensures Nebraska's juvenile justice system is not unintentionally enabling a cycle of, of crime by failing to act when intervention is most needed. Following me will be Don Kleine, long time Douglas County prosecutor, followed by Douglas County Sheriff Hanson, who formerly worked with the Omaha Police Department gang unit. They are present in the real-world challenges faced by law enforcement and the future of these young offenders face without intervention. Thank you, Chairman-- or Chair Bosn and committee members. I will answer questions within the area of my knowledge as a

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hospital administrator and not a-- and now a legislator, and not a law enforcement person. But I will leave the more sophisticated, knowledgeable, and technical skills to those who will follow me here.

HOLDCROFT: You were a corpsman.

RIEPE: What?

HOLDCROFT: You were a corpsman.

RIEPE: Well, I was a Navy corpsman, that I was. Thank you. Coming from a full captain, so thank you very much. Thank you. Yes, sir.

McKINNEY: Thank you. So what do you define as public safety?

RIEPE: Well, I think we all-- it's a good question, and it's a very broad question, but I think that we have to have some level of accountability, as was stated earlier by earlier testifiers, to, to to have a community. We expect some level of crime. I mean, that's-- when you have what today's paper in the Omaha World Herald said--

McKINNEY: But, but--

RIEPE: --it's now a million people, we're going to have some crime.

McKINNEY: --that's not answering my question. What do you define as public safety?

RIEPE: Well, I would say being able to walk the streets and being able to speak to your neighbors and being able to count on good mental health among all of us, and to some compassion. I believe-- I consider myself a compassionate conservative. I am a conservative, but I like to think I'm a compassionate one.

McKINNEY: Does public safety include making sure people's basic needs are met, making sure they got food in the home, making sure they got lights, making sure that they can walk to school and feel safe. But does pub-- but does public safety include making sure that you got clean clothes to wear to school? D-- d-- it--

RIEPE: Not to be argumentative, but I would say no, that is not part of public safety is for food and clothing. That's a whole 'nother big category.

McKINNEY: That's the-- that's part of the problem. [INAUDIBLE]--

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RIEPE: I, I don't disagree that it is. There is a deeper problem and we're not here to solve that all, all the problems.

McKINNEY: But, but that's the problem. So how is this in--
interventional?

RIEPE: Well, I think what we're doing is, and, and I think Don Kleine will share a little bit about sometimes of--

McKINNEY: How can you--

RIEPE: --parents that he is not able to hold as a 13-year-old who, quite frankly, maybe live in a household where they're stronger than their parents. And so we need some intervention to maybe hold them. It might -- it-- I, I think the, the misperception is that holding them means they're going to go down to the Lincoln criminal or prison. That's not the intent. And I think we're going to have a testifier behind me that will talk about the Juvenile Center out of Sarpy County and what it is, and it's-- they may be held for I, I, as I said, I'm a hospital administrator, not a, not a criminal expert, but they may be held for a day or two or maybe hours, I do not know. They will tell you more on that, but it's--

McKINNEY: OK.

RIEPE: --it's just to protect them and to protect their families and to protect their neighbors and to protect everybody else.

McKINNEY: OK, you didn't explain how it was interventional, but I'll move on. Have you also considered that a lot of these kids are system involved previously, especially with the "Department of Hell, Harm and Suffering?" So have you engaged with them?

RIEPE: I think my piece would be is I totally agree with you that there are systematic problems, but we're not going to be able to solve this with one bill. This bill intends to solve the problems that are here today, and will be here tomorrow and are right in our face.

McKINNEY: The problems with the "Department of Hell, Harm and Suffering" are to-- here today, tomorrow, and will be here every other day. So this is-- that's important, but I'll move on. How many of these kids have you ever tried to mentor, interact with?

RIEPE: Well, I was an administer at Children's Hospital for 15 years, and so I dealt with a lot of kids, but most of them weren't in the criminal system. When I was the president of Mercy Hospital in Council

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Bluffs, we had a psychiatric hospital, I dealt with some there. But I was an administrator. I'm not a, I'm not a hands-on caregiver, nor am I a registered therapist.

McKINNEY: So you never tried to interact with none of these kids, yes or no?

RIEPE: No, I--

McKINNEY: OK. So I'll move on. The next thing, because yesterday I had a bill in front of HHS, and you asked me about cost and could philanthropy pick up the cost of a bill I had about family resources and giving, giving, you know, resources to families in a community that are possibly or may possibly be involved with the juvenile justice center, or justice system, you know, like, could philanthropy pick that up? So how much, if this bill passed, have you considered the potential cost on the state?

RIEPE: I don't think that we have not rung--

McKINNEY: Why not?

RIEPE: Well, I leave that up to the fiscal people, if there's a fiscal note on it, then--

McKINNEY: Are you going to ask philanthropy to pick up the cost?

RIEPE: I think we're talking about two different--

McKINNEY: No we're not.

RIEPE: --subjects here. Well, you're saying no, I'm saying I'm sorry, I think it's a different subject.

McKINNEY: It's not.

RIEPE: Well.

McKINNEY: Thank you.

RIEPE: OK. Thank you.

BOSN: Thank you for being here. Oh, Senator Rountree, I apologize.

ROUNTREE: Thank you, Chairwoman Bosn. And thank you, Senator Riepe, for your opening. I just jotted something down, I think early in your open, and I wanted to go back to that. I thought I heard you mention

something about societal inequalities. I wanted to go back to that portion and just see what some of those were, or if I might have misheard, but I think it might have been in the first minute of your opening, some of those societal inequalities and how they might be addressed, or how this bill intends to address those. First, what they are and how this bill intends to address.

RIEPE: You know, I think that, you know, we have-- over the years, we've acknowledged that we have greater challenges, probably in our communities. One of those is-- would probably be without trying to be anywhere judgmental or offensive, but we have problems in the south Omaha community a little bit. And we have some, have historically had some problems because of inequalities of poverty, job opportunities, career oppor-- all those types of things. That has historically been the history of not only Nebraska but the United States.

ROUNTREE: So would some of those also be redlining, would it be Jim Crow--

RIEPE: Absolutely.

ROUNTREE: --all of that that we've come through [INAUDIBLE]?

RIEPE: It's all part of our not so pleasant background.

ROUNTREE: So in today's world where we're trying to wipe that away just because we might wipe it out, does it mean that it didn't happen?

RIEPE: Oh, no. No, I would never say that.

ROUNTREE: So it's sort of still present and something we have to deal with.

RIEPE: Well, and I think we have to-- You know, you know, in my humble opinion, the only way you can-- you have to look to history so that you don't repeat it, and you have to make it so that you grow from it. And to ignore it would be very detrimental. And can we make that all up? I'm afraid no, we can't. But can we work to try to correct some of those things? I would say that in the last 50 years we have tried. Have we failed? Yes we have. Will we fail more in the future? Yes we will. But will we keep trying? I would hope that we will. And quite frankly, I think over that period of time, we've also committed a great amount of resources. But we're not done yet.

BOSN: Senator McKinney.

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McKINNEY: Thank you. So have you ever tried to, in your role as a senator, address those inequalities through legislation?

RIEPE: Through legislation?

McKINNEY: Yes.

RIEPE: This is probably the, the first time that I've been in front of the Judiciary Committee.

McKINNEY: No, I mean, you just were speaking about-- so those, those inequalities, have you ever introduced a bill to negate those inequalities to-- or addressed those inequalities so the kids that this bill is attempting to arrest wouldn't end up in those situations?

RIEPE: Well, as a legislator, I would say no. I did send-- spend two years at a-- in Columbus, Ohio, at a hospital that was in a minority, it was a black community, and I had-- I knew a little-- they-- I had some members of the community there that I had ultimately, over time, a short period of time, built a relationship. Believe it or not, they took me home. They protected me. They were-- and, and their attitude, one of them said to me, we're all people. And so I hired a number of minor-- minorities, most of them because they were from the black community. And so that was my primary experience. And I hired them based on the fact that they were qualified individuals, and it was on a merit basis. I didn't hire them because they were black. I hired them because they were able to do the jobs that I needed to have, one of them directed a lab. One of them dire-- directed our engineering services. But they were capable, and I need-- desperately needed-- I needed staff. That's as close as I've gotten to any social justice on my part. I grew up as a farm kid. I was in the Navy. I didn't-- when I was a Navy. To wear out a little bit of my welcome here. You know, my immediate supervisor, and this was back in the early 60s, was a second class by the name of Kelly [PHONETIC]. A great guy protected me, and he was a black. But that never came up, that never came up as a question. So I've been on the both sides.

McKINNEY: So if this bill-- so the current demographic of like, for example, DCYC, of like children in there is about 80, 80-plus percent black. So, I think it's fair to say that this bill is attempting to lock up a huge perce-- percentage of black kids. Are you OK with that?

RIEPE: I would take exception to your word intent. It's not an intent to lock up. It's an intent to intervene before the things get worse.

McKINNEY: So it's an intent to intervene in the lives of black kids?

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RIEPE: One might say that, but that is different than locking them up with the implication--

McKINNEY: But they're going to get locked up.

RIEPE: Well, I don't know that. They're, they're going to have due process, and what they're going to do is from the time-- if they have to be held, and some of these are at the request of the parents, they will be held until a judge makes a decision, as I understand it, and again, I'm beyond the scope of my knowledge here, but they're going to be held until they would be through a probation officer or some other judicial plan is put together to what-- for that individual child, what is the corrective action? And we're only dealing with younger kids now because the crime piece is-- we have to adjust to the market, the market is younger-- crimes being committed by younger people.

McKINNEY: All right. Last question.

RIEPE: Yes, sir.

McKINNEY: When was the last time you spent some time in the communities these kids come from to, to assist them?

RIEPE: Well, you know, I've been in the Legislature, sir, for seven years, and I know you've been here a number of years, too. So there's not a lot of extra time. And I have not been a mentor. I, you know, so I can't say that I, I've been up to your community. So I'd have to plead that, you know, I haven't done a very good job on that. But quite frankly, I don't have a lot of extra time to do that either.

McKINNEY: But you care.

RIEPE: Well, I do care.

McKINNEY: All right. Thank you.

BOSN: Senator Storer.

STORER: Thank you, Chairwoman Bosn. Thank you, Senator Riepe. I-- listening to the dialog, apparently, I've missed something. Is there anything in this bill that is directed at any specific area, portion, or community of Nebraska? Or is this intended to be a law for the state of Nebraska?

RIEPE: It's intended to be a law for the state of Nebraska.

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STORER: Thank you. And in your opinion, is it possible that we address some of the imperfections in our system and through DHHS, in concert with dealing with things that are of urgent nature for the public safety? Can the two happen at the same time?

RIEPE: I think we have to, but I don't think that we can in this particular piece of legislation.

STORER: Right, not in one bill. But, but we can as a, as a body here, it's possible that we can address both at the same time, it's not a one or the other.

RIEPE: Yes. And we've had some consultants come in and-- Senator Hold-- Holdcroft, here, he's been out and I think visited every prison in the state. And so he's kind of a subject expert in his own from having seen that. I have visited the state prison and there are a lot of concerns there. It's a very depressing facility. And I know before Steve Lathrop, who is my predecessor, worked very diligently, and a study was done by some national consulting firm that does specifically law enforcement, and we probably all need to go back, dust it off and take a look at it and say, is there anything that can be salvaged out of that? I don't know. I haven't had the time, I haven't looked at that.

STORER: I, you know, I just want to kind of refocus, I think back-- and I didn't-- I apologize, I missed the big-- part of your opening. But the underlying intent here, as I understand and as I've heard from people who are, who have-- we've heard several other bills that are somewhat relevant to the need for this, that we need to focus on public safety, and a frustration that we have younger individuals committing more violent crimes and an inability not only to keep those individuals safe, but the communities in which they live. Would that really-- and I don't want to paraphrase or put words in your mouth, but to me it's underlying--

RIEPE: No, I think that summarizes a lot. It's my-- if I might add to that too, is it's my understanding, and again, I'm getting way over my scope of knowledge here, but oftentimes the criminal element will use younger individuals because they cannot be prosecuted for, say, stealing a car or doing this. And so maybe a 19-year-old convinces a 13-year-old to be the front. And that, that's-- they're pre--

STORER: And, and, and I guess I would add a comment--

RIEPE: --they're pretty smart.

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STORER: --not necessarily a question, but I don't think we're doing those young, younger individuals any service in helping keep them safe by not providing a environment or the ability to, to do that. So I appreciate you bringing the bill. Thank you.

RIEPE: Thank you. Thank you.

BOSN: Senator McKinney.

McKINNEY: Thank you.

RIEPE: I thought your last one was your last one. [INAUDIBLE].

McKINNEY: What area the state does most of the juveniles in the system come from?

RIEPE: Well, let's look at the demographics of the state. Omaha today in the Wall Street-- not the Wall Street, in Omaha World Herald said we're now a tow-- a city of a million people. So the crime is going to be where the vast majority is.

McKINNEY: OK.

RIEPE: It's not going to happen out in Hastings, Nebraska.

McKINNEY: OK. That's my point. Thank you.

RIEPE: Yeah.

BOSN: Thank you very much.

RIEPE: Thank you.

BOSN: Before we--

RIEPE: And I'll be staying too.

BOSN: What's that?

RIEPE: I'll be staying.

BOSN: Oh, yes. Thank you.

RIEPE: Thank you.

BOSN: All right. You can come up as proponents, but can we-- can I see a show of hands how many individuals are testifying in one capacity or

another on this bill? OK. For the benefit of Mr. Eickholt who's here anyway, I'm not going to count them. There's over two dozen. OK, so just remember that if you're going to testify and you're just repeating what somebody else already said, you can, just for the sake of time and everyone up here just say I'm echoing the comments of testifier, you know, Kenny Zoeller, or whatever the case may be. And I'm also going to ask that the committee members limit their questioning to one period of time per witness, so that we aren't back and forth with questions just so we can kind of get things through. And you're welcome to follow up with any of these testifiers, who are all providing their information, later. Thank you, Mr. Zoeller.

KENNY ZOELLER: Awesome. Thank you so much, Chairperson Bosn and members of the Judiciary Committee. My name is Kenny Zoeller, that is spelled K-e-n-n-y Z-o-e-l-l-e-r, and I'm the director of the governor's policy research office. I'm here today testifying in support of LB556. And I'd like to thank Senator Riepe for bringing this bill on behalf to the governor. Lieutenant Governor Kelly was unable to make it today, he was the one that was originally going to be testifying, due to illness. He sends his regrets and has asked me to read his prepared statement on his behalf that I passed out. Dear Chair Bosn and members of the Judiciary Committee, I'm writing to express my full support of LB556. This legislation reflects one of Governor Pillen's core values, protecting our kids. Ensuring their safety and that of our communities is a top priority of the Pillen administration. As a career prosecutor with over 40 years experience, I am alarmed by the dramatic increase in violent crimes, including murder involving juveniles as young as 11 years old. From 2010 to 2016, the number of juveniles with five or more felony arrests in Omaha consistently was at five or below annually. But this has been in the double digits since 2017, peaking at 36 in 2023. We've also seen the number of juveniles arrested with felony gun charges in Douglas County reach triple digits, digits in five of the last six years, with a high of 125 in 2021. As recently as 2017, the number was as low as 55. Similarly, after having just one juvenile per year with three felony gun arrests from 2016 to 2018, it has been in the double digits in five of the last six years, peaking at 14 in both 2023 and 2024. Given this troubling rise in serious juvenile crime, I feel this bill is a necessary step to get this issue under control before it becomes a larger problem across the state. While I believe the juvenile justice reforms that were implemented over the last few years were well intended, the pendulum has clearly swung in the other direction, and the uptick in juvenile violence is particularly the result of lack of consequences for juveniles who commit these serious crimes. This

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bill will provide a critical tool to address those cases where diversion has failed, focusing on the safety of the community and accountability for the juvenile. One key aspect of this bill is requiring a judge to make the detention decision for any juvenile arrest for a felony, with input from a probation officer conducting a screening assessment. This ensures each case is carefully reviewed with fairness and balance. This assessment will also lower the risk of a juvenile being released and committing additional violent offenses that put the juvenile and the community at further risk by providing safe and secure detention options. We can intervene early and prevent future tragedies from happening. We are not just responding to a problem; we are taking proactive steps to protect our communities and our children from further harm. If you have any further questions, requests or questions, please contact me at any time. Sincerely, signed Joe Kelly, Lieutenant Governor. If there's any questions that the committee may have, I'll try to answer at this time.

BOSN: Questions for this testifier. Senator McKinney.

McKINNEY: Thank you. Has the Governor's Office factored in the cost of this bill on taxpayers?

KENNY ZOELLER: As noted as a fiscal note, I don't believe this has any fiscal impact to the state.

McKINNEY: But if there is an increase in juveniles committing offenses, which means there potentially going to be juveniles getting arrested, and then we're saying they're committing serious offenses, you're going to charge them as adults, they're going to end up in prison. There is going to be a cost. So who's factoring that in?

KENNY ZOELLER: I would say, as I mentioned before, Legislative Fiscal Office is normally the entity that factors that in. But when the governor takes a look at legislation, he takes a look also at what it's going to cost the taxpayers in terms of actual cost, but also what cost, what costs Nebraskans in terms of live loss. So when we have murders being committed by juveniles of this, you know, of this age, that has to be factored in with taking a look at this legislation, which is why the governor has been working with Senator Riepe and our law enforcement community to bring this.

McKINNEY: I'm not saying that you don't consider lives being lost or try to diminish lives being lost. I'm just saying with-- and I've asked is not just on this bill, I've asked this or other bills to

increase penalties this year, have there's-- have there been considerations of the cost. And that's all I'm asking.

KENNY ZOELLER: I would say, I mean, I would say yes, that not only the governor, lieutenant governor, but also law enforcement community, county attorneys has factored these in. At the end of the day, this is providing a tool for our law enforcement community to take action to make sure our communities are safe.

McKINNEY: And I--

KENNY ZOELLER: So.

McKINNEY: And I also ask that because we're building a prison which is slated to be overcrowded the day it opens up. And if we're going to be arresting more people because there's this increase in juveniles committing adult offenses, serious offenses that they need to be locked up as adults, theoretically, they'll end up in a state prison. So if we have a overcrowded prison system, there's increased costs. Somebody is going to-- the taxpayers have to pay for that.

KENNY ZOELLER: I would vehemently disagree in terms of the overcrowding our prison system. At the end of the day, I think a lot of statistics that have been used by liberal organizations like the ACLU are not correct. And in fact, the reality is the replacement prison that we are building is needed because of our existing facility down in-- at the Lincoln Correctional Facility is not good for the inmates, and it's also not good for the individuals we're trying to serve to rehabilitate them.

McKINNEY: Is it a replacement prison? Because I've introduced multiple times to de--demolish NSP once the replacement prison was construc-- because it was sold as a replacement prison, I introduced legislation multiple times to demolish it, and multiple times people have stood up on the floor of the Legislature and said, Senator McKinney, we cannot demolish the NSP complex because we should-- we need to save it because we need to keep those buildings open. So is it a replacement or is it just a new prison?

KENNY ZOELLER: The facility that's being built in Lancaster County is replacing the existing facility.

McKINNEY: So what are we doing with NSP?

KENNY ZOELLER: I think the department is, as they published in previous reports, they're working on assessing the existing buildings

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that are there because there are some buildings that the state has poured significant amount of resources into and that are new. And then there's some buildings that have been original since the early 1900s, late 1800s. So I don't think it's prudent necessarily, for the state to be selling an asset below fair market value that the taxpayers would take a loss on. And I also don't necessarily think that we have to rush into a decision to move on from an asset when we can take a look at potential other uses for that facility, that may not be correctional either. So whenever the state's taking a look at its real estate portfolio, it's making sure that we're providing the best bang for our buck for the taxpayers.

McKINNEY: But I didn't say sell, I said demolish.

KENNY ZOELLER: That's fair.

McKINNEY: All right. Thank you.

KENNY ZOELLER: Yep. Thank you.

BOSN: Senator Rountree.

ROUNTREE: Thank you so much, Chairwoman Bosn. Thank you for your testimony today. Just looking at-- on the lieutenant governor's statement, it addresses what's happening in Douglas County and Omaha. But this bill, if it were to pass a bill, bill that goes through all of Nebraska. What are we seeing outside of Omaha? I don't see anything here that addresses anything that's happened in Lincoln. I don't see anything that's happening in Grand Island. There in the stats, are, are these same issues happening out in Scottsbluff, out in Sydney, those areas like that, because this is going to be a statewide bill.

KENNY ZOELLER: That's a, that's a great question. I don't have any specific statistics off-- in front of me. I would probably ask that testifiers coming after me maybe provide specifics. But anecdotally, I can tell you in Lincoln, as someone who lives in Lincoln, within the last six months or so, we've had a juvenile that took a assault weapon, fired multiple, multiple rounds into a home that could have hit anybody. So that these-- there are anecdotal evidences, not only that that happened outside of Omaha, that happened in Lincoln, other times at Grand Island and Hastings. And as Senator Riepe pointed out, this is a bill that can be used, prosecutors can use across the state. So it's not-- this isn't targeting one individual community. This is a solution that can be used from a statewide perspective.

ROUNTREE: Thank you.

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BOSN: Thank you for being here.

KENNY ZOELLER: Thank you.

BOSN: Next proponent. Welcome.

DON KLEINE: Good afternoon. My name is-- Senators, my name is Don Kleine, K-l-e-i-n-e. I'm here as the Douglas County attorney and also as a representative of the Nebraska County Attorneys Association. I'm going to answer a couple questions that came up earlier. At least I've got statistics from Douglas County from-- clear from 2015 till now, as far as felony filings by age and, and how many. 2024, we filed 412 felony cases on juveniles and immediately sent 312 of those to juvenile court, and we prosecuted 100 of them as adults. And those still might have changed even during the course of that. So that should give you an idea of the numbers. That's gone up pretty much-- pretty, pretty consistently over the years. And the other thing that was came up earlier was the question about how do we determine whether it's juvenile court or adult court. Actually, you've made that call. If you look at 43-276, the Legislature has passed a law previously. It tells us what the criteria should be for determining if the person is going to be charged as an adult or in juvenile court. That's a determination that we have to look at. And then the judge that oversees our determination can also make the decision. But based on that criteria, which is type of treatments that juvenile would be likely to be amenable to where there's evidence of alleged offense including violence, motivation for the offense, age of other juveniles involved, best interest of the juvenile, public safety. It goes on and on. There's, there's a, there's a lot of criteria there, but that's the statute that we look at. In this particular bill, I support this bill, and the County Attorneys Association does also, it decreases the age from 14 to 12 which a juvenile could be charged as an adult. And that's just being charged. It doesn't mean that we want to send 12-year-olds to prison or anything else. They could still be charged and then sent to the juvenile court system. If you look at the criteria, the number of, of 12-year-olds that have been charged with felonies, even-- there was, it was three in 2024. And I don't know if those, any of those went to anything but the juvenile court. OK? And so that's our purpose, and these are super, super most serious offenses. It just gives us the opportunity to maybe do something with them. And another-- a judge will also look at those, if we want to maintain them in an adult court to make a determination if any should be sent to juvenile court and overrule our decision. The other part of the statute changes the-- makes sure that judges have-- make the decision about whether a young person should be detained. Currently,

they can waive that hearing. We want the judge to be able to make that decision. And the detentions only so long as the judge can make a decision about what they should do with that juvenile. All right? Detain them. Then maybe the judge are going to look at all the factors and make a determination of if they should place them somewhere else. But what we've seen in the past is a young person who gets picked up or booked, and they're turned around and sent right back home. And that's sometimes not the best thing to happen. So we're changing that minimum age the juvenile could be detained from 13 to 11 because we're seeing younger and younger folks being involved in these serious crimes. And it's just to detain them until the judge can--who'd make that decision, until the judge can decide, OK, I think this, this needs to be an out of home placement. Here's the services we can provide. Or maybe yes, let's send them back home with-- and putting them on probation, whatever that might be. So that's the purpose. I think it's a, a good idea. I don't think it will have any fiscal impact. There's not that many-- these people aren't-- the people that are the younger people aren't going to go to the penitentiary. I don't see that happening. And, and my time is up. I have so many things I can talk about here, but I'll be happy to answer any questions.

BOSN: Let's see if there's any questions.

DON KLEINE: OK.

BOSN: Senator McKinney.

McKINNEY: First question. If you're detaining them at 11 and arresting them at 12, would this be an increased cost to the county?

DON KLEINE: Well, the first part of your question is I'm not detaining anybody. The judge is going to make the determination as to whether they get detained or not on the criteria that the judge hears from probation and anybody, anybody else, their attorney, anybody else.

McKINNEY: OK. You're not. But let's say this bill passes and judges are detaining 11-year-olds. Could there be a potential increase to the county?

DON KLEINE: Yes, there could be, but I don't, I don't see it being that much because there's not that many of them we see. I mean, I can tell you the history as far as 11-year-olds, it's. There's been zero this year. There were zero in '23, there was one in '22. So there's not-- that's what I'm saying is there's not a lot.

McKINNEY: So why are we dropping it then?

DON KLEINE: Because unfortunately, because unfortunately we're seeing younger-- I never thought we would see-- we had two 13-year-olds that were-- had very horrible first degree murder charges. I thought that was horrible, I never thought we'd see people that young. And then recently with the person, the group that killed the Uber driver, there was an 11-year-old involved. I would hope-- you know, I, I don't-- I'm not-- I don't like to be in this situation to have to deal with young people charged with super, very difficult, the-- some of the most violent crimes that, that exist on our statutes. But we have to figure out how to deal with them. And I think one of the things, if it's an 11-year-old in one of these situations is not after they get booked is to send them back to home. It's at least let the judge take a look at them and make a decision as to what should we do with them while the time that they're-- we're, we're holding them until we can figure out what's the best solution to rehabilitate--

McKINNEY: I guess--

DON KLEINE: --this young person.

McKINNEY: Why do you want to charge them at 12? What do you think you could do that the juvenile courts can't do? Like, what's the benefit?

DON KLEINE: Well, I don't know that we wouldn't send them to juvenile court. If you look at that, that history, there's 412. I sent 300 of them to juvenile court right off the get go. So. But it just gives us that option. I, I don't know what this person did. One of the criteria the Legislature has in that statute is the serious nature of the crime, the violence that's involved. If you have, God forbid, a 12-year-old or 11-year-old that shoots ten people or does some school shooting. Then we need to have something on the books so that we can do something more than what we have right now. And I hope that never happens. I hope that we never have to do that.

McKINNEY: What is, what's the demographic of these kids?

DON KLEINE: I don't know what the demographic is on all these kids. It's obviously kids that are somewhat involved in the system, I think you, you've pointed that out many times. They might be on probation, sometimes they've been on probation several times and it hasn't done the job as far as changing the direction of their life. I put 16 lawyers in the juvenile court system because I believe in it, and I'd like to see us be able to change kids' lives when they get in trouble. But sometimes it seems like it's not working out very well.

McKINNEY: So who's holding probation accountable? Who's holding the Department of Health and Human Services accountable?

DON KLEINE: Well, I think that that's, that's partly what I try to do when I'm trying to look at the system and go like, where's the failures at? How do we fix this? I'm in contact with people here in the Legislature. I'm in contact with people in the Governor's Office, in the judiciary to try to figure out what the answers are. I talk to judges in the juvenile court system daily, practically, and try to see what the problems are. And sometimes, honestly, what I've heard, if you-- we have examples. You know, the two 13-year-olds that were charged with--

McKINNEY: I, I, I, I know the example.

DON KLEINE: No, I'm not going to go through what they did or anything, I'm just saying, what the juvenile court system was able to do, and I've talked to probation officers that are about juvenile court judges and they go, unfortunately, nobody will take these kids. We don't have a place to place them. So they send them to Kearney, they're there for eight to ten months and they get out. And that does-- that's not the answer.

McKINNEY: So is that the kid's fault?

DON KLEINE: No. I'm not saying it's the kids-- well, it's kind of the kid's fault because they got to take some responsibility for, for killing somebody to begin with. And so--

McKINNEY: I'm not saying they don't take that responsibility, but once the state or whoever takes the responsibility to hold them accountable, then-- and they're contracting with people to provide these services, why are you con-- and, and this is not your fault either. Why is the state contracting with service providers that are turning down these kids?

DON KLEINE: Well, because of the-- is of the serious nature of what they've done, and I don't-- I think some of the criticism I hear really is pointed at the, at judges, whether they're in the district court or the juvenile court system, and they, they do the best job they can under the circumstances, and they look at all the criteria involved. And so, you know, it's not the judge's fault if he doesn't have a place to--

McKINNEY: But it's, it-- that's my-- Everybody is doing their best job. Everybody's-- it's not everybody-- it's nobody's fault but the

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kids. I don't-- that's, that's what I miss is I'm not saying the kid didn't make a mistake. But you have all these adults around this kid. Everybody sees the problem. But at the end of the day, the kid is the only one being held accountable. And then we're saying, lock him up. At, at-- it, it--

DON KLEINE: I don't disagree with you.

McKINNEY: The ball's dropped.

DON KLEINE: That there's, that there's some serious, serious problems and serious issues, but you could go back in a lot of places and talk about education, you could talk about parenting, you could talk about--

McKINNEY: Yeah.

DON KLEINE: --a lot of things.

McKINNEY: I'm, I'm-- but I could go on all day, but thank you.

DON KLEINE: All right.

ROUNTREE: Thank you.

BOSN: I-- oh, Senator Hallstrom, so-- Oh, I'm sorry. Oh, Senator Hallstrom and then Senator Rountree, and then I'll--

HALLSTOM: Thank you, Mr. Kleine. And--

DON KLEINE: Sure.

HALLSTOM: --sometimes it helps me to frame the referent, or the, the issue a little bit. Maybe bring it into perspective and tell me if I'm missing something in, in analyzing this bill. You're going to get the flexibility, in rare cases, to charge the minor as an adult.

DON KLEINE: Yes.

HALLSTOM: And hopefully you don't have to use those-- that authority except in the most serious of ques-- of issues. And isn't the major emphasis not on locking the kids up, but providing detention? And that that's an issue of both public safety and safety for the minor himself or herself. If you-- if, if, as Senator McKinney, suggests, some of the root of the problem is the homes that they come from, unfortunately, not putting them right back into that situation is something that ought to accrue to the benefit of the minor themselves,

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and the judge, within a reasonable period of time, is going to make an appropriate, hopefully, decision in, in each case.

DON KLEINE: Yes. I mean, as Senator Riepe mentioned, I've had, I've had parents say to me, please detain my child, they're going to get killed, or they're going to get involved in something else, and they're, they're just kind of out of control right now, and, and I need, we need help. And it starts with maybe detaining them for time until the judge can figure out what to do. So you have parents who are saying, please, please help us and, and, and do that so we can get help. And, you know, I think there's somebody from Boys Town here, and Pat Connell from Boys Town has told me, you know, the worst thing you can do when this young person comes to law enforcement and gets picked up for doing something terrible, and it's to send them right back to the environment that they came from, which probably is part of the problem. So, you know, that's what we're talking about with, with this ability just to detain. It's not saying we want to detain him forever and sentence him, it's just detention until a judge can make a determination on that part of the bill.

HALLSTOM: Thank you for that clarification.

DON KLEINE: Sure.

BOSN: Senator Rountree.

ROUNTREE: Thank you, Chairwoman Bosn. And thank you, sir, Mr. Kleine, for coming and testifying on today. We've heard a lot of bills throughout the committees that we've served on. And if you were here earlier today, you've heard the testimonies on the bills that have been prevented, or been presented here today. And as I read the lieutenant governor's statement again, he's looking at early intervention to prevent future tragedies from happening. And one of those other statements about get into the root of the cause, proactive steps to protect communities. We've listened to bills for our-- this other gentleman just testified earlier today about going into the DCYC, being able to really touch kids where they are. And how would you lend your voice-- we've heard a lot of people come. They haven't been able to get funding to help their programs where they really want to touch these kids, these demographics. So not really getting a great seat at the table to be able to access those funds that can help them to really touch and do preventative measures, which this bill is seeking. How can you lend your voice to get to the table to make sure that their efforts will be funded, can tie to these strings? And if

they can touch the kids where they are, maybe prevent some of the things that we here talking about today.

DON KLEINE: Yeah, I think that's great. I try every day. I, I've worked with Roscoe Wallace and his organization, [INAUDIBLE]. I spend a lot of my time reaching out to people on-- all over the community to try and help and mentor. I coached kids for 25 years. I, I will do anything to make sure that, you know, like this-- the idea is we don't want to see them come into the juvenile court system, we don't want to see them charged as adults. We don't want to see them doing bad things. So anything we can do. I meet with the superintendents of the schools a couple times a year, and idea being my thoughts are kids need to get an education and they need to go in an early age, preschool. And we need the kids excited about going to school. And we need to make sure that they're learning how to read and write and do math and have hope about getting a great job someday. And so we started a young adult court in, in my county where we take people that don't qualify for juvenile court and we put them in a young adult court, and they have all kinds of therapy programs. We help them get driver's license. We help them-- in fact, we're trying to work, and I've, I've mentioned this before with Metro Community College, they can get a scholarship once they finish their young adult court. So anything we can do to keep people out of the system is, is, is great. Anything, anything we can do.

ROUNTREE: All right. Thank you so much. I just introduced a bill over in HHS earlier before coming in here today to-- for funding to ensure that when the kids are in this detention, awaiting disposition of their particular cases, that we can have funding that they can still continue to get those services. There is no interruption of services that's going to keep them on a stable path, and also help them once their cases have been disposed of, to transition better back into their communities.

DON KLEINE: I think that's very important. Also we work and Commissioner Rogers is here also in trying to make sure that when, even when kids are in detention, they still get the education they need. We have people that come from the school system and, and teach and have classes. So all those things are very important, sir. Thank you.

ROUNTREE: Absolutely. All right. Thank you so much, sir.

BOSN: Senator DeBoer.

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DeBOER: Thank you. Hello. Thanks for being here.

DON KLEINE: Sure.

DeBOER: The 11-year-olds-- I know the-- do you talk about the Uber driver, 11-year-old. Isn't that the one that was found to be not competent to stand trial?

DON KLEINE: Right. Right. So that, that's another area that, you know, the judges are going to oversee. And, and, and we'll take a look at it. And I think there was a mutual decision this, this this 11-year-old's not competent.

DeBOER: So, so-- that's-- I get a little confused why you used that example then of an 11-year-old. Have there been other 11-year-olds?

DON KLEINE: No, but it is an 11-year-old who was involved in-- you know, there, there's video I mean, watch them--

DeBOER: I, I get that. But if he's not competent to stand trial, then--

DON KLEINE: That's why we'll make that determination once we, we figure it out and they get arrested. That's-- it's part of the process.

DeBOER: OK. Well.

DON KLEINE: Yeah. You know, I mean, it's just they'll, they'll be looked at and examined and, and now we're still trying to figure out what kind of therapy or what kind of rehabilitation can we use in the juvenile court for that person.

DeBOER: You haven't seen a rash of 11-year-olds, then?

DON KLEINE: No.

DeBOER: OK.

DON KLEINE: I hope we never do, like I said.

DeBOER: I, I also hope so. One of the things throughout the years here that I have heard about this issue, about detention of, of juveniles, is that the instrument that we are using to evaluate whether to detain or release the children is not one that folks think is that great. Are you familiar with that conversation?

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DON KLEINE: Oh, I've heard that. But again, I think, I think our, our juvenile court judges are well versed on the criteria, and the necessity at times of detention for a short period of time until they could figure out what therapy or what rehabilitation services can be provided.

DeBOER: So, so my question is, right now, the process is that a probation officer, juvenile probation officer is the one who does the evaluation with the instrument or--

DON KLEINE: Right.

DeBOER: --reviews it or whatever part they play in it--

DON KLEINE: Right.

DeBOER: --and ultimately makes the decision. Under this bill, it looks like that's a judge.

DON KLEINE: Yes.

DeBOER: Is that the crux of the sort of concern is if we move it out of a probation officer's hands and put it in a judge's hands, that that sort of like takes away some of the concerns people have that maybe the instrument is-- what I would propose is sort of two-pronged. One, we get a different instrument that everybody agrees is a better instrument because I've just heard for seven years it's a terrible instrument. I don't know. I know that it's going through some kind of evaluation at UNO right now, but let's, let's imagine we can all get an instrument we agree on.

DON KLEINE: Right.

DeBOER: And then we have a judge rather than a parole officer, probation officer evaluate it. Would that get us out of the mess we're in?

DON KLEINE: Yes, I think, I think so, because even when we do bond settings for people who are adults, prosecutors there, defense attorneys there, judge looks at all the background information, a person's history, [INAUDIBLE] events, and they make a determination about bond. The same thing in juvenile court. The judge should make a well informed decision about whether this young person should be detained or what other placements should be involved with that juvenile. And that's why I think that neutral magistrate should make that call.

DeBOER: So other than whatever magical instrument we're looking to find, what other information do you think the judge has to have to do the decision making?

DON KLEINE: Well, I think they'll, they'll have more information than the probation officer would just with that criteria that's placed into this, I don't know what, what you should call it, is the, the format that would be into place to make a determination about detention or not, because you're going to hear from more people. And there's going to be a little bit of time that takes place where people could do a little bit of an investigation and see about the home situation and whatever it might be, school situation, with this young person so the judge can make a better informed decision. And that's the way it should be.

DeBOER: What's the magic amount of time, do you think? Do you think you can do it in, like, whatever this sort of investigatory situation is we're talking about?

DON KLEINE: Oh, I think the judge should have a hearing on detention within 48 hours of that person being booked.

DeBOER: Can we do it within 24? If we give you, if--

DON KLEINE: Oh, it, it's possible, sure.

DeBOER: If we give you the resources for it?

DON KLEINE: You know, Senator--

DeBOER: Let's say we.

DON KLEINE: --most of the time is probably going to be-- we're going to agree with their lawyer about whether they need to be detained or not. And then sometimes if their lawyer's looking out for their best interest, they might say, yeah, you know what? I think it's probably a good idea that we figure out and detain this person until the judge can figure out what sort of services we might provide for that person.

DeBOER: So I'm sort of trying to understand the big disconnect with current law. Right? Under current law, it goes to the probation officer. And it is using the instrument that nobody likes, apparently.

DON KLEINE: Well.

DeBOER: What-- so--

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DON KLEINE: And then, if the person, if probation determines, OK, we're not going to detain this person, that's the decision they'd make based on that criteria, the judge doesn't have any say so, and if we don't have any say so, and if-- and so what we-- and, and it says that they can waive the detention hearing. Well, of course you're going to waive it if you're not detained.

DeBOER: So if we wanted to--

DON KLEINE: So the idea is let's have a detention hearing and let the judge make that determination.

DeBOER: If we wanted to do the least disruption of the system, let's say that's our goal, we get a better instrument and we put it before a judge instead of a probation officer, and we do it in some kind of 24 hour short period of time. Does that get at all the issues that you all have?

DON KLEINE: I, I think it does. We just, we just want it to be heard before the judge and have that determination made. So most of the time I think we'll probably agree, both sides on whether to detain this juvenile or not. I honestly believe that, maybe other people think otherwise, but.

DeBOER: So the-- it sounds like then the, the, the difference where we're at right now is probation versus judge, and instrument probably.

DON KLEINE: Right.

DeBOER: Then the whether it's 24 hours or 5 hours or some amount. But I think if we could get to 24 hours, I don't know. I'm going to wait and ask this of the opponents and see where they're at on 24 hours.

DON KLEINE: Yeah. I don't, I don't know what information also the probation officer's even going to have at that point in time. They'll, they'll hear something from the arresting officer or whatever, maybe there's an affidavit. But I think there's a lot more information that can be gleaned by the time you get before a judge.

DeBOER: And, and you would think the 24 hours could be adequate?

DON KLEINE: Sure it's possible. I don't know, it just depends on how busy the judges are and whether they can schedule things--

DeBOER: I mean, we'll, we'll--

DON KLEINE: --realistically.

DeBOER: If we give you the support--

DON KLEINE: Yes.

DeBOER: --we, the Legislature or whoever gives the money to support you so that you can do it in 24 hours, do you think it can be done in 24 hours, as long as you have the money to do it?

DON KLEINE: Oh sure we can.

DeBOER: OK.

DON KLEINE: It doesn't mean that the judge isn't going to say, I'm going to need some more time to think about this, or to wait til we get this other information.

DeBOER: Well, what I'm--

DON KLEINE: We could certainly try.

DeBOER: What I am thinking of is requiring it to be within 24 hours to make a decision.

DON KLEINE: That's fine.

BOSN: OK. I just, I just want to-- I mean, you and I have had lots of conversations about this concept and doing some of this, and I have some concerns and, and you know that. But I think it, it has to be pointed out, my experience as a prosecutor often was that parents were the number one driving factor, begging you to detain the child for a short period of time because they don't know what else to do. And I-- has that been your experience or am I unique?

DON KLEINE: Yes, yes, and I could give you examples, but I don't want to go down that road. Sure, it certainly is, when, when parents go, please help me. My child's out of control. They're, they're, they're getting in trouble. That's going to get worse, I'm afraid. I can't do any-- I don't seem to be able to handle them. And we're asking for your help. And we say, well, sorry, we, we can't detain them. Good luck, and we'll try and figure out what to do in the system if we can. But sometimes it's-- I've heard stories where the mom's taking the child home, and before they even get to the front door, friends are out front, kid jumps out of the car, jumps in the car with his friends and is gone. So I mean, that's, that's what I hear. That's anecdotally

but there's certain, certainly times that parents have asked us to please help them by detaining their young person.

BOSN: And I think the point that Senator DeBoer is making is, and I would use the word time out because I have young kids that I put in time out when they're naughty, so I'll use it as-- It's, it's a-- her point is, is that 24 hour period of time is a time out where everyone could take that break and say, what is the mom or dad need to be successful? What does probation think of the services needed. And then the judges who ultimately would make that decision, rather than a check sheet, you know they get three points because this is their third time. I, I think that's the concept that she's pointing out here. And it sounds like that's perhaps a place of commonality. OK.

BOSN: Yes.

BOSN: Any other questions? Senator McKinney.

McKINNEY: Thank you. So I was sitting here thinking. And if we're working under the premise that we need this law change because we have juveniles committing serious offenses, and we need judges to do detention hearings, I'm going to assume, and this is Senator McKinney assuming, if these kids are committing serious offenses, and how many judges are going to let juveniles out that are committing serious offenses? So I, I'm assume that's going to be rare. So I'm assuming that's rare. Where are they going to go, especially if the county opens up the new Juvenile Justice Center?

DON KLEINE: Well, I think they're going to go to the Youth Center one way or the other. And then the judge may make a determination about where they can place them if there's not a home placement for them.

McKINNEY: No. I'm, I'm asking that primarily just a question of space. Because the ju-- DCYC is already pretty much filled up. Or it probably could have more peop-- more kids.

DON KLEINE: It could.

McKINNEY: But if they move to the new Juvenile Justice Center, which has less beds than DCYC currently, and judges are forced to have these detention hearings, and you're working under the premise that more juveniles are committing serious offenses, so we need to change the law to have these detention hearings, how many judges are going to just let juveniles out that are committing serious offenses? That is a danger to the public. These judges don't want that on their record, if they're, they're that much of a threat to society, right? So that

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Juvenile Justice Center is going to be filled, and there's a limited capacity. So where are they going to go once the county officially opens up and closes DCYC?

DON KLEINE: Well, the numbers are already high. I mean, they're not going to change that much with this law.

McKINNEY: That's, that's, that's--

DON KLEINE: It's not.

McKINNEY: That's my point. Where are they going to go?

DON KLEINE: Well there's room. There's, there's, there's--

McKINNEY: No, no.

DON KLEINE: --about 84 right now in Douglas County Youth Center.

McKINNEY: I, I think you, I think you missed my point.

DON KLEINE: OK, yeah.

McKINNEY: If they clo-- when they close DCYC, because they are going to close it, and they open up the new Juvenile Justice Center primarily, which is only about 62 or 64 beds, right? Where the-- where's that influx of kids going?

DON KLEINE: Well, there there's a reason that it's not open yet.

McKINNEY: But.

DON KLEINE: That's-- I'm not going to get into that discussion.

McKINNEY: But no, I think that's a fair, fair question--

DON KLEINE: Sure.

McKINNEY: --to ask.

DON KLEINE: Sure, they won't fit in the new Youth Center that there's not enough beds.

McKINNEY: So where are they going to go?

DON KLEINE: It wasn't made big enough. So they're gonna have to stay-- keep the old Youth Center open. That's what they're doing right now.

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McKINNEY: But when they close it, where are they going?

DON KLEINE: Well, I don't know if they're going to be able to close it.

McKINNEY: Thank you.

DON KLEINE: Sure.

BOSN: Thank you for being here.

DON KLEINE: Sure. Thank you.

BOSN: Next proponent.

AARON HANSON: Thank you, Madam Chair and members of the Judiciary Committee. My name is Aaron Hanson, A-a-r-o-n H-a-n-s-o-n. I am the sheriff of Douglas County. I do want to express my deep appreciation to Governor Pillen and his staff, Douglas County Attorney Don Kleine and his staff, as well as Senator Riepe for being responsive to this very serious challenge that we are dealing with, not only in Douglas County, but, but in Nebraska. We are one state. You know, I don't-- I think it's fair to say that there is going to be nobody that relishes the thought of a 12-year-old being charged with a serious felony up to and including homicide, nor relishes the thought of detaining an 11-year-old. But I can tell you almost unanimously what, what people don't relish more is the thought of 11-year-olds and 12-year-olds committing homicides or very serious, heinous felonies. And, you know, really what I think we're talking about here is, is having adequate tools in the toolbox. Think about your toolbox at home. You don't have one phillips head screwdriver. If you do, you're probably not very handy. You've got a short one, you've got a mid-sized one, you've got a long one. You may never use the short one in case you're in a really tight spot. Sometimes you need it. Probably you'll only use it a few times. But you have it. And that's the point we're adding to the toolbox tools that we don't have. And I can tell you specifically when it comes to the ability to detain 11-year-olds or the lack thereof right now, when that 11-year-old was involved in that homicide, that 11, that 11-year-old was released based on current state law from the juvenile detention center in, I believe, under eight hours. And as a result, I had to order my deputies around the clock to conduct surveillance and put up stationary cameras around the unsecured group home that that young man was in. Not as a show of force. I didn't even want them seen. But to protect him from himself and to protect the public from him. It's very unfortunate. But it was a corner we were

painted into because of the current challenges with regard to our state laws. And again, we're talking about having options. Let's, let's take the worst case scenario of a 12-year-old youth being charged with homicide. I trust Don Kleine. I've seen him use discretion on very young people that have committed crimes in which they took the lives of others. And I've seen him off-- himself without a judge telling him to send those young people to juvenile court. We do have a problem with juvenile crime, especially high risk juvenile crime. Overall, juvenile crime probably is down. We're not talking about that 80%. We're talking about that dense core that we are seeing the escalation of the data on, and that is those high risk juvenile offenders that are offending over and over and over. We had 2 in 2017 commit five or more unique felonies. In 2023 it was 36. And we've seen that trend line. So I will end on this. Of course we do need additional options. Where do the kids go? We need to ask that. I'm a firm believer in we need to meet up with the standards of other states and allow for secure placement. We don't do that in Nebraska right now. I see that I have my red light. I want to be respectful of the red light, and I'll answer any questions you might have.

BOSN: Any questions for this testifier? Senator Rountree, followed by Senator McKinney.

ROUNTREE: Thanks so much, Chairwoman Bosn. And just right quickly, thank you, Sheriff, for your testimony, as you are integrated with law enforcement across the state. We see that we have this issue here. What are you hearing from your sheriffs across the state as far as this issue is concerned? Are they dealing with the same thing?

AARON HANSON: I will say that it not, not identically the same thing. I don't know that any of them have dealt with an 11-year-old or a 12-year-old, or even a 13-year-old involved in a homicide. But I can tell you, talking to my peers across the state, we are seeing that commonality of younger and younger offenders committing more and more serious crimes and repetitive felony crimes. And so, although I'm not armed with all of their exact data, I can tell you that I'm hearing from my contemporaries across the state that they are also seeing challenges with juveniles committing serious crimes and getting younger.

ROUNTREE: All right. Thank you so much.

BOSN: Senator McKinney.

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McKINNEY: Thank you. How many of these juveniles that are committing serious offenses have already been system involved or involved with the Department of Health and Hu-- the "Department of Hell, Harm and Suffering?"

AARON HANSON: Yeah. Based on some data which I'm privy to, I think it's roughly half of those that I, that I cited that, that spike in 2023.

McKINNEY: All right. And you mentioned needing tools in a toolbox. But we're not talking about screws or building material. We're talking about kids in real life situations and humans on both sides, whether it's the, it's the, it's the kid doing the offense or the victims. We're talking about real life situations. So it's just-- One, how many, how many kids are we talking about? You said 36?

AARON HANSON: In 2023, we had 36 juveniles that had, that had committed five or more unique felonies. And in many cases, those were offenses that maybe started with, with auto theft and progressed to either robberies or carjackings and ultimately gun crimes and potentially shooting [INAUDIBLE].

McKINNEY: How many in '24?

AARON HANSON: How many what?

McKINNEY: In '24.

AARON HANSON: I believe we had 28.

McKINNEY: So it went down?

AARON HANSON: It is still a marked increase from what the baseline was prior to 2017.

McKINNEY: But it went down from '23 to--

AARON HANSON: It did go down from 2023 to 2024.

McKINNEY: Is it, is it currently down in '25?

AARON HANSON: I don't have that data right now.

McKINNEY: All right. Thank you.

BOSN: Thank you for being here.

AARON HANSON: Thank you.

BOSN: Next proponent.

PATRICK DEMPSEY: Welcome. Good afternoon. My name is Patrick Dempsey, P-a-t-r-i-c-k, last name Dempsey, D-e-m-p-s-e-y. I'm here as an opponent [SIC] to this bill on behalf of the Omaha Police Officers Association. I'm not going to stand up here and tell story after story. But I want to give a little bit of background. As a homicide detective. I had the opportunity to investigate some of these young juveniles involved in these crimes. The impacts of these homicides are far reaching. It doesn't stop at the 13-year-old, either victim or the 13-year-old suspect in these. I know from, from dealing with some of these families that it leaves long lasting impacts on siblings, it leaves long lasting impacts on moms, dads that affect everybody. This bill gives us the opportunity to take an 11 or 12 or 13-year-old who has committed the heinous crime of first degree murder, and gives us the ability to unpack that onion. It's not common like we've talked about for the last two testifiers that these 11 or 12-year-olds are involved in crimes like this. But an 11-year-old involved in a first degree homicide has some serious trauma that needs to be addressed. Releasing him back into a home that is unstable or an environment that put him in that situation in the first place only harms that kid as well. So with this, I support this bill. I support a judge getting all of the facts before making a determination. Not putting that on a pro-- probation officer at 11, 12:00 at night, the judge being able to see from both sides and all angles what this juvenile-- who this juvenile is or what they're capable of. And the Omaha Police Officers Association support this bill.

BOSN: Thank you. Senator Hallstrom.

HALLSTOM: Mr. Dempsey, thanks for coming in today. You and I visited about the situation the very first time we met, and I appreciate your coming in to support.

PATRICK DEMPSEY: Thank you.

BOSN: Senator McKinney.

McKINNEY: Thank you. So, how are the police gonna unpack the situation or assist the kid? So after they get arrested, they get sentenced, where are you at in that process once they go to prison?

PATRICK DEMPSEY: I wouldn't say we're at it once they go to prison. I do know that we do some restorative justice stuff. I think you're

going to hear from another testifier from the Omaha Police Department, who spends at least a day of his time a week going to the Youth Correctional Center in Douglas County, talking with those kids, being around those kids, there's a large group of officers who do that. But as far as if they went to a prison, I don't think that there's a lot of touch outside of-- once they leave the county.

McKINNEY: Why not?

PATRICK DEMPSEY: That's a good question. I don't know if it's ever been explored.

McKINNEY: But I mean, it's like-- you, you said you're gonna unpack or unpeel the onion, like on, on the kid to figure out why or-- But, I, I think if-- it should be-- it-- and that's my problem with the system. Just like it can't be one-sided on my side or your side. Like it, it has to be a balance, you know? And, and, and that's where it's like if you're going to say, we need to arrest the kid to help the kid, you got to be there throughout the whole process. So I think if you have it, or I mean, if this passes, which I hope it doesn't, that you do-- you are there throughout the process to, you know, help with restorative justice and those type of things. Because if this passes and a kid just gets arrested and gets sent off to prison, and who's helping? Because from my conversations with a lot of the older gentlemen that are in prison, the young people come-- go to prison and nobody there to help them. They just get thrown to the wolves.

PATRICK DEMPSEY: A little bit's unpacked there. As far as unpacking an onion, you have an 11-year-old committing a murder. You know, this isn't a petty theft of a candy bar or something. That 11-year-old needs some help. No way, shape, or form am I the youth psychologist to help that kid. If there's a spot in that process, like we talked about with restorative justice, if there's a place in that process that we can help, the Omaha Police Department's always been willing to help with that. You know, I think that Deputy Chief Cerveney, who's going to come up here, who does a great job with that restorative justice program for both young adults and juveniles, I think is attempting to help mend that fence between law enforcement and, and juveniles in jail or prison. But if, if there is a spot in that process that law enforcement can be involved, I think they'd be more than happy to be involved.

McKINNEY: I think that's my point. It's an 11-year-old that has committed a murder, and we have to treat them as an 11-year-old that committed a murder. Thank you.

PATRICK DEMPSEY: Thank you.

BOSN: Thank you for being here.

PATRICK DEMPSEY: Thank you.

BOSN: Next proponent.

TAMMY PARKER: Hi, everyone. I got my stuff together this time. My name is Tammy, T-a-m-m-y, Parker, P-a-r-k-e-r. And I'm on here to-- I don't want y'all to forget about my nephew, Mister, that was killed by a 14-year-old over Labor Day weekend a couple of years ago. The child that killed Mister shot him twice in the back. The kid had the gun on him the whole entire day, showing it off. Witnesses stated that the kid had the gun in a fanny pack and was showing it off the whole day. Well, Mister and his dad got into a fight and Mister ended up knocking the guy out. Mister was walking up the stairs to go get his wife and his kid, and the guy was-- he got shot twice in the back. The kid-- I had to go through the trial. It was one of the worst things I've ever experienced in my life. We had lost my-- Mister's-- my mother in law, Frances [PHONETIC], one month after to the day that Mister was shot and killed, because you can't tell me she didn't die from a broken heart. She raised him. Mister had a tough life. Mister was trying to get hisself together and to support his family and all this-- You have this 14-year-old kid who has his father's gun showing it off and shot the guy twice, my, my nephew in the back twice. I went through court. I had to experience all that horrible details of what, what had happened. And the judge, basically his hands were tied because there's nothing he could do for him because of the state of Nebraska, the kid was protected. So the kid was supposed to go to counseling, and he was supposed to go to rehab, and this and that. Well, six months after the crime, after killing my nephew, he was caught in the police pursuit, and he ran from the police again. And guess what? He had a gun. And last I heard that he was sent to Boys Town because he'd gotten kicked out of all the districts there in Omaha, of all the school districts. I don't know if he's at Boys Town or not, I have no idea, but God bless them parents, because I'd be scared to death having that child in my home with other children who, let's say, like had been skipping school or whatever the situation is, why they're in Boys Town. But you have somebody who killed somebody. And then to get six months later, he got caught again with a gun. Our system is not working. And, you know, I just-- I'm here for Mister. I'll always be here for Mister. I promised him I'm not going to give up. You all have to realize we gotta have a change. Give a change. Give some hope. And God bless Sheriff Hanson and all the police officers, because Hanson is one of

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the best things that could have happened to us for Omaha. He cares about us. We need to care for each other. So I'm just asking you all, please, just don't forget Mister's story. And just think about your loved one if they got shot by a 14-year-old and then six months later, got caught again with a gun and nothing happened to him. He never went to the detention center, he never went to group housing, he never-- what, what kind of help is that? We need some changes in here. And I think everybody else, like Hanson, all of them, they have great ideas. Let them do it. And please just do me a favor and love your loved ones as much as you can, because you never know what's going to happen. And you don't want to be in a situation where you're sitting here trying to defend somebody that's dead, and he ain't coming back. Thank you. I thought I was going to be together today, but it just-- it's hard to talk about.

BOSN: You're just fine. Let's see if there's any questions from the committee. Are there any questions of this testifier?

TAMMY PARKER: We need to be compassionate towards each other. We can't sit there and think, you know, a 14-year-old. He knew what he was doing. He knew what he was doing. He had the gun all day long and showing it off. And then he gets caught six months later, nothing happened again. Why wasn't he sent to detention center?

BOSN: Let's, let's, let's let Senator Rountree ask a question quickly.

TAMMY PARKER: OK.

ROUNTREE: No. Thank you so much, Chairwoman Bosn, and thank you so much for your testimony. And as you're sharing, I don't have a question to ask you, just to come and say thank you for testifying as your testimony gave me a chance to look it up and kind of read and, read that on you. And I'm so sorry for your loss.

TAMMY PARKER: Thank you.

ROUNTREE: Thank you.

TAMMY PARKER: Yes. Please. Remember Mister, and you're never going to forget the name, Mister Casino Parker. That's another story we'll talk about over tea or something. But thank you all for being here. And thank you for listening. But please just don't ever forget Mister, and consider what we need. We got to have change. Thank you.

BOSN: Thank you. Next proponent? Anyone else to testify?

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ALICIA SEXTON: Hello. Senators and counsel. Thank you for letting me speak today. I did bring in some pictures of my family. I am a victim of a kid premeditated killer, or say a juvenile killer, I won't call him a kid. He definitely wasn't a kid. Neither one of them.

BOSN: Can I have you start by stating and spelling your first and last name for the record?

ALICIA SEXTON: Alicia Sexton, A-l-i-c-i-a S-e-x-t-o-n? Again, my crime happened in 2022 of August. There was a home invasion in which two, two juveniles, they weren't kids. Everybody talks about these juveniles and these premeditated murderers and murderers as if they're kids and they don't understand what's going on. First, I will give a background on me. I'm a biracial person. I am a mix of black and white. I understand both sides of the track. There's not a white track, there's not a black track for me. I live in the same neighborhood that Senator McKinney lives in. We live the same place. We're aware of our community and what goes on in our communities. Yes, north of 72nd Street, east of Dodge Street, all the way down to the river is an underfurnished under-- underdeveloped community, so we have a lot of crime there. We have a lot of community activists, community programs that say they're doing a lot of work there. Yet we don't see it in our communities. We see school drives, book bags, no things that are stopping violence in our communities. In fact, our community goes against each other. My son was killed by a-- by two boys that were under the age of 16. 15, actually, one was 12, one was 15. One could be charged as an adult and one couldn't. They charged one as adult and then they walked it back to a juvenile. The, the 12-year-old had already committed three felony charges prior to this murder and the premeditated murder he committed. There are no programs that help these kind of criminals. When you set out to do something and you do it, you do what you want to do. And that's what they did. They have to be accountable. If my son was some way held accountable because they killed him, then they have to be accountable too. I guess that's what we call accountability. We can't keep babysitting these kids or these killers or these felony, these felony lawbreakers. We can't make stories up for them, and all of these programs that don't work. McKinney, he refers to it, I'm not exactly of the sure words that he calls DHHS. But I've had a lot of dealings with DHHS. They wanted to let these kids go, saying they were, they, they were already rehabbed and "rehabilitized" in seven months, that they had given them everything they could do, and they wanted to release them to the community. If I was not fighting that fight against them, those kids would be out already. So there has to be something done to hold these killers accountable as well. And my mom died 40 days later after they

killed my son. My son was a high school of graduate with honors, 17 years old, with no record. His father died as well from an overdose. We all experience some of the same problems, and there are choices that you have to make and be accountable for. My son could have done the same thing these guys did. A lot of these guys do, but he didn't. So you have to be accountable for some choices. He lost his father at 11 years old. I had my son at gang, gang unit meetings at the Boys and Girls Club. That was not much help. My kids graduated from Boys and Girls Club. So when we talk about these systems that are put in place to help our kids, let's make sure that they're really helping. Because just because you have a club to go to doesn't mean everybody there cares about your kid. It doesn't mean they're helping them get through their problems, or they have alternatives for you because they don't. I was a parent that did that for my son. I fought for him. I'm fighting for my daughter now. My daughter had a full ride scholarship to any program in Nebraska because of her grades, until they killed her brother. She now has none of that. It went down the drain with losing her brother. My mom died 40 days after my son was killed, because she was on the phone with him when he got killed. So, yes, these young offenders, killers, need to be dealt with, and they need to be locked up. If they have to build a new penitentiary, then that's what they need to do. Or they need to use the facilities that aren't being used for some good. I thank you guys for hearing me today.

BOSN: I think I speak for everyone when I say I'm very sorry for your loss, and thank you very much for being here. Let's see if there's any questions from the committee members. Any questions of this testifier? Thank you very--

ALICIA SEXTON: Thank you.

BOSN: --much for being here. Yes. Next proponent.

AMBER WOOD: Hi everyone again. Amber Wood, A-m-b-e-r W-o-o-d. Today I wrote something. It's good to see you again. Something dawned on me the last time that I was here. While I live this trauma every day, a lot of you that are new to this committee or new around here may not know Karly's story. So when I speak to you, I don't want it lost that I am now her voice, and more important for you to see that I'm speaking, and who I'm speaking for when we're talking. I don't think victims are represented very well in a lot of these. We are not paid to come tell you our stories, and sometimes we don't even know about it. This creates some lopsided voice chambers for bills. So the victims coming here and speaking to you is, is a big deal, and it does trigger and bring up a lot of things. So we appreciate that you listen

to us. I ask that you just watch one video of Karly Rain [PHONETIC], and you will see that this current system has taken-- what this current system has taken part in taking away from society, a beautiful, smart, self-driven woman who didn't discriminate, was self-taught, and emotionally intelligent, who could have brought both sides together for solutions because of her love that she showed everyone from all walks of life, encouraging good choices and self-love. Karly was loved by you would not believe how many people from different walks of life. I read this bill, and the one thing screaming out to me that's missing is victim impact. Victim impact is a huge part of rehabilitation that should be included with that restorative justice. Victim impact should be mandatory and inside the programs of rehabilitation, and victims are not represented as they should be in the development of bills or programs for justice. Some would argue that our voices should be taken as expert. We live it, and you would be surprised about the things that we find out. The victims, the kids and parents who the system has failed or helped, talk to them. Remember, victims are dealing with trauma and survival, so it's on you to ask us. You might be surprised at the solutions we have. I now have had experience with victim impact and restorative justice and would love to tell you more if you ask. Laws are there for a reason. We must teach kids who choose to break them that they too will and can be held accountable, shifting kids to think twice, and how about they move in their life and the choices they make. This is the simple responsibility of a system that was intended for public safety. Justice meets them where the kids are at right now, the choices they made and the laws they broke. The consequences should be real for the lesson in life choices. And if you don't, those kids you choose to not help with detention can be killed while they're out. And how did that help them? Karly came from a single parent home with low income and challenges also, and she did not choose violent crime or felonies. Programs matter and you should require parameters that should be transparent and governed. And if we're speaking about this very small number of kids with high and violent crimes, then we should be able to really focus on that small group. Lastly, I'm giving you this bracelet. I ask that you take and put it next to your monitor and desk and remember the victims, the Karlys, who can't speak to you, who didn't choose to break the law and remind you what you were elected to do first, which is public safety. For those constituents, the kids behind Karly who are making good choices, the parents who are doing the right thing and producing those productive parts of society. I know sometimes they ask you or they tell you that it's faux pas to ask victims questions or it's insulting, but honestly, we want you asking us questions. We want you to care about that-- what we're doing, and

that we're here. And it speaks louder when you ask us questions. You might find that we have solutions. Thank you.

BOSN: Thank you. Any questions of this testifier? I guess let me ask you a couple of questions. So I-- you've been here before testifying on juvenile justice related issues. How old was Karly's offender?

AMBER WOOD: Well, there's several offenders in Karly's case, it was a mass shooting. There were three guns that shot her, eight different penetration-- penetrating bullets. There are three people that were prosecuted, but only one for her murder. So the other two people, one was shooting from a school yard at the building. Someone else was charged and found for tampering with evidence because he took the gun from a guy that we caught for shooting Karly. And the one, ironically, that was from the school yard, had a long juvenile history, one of which, I believe involved a first degree murder. However, you don't see those, which I think is something else you should address. First degree murders, things like that should become unsealed if you're still doing that as an adult. He was on federal supervision and pretrial release at the time. Nobody knew he was there and whether they follow-up care. And the other one that actually went to prison for shooting Karly and shooting someone else and use of a felon. Four time felons is what we're talking about. And they're violent felon, they're violent crimes. They're not-- you know, it wasn't their first rodeo and they grew up in this system. The guy that shot Karly also was, and I think I told you this maybe before, repeatedly as a juvenile and as an adult, he was re-- he was released from probation for failure to comply four times as a felon. So if you're going to have the laws and you're going to have the consequences and you give the gift of probation and they violate it, in essence, if we're talking about bad parenting and the judicial system is the second parent, the second parent gave up too. And that's a problem. We have to enforce the laws that are there. And I do think that this bill can help kids that are so traumatized that they're screaming for help if they're shooting people.

BOSN: Thank you. Oh, I'm sorry, Senator McKinney.

McKINNEY: Thank you. And I would like to say I'm sorry for your loss. And to the other mother as well, I'm sorry for your loss. And I don't-- when I ask questions it's not to come off as like, I don't care, or I don't care about victims. Because I've lost too many people that I want to count. I've lost a lot of people close to me, to gun violence, and I could have easily been a victim of gun violence. Multiple times I've had bullets go literally past my head. And many,

many times, too many times, even starting as a kid. I ask these questions because I grew up in an environment where the so-- the society, from my perspective, and I'm only using my perspective, failed my generation. And I feel like society is still failing the generations that came after me. And instead of fixing the environment, we're advocating for things that are not fixing it. I had a bill yesterday for, you know, family resources and juvenile assessments to, to help families further upstream, to intervene further upstream. I had two proponents. To help families and juveniles in these same situations, I had two proponents. That's my problem. Is it like-- it is not that I don't think these kids should be held accountable for doing these things or to diminish these situations because they're bad. It's that I don't see the same energy on the other side. And that's what I have a problem with. And it's no disrespect to you.

AMBER WOOD: Are you asking me a question?

McKINNEY: I, I, I'm not asking you. I, I just wanted to say that, but thank you.

AMBER WOOD: Can I respond?

McKINNEY: Sure.

AMBER WOOD: So again, we don't hear about, you know, a lot of the groups and the, you know, people that come and they, and they speak, they're getting, they're getting paid to be here, they're getting briefed on things they know. We get maybe a phone call that says, hey, there's this bill you might be interested in, because you have to realize we're living, we're, we're trying to survive. We're trying to deal with the trauma. We're trying to deal with the court. We're trying to deal with what do we do now? We're trying to hold a job. We're trying to-- all these things. But in that bill, I, I don't know that bill, I didn't read that bill. But this bill, to me, there's-- I have tons of ideas and tons of things that I've learned about the law, that there's no logic in law anymore. And I have solutions even to some of the things in this bill that the opponents are going to tell you about. They're going to say, well, they could just lock up any kid. No it can't, it's only a Class I, Class da da da da da. It's the high end. It's this-- and everyone says, well, it's a small group. So let's help this small group but keep public safety number one. If you're talking about use DHHS and you say-- that to me is seems like is that a different committee, is that a different bill? Because that's addressing the education of the crime, that's addressing, hey kid, now here's the crimes and here's what could happen so that they

know ahead of time what could happen. Oh, you're having trouble in da da da da da? The programs themselves, I don't think-- I think there's funding going to programs, but there's no accountability and no follow-up with that program. There is, I'm telling you right now, there is one in north Omaha that was on the news after Karly died getting that face time saying, first thing we do is go out and talk to those victims, and we get those wraparound services to them. Guess who's never got a phone call? And my kids the one that's dead. And I've gone to them three times from three people and still never got a follow-up. So I don't know what those wraparound services are, but I do think that when you want to help why'd they get there, yes, there's a way to do that. I think there's a way to help the kid that committed that crime that we're going to detain. Everyone, everyone makes it sound like he's going to be thrown in with, You know, Nico [PHONETIC], who, I'm sorry, is a product of the current system. But we need to educate them on guess what? Here's what you do. Here's a victim impact on what happens, and Roscoe was good at that. There's, there's groups around here, Shakur's great at that. But there's no oversight on making sure what happens to those programs and educating those kids and those families early on, and getting not to this small group, which is what this bill addresses if I read it right. This bill addresses the tiny group that we're talking about. But the other ones that I feel like opponents are going to say, well, they could just lock them up for joyriding. I don't think that's-- those kids are the ones that while they're with families, they, they should be mandated to go to this class, that class, that class. If you don't, there's a consequence. But the same kids that are over here, and Senator McKinney, if, if this 12-year-old committed a first degree premeditated murder and shot someone and planned it, that kid is so screaming for help beyond, he's probably screamed many times before at DHHS, right? But there's-- you have to have that kid right here and hug them, wrap them around, with the ways to deal with that anger, that trauma, that systemic whatever molded it. But like they said, that's an onion. And that's going to take a very long time. But you can't throw them back to maybe it's the family that, that caused it because they're getting abused. Maybe it's their neighborhood, maybe it's their friends. And I've been on-- up here before, and you've heard from kids in the system, and, and guys on parole saying, well, I want to do good, but. And if you had them for that long period of time to do those things, and you could control their environment, which is what the bill says, their movement, then they can focus on them, not on survival.

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McKINNEY: But today, that kid that's committed, that murder isn't getting released right away anyway.

AMBER WOOD: But-- I don't understand what your argument to--

McKINNEY: I'm not, I'm not--

AMBER WOOD: They're changing the age to 12.

McKINNEY: Yeah, but I'm saying that kid isn't getting released in 24 hours anyway. But I guess I'm-- I do-- I'm not to go back and forth with you, but my, my, my point of what I was saying, and I wasn't saying that I expected you to be there. My point is, my, my issue is that there's not a lot of energy for a lot of preventative measures, as it is for a lot of punitive measures.

AMBER WOOD: Which would be a separate--

McKINNEY: No.

AMBER WOOD: --bill, right? Or area.

McKINNEY: It's a se--it's a separate bill. But for me, it's all-- it all intersects with me because it's hard for me to say yes to this when I don't see the energy for that. You get what I'm saying?

AMBER WOOD: I do, and, and I--

McKINNEY: It's a lack of balance.

AMBER WOOD: I've-- my very first time coming here, just so you guys know, was three months after my daughter was killed. I showed up to a Judiciary Committee hearing, didn't know what I was doing. And I will tell you that between going to city council meetings, county, county commissioner meetings, we, we did play a part in keeping that juvenile facility open. All I see is a lot of buts to certain things because no one has written the perfect bill. They leave things open ended. And then there's a question and I feel like this is a step. You have to move. Because what has been shown, and you have the stats on, is that what you're doing now isn't working. And the, the law enforcement who were with these guys all the time, who's has arrested them 10 or 20 times can tell you the things that help. And I, and I think the problem is that no one talks. So I think that there are solutions. Even, even me reading some of these. It's like, oh, well, what about this? But it's a start and it's all for the public safety aspect of it. And for that kid's public safety. Because that kid who he just

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shot, you let him go and he has no consequence, guess what happens to him in six months or three months when there's a retaliation? So we have to help them too. And letting them out? That ain't helping them. It's putting them back, right back to where they started.

BOSN: Senator DeBoer.

DeBOER: Hi. That's-- I'm that one.

AMBER WOOD: Sorry, I'm getting intense now.

DeBOER: No, no, no. I was just going to say to you and to any of the mothers or any of the other people. You know, when you have ideas like this, the Judiciary Committee, I think, would, would really-- you know, send us an email. We're easy to find. You can go on to the webpage, go to the Judiciary Committee. It has all of our names. Send us all an email and tell us, you know, tell us your ideas and, and you know, we'll try and look through them and, and see what, what's out there and, and benefit from your horrible experience to try and make it better for the next group, you know?

AMBER WOOD: Honestly, what I would like to suggest to anyone who writes bills or wants to really delve into this is, you know, there are so many victims that can't come to these that want to. They're, they're texting in a group, oh my God, they're saying this, and oh my gosh. And they're the ones-- you know these guys was direct juvenile stuff, right? It was directly affected. Mine was a product of the system. But I've got moms who are watching this whose voices should matter because their kids are in the system. And they're like, they don't help us and they don't do this, and I want my kid detained. And then there's some of those moms who were in the system back when it had teeth saying, please, please put it back to what it was because it scared me straight.

DeBOER: So do you have a officially organized group or you've just found each other?

AMBER WOOD: You know, it's kind of just grown to that because of a club we don't want to be in. So I'm working on Karly's foundation, which will encompass embracing them. But it's just me making phone calls and saying, hey, do you want to go do this? Or hey, whatever. But I think a small committee, when you're writing that bill, we-- and not just victims. Sometimes it's people like, if I can say Shakur's name, who've been in the system and can say what helped him because him and Roscoe were out here as felons helping these kids now. And

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I've gone in, by the way, and thank you for asking, because I did ask you to. I've done victim restorative justice. I did a restorative justice session with one of the perpetrators to Karly. He-- you know, it was, it was a, it was a good experience, and I understand restorative justice if it's done the right way. But he wasn't mandated to follow up. And I think that's a part of the process, because it not only heals them, but it would heal victims too. And then also the-- I got sidetracked in my head, I'm sorry. Blank. What we just talked about.

DeBOER: You were talking about restorative justice.

AMBER WOOD: The-- Just before that. My gosh, I feel like a--

DeBOER: No, it's fine. But anyway, the--

AMBER WOOD: Yes.

DeBOER: --point I think that I'm trying to make here is, you know, we are here--

AMBER WOOD: Oh, I know.

DeBOER: --to help you all. And we do try and talk to victims and police and all the stakeholders we can. So, you know, let us know-- We also don't know where to find people necessarily, so, so--

AMBER WOOD: I would say the easiest way to find victims is the sheriffs and the police because they stay in contact with us. And I do, I do remember what I wanted to say. The, the-- also, I've been involved with the victim impact side where I have literally gone and talked to juveniles and I've shown them videos of Karly and they've sat there and listened, and I have seen some of those kids at DCYC. They engaged with me. They started asking questions because to them it was like the-- they were-- their head exploded when they heard that Karly's dad wasn't around. She had to deal with her own dad issues because he-- that's, that's what they took out of everything that I had said. But to Roscoe, it was amazing. Because-- and they got, some of them got teary eyed. So they are there, and yes, not all of them are bad, but when you've got a 12-year-old committing first degree murder, you're talking about a different type of child. Thank you.

BOSN: Thank you very much for being here and sharing Karly's story--

AMBER WOOD: Thank you.

BOSN: --story with us. Next proponent? Welcome.

TAMI STEENSMA: Good afternoon. My name is Tami Steensma, T-a-m-i, last name S-t-e-e-n-s-m-a, and I'm the juvenile services director for the Patrick J. Thomas Juvenile Justice Center in Sarpy County. Also and affiliated with the Sarpy County Sheriff's Office. You may be wondering why a detention center director would actually be in support of this bill, which could ultimately increase my population and change the dynamics of my facility. I won't go into the interventions and things that have already been mentioned, but I do want to point out that detention is not a bad word. It's an opportunity to remove a highly, potentially dangerous youth from the community and also ensure their appearance for court. Deten-- detention provides education, medical services, and mental health services that aren't being served on the streets. In Sarpy, we have discovered significant health issues. We've had youth in detention because they aren't at home long enough to seek any type of medical treatment. For example, I have a female youth that we discovered a heart condition because she was actually in detention for a period of time so we could get her the medical treatment that was needed. I also have anywhere from two to five youth that will graduate high school from my facility because of the education credits that they have, they have earned while they were there. So for younger youth, it does put youth on the right track with their education, get them back into the classroom, and focused on that part of the education. I agree this bill is not a platform for detaining all youth and there are some strict parameters. But our mission is to ultimately guide youth to the right path and not have them enter into the adult system or, or be incarcerated. So, from someone who has been working in a detention center for over 30 years and has seen a number of youth incarcerated later as an adult or ultimately, unfortunately, killed, it's quite possible their future could have been saved if we could have intervened sooner. And I'll answer any questions.

BOSN: Thank you. Questions for this testifier, Senator Rountree-- for Senator McKinney, followed by Senator Rountree.

McKINNEY: Thank you. So if this bill passed, would it potentially increase costs to Sarpy County?

TAMI STEENSMA: Ultimately, yes. I mean, anytime a youth is in detention, it's going to cost money. So we have our daily per diem rates. But I also have a facility that will hold up to 30 youth and I'm not currently full. I hold youth from all over the state too, so I have been asked to hold some 11-year-olds and 12-year-olds, which I

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can't legally do right now. So ultimately, yes, it will increase cost, but we, we have the space, I guess, if you want to say that.

McKINNEY: Would that increase property taxes?

TAMI STEENSMA: I can't say what Sarpy County would do, where that money ultimately would come from, but I would assume it would increase some type of taxes for the people in the county.

McKINNEY: All right. Thank you.

BOSN: Oh, Senator Rountree. Sorry, I already forgot. I apologize.

ROUNTREE: It's all right, Chairwoman Bosn, it's OK. Thank you so much, ma'am, for coming to testify. I do represent District 3 down in Bellevue, Papillion, so thank you. I did introduce a bill today in HHS for youth that are pending disposition that they can have still services paid for by CHIP and Medicaid. So that should take some relief of from the county taxes and so forth. But I want to-- you say you can't take 11 or 12-year-olds as it is now. So you're at 13 onward--

TAMI STEENSMA: Correct, 13 on up.

ROUNTREE: And you take them from all over the state?

TAMI STEENSMA: From all over the state, yes.

ROUNTREE: And so you've been doing this for 30 years, and you have a good successful track record of restoration and people getting back on their feet and going out.

TAMI STEENSMA: I like to believe so. We have a lot of programming in our detention center. We are pretty short term. We don't do necessarily long-term, although we've had youth there for over a year, but provide a lot of different types of programming with life skills, mentoring. So if they do leave the Juvenile Justice Center, hopefully we have connected them with people in the community that they could have a positive impact with.

ROUNTREE: All right. But thank you so much I appreciate.

TAMI STEENSMA: Welcome.

BOSN: Thank you for being here.

TAMI STEENSMA: Yes. Thank you. Yes.

BOSN: Next proponent. Any other proponents? Last call. We're moving to opponents, anyone here in opposition to LB556.

WILLIAM REAY: Good afternoon. My name is doctor Bill Reay, B-i-l-l R-e-a-y. I'm the president and CEO of Omni Inventive Care. I have served those 11 and 12-year-olds as an alternative to detention. The ones that we were talking about today, the ones who committed-- who were accused of committing murder, attempted murder, assault with a deadly weapon, weapons charges, assault with a bat, all of those things that were 12 and 11 years old. And we were able to keep the community safe. We were able to make sure that the staff that were serving those kids were also safe from any kind of retaliation. We had supervision with parents and with those youth going back home to see their parents. All of the things we did are replicable and should be replicated across the state. The-- if they were replicated, these alternatives, you wouldn't need LB556. So I want to keep that in mind. Second thing, detention of young children is not intervention or treatment. The targeted youth of LB556 are children from poor minority families with serious mental illness. All the kids that we served [INAUDIBLE] had at least one serious mental illness, had many insults so their social emotional behavior. And the intended consequences of LB556 may in fact be more targeted toward the black community. All of them, all the kids that we served were black. Controlling kids through this kind of mechanism is a pretty serious kind of approach to making sure that the community is safe, and it's a mechanism of control, and segregating alleged child criminals for the protection of society without any regard to a presumption of innocence, which I never heard today. Not one testimony related to presumption of innocence and the impact of putting young children with older children in a detention center. Placing young children in a detention center promotes the very behaviors that a civil society wants to prevent. I think the committee needs to know that that creates radicalization, which is a cognitive process by which an individual comes to adopt increasingly radical views of social order, which includes the lack of respect for legitimate authorities and the use of lethal behavior. It greatly reinforces the individual within groups or gangs and their resilience and lethality. It gives individuals who have no place to go, a place and a group to satisfy their material needs. Lowering the age to 11 has not one speck of scientific evidence. Not one on this planet. You will see the evidence that I'm sending you is the background evidence that supports my testimony. Like most things in social science, there are three platforms of decision making, one empirical, one political, and one moral. What you have in front of you is empirical. At least my

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hope is that you'll at least go through it before a decision is made. I'll have any-- I'll entertain any questions you have.

BOSN: Thank you. Any questions for this testifier? Senator Hallstrom.

HALLSTROM: Thank you for your testimony. Could you help me out with your connection between the presumption of innocence and the ideal of public safety and safety of the individual who has committed the crime?

WILLIAM REAY: We're talking about detention, sir. Detention is presumption of innocence. Now, what you've heard today is that repeat offenders. Right? But when they're ho-- when they're picked up in detention, they're held until the determination of what they did. If what they did was a serious crime, then we're not talking about that today. We're talking about detention only.

HALLSTROM: I guess I still don't see what the connection with presumption of innocence.

WILLIAM REAY: Well the per-- when you, when you are accused of crime, there's a presumption of innocence.

HALLSTROM: I understand what that is.

WILLIAM REAY: Right. That's what I'm talking about. If you want to lock everybody up who's presumed to be a criminal, that's wrong.

BOSN: Senator Storm.

STORM: Thank you, Chair Bosn. Thank you. So you heard the other testifiers.

WILLIAM REAY: Yes.

STORM: Proponents of this. So we're talking a small number.

WILLIAM REAY: Three or four a year.

STORM: Right. They're not looking to go out and detain every person they can round up [INAUDIBLE].

WILLIAM REAY: That's right, but even those three.

STORM: So if an 11-year-old kills an Uber driver--

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WILLIAM REAY: We don't know that, but if he did, he would be prosecuted and sentenced. We're talking about detention.

STORM: Right. But that's what they're, they're talking about, that when you have a heinous crime of a person under age of 13--

WILLIAM REAY: They're accused. They're accused of a heinous crime. The evidence isn't there yet, is what I'm saying. This is detention. This isn't sentencing.

STORM: But if they have a pretty good understanding that they were involved in that crime, they can't just-- they need to, to have them in a position when they can't hurt themselves or others. Right?

WILLIAM REAY: If, if that analysis is done, yes, they can be detained.

STORM: And have a judge.

WILLIAM REAY: Right. Now the issue is where do you detain them? You want to detain them with 15-year-olds?

STORM: No. But I mean, I think that we talked about having a special place where they could care for younger individuals like that, where they'd be segregated to some degree.

WILLIAM REAY: And what that would look like. We didn't talk much about that. What would that look like for an 11-year-old who did a very, very horrible thing? But then when you, when you talk to them, they want their teddy bear.

STORM: But that that would look much better than going back into the house--

WILLIAM REAY: Absolutely.

STORM: --with no supervision.

WILLIAM REAY: No question about it.

STORM: Like Sheriff Hanson said, they have to have round the clock supervise.

WILLIAM REAY: Absolutely. That's right. And that's an alternative to detention. That's what I'm talking about. It's round the clock supervision, not in a detention center.

STORM: I would say detention is better.

WILLIAM REAY: Than what?

STORM: Than having undercover law enforcement staked out around their house so that they don't hurt their own family or somebody else.

WILLIAM REAY: I would agree 100%.

STORM: You don't?

WILLIAM REAY: I do.

STORM: Oh you do?

WILLIAM REAY: Yes.

STORM: OK.

WILLIAM REAY: But that's not a detention center. And, and, and this bill doesn't talk about what that would look like, what detention would look like for an 11-year-old or a 12-year-old. What would it look like? You heard that the Sarpy County detention director can't take 11 and 12-year-olds because the law doesn't allow it. So where would those 11 and 12-year-olds go? If you change the law. Would they go then to a detention center? I guess so.

BOSN: Senator Storer.

STORER: Thank you, Chairwoman. I, I think there is a lot of-- and I hear what, I hear what you're saying. I think there's some exaggeration for this idea that detention is some dark, evil place that's going to be scary and cruel. I taught in what I would say was at the time we did-- we were the-- we, we held the juveniles that the jail couldn't hold. I was their teacher. It was not a horrible place. It was a caring place to provide safety. And it was a secure facility. And again, we're talking about small percentage here, and it is very frustrating for me when I see the hyperbole that all of a sudden we're locking up 11-year-olds willy-nilly. That's not true. That's not what the bill says, that not, that's not what the bill provides for. And I would say that there's also in these cases, and we've heard it here from other professionals, that by the time an 11-year-old or a 12-year-old reaches the point of committing a crime of this level, that child is screaming for help. And, and this bill, in my opinion, is not punitive. This is as much for the help of that young individual. And I think when you-- there-- no circumstance is identical. I think we would all agree with that. Every circumstance is going to have unique aspects. Right? Undoubtedly. But, but oftentimes

I've heard the stories where to let this child back out into the environment, we don't know who's waiting outside for them. We don't know mom and dad, mom or dad or guardian oftentimes isn't even physically capable of restraining them often in the, in the situation that maybe they would need to. I have heard horror stories where these young people end up running. They end up oftentimes not surviving themselves. Where we're providing a safe, secure place until such time, it is determined what the next step is, is in the best interest of the child. It is not for the intention of punitive, further damaging them, but ultimately protecting them.

WILLIAM REAY: May I--

STORER: Would you agree on any level of that?

WILLIAM REAY: I, I would agree in part of what you said. And maybe I'm not being clear. Two of the below 13-year-olds that had guns and shot people, there was a very, very serious concern that the rival gang would find them and kill them. That was what-- that's a concern that happens frequently at the Douglas County Youth Center. You can't put certain kids in the same place with other kids. So you have the same thing with 11 and 12-year-olds. So it's not a facility. It has to be an alternative to that facility. I'm not saying go home. I, I never mentioned that. Is it-- it has to be somewhere else. But what the research would indicate is it's not a facility, not a detention facility with 15-year-olds, or 16-year-olds that can ripen those kids to be recruited. That's what I'm saying. They need to be not in that. Not home, but not in that. Parents who call and say, I'm working two jobs, I have three kids, I can't supervise them. I need help. Having that circumstance end up going in front of the county attorney to detain my kid, that's terrible. We can do better than that.

STORER: And I am a little bit frustrated that I don't-- I think they're-- we're taking some things out of context or making assumptions that I, I would agree not-- nothing is perfect, and I don't think there is anything certain in this bill that says it is going to be X facility that looks like X. I think there is room to determine what that appropriate detention-- detention means to detain.

WILLIAM REAY: That's right.

STORER: It doesn't, it doesn't clearly state what the, what the facility looks like, what the, what the physical environment is. Detention is to detain.

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WILLIAM REAY: If that bill could have more definite and certain language about what that is, or what it clearly isn't, I think that would help a great deal.

STORER: Thank you.

BOSN: Senator McKinney.

McKINNEY: Thank you. What have studies or reports shown about the impact of detainment and detention on young individuals?

WILLIAM REAY: Several. Kids that are detai-- and, and detention, by the way, if you look at the data, which I, which I strongly urge you do, detention doesn't last a day or two. I know kids that have been detained for months, I mean months under detention systems. What happens, the longer you're in those places, the more behavior that you end up having related to that environment. So you, you look at quid pro quo more, give me this for that. Violence is, is-- increases dramatically. Things of that nature.

McKINNEY: So the very thing you're looking to solve, you could be kind of helping.

WILLIAM REAY: In my estimation, it actually will make it worse.

McKINNEY: Thank you.

BOSN: Senator DeBoer.

DeBOER: Thank you. Thanks for being here.

WILLIAM REAY: Yes.

DeBOER: These collateral consequences of making things worse for kids and that sort of thing. Would that happen if we did a kind of a time out, 24 hour, assess it. Figure out where the kids need to go. Like if, if we detained an 11-year-old for 24 hours to determine where's the best course now? Are those same-- are your concerns still there or do you think that that is a short enough sort of period of time?

WILLIAM REAY: It, it's, it's still an 11-year-old. And a real 11-year-old or 12-year-old that I have asked, why do you have a gun? They say, because everybody has a gun. It doesn't matter your age. So guns now are part of the issue. You can call it a problem, which it is, right? But everybody has a gun. What do you do with that? I have, I have people that I say when you, when you're talking to these kids

on the outside of any kind of secure setting, just assume they have a gun, and you ask them why, why need protection, from what? Well, from other people that have a gun. Yeah. So you can't get away from that issue, is my long answer to it. So what do you do now? Because public safety has to be number one, right? So what do you do with a kid, an 11-year-old child that is experienced at least enough with a gun and all his friends have guns? And where are you going to put him? There was somebody earlier said nobody wants to serve these kids. Partially true. But you will get more providers to serve them if there's adequate reimbursement. They-- and, and so there's just a bunch a whole bunch of problems.

DeBOER: OK. So I'm not sure I followed the answer to my question there.

WILLIAM REAY: I may not have answered it.

DeBOER: The negative effects--

WILLIAM REAY: Yes.

DeBOER: --of detaining children. Will they come within 24 hours, or are these negative effects coming from long term detention? Let's say longer than 24 hours?

WILLIAM REAY: Now I see what you're saying. Longer term detention, obviously. Yes, definitely. Most definitely. The research would support that.

DeBOER: So a 24 hour period of assessment, etc. finding the right placement is not going to lead to the kinds of negative effects you're discussing.

WILLIAM REAY: It may not. It may not.

DeBOER: OK.

WILLIAM REAY: It's, it's a good chance, let me put it that way, of not falling into that trap. Yes.

DeBOER: So if we had something like a specialized facility where there were a couple of rooms by themselves, not in the general population of kids, that were for these kind of 24 hour period time outs-- And I don't know how that all looks because I don't have a degree in any of that, and I think there are probably people who could flesh that out

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to make it right. And then they got an assessment. And then from there we figure out, is it Boys Town? Is it--

WILLIAM REAY: Whatever.

DeBOER: --your facility, is it--

WILLIAM REAY: It doesn't matter. Right.

DeBOER: Whatever facility, and we could send them to the proper facility there. Does that sort of get at the concern even for an 11-year-old?

WILLIAM REAY: It does.

DeBOER: OK.

BOSN: Senator Storm.

STORM: Thank you. Couple of comments here. There's no guns in detention.

WILLIAM REAY: No, there's not.

STORM: So if you're worried about guns, that's our point. It's going to be safer in detention. And then I would assume they could segregate the population. So if you, if you had 11 or 12-year-old, he's-- he or she is not going to be with 15, 16, 14-year-olds. They do it in the schools. You have middle school kids and high school kids. I'm from a more rural district. We have schools with elementary through high school in one building, and they keep them segregated. So I assume they can segregate them, don't you think? Within a detention facility?

WILLIAM REAY: I don't know.

STORM: 11-year-old.

WILLIAM REAY: I, I, I don't know. I.

STORM: And that they would do that?

WILLIAM REAY: I, I'm, I'm familiar with a few detention centers. Douglas County is one of them. I haven't been in the Sarpy County one for a decade. You, you could detain them separately.

STORM: Yeah.

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STORM: If you can get them out in a day. Can you get them out in a day? I would say no. I'd say a day is too short. You, you have to let-- But do you want them out in a day? I mean, I think you'd want them there for a little bit more time to evaluate them, see what their needs are, a cooling down period?

WILLIAM REAY: Well, I don't want to belabor this, but evaluating kids in an artificial environment is really not the best thing to do because, they're artificial environments. Evaluating a kid in a detention center is artificial. You aren't going to get a good true picture. That's number one. The collateral information on kids can be, can be taken very, very quickly. So you, you can make those decisions rather quickly as to-- remember, its detention. What-- where do we go now? It's not sentencing. It's not treatment. It's just detaining, to make a decision on what to do next. It can be done quickly.

STORM: Yeah. 48, 72 hours. One day, two days, three days. I mean we can--

WILLIAM REAY: Yes, sir.

STORM: All right, thank you.

BOSN: Senator Storer.

STORER: I'm breaking the Chair's rule, and I apologize. I asked two questions.

BOSN: Forgiven.

STORER: I, I just want to follow up on that because-- and I don't know how to phrase this question. But in the, in the small percentage of cases, again, we all agree on that, right? We're talking about a very small percentage.

WILLIAM REAY: Three or four people. That's right.

STORER: These are, these are a horrific situations.

WILLIAM REAY: Yes.

STORER: For the 11 or 12-year-old as well.

WILLIAM REAY: Yes.

STORER: If, if there's not the ability to detain them, how are we to assume that they, they're-- they go where? So, so, so there's been

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there's been a-- I can't, I don't want to assume the situation, but we have this is very specific about the crimes, right? That they are alleged to have committed. So there, there's probably some pretty clear evidence that there was something terrible happened. And at the very least, that child has witnessed a very traumatic event.

WILLIAM REAY: Correct.

STORER: The very least. So I'm having trouble understanding the opposition to making sure they are in a safe environment, whether it's 24 or 48 hours, again. What this is proposing is not long term-- it-- this addresses the ability for law enforcement to initially detain them. The, the alternative to that is they're just, good luck. Fly away.

WILLIAM REAY: No, no Senator, it's not.

STORER: Is it not?

WILLIAM REAY: Ye-- no, it's not.

STORER: Because we don't know what environment they've got [INAUDIBLE].

WILLIAM REAY: Well, I, I can tell you what those three, that I received a phone call at 9:30 at night, 11:30 at night, and midnight, when the state says we don't know what to do, Bill, would you please put a safe environment together for this child? Yes. And Sheriff Hanson was absolutely involved in it. He knew about it. He knew where the child was, the number of staff that were supervising in a home where the kids could watch TV, where we could watch the child, we could talk to the child in, in that kind of home environment. Now, people might argue that that kind of environment shouldn't be an environment for an 11-year-old that is accused of murder. But the fact is, he's still an 11-year-old. And he has a bed. And he has people to talk to. And defense attorney comes over before, you know, things go down that route. But he's still detained, but not in a facility.

STORER: But is that necessarily-- So what I'm hearing you say is you feel like that is not an option in this bill, that your environment is just not an option within the, within the parameters of what this bill--

WILLIAM REAY: I, I believe, I,--well, that, that's, that's a great question. If you look at 4-- the 43 section in detention, you will see

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that alternatives to detention are already on the books; that kids should be served in an alternative to detention.

STORER: In all fairness, I'm not familiar with exactly what your facility is, so I'm asking questions probably--

WILLIAM REAY: I understand. But my point, my point being, alternatives are already on the books, but they're not self-- right? They're not self imposing. If they have to be enforced by somebody.

STORER: Is it safe to say it needs to be a secure facility?

WILLIAM REAY: It does not need to be a-- it needs to be staff-secure facility.

STORER: And secure means people can't come and go at will--

WILLIAM REAY: No it can't.

STORER: --in or out.

WILLIAM REAY: And, and-- right, and the child can't come and go, though--

STORER: We can agree on that.

WILLIAM REAY: We can absolutely agree on that.

STORER: OK.

WILLIAM REAY: And the harm, the psychological harm would be minimized.

STORER: Fair enough. Thank you.

WILLIAM REAY: We got there finally, didn't we?

STORER: Communication's a beautiful thing.

BOSN: Thank you for being here.

WILLIAM REAY: Yeah. Welcome.

BOSN: Next opponent. Somebody come forward.

KIMARA SNIPES: Yes.

BOSN: Welcome.

KIMARA SNIPES: Thank you. Thank you, Chairman, Chairperson Bosn, Vice Chair DeBoer and members of the committee. My name is Kimara Snipes, K-i-m-a-r-a S-n-i-p-e-s. And I am testifying in strong opposition to LB556. First, I offer my sincerest condolences to those who lost their babies to gun violence. I currently serve as vice president of the Omaha Public Schools Board of Education. But today, I am speaking as a community leader and advocate for youth and someone personally impacted by gun violence. LB556 expands juvenile detention at a time when crime is actually decreasing, as we've heard numerous times today. Omaha 360, a collaboration of law enforcement and community leaders focused on ending gun violence is a space where our chief of police has repeatedly stated that gun violence is at a 34 year low, overall arrests are down, and juvenile arrests are down. So if youth crime is decreasing, why are we trying to expand incarceration? If it's about not being able to rehabilitate in detention, why wasn't that the bill that was introduced? During the previous legislative session, I asked former Senator Mike McDonnell if he had data proving this bill would deter juvenile crime when it was LB620. His very aggressive response was, yeah, when the kid goes to jail. That is not data, that is a failure of policymaking. When it comes to my community, I care how much you know data is important. I have been an at-risk youth. I have been an at-risk youth, being arrested at the age of 12. I worked directly with at-risk youth running trauma informed programming at the Charles B. Washington Branch Library before the pandemic. We used conflict resolution and literacy to support kids experiencing severe trauma. When Covid shut everything down, those kids lost their support system and they started getting into serious trouble, not because they were criminals, but because their families lacked proper resources. The real crisis is mental health. My phone's ringing. Methodist Hospital provides clinicians in Omaha's middle schools where they are seeing alarming rates of PTSD, depression and anxiety. This bill doesn't provide mental health support, it simply expands incarceration. We already know, because of verified data, that youth exposed to detention are more likely to re-offend, and longer stays at the Douglas County Youth Center only make that worse. And let's be honest, this bill is being crafted in response to a small few children, children who are not fully developed, who do not fully understand consequences. Instead of addressing the real issues behind crime, this bill creates laws that will define an entire generation by the actions of a few. And it won't just impact kids in Douglas County. My son's father was murdered, shot eight times by a young person. I know the devastation this brings, but I also know locking up more kids for longer doesn't prevent tragedies like this. If we truly care about

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public safety, we must invest in prevention, mental health resources, and community solutions, not more incarceration. Thank you.

BOSN: Thank you for your testimony. Any questions of this witness?
Senator DeBoer.

DeBOER: Thank you for being here.

KIMARA SNIPES: Thank you, Senator DeBoer.

DeBOER: Good to see you.

KIMARA SNIPES: Good to see you too.

DeBOER: You've heard sort of my li-- I think you've been here, so you've heard kind of my lines of questioning. I know you talked about at our interim hearing, I-- for some reason, it just was really impactful on me when you talked about getting handcuffed as a 12-year-old.

KIMARA SNIPES: Oh, yeah.

DeBOER: That was-- So I remember that moment when you talked about that.

KIMARA SNIPES: Behind my back.

DeBOER: Do you think that a 24 hour timeout while awaiting a judge's decision about where to send a kid would be-- what do you think about that? Would that work, be bad?

KIMARA SNIPES: As I heard you talking about it, if you know me, I'm a researcher. I have to research that. I can't answer that question today.

DeBOER: Fair enough.

KIMARA SNIPES: But it did sound like something of interest to me.

DeBOER: Yeah. Yeah. And I obviously haven't had the chance to research it either. So, you know, I think-- and then we have to talk about locked or staff secure and all of those kinds of questions, but as I'm thinking about that. OK. Thank you--

KIMARA SNIPES: Thank you.

DeBOER: --for your candid answer.

KIMARA SNIPES: Thank you. Thank you for your time.

BOSN: Thank you for being here. Next opponent.

LOGAN SEACREST: Chair Bosn, Vice Chair DeBoer, members of the committee. Thank you for the opportunity to testify today. My name is Logan Seacrest, that's L-o-g-a-n S-e-a-c-r-e-s-t. I live here in Lincoln, I'm a lifelong Nebraska resident. But I work in Washington, DC. I work for a think tank called the R Street Institute. We're a nonprofit, nonprofit, nonpartisan public policy research organization that promotes free markets and limited, effective government. Now, I've worked in criminal justice policy for many years, decades now, both here in Nebraska and elsewhere. You know, I, I've worked in the-- I've worked here in the building. I've worked here at the Legislative Research Office, and I've worked, I've worked in the Supreme Court. And in my professional opinion, arresting and prosecuting young children, particularly as adults, does more harm than good. You know, just from a developmental perspective, you know, maybe we could start there. Most children don't have the cognitive, cognitive capacity to understand their rights or, or the, the full consequences of their actions. You know, that's one reason I think we tea-- we wait to teach civics until the kids are older. You know, we were talking a little bit, Senator Hallstrom was asking about the presumption of innocence. You know, I'd been through the public school system in Nebraska, and I promise you, we did not start learning about presumption of innocence until well past the ages we're talking about. You know, high school, really. And that was like AP class, too. So I, I, I just question, how can kids navigate a scary, unfamiliar legal system that they haven't-- when they haven't learned about their fundamental rights yet? You know what, what 11 year, we've been discussing the case, the 11-year-old, you know what a 11-year-old is, is competent to stand trial? I don't think I've ever met one. You know, i-- Just from a practical standpoint, arresting more kids is, is just not a good use of government resources. You know, the mast-- vast majority of kids this age are getting in trouble for minor offenses. You know, these cases are way better handled by things like Nebraska's excellent juvenile restorative justice program, which I actually profile in one of my recent papers for R Street. You know, when I worked at the Unicameral, I used to put out a report called Nebraska at a Glance. It's a collection of statistics about the state. And year after year, I was extremely surprised that Nebraska was arresting children at about twice the national average of other states. And yet we have higher juvenile crime rates. So, so clearly, clearly, this arrest, arresting kids strategy that we're, that we're embarked on has, has not worked. You know, I think if we're serious about public safety, safety, we

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should focus on real solutions, not, not big government solutions like, like, like, like arresting kids. You know, one of my colleagues at R Street likes to put it this, this way. When it comes to kids, invest instead of arrest. You know, I agree. I welcome any questions you have.

BOSN: Thank you. Questions for this testifier? Senator Storer.

STORER: Thank you, Chairman Bosn. Chairwoman Bosn. And thank you. Welcome back to Nebraska.

LOGAN SEACREST: Thank you.

STORER: Help me-- help, help me understand what by just-- I'm going to ask the question this way, I guess. Again, we're talking about a very small percentage. I think we need to continue to reinforce the fact that this isn't intended for kids that stole from Dollar General or whatever. Thi-- this very specifically and narrow for the crimes committed. You'd agree?

LOGAN SEACREST: I, I think they're they think there are burglaries in the, in the-- OK, I think it's a maybe a larger group than--

STORER: We're not talking misdemeanors. OK.

LOGAN SEACREST: Right, [INAUDIBLE] yet, but that's right.

STORER: So I'm going to, I'm just going to throw out this example. You have a, you have a 12-year-old that a, a murder has taken place. There's witnesses that-- everything is pretty clear that there's grounds to believe the 12-year-old was the perpetrator. OK? And what-- In that circumstance, what, what alternative do you think is helpful in that moment? I, I don't disagree with everything I'm hearing that we need, we need to invest in these kids up front, intervention, mental health is a huge problem. I don't disagree with any of those things I'm hearing. But we're talking about in the moment. It's easy to talk about what we should have done, should be doing long term. Those are all things we should be talking about. This doesn't address that. This is addressing those narrow scope in the moment. You have a 12-year-old with literally a smoking gun in her hand. What alternative would you suggest to this in that moment?

LOGAN SEACREST: You, you mean as, as an alter-- alternative to incar-- detention?

STORER: Detaining them, yes, that-- detaining them.

LOGAN SEACREST: Ju-- right, I-- You know, when I read the bill, I, I read juvenile detention. And that's calls to mind a very specific thing. You know, Nebraska does have Child Protective Services that, you know, intervene regularly on behalf of children for their own safety and, and the safety of others. I, you know, I, I don't see why the criminal justice system has to be the first, first, first stop on, on, on the list. I'm not, I'm not, you know, I'm not unreasonable, you know, I, I think if it's an extremely dangerous situation, yes, obviously some short amount of detention is appropriate. But I, I do think there are al-- alternatives that the, the committee could explore.

STORER: Thank you.

LOGAN SEACREST: Yeah, thank you.

BOSN: Senator Storm.

STORM: Thank you, Chairwoman Bosn. Thank you for your testimony. So let's talk about R Street Institute. You're based out of DC?

LOGAN SEACREST: Yeah. Right. Yeah.

STORM: Nonprofit or-- who, who funds you?

LOGAN SEACREST: Yeah, it's a, it's a, it's a nonprofit. You know, vari-- various private, private donors. We, you know, we don't get any money from the government, zero money from public sources.

STORM: So you want to share who your donors are at all?

LOGAN SEACREST: I-- you know, I haven't been on the website recently, but I think they're listed on there. At least some of them, they should be.

STORM: I was looking, I didn't see any, so. OK. But you know, I just say too, so if you have an 11-year-old has a heinous crime committed, what are we supposed to do? You say Child Protective Services? You think they're just going to want to take an 11-year-old that committed murder?

LOGAN SEACREST: You know, I think it's, it's, it's such a rare, rare case.

STORM: Right.

LOGAN SEACREST: You know, I mean, and I think we've all, we've all agreed, right? That, that, that child definitely needs some, some sort of support and help in that situation. I think, you know, I think after an 11-year-old, you know, does something like that, I think that the chances of it happening, you know, imminently again, are very low. You know, I think afterwards that child is traumatized and confused and just, you know, kind of at the mercy of all these forces that they, that they don't understand. The, the idea that they would somehow get ahold of another weapon or a gun and, you know, commit another murder I think is, is very unlikely.

STORM: OK. Thank you.

DeBOER: Thank you, Senator Storm. Other questions? So, Mr. Seacrest, I'd like to ask you-- I don't know if you have any familiarity with our RAI, which is our instrument that we use to determine whether or not to detain. Do you have any familiarity with that instrument?

LOGAN SEACREST: Yes, when I worked at the Supreme Court, I, I did work, work on that a little bit. Not, not to a huge degree, but I am familiar with it.

DeBOER: OK. Does your organization or do you have any knowledge of other instruments that are used in other places or have any recommendations for, for me to look at or others to look at with respect to that kind of question?

LOGAN SEACREST: Senator DeBoer, I wish I had some wonderful, you know, killer app that we can apply here. You know, I'd, I'd probably go into like the private sector and market that, if I could, because there's really no one that's, that's figured this out to, to even, I would say, a serviceable degree. It's, it's an extremely difficult challenge, you know, predicting the future. So the Nebraska tool, as far as assessment tools go, you know, it's, it's not the best, it's not the worst. I think, I think states are, are everywhere is struggling with this. I, it'd be, it'd be nice actually if there was some federal guidance on this. And we could get some kind of, you know, tool we could apply, if not nationally, regionally, something like that, that, that really does a better job of, you know, assessing where, where these kids are and, and where they're going. But, but yeah, as it is, it just hasn't been developed yet. I, I when I'm, when I was at the court, we were working on, on a, on some on some new tools and I'm sure they're, they're still working on it. But yeah, it's not quite there yet.

DeBOER: OK. Thank you. Other questions? Thanks for being here.

LOGAN SEACREST: Thank you.

DeBOER: Next opponent?

OLIVIA CRIBBS: I'm up next. I'm going to sit down. I'm going to sit down, I gotta go get my baby.

DeBOER: All right. Am I going to have to line you up in an order? All right? Could you please state and spell your name?

OLIVIA CRIBBS: Hi. My name is Olivia Cribbs. O-l-i-v-i-a C-r-i-b-b-s. OK. Load a speech. OK. I was tried and convicted as an adult for accessory to first degree murder and attempted robbery at 15 years old. After spending seven years of incarceration, I've come to understand the profound impact of these decisions on my life. Trying and convicting an 11-year-old as an adult disregards their capabilities for growth and rehabilitation. Children, we are still, are still learning and developing emotionally and mentally, and they deserve equal opportunities for guidance, for guidance and support rather than harsh punishments. We must focus on rehabilitation, understanding to-- and understanding to truly foster change and prevent future harm by sending prison-- by sending children to prison. Due to being under age while incarcerated, up until I was 19 years old, I was segregated from everybody. Now keep in mind, I was 15 years old. So, yeah. I couldn't have any contact with anybody outside of staff. Well, guards aren't supposed to talk to us. Imagine being in a-- being a child locked behind a door for 21 hours out of the day with just a toilet seat in your room. No TV. Nobody to say hi to you, what you doing, what's going on, none of that. Just you and your thoughts. OK? That alone can make anybody suicidal. I heard somebody talk about a 40-- 24 hour hold. Within 24 hours of sitting in a cell after being incarcerated I was trying to kill myself. I could not handle it at all. I'm sorry. It just puts me back there, OK? So I'm just-- OK.

DeBOER: You're fine. Take your time.

OLIVIA CRIBBS: And causes psychological damage. Sitting in a room with just nothing but my thoughts, or what I coulda, shoulda did. Basing all my actions off of fear. Not really understanding my emotions. The potential for rehabilitation for a youth incarcerated is very, very, very, very, very, very few. Why? Because they house you with adults. And when you're an adult, they automatically think that you

know what it is that you supposed to do, but you got to keep in mind that I'm a child. 15 is a child. 17, you're still a kid. 18, 19, yeah, you're still, you're still a child, you still need some growth, you still I think that you need to learn. So that affected me socially, that has affected me emotionally, that affected me mentally. I couldn't even come out of the unit that I was in unless I went to a substance abuse unit. I had no prior drug history whatsoever. Not none. I didn't get arrested for drugs, none of that. But they told me that was the only place that I could go. OK? So it was forced upon me to be around other addicts and stuff like that. OK. So being a youth in prison, there were mental, emotional, social and moral responsibilities that were neglected, that a child/teenager needs to grow up and be a productive adult into society. Now that I am 23 years old, I got pregnant while I was still incarcerated. I was at a community correctional center. Work release is what they call it. I came out and I have very few life skills. I still struggle to this day with my daughter. I haven't had a job for three months due to my background, few experience, and not having like very much schooling. They require for you to have so much social work and all this other stuff, because I want to be one of those people to help other people that were like me before they even get to the point where they feel hopeless. But who speaks for those that aren't drug addicts or didn't grow up in broken homes, because there's a lot of people like that that are incarcerated, that didn't have broken homes and they had great homes, they just made a mistake. Not all murders are intentional. They're accidents. And we're talking about a child. We're talking about a child. That's all I got.

DeBOER: Thank you for testifying. Senator Storer.

STORER: Thank you, Vice chair. I don't know that I have a question so much as a comment, and I just want to commend you. You are a beautiful, articulate example of overcoming adversity. And I don't know all the details of your story. And I, and I'm sorry for--

OLIVIA CRIBBS: It's hard.

STORER: I understand.

OLIVIA CRIBBS: It's so hard, and it's not like people-- when someone dies in a, in a-- my victim's name is Brandon White. I never met the guy a day in my life up until the day that he died. And when I was sentenced, I apologized to his family, I wrote them letters, and I prayed about it, and I left them alone. So when-- just when they lost their son, my dad also lost me. Just because we're not-- we don't die

with our victims or anything, we're still losing something. And for me, it was seven years of my life where I had that time to go to school, develop the stuff that I needed to develop, and by the time I become an adult, I'm able to rule the world. But one decision set me back seven years. And for some, it's 15, some it's 30. I have a friend who was right above me when I first got incarcerated. His name is Tion Wells [PHONETIC], he's 14. He had a codefendant with him who was 13 who's a white boy. Tion's black. Tion got 22 to 45 years. And his codefendant was left-- he left and got probation. That's his whole life. In other states, I have seen that just recently it was a little girl, she had to be like ten or something. Her and her little cousin were fighting over her phone. Her cousin's six. She suffocated her. So what's next? you all going to make a bill for 10-year-olds to go to prison? That's, that's, that's what we doing. That, that's what you all, that's what you all supporting this [INAUDIBLE]. You all forget that, that--

STORER: I just want, I just want to come back full circle and, and reiterate that again, I'm very proud of you. I don't know you, I've never met you. But listening to you and watching you, I know the system is not perfect.

OLIVIA CRIBBS: Not at all.

STORER: But there is something or someone along the way that got you to this point, and, and I, I would encourage you that you have a future in coming alongside of tho-- some of those other young people. But I just thank you for coming today.

OLIVIA CRIBBS: Thank you. It's hard to look at it that way. It really is.

DeBOER: Thank you, Senator Storer. Are there other questions?

ROUNTREE: We appreciate you.

DeBOER: Thank you for being here and, and for sharing your story with us.

OLIVIA CRIBBS: No problem. I got to go get my baby.

DeBOER: Next, next opponent . All right. What we're going to do now is we're going to go like this. So you'll be next, and then that, and then that, and then that, and then that. And then we have a system. We now we have a system. OK, welcome.

NICK JULIANO: Thank you. Good evening. Chair Bosn, or Vice Chair DeBoer. Members of Judiciary Committee, my name is Nick Juliano, N-i-c-k J-u-l-i-a-n-o, and I'm president and CEO of RADIUS. I'm here to testify in opposition to LB556. RADIUS-- several people have said today there are no places for these young people to go. We are currently serving these young people, not any 11-year-olds. We have served 12 through 18-year-olds in the situations we've described. And RADIUS was designed to do so. We're in opposition to LB556 for three primary reasons. First of all, the proposed bill is contrary to what research tells us are effective and safe responses to juvenile crime. I will not rehash all of the research already mentioned, but I have cited in reference in my testimony. Second of all, lowering the age of eligibility to be charged as an adult eliminates the opportunity for rehabilitation. So the criminal court system, the adult court system, does not have access to the resources needed for rehabilitation, treatment programs, intensive family services, community-based interventions, alternatives to detention. So charging youth as adults does increase the probability of future criminal activity and entry into the adult incarceration system. Three, detaining juveniles creates long term costs to the state in the future. A study done in 2008, and I've updated it with 2025 numbers, suggests that failure to rehabilitate a 14-year-old high risk juvenile carries with it a cost to a state like Nebraska of \$3.8 million to 78-- \$7.8 million over the course of their lifetime, that's per child. So if we were to take that and apply to 25 or 26 youth in Omaha that we seem to be focusing on, those are future costs. If we fail to rehabilitate them of between \$100 to \$200 million. So obviously, the reverse of providing rehabilitation intervention is cost savings and an opportunity to invest in early intervention, prevention, the things that families and communities need far in advance of contact law enforcement and the juvenile justice system. I'm going to end with, and I might go a little past the red, so with permission. The debate today-- there are no young people I'm aware of here in the room, none have testified, who would actually be impacted by this bill. And I think it's very important as a missing voice in this conversation. I don't know if Senator Riepe talked with any young people in the juvenile justice system. But I took an opportunity to talk to 14 young men at RADIUS yesterday. They're involved in a policy cohort with Voices for Children and, and 360 Empowerment. And I want to read to you some quotes as we talked through the bill and laid out the components of the bill.

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DeBOER: OK, I'm gonna, I'm gonna-- I might stop you before we start a bunch of quotes. Do you have, do you have one or two? Pick out one or two.

NICK JULIANO: OK. The full quotes are in here.

DeBOER: OK, great.

NICK JULIANO: One youth said, do they realize that our brains aren't even fully developed until we are 26? A lot of us have experienced bad things at the hands of adults, abuse, really bad stuff that has impacted us. The last one. No one realizes how much adult manipulation goes on, adults telling us to do bad things. Adults telling young kids to take the gun since they can't be charged. All of this should be considered in this bill. At this point, I will take any questions from the committee.

DeBOER: OK. Senator Storm, we'll start with you.

STORM: Thank you, Chair. Thank you for your testimony.

NICK JULIANO: Yeah.

STORM: So you have 12 to 18-year-olds in RADIUS?

NICK JULIANO: Correct.

STORM: So we heard one person talk about how a 11-year-old or 12-year-old couldn't be with older people being detained. So how do you do that at RADIUS? Do you have them mixed together, are they segregated, or how, how do you do that?

NICK JULIANO: So in our facility we have-- every youth has an individual room, so they have their own living space. Youth are grouped. We have three suites and we try to group those by ages. We have meals together, we go to school together. They're in individual therapy and some individual age appropriate interventions. And then together, when we do community service and together when we do other items. We have to do it very carefully. You know Dr. Reay's concern is, is accurate of mixing ages of kids. So part of that is on the front end when we get referrals and talk about what is our current age breakout.

STORM: Right.

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NICK JULIANO: Our kids tend to cluster around that 13, 14, 15 range. But we have had 12-year-olds before.

STORM: So you have 12 and 18-year-olds mixed together.

NICK JULIANO: They're in the same facility. They're not sharing a, a bedroom, they all have single bedrooms, yes.

STORM: And then what kind of crimes are we talking about like for-- in your facility, is it lower crimes that they're there for and you're-- or is it-- what's their backgrounds?

NICK JULIANO: They're not misdemeanors. Most of our youth have gun charges of some sort. Some have felonies. They're all in juvenile court. Some have had felonies in adult court and have been transferred back to juvenile court. So these are very, very serious offenses. These are the, the young people that, that we're talking about in the Omaha community.

STORM: Is your facility secure?

NICK JULIANO: Our facility-- so as Dr. Reay said, we would call it a staff secure facility because we have an unlocked door. Staff secure is not used in our system, it's not used by probation, it's not a category anymore, but it's descriptive. So our youth are with us at all times. For every four youth we have one staff assigned, so that's our ratio. Overnight our staff are awake, so even when the youth are sleeping, I've got staff in the building. They go nowhere without us, even next door to Charles Drew for health care. If they're going home for a home visit, we take them home or their parents pick them up. So they're, they are with us and supervised with us at all times.

STORM: Have you had any flee or leave or--

NICK JULIANO: We have.

STORM: Get out of detention?

NICK JULIANO: Yeah.

STORM: OK. Thank you.

DeBOER: Thank you, Senator Storm. Other questions? Thank you for being here.

NICK JULIANO: Thank you.

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DeBOER: Now we're going to go to this side. Welcome.

KRISTA FORREST: Hi. Whoever gets the one with notes on it, I apologize. My name is Krista, K-r-i-s-t-a, Forrest, F-o-r-r-e-s-t. I'm a professor at a university out west who told me not to mention their name in case I-- I had to say that I was here for myself and not for them. OK? I have 32 years teaching adolescent psychology, I have a master's degree in cognitive development, and I have a PhD in social psychology. And for the last 28 years I've been teaching psychology and law at UNK. And so when the first article came out, it really caused me to pause because I was prepping notes that day to teach, and the issue fit both, both cases. And so that's why I'm here. The last three pages of your handout are the most recent statistics for individuals who have been tried for felonies, and whether or not they were adjudicated. I pulled those from the Nebraska state statistics that's on the Supreme Court website. So if the numbers are wrong, they're yours. And again, I, I know we've been talking about that this is a small number of cases, which is why I wonder, this whole change in the legal system as a function of a small number. The other piece that I put on that note that hadn't been, or in those statistics that hadn't been anywhere else, was the percentage of the juveniles who were tried for felonies that were in Douglas County. And as you can see, across those numbers, 50 to 60% each year come from Omaha. And so some of the concerns that Senator McKinney has about these are our people, well, that's who is being represented in those concerns. And so I think those are, are viable concerns. OK? The other thing I was thinking about a couple of comments that you said, Senator Storer, and this is completely different from the bill that you were suggesting about having individuals who need to go in for mental health holds be kept at different facilities out west until they could get somewhere else. You're talking here about putting children into facilities with adults. I know that that isn't the first choice, but there are a lot of "unless," "unless," "unless" on this particular bill which says under these conditions, instead of 6 hours, it could be 24 to 40-- 48 hours. To answer your questions, Senator Storm, the other piece that gives me credibility here is I used to be a program evaluator for Williams Services in North Carolina, and that facility was put together because there was a class action lawsuit where all of the juveniles that weren't receiving services in the state of North Carolina sued North Carolina until they gave them the services that they needed. And I'll stop there.

DeBOER: All right. Let's see if there are any questions for you. Do we have any questions? Senator Storer.

STORER: Thank you, Vice Chair DeBoer. And thank you. If you've traveled from-- to me west is west of at least Kearney, so I assumed that you came that far or further. So thank you for your travels here. I. I, I just want to, I guess, focus on the one comment that, that I'm a little bit concerned about is that if we're talking-- you'd, you'd said if we're talking about just a small percentage, then why are we making any changes? And--but I want to be respectful of how I ask this, but, but I get a bit passionate because I believe one life matters. I believe every life matters. And it's not-- we're talking about-- when, when anybody-- but we're going to focus on this, 11 and 12-year-olds. When a crime that rises to the level specified in this bill happens, you have two victims, really. I think we agree with that. And, and we agree that-- I don't think you'll find any disagreement in this room about the cognitive development, which really is at 26, I think it is, 26 before the brain is technically fully connected. I reminded myself of that often when I was raising my teenagers.

KRISTA FORREST: I don't know, I've got some college students who are still calling their parents from my classroom.

STORER: Right. So, so we can make this same argument really up until a 26-year-old, in all honesty. So I'm not sure-- while, while it's, while it's scientific and it's true, I'm not sure it's relevant specifically to what we're talking about here on these very specific incidences. And I, I keep feeling that what is being missed is the ability to detain these young people in these very specific, narrow situations is not punitive. It, it is, it is in its full scope for the, for the protection of not just the community, but the child.

KRISTA FORREST: I--

STORER: And without, and without giving that tool to our law enforcement, they are-- I can guarantee you there's been situations where they feel absolutely helpless, where they know it's not the best to not be able to detain that, that, that 11 or 12-year-old, but they have no choice. So I don't, I don't think we are-- we should be dismissive of what we're trying to accomplish here just because it's a small percentage, because those kids matter.

KRISTA FORREST: Oh, those, those kids definitely matter. Which is why my concern is there's all of the "unlesses," which could mean that they could end up in an adult facility. You say that they're going to be in a different wing. You say that they're not going to be, or the bill says, excuse me, that they're not going to be in contact with

adults in that facility. Right? It's only going to be for six hours unless these situations are met. If, if the bill said that these children, because they are children, OK? Were going to be kept in a juvenile facility during detention until they decided how to go forward, you would not have the disagreement with me that we have right now. It's the fact that they could be in facilities with children with adults that you're replacing the peer group of individuals that's their age, that is already getting them to do things that they probably should not be doing, and replacing them with the adults that they are fearful of. Right? That is the part that I am most frustrated about with this bill.

STORER: So if we were to clarify and, and I, I'm going to be thoughtful again and going back in. But, but if there was clarity that there was an inability-- and, and to be fair, it's my understanding that today juveniles are not to be co-mingled with adults in facilities, it would--

KRISTA FORREST: OK, so can you tell me where the young men that were not competent to stand trial are currently staying?

STORER: And I don't know, I'm not going to answer a question I don't know. So I'm not-- maybe there's been some exceptions, but when I was-- back in the day when I was working with juveniles, we were-- they came to us because the Lincoln County Jail did not have separate facilities to hold them. So they came to our facility. So maybe some things have changed and I'm not aware, but I've been always been under the understanding that they, they're not al-- they should not be co-mingled juveniles with adults--

KRISTA FORREST: Right.

STORER: --now.

KRISTA FORREST: But all of our jails are full.

STORER: But, but they-- but maybe there's some circumstances I'm not aware of, I'm not going to belabor that point. But I guess my question is if we were to make clarity in here, that's, that is your number one concern, is a co-mingling of these.

KRISTA FORREST: It's, it is one of my concerns. The other one is what we have talked about before with limitations. What I had hoped to testify on was the specific differences in children and adolescents in their cognitive and social development compared to adults. A lot of people have mentioned it, but they haven't mentioned what it looks

like and why that can elicit some of the very negative interactions that they have with peers, with police, with individuals in settings. Right? It's, it's an interaction. It's not a kid by themselves, it's, it's how they approach the world, it's their environment, it's all of it. OK? And so that bothers me as well. But the idea that if we can't find a place here, we'll make do with a place here and I-- There's the statement that they won't co-mingle with adults.

STORER: And I appreciate that concern. I don't at all disagree with you. I'm going to ask you the same question, I guess, that I asked one of the previous testifiers up here, is in the moment, in the moment that we have an 11-year-old with a smoking gun, I'm just going to use the illustration because meaning an undeniable sort of somebody's witnessed it, it's in the moment. What alternative if, if they're unable to be detained until there is a determina-- determination made by a judge, what the next best placement for them is, what would you suggest as a good alternative for that child?

KRISTA FORREST: I would probably rather have that child in a juvenile mental health facility than a co-- than a facility that included adults.

STORER: I would not disagree with you, but there is some--

KRISTA FORREST: They're all full too, though.

STORER: But, but there is some, some realities of-- and again when we create law, it is for the entire state, and I understand it very well, that different parts of our state are very different and unique. So that's not always-- you know, I, I live in Cherry County. There's not a juvenile facility with-- for hours. And so we are going to have to be cognizant that there will be unique circumstances that are going to have very limited opportunities in the immediate, right? In that first 6 or 12 hours or whatever that might be. You would agree with me there. If you're from western Nebraska, you understand that it's different.

KRISTA FORREST: Mm-hmm.

STORER: We don't have the same access to resources that might be available in more populated areas.

KRISTA FORREST: Right.

STORER: Right. And, and this situation could happen in Cherry County, or in Grant County, or in Scotts Bluff County.

KRISTA FORREST: Buffalo County.

STORER: So just those are all things that are, are taken into consideration to making sure that there's not some restriction that prohibits those unique circumstances from finding resolution in that immediate, in that moment.

KRISTA FORREST: But the way the current bill is written, first we put them somewhere, and then maybe we will build the appropriate place. Is that really the direction that we're going?

STORER: When, when the bill introducer comes to close, I'm guessing he will address that. But it would be my-- I'm going to presume that that is absolutely not the intent, but I appreciate you expressing that concern. So thank you.

KRISTA FORREST: Thank you.

BOSN: Thank you for being here.

KRISTA FORREST: Thank you.

BOSN: I was told very specifically I have to go to you next. Then you. And I'm not-- I, I can't get sour with my vice chair here. Welcome.

CHRIS RODGERS: Thank you. Thank you. Madam Chair, members of the committee, my name is Chris Rodgers, C-h-r-i-s R-o-d-g-e-r-s. I am a Douglas County commissioner representing northeast Omaha. And I'm here in my personal capacity as a commissioner representing the district. So I think we're starting, and you can't repeat it enough, there's a mayoral campaign going on in Omaha right now, and it's been stated that crime rates are some of the lowest that it's been. There's a meeting happens every Wednesday in Omaha, and it was reported out that on juvenile, crime is going down, matter of fact the arrest rate went down 100. Now I'm not saying-- and to the stories that have been told, I'm not saying that we are 100% good, but we, we've made great progress. And nobody that has-- like you've heard, best practices, you know. The bill has been phrased as it's supposed to take care of the state, but I can point to every specific issue in this bill and where the change is, and this bill is about Douglas County. And so it's a small number, but it's a small number that can be handled because I think there's a co-mingling of this thing with these 11-year-olds and saying that they murdered. Now I, I might be totally lost on this, but but I watched this closely. I can't recall a 11-year-old murdering. There's an 11-year-old that shot, somebody in the leg. And this 11-year-old that they're talking about this deemed incompetent, he was

in the car. He didn't shoot. And like I said, he ended up being deemed incompetent. And so what I'm saying is these are one-offs, one-offs that can be handled. And what I'm trying to frame is we don't have a chronic crisis. We are not Chicago. We're not Philadelphia. We can handle it. And what I'm saying is, other than this change, 11-year-old doesn't have to go to detention. I don't believe we're using all the resources that we have in Douglas County. Nobody's talking about this kid going to Project Harmony, which they could. And that kid doesn't have to go to detention, you have options with the shelter care. But the shelter cares are full. This change, all the other changes to this, they don't go to the fact that-- they go to the fact because this kid is already in state custody. And so this kid has been adjudicated, the process to save this kid is not violent. The issue is the system points that are responsible for this kid are not being held accountable. And what should be done is not this bill, but you need to look at the system points and make sure those are put up to speed. For instance, 43-251 says the kid can't sit in detention for lack of placement. Right now in Douglas County, report we just had Tuesday at the board meeting, four kids are sitting there on court orders. But they can't move because there's not capacity anywhere. Right now, there are 29 kids that have been adjudicated, and they can't move because the capacity is not there. And that they're sitting there for an average of 60 days. That's not the county, that's the state that's supposed to do that. And so when you talk about this piece here, that's why I'm saying, you cannot-- you should not do this law, you should look at the parts there and put more investment in there. The cost that it's going to cost the county has been told about, it's going to be an unfunded mandate to the county. The first year it's going to cost \$1.3 million, the second year it's going to cost \$1.5 million. And so this change is not going to get to where you need to, what it's going to do because of these extended lengths of stay there now because nowhere in the bill does it say 24 hours. And right now when that kid gets there and they're sitting there, it's not going to address the issue, it's going to make this line longer that we have there in the county. You're talking about putting the kid that [INAUDIBLE] harm himself, you put a kid that's there for suicide, you're going to turn the Youth Center into what you turned the county jail into where you got mentally ill there, and the county detention centers are not built to handle the mentally ill. We have people there, but they're meant to be short term. So what I'm saying is we have some issues that can be handled, but this is not the way to do it. You should look at the system points that are there, hold them accountable, and then they've got to have a little more resource to be able to have the alternatives that's available. Thank you.

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BOSN: Questions for this testifier? Senator DeBoer. Thank you. You said system point, system points?

CHRIS RODGERS: Yeah.

DeBOER: What does that mean? I'm sorry, I didn't-- I don't know what that is.

CHRIS RODGERS: I'm trying to be fair when I say system points, but basically, right now that kid is in probation's hands. That's the system point that he's in right now. And so, you know, to be fair, I heard the Chief Justice's state of the judiciary address, and he mentioned some of this in there. But, you know, there was a comment made earlier about the fact that, you know, he talked about our Center that we have. I can move people in that Center right now. You take these 29 kids that are waiting to be placed, that should be placed somewhere, I'll move people in there right now. We were scheduled to move in, some-- you know, a new board decided to make changes. But the fact is, is that those kids are under state probation authority, and they're going to need a little more resources. But I also think, you know, they gotta, there's got to be a new sense of urgency to find some other alternatives. Last summer, there was a report done that probation had done with a very credible person named John Toohey [PHONETIC]. About 100 page report. And he talked about some alternatives that need to be done. And I do think there needs to be a revig-- a revised effort to try to put together people to get services, to get things done. Now, recently here, probably about a month ago, first time in a while that I've seen an RFP that came out looking for some services, and the point is, you've got to take the systems that are there and look for the new-- and, and find a way to work through the services that you have and do it better. There are some providers that may be able capacity wise, but I think you're lacking in which you're paying in rates. You can't get some people to come on and take some of these kids on at the rates your paying. What they want done is they want the private sector to fund these organizations till you ready to send them kids. Private sector is not going to do stuff that government should do. They will help. And I work with them very closely to work with some of these community providers. But that's what I mean with system points. I'm trying to be fair because everybody has some issues, but the fact is, this law that passed that said a kid can't sit there for lack of placement, it passed in '18. It gave us a year to put it in effect. Take off the two Covid years, OK, that gave you extra time. But the fact is, is that the kids are sitting there, and the system's point, that's supposed to do something with it, it's not the sense of urgency. Two years ago,

you all had a \$2 billion surplus. RADIUS, the county played in helping facilitate RADIUS, to put that in place, to put an alternative together? You could have built, built ten RADIUSes with the money that was there. And so what I'm saying is, nobody's pushing to get that alternative, and that kid's sitting there. And you going to make this change. If you made a simple change of increasing capacity and putting the effort forward to make some more alternatives there, you could solve this issue that's before us today.

DeBOER: I'm still asking.

BOSN: OK.

DeBOER: So you're saying, and we'll keep it quick. You're saying that what we need is more capacity.

CHRIS RODGERS: Yes.

DeBOER: But the bill says, amongst other things, we could put younger folks in there.

CHRIS RODGERS: You got resources right now in Douglas County. You can-- no, I don't-- we're not using the resources that we have. You don't have to put the kid in Detention. You can put the kid in shelter. But you don't have shelter care, care, care, care capacity. And people keep waiting for the private sector to build a shelter care so they can send them there. I think the state needs to put some investment in making shelter care available. You can go to project--

DeBOER: Is shelter, is shelter care locked or staff secure, or what is it?

CHRIS RODGERS: It's not locked.

DeBOER: It's not locked, it's staff secure.

CHRIS RODGERS: It's not locked, but it's no different than you've been to other this, this-- services being described.

DeBOER: OK.

CHRIS RODGERS: And-- but you also-- I don't think they're using Project Harmony to the degree that they can.

DeBOER: OK.

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BOSN: Any other questions for this testifier? Senator Rountree followed by Senator McKinney.

ROUNTREE: Thank you so much. And thank you so much for testifying. Could you expand some more on utilizing Project Harmony to the maximum that it could be used to help alleviate--

CHRIS RODGERS: Not expert in Project Harmony, but, you know, I think there's a term that's used around here a lot, the 11-- the 1184 clause. You know, there's 1184 teams that are put together there to be able to work through a kid's situation that a-- that's young. If you've never been to Project Harmony, it's worth a visit. You go there, they have all the services assembled from the county attorney's office, police, everybody there to work on this piece with the kid. And it's where H-- you know, HHS is housed there to some degree.

ROUNTREE: Yeah.

CHRIS RODGERS: This is a one-off situation, but just like this kid, and I have good source that a lot of these other kids that were in 11-year-old range had some type of mental deficiency. This kid that was 11-year-old, he was dee-- he sa-- he was deemed incompetent, but he ended up going to HHS. You could have, you could have worked with Project Harmony at the beginning and had this kid at HHS at that point. And you can do that with some other people there. HHS from the state is already there to work through that process with some other people there. So that's what I mean to some degree. You have some other resources that you not using that we can get at if you got around the table, they don't have to sit in detention.

ROUNTREE: All right. Thank you, I did, I did tour Project Harmony, looked at their process, so.

CHRIS RODGERS: Yeah, and I, and I think if I can, ma'am, share the one thing. You know, you mentioned the cost. I gave you the cost it's going to be to the county. Special session, you all put a lid on local governments and what we can spend. So you're gonna put more cost there. And we got this lid, and we got to find out what we're going to do with it. If-- some of the, some of the things that were talked about by people that definitely, you know, have good intent for the safety piece, if I give you the support to make one, a couple, a couple of changes with a couple of programs at the county? Instead of having to put this \$1.5 million into that detention center, you could put it to prevention piece and be able to have a solution there for

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that kid that, that may be booked and released and to put some supervision around him. And I'm absolutely sure of that.

BOSN: Senator McKinney.

McKINNEY: Thank you, and Commissioner Rodgers. Got a few questions. The first, so how do you respond to-- when p-- respond, when people say that parents are coming to them and asking to detain their kids?

CHRIS RODGERS: They are. But I think people spoke to the research and I won't speak to it any more. But, you know, I remember when I was younger, my father tell me, hey, you better watch what you're doing. Because if you in jail, you just be ready to sit there for the weekend until I come get you. But that day's over. But the point too that some of the instances that they brought up, we didn't have a lot of access to people willing to take some of these kids. You're going to hear from a few, I think, you'll at least hear from one that work with-- we got some-- we have people now with some lived experiences that are in this game now that can take that kid, that that can be referred to, that we worked to set up some people to work with them to go. So it's a fair question. But there are some options now. There's more than enough options now. We just got to be-- we got to get to the point we can use them and put them there. And, and some of them are getting in and we're trying to put them in a spot. So it's not what it was when that question was asked. There's some, there's some things available.

McKINNEY: OK. You spoke kind of to the capacity issue. So if this bill was to pass, do you think it would delay the transition to the, to the new facility?

CHRIS RODGERS: You can never say never, but you know that-- like I said it, it keeps getting mentioned that the kid will sit there for 24 hours. That's not in the bill. That's not guaranteed. And so right now I know that you, I know that you [INAUDIBLE]. Without that being in the bill, they send-- the kids sent to an adult, although no charges, you're going to just keep that line backed up. Right now, you know, you could say that it could. But the bigger thing about the building. I can, we can move into the building in three months. People would frame this thing up to say, well, if you move into the building, you're going to let dangerous kids out. No you're not. There's about 40 kids on there that are deemed serious right now, and the others have been through the court of law, approved-- adjudicated and approved being able to rehabilitate. If we moved in the kids that are on probation with me, and probation would have to find service. Now, people threaten to say, well, you know, you got to move these kids out

of state. How they going to move out of state when I keep getting this argument that we don't have the money? Where are you going to move them if you don't have the money? There's other options that, you know, can be come up with. Could you provide in-home service? Could you do something? It's not the fact that-- I understand there's a strain, but my frustration is, an average of 60 days? You know, that's the issue that's got us not being able to go into the building because the churn is not happening like it should. That extended stay is allowing it to happen, and because I can't go into the building, I can't make the new-- the old facility something that's needed for service. I have a proposal on my desk right now to do something with that, and I have donors willing to help to turn that new facility into something. But I can't do that until you move.

McKINNEY: All right, last question. How would going before a judge actually function in practicality?

CHRIS RODGERS: I've been told in asking that question to try to prepare today is, so right now, and I think this goes back to my answer when we say it's a small amount of kids, but I think there's a couple of personal issues that people have with points in the system. And I, and I can point to each one of those words reflected in the bill. How it practically happen now is, so you come in on a weekend. It was noted that only Douglas, Sarpy, Lancaster, Hall have juvenile court judges. And even there, you know, only Norfolk, Madison, Douglas, Sarpy, Lancaster have youth detention facilities. Scottsbluff had one, it closed down. Say a kid comes in, and you want that-- right now, probation can see that kid to make the determination where they go and what's the best interest. You want that kid to see a judge. Kid comes in on a Friday night. If he comes to Douglas County, you're not going to detain the kid, what are we going to do? Keep him in the booking area for 48 hours? Because they don't have court on weekends, so you gonna keep that kid there in booking until Monday at some point when that judge comes. I mean, I, I see how it is there, but some people that I've talked to, it wasn't-- the people that wrote it didn't think how it was going to function. You know, the question is, what happens in a rural community? You got to find a rural-- you in, you in a place, you in a place where it may not be a judge. What is probation going to do when they have to find a judge to look at this kid? Where is this kid going to sit? How long does this kid have to go before you get a judge there? That's some of the things have been told to me about how it practically would function. But, you know, my understanding is too now, say, for instance, probation put a kid on-- they chose to put a kid, put him out. There's a mechanism that's rarely used where the county attorney can come back before the judge

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the next day and make the case to the judge about why a kid can be detained. There's a, there's a point in the system right now where you can use to do that.

McKINNEY: All right. Thank you.

STORER: Very quick question.

BOSN: Senator Storer.

STORER: I just what-- the costs. You had a very specific number. What are you basing that on? I mean--

CHRIS RODGERS: We did a, we did a, we did a, we did a fiscal note.

STORER: And that was based on-- I mean how did you come up with the number? I assume you're basing that cost on what you would assume if you were detaining--

CHRIS RODGERS: Yeah.

STORER: --11 and 12-year-olds.

CHRIS RODGERS: If you had to add, If you had had to add those into the facility.

STORER: And that, that would be on previous-- like the last year, two years, three--

CHRIS RODGERS: Like, for instance, current, the current cost for a kid, the current cost that we estimate for a kid to s-- to sit in detention in Douglas County is about \$600 if you cost everything those-- that needs to be there. Right now, we only get paid \$400 by the state, so we take a loss right now. So based on the length of stays that are there for that kid, well, we might, well we might estimate what their stay is, that's how we, that's how we came to the cost.

STORER: And I'm just trying to-- I guess I'm trying to get to the number. How, how did-- did you base that on what number of-- how did you arrive at how many additional youth--

CHRIS RODGERS: I, I can get you, I can get you the fiscal note that we put together.

STORER: OK. If you don't mind, I would just be curious to--

CHRIS RODGERS: Yep

STORER: Thank you.

BOSN: Thank you for being here. OK. Next opponent. I think we go this way now.

TAYLOR GIVENS-DUNN: It's been a long day. Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Taylor Givens-Dunn, T-a-y-l-o-r G-i-v-e-n-s hyphen D-u-n-n, and I'm the policy manager at I Be Black Girl. I Be Black Girl serves as a collective for black women, femmes, and girls to actualize their full potential to authentically be through autonomy, abundance, and liberation. We're the only reproductive justice organization in Nebraska that centers black women femmes and girls, and we would like to express our opposition to LB584 [SIC]. It is essential to recognize the broader context of this bill. Our current juvenile justice system was carefully reconstructed about a decade ago, rooted in research and a bipartisan understanding that children deserved developmentally appropriate responses, not punitive measures that perpetuate cycles of trauma. At I Be Black Girl, we believe in responding to children with care, not detention, and we understand that every child deserves access to resources, support and community, not incarceration. While Nebraska's current juvenile justice system reflects progress won over the years, it remains rooted in systems that too often prioritize punishment over healing. I think it was said earlier in this hearing that detention is not punitive, but I'd like to politely disagree. I also would like to say that LB586 [SIC] kind of ignores this progress that we've made over the years, and it relies on fear-based narratives about juvenile crime that are not supported by the data. In fact, juvenile crime in Omaha, like elsewhere in Nebraska, has been declining. And according to recent data from the Omaha Police Department, juvenile arrests, juvenile felony arrests and youth involved homicides all decreased from 2023 to 2024, which I know you heard earlier today. While LB556 proposes detaining children as young as 11 and criminalizing normal adolescent behavior like running away does not make our community safe. Decades of research show that detention increases the likelihood of recidivism, disrupts a child's education, and worsens mental health outcomes, and we are greatly concerned about the bill's provision allowing children to be detained for threatening harm to themselves. Rather than providing mental health support, LB556 would place these children in punitive environments that exacerbate their struggles. We know that national data show that juvenile detention facilities are the most common site of suicides and suicide attempts in the juvenile justice system. And

again, as we talk about who is impacted by these measures, we keep saying that we're talking about very few children, but I would like to use Senator Storer's argument that every child counts in our state. At I Be Black Girl, we believe in solutions that are rooted in care, not criminalization. And we advocate for investments in community-based interventions, mental health resources, and educational support, these approaches that have been proven to reduce youth crime and foster long term well-being. And these strategies address the root causes of concerning behaviors, offering young people the support they need to thrive rather than condemning them to a cycle of punishment and trauma. When we talk about this bill, we're talking about my community. It's incredibly personal. And I'm running out of time, so I will kind of abbreviate quickly here, but LB58--LB556 would not protect Nebraska's children, and we're concerned that it would endanger them. We believe that the path forward lies not in regressive policies, but in continued commitment to compassionate, evidence-based approaches that center the needs of our most vulnerable youth. For these reasons, we urge this committee to not advance LB556. Happy to answer any questions.

BOSN: Thank you. Questions for this testifier?

TAYLOR GIVENS-DUNN: Perfect.

BOSN: Thank you for being here.

TAYLOR GIVENS-DUNN: Thank you.

BOSN: Yes. Chelsie, welcome back.

CHELSIE KRELL: Thank you. Good evening, not afternoon any longer. My name is Chelsie Krell, C--h-e-l-s-i-e K-r-e-l-l. I am a Sarpy County public defender testifying in opposition to this bill. Trying not to retread ground that's already been discussed. But I would say that this bill is redundant to what's already in place for the majority of it. And then the places that it's not redundant, it's harmful. In this bill, the statement of intent discusses lowering the ages for charging juv-- juveniles as adult from 14 to 12. And I've been hearing the committee members acting like we're only talking about murder. It's not, we're not only talking about murder, we're not only talking about premeditated murder. It goes down to a IIA felony. And for those unfamiliar, a IIA felony could be a burglary. What does a burglary look like? Or what could it look like? A burglary could be a 12-year-old opening their neighbor's garage and stealing a beer from their garage fridge. That could be a burglary. It is not always what

we imagine it is. That could be charged as a burglary. OK? That could be charged as a IIA felony. A situation that I personally saw was a little girl, 12 years old, had some Adderall that she took for herself. However, she had no problem sharing with friends at school. That is distribution of a controlled substance. That's also a IIA felony. So these kids could be charged as adults at 12 years old. We're not only talking about murder. We're talking about crimes all the way down to IIAs, which include things that you would not readily think about as being a IIA felony. It could be, it could be actions that seem somewhat innocuous. But that could be a IIA felony. So it is not limited, it is not narrow. We're also acting like we're only talking about detaining 11-year-olds accused of murder. No, that's not what this bill does. This bill allows the age to be detained to be lowered to 11, and then it broadens the criteria in which we could detain a kid. It broadens it to include as harm to self. Now, I hear the senator saying, well, I get calls from parents begging me to take their kid into custody. I get calls from parents too, I represent the juveniles in the delinquency processes, but their parents also call me to relay their concerns. Sometimes their parents are saying, my kid doesn't go to school and smokes marijuana. I want them locked up, I want-- something needs to happen. I agree that those aren't great circumstances. The kid should be going to school and not smoking marijuana. However, those aren't emergent needs to detain a kid. Those are sometimes the parents asking for their kids to be detained. There's subjectivity there if we're going off of parents' requests. What is currently in place, although not perfect--

BOSN: I'm going to ask you to wrap up your last thought.

CHELSIE KRELL: Thank you. What-- currently in place, although it is not perfect, is that a juvenile probation officer uses an objective instrument, uses objective screening tool that scores the kid. If there's other factors going on, they can run that by their supervisor, their juvenile probation supervisor to either underwrite or override--

BOSN: I get-- I-- we, we've heard-- we've had the whole bill on the juvenile probation screening tool. So if you have a last thought in addition to that, please go ahead.

CHELSIE KRELL: Limiting this-- limiting the language of what is required to be detained to what it is right now was purposeful, and done on purpose. It should be a limited use tool. Detention should be a limited use tool, not something that we use in, in these broader circumstances, detention, and it's not the place to put a kid who is harming themselves.

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BOSN: Questions for Ms. Krell? Thank you for being here. Next opponent, Miss Summers, I think it's your turn.

JULIET SUMMERS: Oh, good evening, Chair Bosn. Members of the committee who remain. 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 oppose LB556. Our justice system should hold young people accountable in evidence-based ways that allow them to grow into healthy adults and promote community safety. We oppose this as a measure that would walk back years of meaningful progress doing both of those things, keeping both our youth and our community safer. Along with my testimony, you are receiving a handout with-- that has on the front some state level statistics, as well as on the back side, some district level data provided by the Crime Commission. I have both a green and a red light, so just tell me when you'd like me to stop.

BOSN: Now you have a yellow light too.

JULIET SUMMERS: Do I get an extra minute? So the district specific data is provided by the Crime Commission, and that is compiled from the law enforcement agencies in your district. It's legally required reporting to the state level agency. So I'll echo, I loved what someone said earlier, if you don't like that data, it's your data. It's our state agency that we get that from. You will see from that data that juvenile crime in Nebraska has fallen significantly since the early 2000s, when juvenile justice reform first began to take root. Meanwhile, we have been able to break out violent offenses, and we see that consistently over the past 25 years, almost, the number of youth committing the most violent acts has remained relatively steady and very small. And I will note that these numbers on this page that I've shared with you are the hard numbers. It doesn't even account for population growth. So some districts that you represent, of course, over 25 years have seen population growth. So it's not-- the juvenile crime rate is actually likely lower than it was from the early 2000s. And the reason why is that Nebraska has actually been pragmatic about responding to youth offending in ways that mitigate the likelihood of recidivism. So we are all here sharing the goal of reducing those instances of harm, so that victims do not have to come and share their, their awful stories. Nobody should experience that in the first place. We share that goal, and I am, I'm here to share this information with you because what Nebraska has done has kept communities safer. It has. We haven't gotten it right in 100% of cases. But Nebraskans are safer because of people who sat in your chairs in prior years making these decisions about how our policies should be structured. I also-- I want to go off script here to note

that I think there's, there's a couple different things that the bill does that have been somewhat conflated during the conversation today. So there is both the criminal jurisdiction piece, whether there should be exclusive original juvenile court jurisdiction or concurrent jurisdiction to charge kids at younger ages in criminal court. And then there's also the detention piece. And one of those I think is more narrow than the other. I'd be happy to take any questions.

BOSN: Thank you. Any questions for Ms. Summers? Thank you for being here and for sharing this. Next opponent. I think it's the side, right? Yeah. Should be over there.

JASMINE HOBZA: Oh, well. My name is Jasmine, Jasmine Hobza, J-a-s-m-i-n-e H-o-b-z-a. I am a former special education teacher here, Omaha, Nebraska. I actually resigned at the start of this year, to try and pursue some other things to help the students that I've worked with. And I've seen my 18, 19-year-old kids on the news described as Omaha men. And that's, that's been hard to watch at 18, 19, because at 18, 19, a lot of my kids operate at a 13-year-old level, or some potentially at an 11-year-old level. So to hear this, I didn't plan on coming here today, but to hear this for an 11-year-old is absolutely ridiculous to me. They don't understand, and we-- and if we had options, if we had things-- the bottom line is our community needs help. That's what you're hearing. These parents that are asking for help, that are asking for their kids to be detained, these are parents who don't understand that they're not going to get the services that they think that they're going to get if they are detained and put into these systems. It is-- our community needs help. These kids need, like we said, mental health assistance, support. And I think that if we are able to do those things and get ahead of these things, that obviously we would have less problems. But these are babies. These are our babies. And this just feels, this bill feels like a test to see what we will let go and how young you guys can jail our kids in our community. It feels like limbo. How low can you guys go, you want to-- 13 is low to me. 11 is insane. That's ridiculous. I have an 11-year-old at home, and the thought of my 11-year-old being held accountable as an adult, I, I can't, and I don't know anybody with kids that would want that for their 11-year-old. So yeah, that's, I think everybody-- a lot of people have kind of mirrored a lot of the things that I would say. But working very closely-- and I've worked in the alternative schools, so a lot of my kids are DCYC kids. For the most part, I was a behavior teacher. So a lot of these kids have disabilities. They don't understand what they are saying most of the time, let alone the decisions that they're making to get acceptance and stability and somebody to hear them, because their parents aren't

home. Right? This is what we talked about. I sit in a room with teachers debating whether or not to call CPS because their kids said, hey, I can't come to school today because I got to go watch my younger sibling. OK, we're gonna call CPS for what? What's that going to do? And I feel like this is kind of a similar thing in this. What are we going to do to help these families? Besides jailing their kids at 11? What are we going to do to intervene and to get in there earlier and to help these kids? These are kids, they are babies. 18, 19, they're babies, like. And that's, that's my piece.

BOSN: Thank you. Any questions from the committee members? Thank you for sharing your experience. I'm sorry you resigned, but it sounds like you're doing other things that are making you feel full.

JASMINE HOBZA: It'll be for this, actually, so.

BOSN: Awesome. Next opponent. I think we're to this side, right? Welcome.

TAMIKA MEASE: Thank you. My name is Tamika Mease, T-a-m-i-k-a M-e-a-s-e. I am the executive director of North Omaha Community Partnership. I strongly oppose LB556, which lowers the minimum age for juvenile detention to 11 and allows 12-year-olds to be charged as adults. This bill prioritizes incarceration over rehabilitation, ignoring the developmental needs of children and increasing long term harm to our communities. You all have a copy of this. I'm going to skip past the harm of lowering the juvenile detention age, because I think enough people have testified to that point. A proven alternative, what we are now doing is the Blueprint Juvenile Program. Instead of expanding detention, Nebraska should invest in evidence-based, community driven alternatives, like the Blueprint for Change Juvenile Second Chance Program that is facilitated by North Omaha Community Partnership. This program provides mentorship to guide youth away from crime; stabilizes families through counseling, financial support, and wraparound services; improves education and job readiness with tutoring and skill training; addresses mental health needs with professional therapy; uses restorative justice to ensure accountability without incarceration. I think rather than punishing, the Blueprint Juvenile Program rehabilitates, reducing recidivism and fostering safer communities. Lowering the detention age to 11 is not a solution. It will harm Nebraska's youth and communities for years to come. And I urge the Legislature to invest in intervention programs like the Blueprint Juvenile Program that focuses on education, family support, and rehabilitation instead of incarceration. I would also like to add to this that the 11-year-old that everyone keeps talking

about, that is currently in foster care right now, to my surprise, he actually called my phone this week, just a couple of days ago, because another youth that are in-- that's in our program told him about our program and told him how, you know, we love on the kids and, you know, they-- he told them about his experiences. And he called me up and said, Ms. Tamika, this is such and such. Can I join your program? These kids, they go through a lot of trauma and things before they even get involved in the juvenile justice system. So I truly believe that we should focus on that. But I also will say that I'm also not in agreement with, you know, a juvenile that commits something like premeditated murder and goes to rehabilitation after six months, and you have DHHS saying they're rehabilitated when the program wasn't designed to work with children with those charges such as those. And so I do think that we need to come together and find a medium in that. But I definitely think that LB556 is not the answer.

BOSN: Thank you for your testimony and the work you do. Any questions from the committee members? Senator Rountree.

ROUNTREE: Thank you so much, Chairman Bosn. And, and yes, thanks, Tam, for your testimony. I was watching as well when I was out, but I wanted to ask, as you said, finding that balance. How would you-- what type of balance would you recommend? You work a lot in the community. I've asked the county attorney earlier about how to get to the table we talked about on the previous bill and get funding back so we can really enhance our community programs. But to strike that balance, how would you strike that balance?

TAMIKA MEASE: I would definitely improve our rehabilitation programs and services that are being offered, because as I said, this rehabilitation program and facility in Lincoln, they admitted that it wasn't designed to work with a youth that committed a heinous crime such as premeditated murder. And so we have to come to the realization that this is happening. It's not happening to the, the tune of what's being-- you know, the picture that's being painted here today. But we do have to understand that it does happen, and we have to be ready for it when it does. And looking at the bill, it, it basically says, OK, for any felony or whatever, not just murder, that they can be tried as an adult and that it goes to district court first, and then if the judge says, oh no, they need to go to juvenile court, then it's switched back to juvenile court. It just seems like it's just an unnecessary process. And, you know, we just need to focus on strengthening the programs and services and kind of work upstream and address some of the issues that are putting the children in these situations to begin with.

ROUNTREE: All right. Thank you so much.

BOSN: Thank you for being here. Next opponent. Welcome.

SAVANNA HOBZA: Hi. My name is Savanna Hobza, S-a-v-a-n-n-a H-o-b-z-a. I currently reside and work in Omaha. My views do not reflect those of my employer. I am currently a practicing speech language pathologist with seven years of experience, and I service ten alternative programs in the Omaha area, including DCYC. As a concerned citizen, a mom of six, including an 11-year-old, and a service provider, I urge you to oppose LB556. The proposed policy would be detrimental to children in our city, the ones that we are obligated to protect. Our schools and facilities are at capacity, with minimal support and staff shortages as it is. At baseline, which I'll kind of echo a point from earlier. There are children continuing to sit in DCYC because they do not have placement, even though the current law states that this should not be happening. I've seen it. I've seen kids sit directly across from me who say that they have a date to go, and they're still there almost a month later. If we can not follow the regulations and procedures as it is, I don't understand how anyone can possibly expect to accommodate for more incarceration of children, especially young children. Given my experience with children who are detained, it should also be considered that over 40% of children in DCYC have an identified disability. I called and made sure that my numbers were correct this morning. It is at 40% today, but the trend has been between 40 and 50% within the last three years. They have 88 students in DCYC right now. Children, who already have a limited capacity to understand their actions and consequences, are even more vulnerable when they have a disability. I've had students sit across from me and say, Ms., I don't understand what the judges are saying. I don't understand what the lawyers are saying. And this is directly related to the services that I need to provide to students to help them with their communication and their language concepts. And it's really heartbreaking to see them say that to you, because they truly do have a disability and they truly do not understand. And yet, here we are with reactionary proposals that don't address the underlying needs or causes. LB556 is honestly an attempt to continue to disproportionately demonize and criminalize black and brown children with disabilities, because it's 40% of them that are in DCYC. Please oppose this bill, or may the record show the lack of empathy and understanding for our most vulnerable children in Nebraska. I also wanted to add there was a comment where I believe the proposed had said that our 11-year-olds are not like these violent 11-year-olds, which is completely untrue and false. I would know. I've sat across from that 11-year-old, and it's not OK to sit there and judge and say what is happening when your boots are on the ground and

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you don't know that child or their disability. That's all I have. Do you have any questions?

BOSN: Any questions for this testifier? Senator DeBoer.

DeBOER: I have a really basic question I should have asked a long time ago, and I didn't, but you seem to know the answer to. You say they're waiting to get into DCYC?

SAVANNA HOBZA: No, they're currently at DCYC waiting placement. So technically--

DeBOER: So they're waiting to go to, like, RADIUS--

SAVANNA HOBZA: Group home, RA--.

DeBOER: --group home--

SAVANNA HOBZA: Yes, yes.

DeBOER: OK. That clears that up for me. Thank you. I should have asked that a long time ago. Thank you for the work you do.

SAVANNA HOBZA: Yeah.

DeBOER: I'm gonna let others ask.

BOSN: Thank you for being here.

SAVANNA HOBZA: Thank you.

BOSN: Next opponent. Welcome.

NADIA SPURLOCK: Good evening. My name is Nadia Spurlock, N-a-d-i-a S-p-u-r-l-o-c-k. I had a whole statement prepared, but I feel like all of my data points and other points have been hit, so I'm just going to use some notes I have for my testimony today, and also pull from what I wrote too. I serve as the community engagement policy and fund development specialist for the Empowerment Network. However, today I speak on behalf of myself in strong opposition to LB556. Over the past two years, I've had the privilege of working alongside hundreds of organizations and residents dedicated to reducing violence and improving outcomes for youth in Omaha. This proposed legislation is both unnecessary and counterproductive to the progress we've made in public safety and juvenile justice reform. We've already heard that data from the Omaha Police Department reveals that our city is experiencing a 34 year low in homicides and a 40 year low in non-fatal

shootings. These significant reductions are the result of sustained, community led intervention and prevention strategies, not punitive policies, that criminalize youth at younger ages. Enacting LB556 will undermine these efforts and fail to address the root causes of juvenile delinquency. In addition to these historic lows on violence, Omaha has also seen measurable reductions in youth related arrests. In 2024 alone, there were 100 fewer arrests compared to the previous year. 2024 data from the Juvenile Delinquency Alternatives Initiative further supports the argument that detention at younger ages is not the solution. In 2024, 11-year-olds are responsible for 57 total delinquent acts, not individuals, across all agencies. Yet only five individual 11-year-olds were deemed to pose an immediate danger to the community at the point of intake. Among 12-year-olds, there were 128 total delinquent acts, but only five youth were presented to intake. These numbers are low for a City of Omaha's size, and indicate that most interactions with children this young involve minor offenses or behaviors best addressed through community-based interventions, not incarceration. Additionally, probation data shows that most of the youth on probation are 15 to 17, with only two 11-year-olds and four 12-year-olds on probation in 2024. Instead of lowering the age at which children can be detained or charged as adults, Nebraska should focus on targeted prevention and intervention strategies. If youth as young as 11 and 12 are encountering law enforcement in this way, it's a clear sign of underlying needs that must be addressed through wraparound services, mentorship, mental health support, educational engagement, and family-centered interventions. LB556 fails to address the real issues. It merely fast-tracks young children into the justice system without providing the tools and resources they need to succeed. Recent meetings with over 100 community agencies involved in violence prevention and intervention revealed that 85% of those organizations oppose LB556. These organizations believe that the best solutions lies in prevention and support for families. I would like to expand on the, the fact that we can do anything to address this issue. It doesn't have to just be soft to incarceration, we can be creative. We can be the lead for the nation in addressing this issue. But instead we're choosing to spend our time trying to incarcerate them instead of coming up with creative solutions that we have the opportunity to do so because our numbers are so low.

BOSN: I'm going to have you wrap up your last thoughts since your red light's been on for a while.

NADIA SPURLOCK: OK. The county commissioner, Chris Rodgers, mentioned using the old facility and turning it into something new. There's endless possibility for that. Imagine having all of these

community-based organizations providing resources. If we do, quote unquote, detain them, they-- we can use this former facility to house all these community-based organizations. So as soon as we have to present a youth into this facility, they're immediately receiving wraparound services that facilitate it, and that's led by community and not through a system that has historically damaged our black men and women for centuries.

BOSN: OK, I'm going to have you, have you stop there and let's see if there's any questions, because your red lights been on for as long as--

NADIA SPURLOCK: That's fair--

BOSN: --your green light was on.

NADIA SPURLOCK: --that's fair.

BOSN: All right. Any questions for this testifier?

NADIA SPURLOCK: Please?

BOSN: Senator Rountree.

ROUNTREE: Thank you so much, Chairwoman Bosn. And thank you for your testimony and for your passion. So could you give me one of the creative ways that-- I'm just talking about that for a quick moment before you go.

NADIA SPURLOCK: OK. Thank you. The creativity has already been displayed in this community through the various organizations that have been doing this work, with little to no compensation in this community for years. For example, I just-- North Omaha Community Partnership with Tamika Mease, the Blueprint Program that provides full wraparound programming, the mental health, the-- they meet with the parents, the parent participation is mandatory. They check in with the schools. We also with the Empowerment Network have a pilot program at Northwest High School called Youth 360. So we work directly with Principal Dr. Jackson at Northwest High School, and she, being the amazing principal she is, has a full comprehensive list of all her students involved in gang activity involved-- have-- that have been arrested, that have previous interactions with law enforcement, and through Youth 360, we work directly with these individuals and their families, work with their teachers, work with them during the school day and also in the evening multiple times a week. Why not use these same resources to empower other principals in the community to have

that same database, and to use the community organizations doing the work to wrap around? Why not give the resources to those community organizations to empower them to expand their programming, instead of just acting like people aren't doing good work? We don't need you guys figuring out what needs to be done, because we already know the solution. But the years of disinvestment in our communities, the years of blatant disrespect and disregard for the black community results in this. This is not a race issue, this is a lack of disinvestment, and the prevalence of racial discrimination that has been a part of this country's blueprint, it's a part, it's a part, you can't ignore that. So when you intentionally invest into solving those issues, you see that most of the youth are coming from neighborhoods of poverty. They come from trauma. And so you can't ignore that and just say, oh, they're just, they're just bad. Like, why do you think this is not happening in the white community? Because the white community hasn't been disinvested in since the inception of this country. You can't ignore that when you, when you want to get to the root of the issue. This is not getting to the root of the issue, it's just saying, oh, they're an issue, get them off the street. Oh, I feel safe walking in my neighborhood. It's not, it's not that.

BOSN: OK, I'm going to have you wrap it up. Is, is there another question, Senator Rountree? OK. Thank you very much for your testimony.

NADIA SPURLOCK: Are there any other questions?

BOSN: Next opponent.

ROUNTREE: Thank you so much. I appreciate it.

JENNIFER HOULDEN: I'm going to be fast, Jennifer Houlden, J-e-n-n-i-f-e-r H-o-u-l-d-e-n. I'm the chief deputy of the juvenile division of the Lancaster County Public Defender's Office. I'm here on behalf of the Nebraska Criminal Defense Attorneys Association to oppose LB556. I just want to hit a couple things. I think it is absolutely necessary to pay attention to exactly what the text of this bill says and what it does. It has been highly conflated, that's been highlighted. But I do think that it is important to identify that there is data, Senator DeBoer, about the duration of detention and whether or not how long they're detained matters and their age. That data is available. And so if you're looking for accommodations, compromise solutions, I could refer you to the RFK Juvenile Justice Initiative and Institute. And I'll just give you the punchline, it's 48 hours. 48 hours is the make or break line, especially for youth

under the age of 16. After 48 hours, detention causes trauma that is a unique trauma event that is going to require treatment. That's why ten years ago we limited detention because we saw that imposition of detention, when not necessary, created new harms that we then have to deal with in the system. And there is good data showing that that 48 hour mark is sort of where things really pivot. I certainly am not suggesting that it should be tolerated if it's inappropriate. It is inappropriate to detain youth who have self-harm and suicidality. It's inappropriate to detain youth to protect them. They are jail cells. That's what they are. They are exactly the same. They do not provide treatment services. It is not intervention to detain youth. It may properly be better understood as a time out. And maybe that's a better way to talk about it. But criminal penalties are not intervention and saving a child and helping a child. If you are going to criminally prosecute a 12 or 13-year-old, it's because you want to use the criminal penalties, which are prison or probation. Those are not age specific, they are not developmental, and they are not designed for rehab-- rehabilitative intervention. My last comment is that under the question of what do we do when we have an 11-year-old that commits a heinous crime, what do we do? What do we do on the street? We do what we do now, and we do what we do for six-year-olds, which is utilize existing law to take immediate temporary custody over that youth and have the Department of Health and Human Services make placement. That law is a part of 43-247(3)(a), the last two sentences, it's existed for forever. So our answer to what we do is what we do now and what we do for six-year-olds and ten-year-olds. Thank you.

BOSN: You lost your brevity prize.

JENNIFER HOULDEN: I know, but look.

BOSN: Any questions? Oh my gosh. Senator DeBoer.

JENNIFER HOULDEN: I said her name, so I thought maybe.

BOSN: I'm teasing.

DeBOER: Maybe.

HALLSTROM: Maybe.

DeBOER: OK. So we have immediate temporary custody facilities?

JENNIFER HOULDEN: We have HHS, the state agency who is required to make those arrangements.

DeBOER: And they have facilities?

JENNIFER HOULDEN: They have legal responsibility.

DeBOER: OK. So.

JENNIFER HOULDEN: Is it a resources problem? Yes. Yes it is.

DeBOER: OK. And when-- I think the word detention has been used and probably means 12 different things by 12 different people in this room. So it's in the, the-- I see it in the bill itself, which I'm trying to get to again, on page 5. The bill defines detention means "the temporary care," so at least temporary is envisioned here, "of a juvenile in a physically restrictive facility designed with constructions or fixtures to control the movement of the juvenile to secure the juvenile's lawful custody." Do you see that in there?

JENNIFER HOULDEN: Yup.

DeBOER: So that means locked, a locked facility, right?

JENNIFER HOULDEN: I don't know, because secure detention is a definition that exists already in there. So I don't know whether this is intended to be more or less or same or different than secure detention. But certainly fixtures to control the movement of the juvenile to secure the juvenile's lawful custody would be some sort of physical impediment. There are-- we've talked about staff secure, Lancaster County doesn't have it anymore. There were-- there are sort of slightly less than locked mechanisms, which are basically a time delayed door controlled, controlled by staff. So does that mean locked? I don't know, part of my critique is that detention is defined here and secure detention is already defined, and I'm not sure whether that's supposed to create a new spectrum or not, so.

DeBOER: OK. When you were saying that detaining youth after 48 hours has new harms, etc., does that mean-- which detained do you mean in that sentence?

JENNIFER HOULDEN: I mean, I mean detained where you are in a physically restricted locked facility and your movement is controlled, like in what I consider secure detention, meaning you are told what to do, where you sleep is controlled, where you eat is controlled, where, where you can go, whether you can leave your cell is controlled so that--

DeBOER: So not RADIUS.

JENNIFER HOULDEN: Not RADIUS. RADIUS is what I would consider a placement.

DeBOER: OK. So the other folks, the other places are placement. You're saying these detentions that cause trouble are the locked facilities.

JENNIFER HOULDEN: It is-- its incarceration. I mean, it has the same circumstances of incarceration, and the data that I'm referring to sort of found a national standard which is going to meet our secured detention, meaning which is you're in a locked place and everything that you do is governed by staff, you don't have therapeutic services. So RADIUS is pla-- is a placement with services and is not detention.

DeBOER: And the charging, we haven't talked as much about char-- charging juveniles younger. Can you talk to me about, and I know it's late, but can you talk to me about charging juveniles at a younger age? First of all, have there been any 11-year-olds charged as-- or not 11-year-olds.

JENNIFER HOULDEN: They would be-- have-- Currently it's--

DeBOER: 14, 15?

JENNIFER HOULDEN: 14.

DeBOER: 14? Currently it's 14.

JENNIFER HOULDEN: Yes.

DeBOER: Have you seen 14-year-olds charged as an adult?

JENNIFER HOULDEN: Certainly.

DeBOER: And do those 14-year-olds appreciate what's happening?

JENNIFER HOULDEN: Well, I mean, in my experience, even in juvenile court, 14-year-olds are-- we're always looking at their competency to stand trial. I'm not going to-- I'm not willing to generalize.

DeBOER: OK.

JENNIFER HOULDEN: But certainly the developmental issues related to brain maturity are, are absolutely at the crux of this issue. And I think that-- I mean, I don't know that I agree that 14-year-olds were appropriate for criminal prosecution, but I certainly think that--

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DeBOER: Do you-- and in your work in juvenile court, because you work in juvenile court, right?

JENNIFER HOULDEN: I do now. I have practiced in the rest of the courts.

DeBOER: So do you very often see 11-year-olds in juvenile court?

JENNIFER HOULDEN: Rarely.

DeBOER: So-- And from time to time when you do see an 11-year-old or 12-year-old in juvenile court, what kinds of charges are being brought to them? Are these status offenses or are these the heavy crimes?

JENNIFER HOULDEN: Well, I, I mean, I-- they're rarely violent. Certainly, I mean, there's theft. There's, there's really not that-- a very big population of, of 11-year-olds. I think certainly there's a sort of belief broadly in the community that we should try other things for 11-year-olds other than the criminal justice or juvenile justice system. So I think that there are 11-year-olds contacted in the community, or diverted into diversion or even informal ways. But we do see 11-year-olds. I've, I've, I mean, I do think there is a sort of geographical reality. I practice in Lancaster County. A lot of examples come from Douglas County. I think Sarpy County's demographic is different. I think the different counties in western Nebraska are different. So I think that our group, I don't see 11-year-olds charged with violent crimes, generally speaking, that is very uncommon.

DeBOER: OK. Thank you.

BOSN: Thank you for being here.

JENNIFER HOULDEN: Thank you.

BOSN: I think you're up. Welcome.

MICHELLE BUTLER: Thank you. OK. So I don't think much of what I'm going to say was hit, so I'm going to still stick to my script here. My name is Michelle Butler, M-i-c-h-e-l-l-e B-u-t-l-e-r. I am the youth programs manager at a nonprofit organization, the Center for Holistic Development. I'm going to refer to that as CHD moving forward. I manage prevention, early intervention, and intervention youth programs. I oppose this bill because I find that programs like ours are severely underfunded, underutilized, and unsupported as alternatives for at-risk and pre-adjudicated youth. Might I add that these programs are often trauma informed and research-based programs.

Therefore, I am testifying today to advocate for more focus on prevention, early intervention, and early intervention options in opposition to detaining youth at the age of 11 when we can go into the schools and, and community programs to support them. CHD also partners with prevention programs, also known as pro-social activities, run primarily by the public school districts and community organizations. These programs are more accessible and sometimes free prevention programs for youth and their families. Unfortunately, in our program, we find that the more-- the majority of the youth referred to us, whether referred-- whether the referral is through the justice system or by the parents and guardians or someone in the community, they do not often participate in these pro-social activities that are critical in helping to prevent them from getting into serious trouble. I have shared with you all a recent evaluation of our program that proves the underutilization of the program, because there was only six youth served from 2023 to 2024. You can't hear me?

ROUNTREE: No, how many?

MICHELLE BUTLER: Six youth. It's on that data. It also shows how our program improve outcomes and positive impacts in, in those areas. In addition, it gives areas that the youth had challenges that we can help with. I have also shared a report and research data to talk and read later. I know you all are tired, that proves that youth that do not participate in prevention programs or pro-social activities are more likely to exhibit antisocial behaviors. And I quote from the report that individuals whose antisocial behavior began in early childhood are 2 to 3 times more likely to perpetrate more severe and violent repeat offenses than youth whose delinquent behaviors began at adolescence. Lastly, we implement an activity that I also included from six of our youth based on the youth we serve, using the 40 developmental assets for adolescents ages 12 to 18. The youth are asked to highlight their, highlight their strengths that they have in external and internal assets. I have a copy of this activity again for three boys and four girls that we recently served that show that they have challenges or weaknesses specifically in the area of constructive use of time. That includes creative activities, youth programs, religious community, and time at home. Based on my professional knowledge and experience in the area over the last five years, I can speak to the fact that the early intervention and intervention programs for youth, especially post-Covid, are not being utilized enough to prevent or intervene in youth to justify passing this bill. Therefore, I strongly oppose LB556. Thank you for your time and I'll take any questions.

BOSN: Thank you. Any questions for this testifier? Senator McKinney.

McKINNEY: Thank you. And thank you, Michelle. So how do you get referrals?

MICHELLE BUTLER: The primary referral source for us is a juvenile assessment center. So they are pre-adjudicated youth that are assessed by-- probably by one of the tools that you received. Those have significantly, significantly decreased. But that is our primary source. We also get parents who, once we get that 14-year-old, they'll have a kid they're not like, well, where was this program at for my child when they were-- before they got incarcerated? Or I had another child that was in a car with this child, can I refer them as well? So we've taken youth in our program that were in a relation with those type of referrals.

McKINNEY: The juvenile assessment center's through the county, right? Or out on probationary county.

MICHELLE BUTLER: I believe Douglas County Juvenile Assessment Center.

McKINNEY: Has probation ever reached out?

MICHELLE BUTLER: No. So we, we reached out and we are in talks with other people to offer our, our programs. At the time that we connected with probation, they were looking for some certain certifications and our staff don't, don't have that. They want more education, and I think they've moved past that now, but we didn't go back to the table at that time.

McKINNEY: OK. Thank you.

BOSN: Thank you very much for being here [INAUDIBLE]--

MICHELLE BUTLER: And I want to say I agree with McK-- Senator McKinney where we have to be more proactive. I'm going to be more aware of this legislative process so I can come and oppose or be a proponent of the bills, so thank you for your time.

BOSN: Thank you. Next opponent.

GERI KNIGHT: Good evening. My name is Geri Knight, G-e-r-i, last name K-n-i-g-h-t. Today I'm here representing RISE, we're an organization in Nebraska, in opposition of bill LB556. A lot of things that I was going to say have already been said, so some things I would like to touch upon, Senator Riepe said people don't care-- he quoted, people

don't care how much you know until they know how much you care, and this is true for several of our community organizations. I do reside in the north Omaha area and would agree with Senator McKinney that the youth that live in that area, especially the marginalized youth, are often overlooked until they experience a circumstance that is detrimental to our community and other families. Also in the opening, there was mention of early intervention. Early intervention is not at the age of 12 years old. I-- early in my career-- since 1995, actually, I've been working with youth and families, specifically struggling families. I worked at the Omaha Police Department as a dispatcher, as a 911 operator, and heard those calls. I worked for the Department of Corrections here in Nebraska for three years, specifically at the Nebraska Corrections Facility, so I'd like to shed some light for you. According to Research for Families, it only cost about \$200,000 to raise, raise an average child from birth to the age of 18. But it costs us about \$104,000 per year for every juvenile that is incarcerated. So if you incarcerate someone at the age of 12 and you keep them even only until their 18th birthday, that's a significant cost just to the county. Director Steensma, we're very fortunate to work directly with her at RISE, and we go in and offer youth programming. But as you just heard from CHD, we do not get sent referrals directly from probation. I've been at the table with probation, I've met with Lieutenant Marcus Taylor. I've asked for opportunities to be part of those conversations and have not been even though it's my neighborhood, I'm breaking up the fights in my neighborhood with these youth. I'm having conversations with these youth. And so at RISE, what we find is that it takes the family, it takes engaging the whole family. You could detain the child, you could charge the child. But if you're not engaging the entire family, the community, the neighborhood, and you're not having these open discussions, you're not going to impact the community in a large way. Finally, it says send them back to the environment. I wrote that note down again from previous testimony. If you detain our children, if you hold them for an extended period of time, you're not sending them to a new neighborhood. They cannot take the kids and separate them in detention facilities. The entire time that I worked for the Nebraska Correctional Youth Facility, the youth were only separated during times of sleeping. They ate together, they did activities together, they were in school together. We currently go into the youth facility and offer classes there as well. We're very blessed with that partnership. But right now there's less than a handful of kids under the age of 17 housed there. The majority of youth at the Nebraska Correctional Youth Facility are adults. They're black men, Hispanic men that are housed there. And so our desire is to oppose this bill

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because we are concerned about not only the detention factor, but some of the other things that are laid out in the bill. So we would ask you to oppose it and not move it forward.

BOSN: Thank you. Questions for this testifier. Thank you-- oh, Senator Storer.

STORER: Real quick. We had heard a young lady here earlier that had been in one of those facilities, and I don't know that it was the one that you specifically are speaking of, but she, she clearly was telling us she was kept separate up until at least age--

GERI KNIGHT: 19.

STORER: I'm not sure if she said what--

GERI KNIGHT: That was Ms. Olivia Cribbs.

STORER: Yeah, she was 15, and she was kept--

GERI KNIGHT: Yes.

STORER: --separate from those older than-- I can't remember if she said the age, but--

GERI KNIGHT: It's OK. I was actually an employee of the Department of Corrections at the time of her incarceration, and was one of the female staff that were asked to interact with Ms. Cribbs. Because the York facility, if you do detain women, there isn't a place for those girls to go, they are in isolation, and I believe it was not too long ago that our legislative committee decided not to isolate youth, that we were not going to segregate them. But if you lock up a female as an adult-- in the state of Nebraska, when you charge a young person and you-- with a felony as an adult and you incarcerate them for more than one calendar year, even with good time, they still go to prison in most cases. So if a young female, which we are seeing some more females interacting, and we have quite a few at Douglas County Youth Center, they would go to isolation at York until they turned 18. So they would be housed in the hole, as some would refer to it, and they would have 1 or 2 intentional peer support women who have been trained to go in and interact with them, and that's it.

STORER: And that's, that's because there was only ever one underage female there at a time?

GERI KNIGHT: And currently there's one from Sarpy County that is potentially going to be going there. Her sentencing is in April. And there's one other youth that I'm aware of at York right now. So those two young girls will both be housed together. So they'll be fortunate that they have someone to interact with. But it's unfortunate that they're segregated from others. They can't-- during the day, as Ms. Cribbs said, you know, she's in isolation because they don't have enough staff to have programming. They're excluded from certain things because of their age.

STORER: Thank you.

GERI KNIGHT: You're welcome.

BOSN: Thank you.

GERI KNIGHT: Thank you.

BOSN: Next opponent.

DeJAUGHN SMITH: Hello. Good evening. My name is DeJaughn Smith, that's D-e, capital J-a-u-g-h-n, Smith, S-m-i-t-h. I promise, I had a long speech, I did. I was gonna come and rehearse and I did it. But a lot of my notes today was already echoed, so I'm not going to be repetitive. I work as a youth program specialist at [INAUDIBLE] after school programs at some of our public schools in Omaha. Prior to this job, I was a high school security guard, so I have direct experience working with youth, now of all ages, from elementary to high school. I am in complete opposition for this law and for this bill. By sending them as young as 11 into the-- these detention centers, you're exposing them to physical, sexual, emotional, and mental harm or trauma, or trauma. And that's not to already add the trauma that they could have already had prior even going there, going there, that's maybe then leading into the crime that got them in trouble in the first place. But after they serve their sentence at the detention center or whatever they go, creating more trauma, they are then released back into society with no assistance, no therapy, no life skills, no tools. And yet you guys expect them to be model citizens with no help. I mean, it's no secret that the juvenile justice system is designed for certain demographics to fail. Me, as a black man, I'm a-- I've been dealing with that reality my whole life. But all this law is going to do is create that institutionalized prison mentality to our kids at a sooner age. So and also on top of that, with the charges being on their record at that age, when they finally go apply for jobs at 18, 19 years old, they-- you know, they can't, they can't

do it because they already have a record. And that's assuming if they want to be motivated to even finish high school, which is a current concern as we speak. I think we need to focus more on preventative measures like after school programs, like the ones that I, I teach, and more so on that versus the punishment aspect of how, how low can we go with the age and how, how far can we brought in the, the punishment when it comes to our youth? I encourage all our parents to continue to be attentive to their kids, aware of what they're doing, and take heed of the influence that they, the kids are being around and yeah, that's, that's about it. Because everybody else took my stuff, so.

BOSN: I'm sure you would have said it better, though.

DeJAUGHN SMITH: Oh yes. Probably.

BOSN: Any questions for Mr. Smith? Thank you for being here.

DeJAUGHN SMITH: Thank you so much. Stretch my legs a little bit.

BOSN: Welcome.

RANDALL ROBBINS: Thank you very much. My name is Randall Robbins, R-a-n-d-a-l-l R-o-b-b-i-n-s. I'm here in a different capacity. I'm here individual, but I also am employed with RISE. Today I want to convey the reality that I faced as a 17-year-old that is now being considered to be placed on 12-year-olds. At the age of 17, I was arrested for first degree murder. I faced the possibilities of death, life, and 20 to life. At the age of 18, I was sentenced to a term of 40 to 60 years. In total, I served 21 years. I have been free on parole for two years. I understand the importance of punishment for crime, but I also believe in humanity, forgiveness, redemption, and rehabilitation. At 17, I had no idea that the world I once knew would slip away so quickly. My crime, a momentary lapse of judgment, a cost of freedom. A segregation unit became my reality, assigned there due to my age, size, and high profile crime. I was kept away from the general population, isolated in a small cell. My days blurred into nights. The silence was suffocating, punctuated only by the occasional clatter of metal doors or the distant sound of shouting in the hallways. At first, the isolation was bearable. But as the months wore on, something inside me began to shift. I noticed the anxiety creeping in, a feeling of tightness in my chest, my heart racing without warning. Panic attacks followed. The walls of my cell seemed to close in tighter with each breath. I'd been taught to tough it out, to be strong, but inside I felt my mind slowly breaking. Then came the

violence. It didn't take long to witness the brutality of life in prison. From fights over trivial matters, racial tensions, the constant power struggle, inmate-staff assaults, attempted murder, sexual assaults, addiction, and suicides, all of it seeping into the fabric of my existence. The brutality became a daily rhythm, the sounds of fists clenching with-- or the sounds of fists connecting with flesh, the-- flesh, the cries for mercy that went unheard. It was a world where survival meant surrendering pieces of my humanity. I had learned early on that to show fear was to invite danger. I kept my head down, tried to stay unnoticed, but all the trauma still found me. The nightmares came into the dead of night, vivid and relentless. I would wake up drenched in sweat, heart thudding in my chest, convinced someone was coming to hurt me. I quickly realized the boy I had once been had nearly vanished. My hands shook when I spoke, my thoughts fragmented, unable to piece together a coherent sense of self. The PTSD was evident in every corner of my life: my avoidance of crowds, my mistrust of anyone who tried to get close, the constant vigilance that kept me from truly resting. I survived the years in prison, but survival was all I had done. And now the echoes of my youth lost in a blur of violence and isolation, I sit before you opposing this bill. I'm hoping that I offer an insight that hasn't been offered throughout the day. But I welcome any questions.

BOSN: Thank you for being here and for sharing your story. Let's see if there's any questions. Seeing none, thank you very much for being here. Next opponent.

FRAN KAYE: Thank you, Senator Bosn and members of the committee. My name is Fran Kaye, F-r-a-n K-a-y-e. Locking up children makes them more likely to re-offend, not less. Do you remember that old show, Are You Smarter Than a Fifth Grader? Fifth graders are mostly 11. If we are, we should be providing support, not punishment, to fifth graders who perpetrate violence. I'm passing-- they're passing out the executive summary to The Sentencing Project's March 2023 study, Why Youth Incarceration Fails: An Updated Review of the Evidence. And I'll just quickly point out a few things that I think really fit with this. Many children, probably most children involved in the legal system, have suffered severe early childhood trauma hampering their brain development. Incarceration retraumatizes them and further interferes with their psych-- psychosocial maturation. Children of color are disproportionately likely to be incarcerated, which increases the possibility of their being incarcerated as adults and lessens the probability of their finishing high school, finding meaningful work, and developing secure family structures. Alternatives to incarceration include intensive counseling and intervention by government and

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community groups, some of whom we've heard from today, including youth advocacy programs, credible messengers, and family focused treatment. Diversion programs are also highly more successful than incarceration. We are told LB556 responds directly to a frightening surge in violent crimes committed by very young children who have already been on probation. But this is not supported by a longitudinal study of youth crime, only anecdotal evidence that verges on fearmongering. And I certainly don't mean the witnesses here who spoke about their own losses, who are talking very, very honestly. Two weeks ago, I was in this same hearing room testifying for the second chance proposal in LB215 that will allow model lifers to seek commutations and freedom. This group, some of whom are already mentoring at youth detention facilities, would provide Nebraska with an excellent cadre of credible messengers or ex-- ex-prisoners from many from the same neighborhoods as the children in question, who could benefit kids far more than incarceration. Thank you very much.

BOSN: Thank you. Any questions for this testifier?

FRAN KAYE: I'd also like to apologize to Senator McKinney for not going to his hearing on alternatives, because that's what I believe in, and I'm sorry. And I'll try to do better next time.

McKINNEY: Thank you.

BOSN: Next opponent.

CINDY MAXWELL-OSTDIEK: Good evening, Chairperson Bosn and members of the Judiciary Committee. My name is Cindy Maxwell-Ostdiek, that's C-i-n-d-y M-a-x-w-e-l-l hyphen O-s-t-d-i-e-k, and I'm testifying as an opponent to LB556, that was introduced and prioritized by Senator Riepe at the request of the governor. I am a mom and a taxpayer, and I'm very concerned about this bill. Senator Riepe said at the beginning of his introduction that there would be parents and grandparents behind him speaking about not wanting young children charged and detained as adults. And he was right. That's why I'm here tonight. I had friends that I was visiting with about this bill in the last week, and we're horrified. My three children are currently in high school. They're sophomore, junior and senior. They're all-- they were three under three when they were born. But when we talk about the ages and grade level of the children that this bill targets, I think it's important to put it in context, and the woman right before me nailed it. She talked about how 11-year-olds are fifth graders. My children, when they were 12, were all in middle school by that time. But one of my children was in fifth grade when they turned 11. That's

elementary school. Nebraskans don't want us charging elementary kids as adults. I agree with Senator McKinney, who spoke earlier, that these young children who completed serious offenses are children that we've already failed. The dialog about the other proposed bills in committees is the right focus. We need to make sure that we understand these issues are interconnected, and that everyday Nebraskans are looking for you to use your authority and your responsibility to address these holistic problems. That's all I really needed to get out is to tell you that we're very concerned, and we want to make sure as you're facing the budget shortfalls that are coming, as well as the issues that we're facing with our state, probably from the federal government, we want to make sure that you prioritize children, all children, especially vulnerable children. Thank you.

BOSN: Questions for this testifier? Thank you for being here.

CINDY MAXWELL-OSTDIEK: Thank you.

BOSN: Next opponent.

BEN WILSON: Hello. My name is Ben Wilson. That's B-e-n W-i-l-s-o-n. I work for the Center for Holistic Development as a--

BOSN: You don't have to hold it. It'll pick you up from--

BEN WILSON: OK.

BOSN: --sitting in your chair.

BEN WILSON: I work as a youth program specialist for the Center for Holistic Development. Today, I'm not speaking on behalf of my employers. I'm speaking on behalf of myself. I have a friend that's 34, he is an African-American male, and as such, he has been racially profiled in the past just based off his physical appearance. I also want to add that he is highly on the autism spectrum. So with this being said, as a youth, he was very vulnerable to coercion and manipulation from older adults, many of whom were gang affiliated. These adults managed to convince him to commit acts such as burglary and theft and shoplifting. With this in mind, I'm very, very concerned about what LB556 proposes because we have a lot of students and youth that have special needs that end up getting in trouble with law enforcement and then go through DCYC. I brought a few statistics, I'll try not to be redundant. Currently, according to a report from the Ju-- the Justice Policy Institute, the Dangers of Detention, prior incarceration was a greater predictor of recidivism than carrying a weapon, gang membership, or poor parental relationship. This is deeply

concerning, because if our goal is to get youth not involved in this system, and if they do get involved to prevent them from being involved in the system, again, these numbers are showing that it's failing. We have better wraparound services that I've actually worked and I've worked for a while, and I would love to see our community invest more resources into these alternatives. I'm going to mention a few alternatives, but many of them fall under the Omaha 360 initiative. The Omaha 360 initiative connects hundreds of organizations in Omaha, Nebraska to focus on reducing youth violence. So far, we've seen a 30% reduction in homicides, and we've reached a 34 year low in homicide rate per capita. And right now, sorry, I lost track of my notes for a second, pardon me. Right now, my concern is that putting students, putting fifth graders in DCYC for these offenses that they shouldn't have committed, but oftentimes are coerced into due to gang affiliation. My concern is that they're going to face numerous opportunities for others to manipulate them further. So we're talking like sexual abuse, physical abuse, violence. I know we've expressed a lot of confidence in DCYC, and I'm not, you know, boots on the ground, so I don't know what it's like. But at the same time, a lot of people have expressed confidence in other programs across the United States, but currently, 10% of youth in state juvenile correction facilities report being victimized sexually or observing people that have been victimized, sexually, physically abused, or assaulted. This is according to a survey from the Bureau of Justice Statistics. I don't want us to afford making that mistake and letting more kids slip through the cracks. We have opportunities that work. OK, I'll stop there. Any questions?

BOSN: Any questions for this testifier?

BEN WILSON: OK.

BOSN: If you want to wrap up your final thoughts, since you're the first person to honor the red light so well, you should get to finish your last thoughts.

BEN WILSON: I-- no, that's, that was really it. I just, I, I want to believe the intent is good because I don't know everyone's personal experience, but there's just so many opportunities for the language of the bill to be too ambiguous and allow too many students to slip through the cracks when we have alternatives that currently are being underutilized. Again, my program manager spoke earlier. We do diversion programs, family therapy, family intervention. There's also numerous colleagues I've spoken to in other organizations that do

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violence intervention. I'd love to see those organizations utilized more. So that's really all I have to say about that. Thank you.

BOSN: Thank you for being here. Any-- did anybody have any questions? OK. Thanks for being here. Next opponent. Welcome.

CALEB PETERSEN: Thank you. Oh, gosh. Hello. My name is Caleb Peterson. I'm here in opposition of LB556. I recently began volunteering at Nebraska State Penitentiary with Toastmasters Club. I grew up in Lincoln, and I went to Southwest High School just a couple of miles down the road from NSP. I remember getting picked up from youth football around the age of 12, and we'd always drive by the penitentiary. My friend's dad would tell us to look at the people inside who were often playing football, and he'd have us all say, what are the boys doing today? Later on, I learned the racist history of calling men, specifically black men, boys. It is common for white people to infantilized black men. And at the same time, it is common for white people to treat black boys as if they are adults. In Cleveland in 2014, Tamir Rice was holding a squirt gun and he was killed by a white police officer who saw a child and imagined a threat. And now in Nebraska, this bill would drop the age from 14 to 12, at which a minor can be charged as an adult for the most serious felonies. I think that this is both racist and illogical. It is common knowledge that the brain is not fully formed until around the age of 25, so it doesn't make sense that the decision making of young people, children and emerging adults would be held to the same standard as adults after the age of 25. These young people, aged 10, 15, even 20 should not be charged as an adult. If we allow this bill to pass, we are not allowing these young people an opportunity to learn from their mistakes. Another story is when I was in high school, just a couple of miles down the road from NSP again, the walls in one of the hallways had recently been repainted. And as I was walking down the hallway, my friends and I realized we could drag our feet along the paint and it would create these clear, distinct lines in the paint. So this excited us, and without any thought, we immediately began drawing all over the wall. I wrote my initials like 15 times in big letters all the way down the hallway. Later that day, my band director came into the band room fuming. He said someone vandalized the walls of the school, and it's going to cost them a lot of money to repair the damage. I hadn't even, not even thought of that as vandalism. In truth, I hadn't thought at all. I was a kid. If I were not white, I would not have been able to walk into the principal's office, confess to the crime and get no other punishment other than one day of in-school suspension. No police officer involved. It was basically a slap on the wrist. All the adults understood I was not thinking right when I

committed the crime. I was just a kid. I share this story to demonstrate the inconsistency in the way crimes are punished and policed in Lincoln, specifically in my community, which is in South Lincoln and is 93% white, I think was the stat that I found on the census data. And that inconsistency is often based upon race. People of color are in prison at higher rates than white people, and the impact of this is the disruption of young people's education, halting their ability to learn, to grow and to change, and which is something that I greatly appreciate is the ability to learn, grow and change. If it were not for that, I would not be able to have developed as a 12-year-old who was calling men boys. Having been a volunteer at NSP, I want to acknowledge from firsthand experience that many of the men and young men and children on the inside are being punished for mistakes they did not intend to do. They're not malicious, evil people who deserve to be cut off from society. They are, are people who have had the opportunity for correction actually stolen from them, the opposite of what this justice system purports to do. Thank you.

BOSN: Can I have you spell your first and last name for the record?

CALEB PETERSEN: Yes. Caleb-- C-a-l-e-b P-e-t-e-r-s-e-n. Sorry about that.

BOSN: Thank you. Any questions from the committee? I just wanted to-- thank you. Oh, did you say you had a question? I'm sorry, I thought you were saying yes, you got this fellow's name?

ROUNTREE: I was going to wait till you commented again to ask my question. But listen, thank you so much for your testimony today. As you started to talk, it, it took me back to when I was seven, eight, nine years old, watching my dad be called boy, and I asked him why. He would never let me say anything, when I realize now he wanted me to grow up. So I say thank you for understanding and thank you for the work that you do, thank you for getting it and still walking forward and trying to make it better for the rest. Appreciate it.

CALEB PETERSEN: Thanks.

BOSN: Thank you. Next opponent? Any other opponents? Welcome.

ELIZABETH LEWIS: Thank you. Good evening, Senators. My name is Elizabeth Lewis, E-l-i-z-a-b-e-t-h, and Lewis, L-e-w-i-s. And I represent myself, I am a taxpayer in Lincoln, and I also am faculty at UNL, but I am only representing myself. I'm professor of education, and that's my expertise. I default to the numerous other experts that

you've-- who've testified this evening in criminal justice system, attorneys, law, social services. But I do have a perspective that I'd care to share with you in that I was also a high school teacher, and now I'm a teacher of teachers. And so it's very important, I spent a lot of time with ninth graders who are 14, who often have a hard time thinking about how their actions extend to the end of the day. And I work with a lot of teachers now who are dealing with the Covid 19 fallout and the social gap that is real and true. And I have eighth grade teachers telling me that they're working with children who appear to be more like sixth graders. And we're still trying to make up that gap in terms of what the pandemic has done to our social skills of all children. And then on top of that, we have children who have special needs. We have children who are coming from trauma, who-- and so now teachers are having to become experts also in trauma informed education. And so it's appalling to see that the state would actually consider trying juveniles of age 12 as adults. It's, it's jaw dropping to think that that would be OK. All of these services, these wraparound services that have been so eloquently described, all of these resources that need to be provided to children to support them so that they can be lifelong learners, so that they can be fully realized adults. All of these things are very important. And it's our responsibility to fund them. I want my tax dollars to go to care. I want them to empower youth to reach adulthood with the best opportunities possible. And so this means being proactive. It also means not having tax cuts for the rich. And so when we talk about tax cuts in this state, we need to understand who is going to suffer at the hands of those particular tax cuts. I'm not going to suffer, but others will. Thank you.

BOSN: Any questions for this testifier? Seeing none, thank you for being here.

ELIZABETH LEWIS: Thanks.

BOSN: Next opponent.

BIANCA SWIFT: Hello again. My name is Bianca, B-i-a-n-c-a, S-w-i-f-t, like Taylor. I am going to be really, really short and sweet as I am surprised my phone has lasted this long. But I'm just going to say I'm a strong opponent of LB556. I think that often we forget that the victims of the people who are doing the harm are often people in their own neighborhoods. And so we are both criminalizing the people who are being harmed as well as people doing the harming. I also think that lastly, because I'm going to be really, really quick, I think it says something about our current system that this is a bill for youth

imprisonment after the fact, rather than youth reform before. I also think it is, if anything, it is astounding that even though the resources for our youth are incredibly few and far between and very underfunded, that we have as few young people doing and committing these crimes as we do. If anything, that is a boon and a proof that our young people are even-- are doing incredibly well, considering that they have so few resources. That's all I'm going to say. Thank you so much.

BOSN: Thank you.

BIANCA SWIFT: Yeah.

BOSN: Winner for brevity. Thank you for being here. Next opponent.

JASON WITMER: Jason Witmer, J-a-s-o-n W-i-t-m-e-r, here on behalf of the ACLU in opposition of LB556. I mostly just wanted to get that on the record because most of what all has been said. Also, apparently, I need to get on the record that the ACLU searches and uses data and research that supports what we present, not what we believe. So, for instance, for example, if we address something about NDCS, we tend to go to their data first. That's for whoever I missed when I stepped out, I did try to talk to them, but apparently people don't wanna hear me. Here's, here's one thing I do want to point out. So we know the data, we were-- presented all the data on the youth and how they're impulsive and whatnot. So I don't need to resay that. But I do want to say when we talk about it's just the limited number, that it needs to be said that when we decide to permit the 12-year-olds being charged as an adult, that will be in the law. That will be a long shadow that will reach through time until it's removed. So next year, 10 years from now, 20 years now, there will be another youth that might end up with a life sentence, that might end up with 50 years. And so that is something we should consider when we put this potential in place. To not consider that is not to have a concern for what comes in the future. And so with that, the ACLU opposes LB556, and I would personally like to say that I know you have different opinions on this, but I am sorry that, Mr. Riepe, that you have to carry this bill. You said several times this was over your head and they handed this to you. And I am sorry you have to make that judgment on something like this. Because when we hear a kid that might suffer the worst consequences here, this is the judgment that we're making here. There is a whole community that we can do. LB48 I was there yesterday, earlier. Why was this other bill not supported, to put some limits so we don't see a life sentence? So these are just things we should think

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about when we-- so I am sorry that you guys have to carry this. Please make the best decision. Thank you.

BOSN: Senator DeBoer.

DeBOER: Thank you. Mr. Witmer, you've been open with this committee about a past that you had.

JASON WITMER: Yes.

DeBOER: What ti-- what age were you when you started, started getting involved in stuff like that.

JASON WITMER: So I had a different trajectory than a lot of people. I went to-- they started moved me around. So I presented that I lived in Seward and Plattsmouth, Syracuse, Auburn and-- as well as Omaha and Lincoln. So they start moving to little towns. I went through it all my life cause-- it's just, it's just inbred. I know people hate to hear it, but it is inbred. I did not understand what was going on, but I had enemies everywhere all the time. However, by the time I became a teenager and I was close enough back to the city, all I wanted to be is part of-- anybody that was part of something, and that ended up being some gang members, and that quickly escalated. And so no, at 11 or 12, I did not have a gun. But if a, if anybody-- if I would have been around peers that had guns or lived in that I could, I truly can believe I'd be part of that.

DeBOER: Do you think that wraparound services at 11, or at 7, or at 10, or at whatever age ahead of there would be able to sort of change the direction of--

JASON WITMER: I do. I-- and I, and I met some of them kids, and some of the backgrounds that the-- backgrounds, meaning recent, some of the recent stuff they've been through is quite dramatic and stuff that almost like what we're talking about now. I understand that, the fear. I have grandkids, I have a daughter. She works juvenile probation. You know, they work all-- they are at risk, just like everybody else here. Just like everybody else here. But I'm telling you now, personally, if a kid was to kill me, I'd hate that to happen, but to take their life, the risk their life being taken, that is-- just like we got data, we know this is not best practice. So there is an alternative to this that doesn't involve the possibility of a judge saying, I want to give this kid a life sentence, because I don't consider them a kid no more.

BOSN: Thank you. Any other questions? As always, thank you for being here.

JASON WITMER: Thank you.

BOSN: Next opponent.

MICHELE LUEDERS: Good evening, everyone. My name is Michele Lueders, that's M-i-c-h-e-l-e L-u-e-d-e-r-s, and I am the program specialist for the Juvenile Justice Institute with the University of Nebraska at Omaha. And the views I am expressing today are mine and not those of the University of Nebraska. I am testifying today in an opposition of LB556. I concur with a lot of the testimony of opposition tonight already that has gone on. I agree that we want to ensure that we have safe communities for everyone involved. Some of the work that the JJI has been able to do is being able to engage young people that are ex-- that have been involved in the juvenile justice system and continuums from the rehabilitation aspect, into secure facilities in Nebraska. For this testimony, we were able to get some quotes for some of these individuals that have been involved with the systems, and we'll share just a couple of those with you tonight. This bill is proposing locking up youth as young as 10 years old, 10 or 11 years old. You know, we say they can't even watch a PG 13 movie. If that isn't safe for kids. Why would we lock them up in a juvenile detention center? Another youth indicated that at this age, and this was already mentioned earlier today, that they are in the fourth or fifth grade. When we were at the age, we didn't have the understanding of what it meant, or what the consequences could be for being in the juvenile justice system. In addition, many young people talked about the fact that there are no real services while in detention, and that they expected the toll detention took on their mental health. They shared that it increased the trauma of other parts of their life, and it caused them to build up the walls in their mind and their ability to form trusting relationships. The individuals we talked to also indicated that they, they knew so many other kids who weren't involved in gang activities, but after spending some time in detention, they started down that path of the gang life. They were also exposed to it in detention, and they started seeking the protection that they were looking for from older gang members. These powerful insights reflect what the literature says. Within my testimony here, we've got some resources, links that are available. There's also two or three pages that have a variety of resources that talk about the impacts of detention. Loss of education, the ability to get jobs after they are in detention or incarcerated. I think Senator, or not Senator, Commissioner Rodgers talked about some fiscal things. So we also had some information, we were saying about \$300 a day for a young person in detention, and that's my red light.

BOSN: If you want to wrap up your last, you're OK.

MICHELE LUEDERS: Yeah, I mean we would prefer that if we're able to invest the money that we spend on putting kids in detention for the preventative programs that you've heard about, that would be our philosophy in support of that. So and with that, I'll take any questions.

BOSN: Thank you very much for being here and for your testimony. Just as a point of clarification, I know some of these kids' quotes talk about 10-year-olds, but the bill does propose 11, not 10.

MICHELE LUEDERS: Yeah it does. Yeah.

BOSN: So.

MICHELE LUEDERS: And so this is from them, and so it was just the information they shared with staff, so yeah.

BOSN: It's good to see you.

MICHELE LUEDERS: Yeah, thank you. You too.

BOSN: Yeah. Next opponent.

MICHELLE LINDHART: Hi there. My name is also Michelle, Michelle Lindhart, M-i-c-h-e-l-l-e, Lindhart, L-i-n-d-h-a-r-t. And I'm here testifying just as a citizen as an opponent to LB556. In addition to sharing my fellow opponents' concerns pertaining to this bill, as a professional that does have a competency and does have experience in the juvenile intake and detainment process, I'm before you today to provide you with a few other critical concerns that I believe have yet to be mentioned, specifically in regard to the logistics of accommodating the increase in intakes and detainment sthat will accompany this bill. As is apparent by Nebraska statute the intake and detainment process, which is completed by Nebraska Probation, is a complex process and requires an active engagement between various parties. With the passing of LB556 serving as a gateway to an increase in intake screening requests, one must consider the inherent increase in workload that will be created for probation officers assuming that screenings were not completed on the populations that will be affected by the proposed bill. 1,641 intake screenings were completed by probation officers in 2024, 852 of which resulted in detainment. Applying an approximated three hour time frame for the completion of the intake process in its entirety, probation officers in Nebraska dedicated roughly 2,556 hours, or 106.5 days, to the process of

detaining youth in 2024 alone. While such statistics may appear to be trivial when accounting for the number of probation officers that exist across the state of Nebraska, it is important to recognize that this process is commonly completed by probation officers that do have a caseload and also have completed specific training. As of late, there are around 13 juvenile probation officer positions open in Nebraska, a role that requires, at minimum, the completion of seven weeks of training prior to receiving authorization to engage in responsibilities such as intake and youth supervision. In addition to the impacts that LB556 poses for Nebraska Probation, I kindly remind you that LB556 effects will extend to law enforcement and detention centers as well. Being that we've already kind of talked on the capacity of, of holding all of these increase in intakes, I will kind of breeze over that and move to how law enforcement will be impacted by the passing of this bill. Law enforcement is an active member in the intake process. Upon the inc-- upon the completion of the intake, law enforcement is often required to provide youth with the secure transport to the respective location. LB556 expected increase in intakes and youth detainment will require that law enforcement reallocate their time, money, and resources so as to appropriately accommodate these responsibilities, a shift that could potentially include a limitation in officer availability, further impacting patrol efforts. While at its core, LB556 is a bill that reinforces the harmful narrative that there are bad children, as opposed to children that have made bad choices, LB556 presents a multitude of logical concerns. If passed, that will come to negatively affect professionals and organizations--Oh sorry.

BOSN: You're fine. Do you want to wrap up your last thought?

MICHELLE LINDHART: I do, I'm almost there. Professionals and organizations that are designed to promote youth rehabilitation and ensure community safety. Thank you.

BOSN: Thank you. Any questions for this testifier? Thank you for being here. You've had a long day waiting.

MICHELLE LINDHART: Thank you. Appreciate it.

BOSN: Yes. Next opponent. Any other opponents? I'm going to move to neutral testifiers unless you're hopping up. Are you an opponent or a neutral? All right. Neutral it is. Come on up. Welcome.

STEVE CERVENY: Thank you very much, Senator. My name is Steve Cervený, S-t-e-v-e C-e-r-v-e-n-y. I'm a deputy chief with the Omaha Police

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Department. And I'd like to thank you for your time, staying late this evening and hearing everyone out. The Omaha Police Department is testifying today in a neutral capacity regarding LB556. We feel the bill has value regarding the involvement of juvenile judges to make the final determination whether to release or detain a juvenile alleged of an offense, because juvenile judges have the best knowledge of available rehabilitative resources for the child, and whether or not those resources need to be applied immediately. We appreciate the bill bringing attention to the very important topic of recent increases in juvenile violent crime and the need to address the issue. There are situations when a juvenile has committed a violent crime that they need to be detained to protect the community and the child from re-offending. And we believe legislation that focuses on detention of juveniles must include requirements in the bill to provide rehabilitative resources, as well as funding for those resources. Thank you.

BOSN: Thank you. Any questions of this testifier? Thank you for being here.

STEVE CERVENY: Thank you very much.

BOSN: Next. Neutral testifier. Welcome.

COREY STEEL: Well, good evening, Chairwoman Bosn and members of the Judiciary Committee. My name is Corey Steel, C-o-r-e-y S-t-e-e-l, and I am the Nebraska State Court Administrator. I am here testifying in a neutral capacity on LB556. The reason we are in a neutral capacity is because our policy decisions on age limits that are in this bill. But I felt it was necessary to come here today to talk about the intake process, which you've heard about. Passing out as well, you have all heard about the RAI, the Risk Assessment Instrument. I am providing you a copy of that risk assessment. And if there are any questions regarding that risk assessment in the process. I am pleased, as I've sat today and listened to all of this testimony, either in my office or here, that now it reaffirms people do read our probation reports, as a lot of data has been placed in some testimony, so I won't cover that. I have some data points within my testimony on juvenile intakes and the number of felony juvenile intakes. But the benefit, I think, to going towards the end as well as to answer some questions that have been asked of some individuals and to, to clarify some of those questions that have been asked by some committee members. First off, one of the thing-- one of the things that was mentioned was detention, is a secure, is it not, in the bill? It isn't clear, but there is a statute 83-4,125 that defines secure detention. So there is a

definition in statute of secure detention, which a facility must be operated by a state or county entity in order to be classified secure detention. So I wanted to clarify that. I also wanted to point out that the 24 hour question that was asked by Senator DeBoer. Right now, a 24 hour hold and getting evaluation within a 24 hour would be unrealistic. We struggle in probation to get evaluations on juveniles back to the court in 30 to 45 days, let alone 24 hours. We do not have the capacity of licensed mental health practitioners to do those evaluations. So it would be very difficult within a 24 hour to get an evaluation of that juvenile to, to see what their treatment needs would be. Also there's been discussion with this is intake, and at this time these are pre- adjudi-- adjudicated juveniles. They have not been found guilty of any offense. And at that time isn't the appropriate time to place them in a long-term facility, that's been discussed. Which because they-- could they go here, could they go there. There are facilities that are short term that they could go to. Let's see, currently there's only four detention facilities that's been talked about. Also, the 24 hour hearing. We have kids from Scottsbluff County that are detained in Sarpy County. To bring them eight hours and then turn around and come back and pick them up and take them back to court in 24 hours seems to be unfeasible as well. We can use remote technology, we have those capacities, but there's some limits to that as well when there's hearings that require testimony in certain cases. Let's see, I handed the RAI out, and I'm more than willing to go through here and answer any questions you may have, or after the fact if any of the senators have questions about the RAI. There is no place that we can go to say, hey, give us the most up to date, best validated RAI detention screening instrument in the United States. It does not exist. Everybody has created a homegrown. We have worked with national experts on two occasions to try to create a screening instrument at the time of detention. You've heard in other testimony there's not a crystal ball. We don't know if these kids will commit violations when they leave, we make our best judgment. Our officers, probation officers work hard to gather information so they can make their best judgment on what best detention alternatives should be in place. Last thing I'll say before I answer questions is capacity is a huge issue with placements. You heard Commissioner Rodgers say 26 kids are sitting that need placements. That is true. We have RFIs out. We've worked with providers to expand locations. They all want upfront money building brick and mortar to be able to put services in that we do not have. We do not have the legislative appropriated fund is through the General Fund to increase capacity for services for these high end, high risk kids. Both testimony of support and opposition, I agree with a lot of those-- of, of the testimony

that's come through today, and there's a lot of valid points in both. These are young juveniles. They are committing very, very serious crimes. We have to figure out what is the best mechanism to keep them safe and keep the community safe. And is detention the right option? You've heard it's jail. I've been in every detention facility here in Nebraska several times. I've been across the United States in detention facilities. They are jails. If you haven't been to one, you need to go and then you need to go to a adult jail. There, there's not much difference.

BOSN: Let's see if there's any questions. Senator DeBoer.

DeBOER: OK. So when I was talking about the 24 hour, I think evaluation is not what I was thinking of. OK? So right now there's the RAI. I was thinking of something like the judge having an RAI sort of a document, maybe the same one, and then whoever I was talking to, and to be honest, I can't remember, but whoever I was talking to said that they would want the judge to have additional information. And I said, OK, whatever you can get, like whatever you can gather that day to put in front of them. Now, the Scottsbluff question is a different question, but let me ask you this. If what I'm talking about is the judge has the RAI, and maybe there's some additional information that somebody puts together that day. Can that be done in 24 hours?

COREY STEEL: That already is being done.

DeBOER: But it's being done by a probation officer.

COREY STEEL: Correct. And that's who the judge would ask to put that information together and give it to them.

DeBOER: OK. So can the judge have the probation officer put this stuff together and within 24 hours make a decision as to whether or not to detain the child?

COREY STEEL: The answer to that is yes. And here's what we've done, and I put this in my testimony. We've already been talking with judges. We actually met with Don Kleine and Brenda Beadle a year plus ago, Chief Schmaderer, we've had the conversation with, with Sheriff Hanson, we've had the conversation with is, do we need a judge on high end, and this bill says felony, felony level offenses, have a judge be the final determination? So we've started to talk to our judges across the state. We've informed all of them that this bill is there. It's probably moving forward. Be prepared as a juvenile court judge. And our three separate juvenile court judges aren't on call. Our county

courts are because they do warrants, and they're used to being on call and getting called in the middle of the night. Separate juvenile court judges, be prepared. If this bill moves forward, our process would be, and we've kind of created a template of what our internal process would be, is probation would continue to do and gather all that information. And what they currently do is, they do a background check on the juvenile; they do a, they do a Nebraska CJUS report; they interview the law enforcement officer; they interview the youth; they interview the family to see what family issues, are there problems at home, is he running away, are their school issues? They look and we have access to the DHHS system to see if there's been open IIIA abuse, neglect or currently; gather all that information, score this instrument, and then if this law was to move forward, they would then pick up the phone and call an on-call judge and say, I've gathered all this information, I've done the scoring. Here is the outcome of the scoring instrument and the information I found. My recommendation would be X. Judge, do you agree, yes or no? And we would set up a mechanism where there would be-- we have, we have it with our warrants where it would be transferred to the judge, they would sign it, and we would have an order that a judge approve whatever level of care that is, whether it's detention or an alternative.

DeBOER: So my understanding is that right now, the detention, or the juvenile probation officer completes essentially what you're talking about, basically on the spot, it happens.

COREY STEEL: Correct.

DeBOER: So would there be an issue in having them do what they're doing now, basically on the spot, and then having the judge, judge make the final order within 24 hours?

COREY STEEL: We have, we have no opposition to that, and that's in my written testimony. Again, we've talked to judges, we've explained the process of moving forward, and that's what we would look at potentially, if this bill was to pass on that piece and that mechanism to, to have the system operate in that manner.

DeBOER: Thank you.

BOSN: So you said that juvenile court judges aren't on-call, but they are because they do IIIA abuse neglect on calls all the time. So they may not be on-call from a probation standpoint, but they are used to being and they have an on-call schedule.

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COREY STEEL: Sometimes, yeah, yeah. Correct.

BOSN: All right.

COREY STEEL: They're not on call for this purpose.

BOSN: Right.

COREY STEEL: Correct. If there's an immediate removal, yes.

BOSN: Thank you for being here. Or did anyone else have any questions?
OK. Thank you for being here.

COREY STEEL: Thank you.

BOSN: Any other neutral testifiers? All right. Oh, sorry.

SCOTT THOMAS: Good evening, Judiciary Committee. My name is Scott Thomas, S-c-o-t-t T-h-o-m-a-s. Village In Progress Nebraska, USIDHR, U.S. Institute of Diplomacy and Human Rights. I just want to get on record our position, neutral on LB556. But I do want to make some points, starting with community. I heard a lot of references to community. How can a rule attack a community? And what is a young shooter adding to the community that you feel that they're entitled to a criticism of law and order or law enforcement on their behalf? Because the community's entitled to protection as well? And so that's Article 28 of the 1948 Universal Declaration of Human Rights. You're entitled to optimal government not just like adequate, but like the best form of government available. And so I would say deterrents are also important. Public county-- the Sarpy County Public Defender says, you know, people think of burglary and they don't think of somebody breaking into your garage and stealing your stuff. They think of drug dealers, and they don't think of kids taking drugs to school and passing them out to all the other kids to get them hooked on drugs. Like, I don't know what you're talking about, that's exactly what I think about. These are deterrents, you know. You bring a bill to strengthen protections and penalties for drunk driving, and all the drunks show up. So just kind of frustrated by some of this stuff. Accountability is a big, big thing in our society. It's being undervalued right now. My son is 11. So there's a lot of talk about 11-year-old shooting somebody. My son's 11. If he shoots somebody, you lock him up and charge him as a man. Maybe you charge the parents as well. We had a forum with Douglas County Sheriff December 10 in north Omaha regarding some officer involved shootings. A lot of these people that were making a big ado about children in this position, they didn't show up to the event. Not one of these people in here that are

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all worked up and adamant in their testimony. And the, the point of the event was that there's three forms of authority. There's the family, the church and civil governance. And so civil governance has to provide those hard lines where if you come up against that line and you don't have any form of authority in your life, somebody has to tell you this far and no further. Six-year-old girl, less than a week after our event, six-year-old girl was shot and killed less than ten blocks away. So that's all I have. Unless the senators have any questions.

BOSN: Thank you. Any questions for this testifier? Thank you for being here.

SCOTT THOMAS: Thank you.

BOSN: Oh, sorry. Senator Storer has a question.

STORER: Just a comment, not a question. Thank you for your patience, it's been a long--

SCOTT THOMAS: Oh, hey, thank you. I thank you guys for your patience, I appreciate it.

BOSN: All right. Last call for neutral testifiers. While Senator Riepe is making his way up, I will note there was-- we received one ADA testimony on LB556. This was in opposition from Shannon Coryell from Omaha. There were additionally 3 proponents, 11 opponent-- excuse me, 113 opponents, and no neutral comments submitted for the record. Welcome back, Senator Riepe. Thank you.

RIEPE: Thank you. Thank you, Chairman Bosn. And I want to express my appreciation to everyone that's testified. You've heard both facts, misrepresentations and opinions, tonight. And I also want to specifically thank the committee for your tolerance. You've been here for a long, long time. I assume you're not having a hearing after this.

DeBOER: Two more.

BOSN: Two.

RIEPE: Oh my goodness.

BOSN: But who's counting?

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RIEPE: If you'll excuse me, I won't, I won't be here. I wanted to clarify a couple of things. One was, first, I was not asked nor required to carry LB556. I reside in Douglas County, and I saw-- I've known Don Kleine for a long time. Don Kleine are both Ralston boys. And I saw him out after he was a speaker at an event and talked about the problems that had been created and how it existed, and I approached him and said, if I can be of help, I'm willing to do that, and I'm willing to try to be not a totally uninformed submitter of a bill. We did some research on this and worked with a number of people and worked with the committee here as well. I also want to point out that LB556 does not, I repeat, not allow 11-year-olds to be charged as adults. And I know one of the testifiers also contended that these children would be placed with adults. At one time in my career, I had a-- well, two different times, I guess, I had psychiatric hospitals. And in hospitals, you would never, never put an adult and a child together. Never. That just won't happen. I would also say that LB556 does not seek to incarcerate. They're, if you will, held for the plan, nor does it address, quite frankly, the long-term problems of crim-- crim-- criminal justice and potential reform. So we have a lot of work to do. We've done some in the past, we've had move forward an inch and maybe move back a couple, I don't know. Also in conclusion, LB556 serves us, and I quote, in the moment. That's all I have.

BOSN: Thank you. Senator. Question. Senator McKinney.

McKINNEY: Thank you. Chair Bosn. Senator Riepe. Why do you think the senators whose youth this bill will most impact didn't introduce this bill?

RIEPE: I'm sorry, how-- what-- how do I feel what?

McKINNEY: Why do you think the, the senators whose youth that this bill will probably impact the most didn't introduce it?

RIEPE: But my introducing?

McKINNEY: No. Why do you think that the, the senators that this bill whose youth that are in their community that this bill will probably impact the most, why do you think they didn't introduce it?

RIEPE: Well, first of all, this particular bill is simply a matter to allow law enforcement to hold these while we get an assessment. Now, beyond that, then it goes to a judge and probably a probation officer--

McKINNEY: But--

RIEPE: --and it may or may not impact these institutions.

McKINNEY: But that's not answering my question. Why do you think that the two senators whose youth and their communities that this bill will probably impact the most, why, why do you think that they didn't introduce it?

RIEPE: Why they didn't introduce it?

McKINNEY: Yeah.

RIEPE: Because I went after Don Kleine, and Don Kleine probably didn't go after them to introduce it. Don Kleine was not looking for someone necessarily to bring this bill forward. He and I talked about it. And with that, he expressed his frustration. And then She-- Sheriff Hanson joined us because he was at that meeting as well. And so they brought it to me. We didn't then go out and survey all of the various potential providers across the state, which we probably would not have been able to identify.

McKINNEY: Are, are you aware that we had interim studies on this-- we had interim hearings on this same topic about. And I remember very clearly a county attorney saying this very bill will be-- would be introduced. So somebody was going to introduce this bill. So again, why don't you think the two senators whose youth that this bill would probably impact the most, why don't we think they introduced the bill?

RIEPE: You know, Senator, I can't be accountable for other people's actions or lack of it. And that's what I see it probably would be. They maybe should have been. I happened to stumble onto it, and I had an interest in it because in part, I'm concerned about young people. I've worked in the hospital business, pediatric for 15 years, and I also am in the community, and I have an interest in my community, and I want my community to be a secure community and safe.

McKINNEY: Do you think they don't care about the safety and impact of-- safety, care of their community and the young people in their communities?

RIEPE: I'm not going to deal in hypotheticals.

McKINNEY: I'm just asking a question.

RIEPE: I'm just responding.

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McKINNEY: Yeah. My next question. So in your professional experience, did you support science and data from professionals?

RIEPE: I worked with health care professionals and I looked to them for scientific information, yes.

McKINNEY: Did you support it?

RIEPE: Yes, I'd, I'd support scientific information. But I also was keenly aware that when you're looking at information, you, number one, need to look at the assumptions, you need to look at the source, and you need to look at both sides. Just because one person says it doesn't make it so, just because one report says it's so doesn't make it so. So if you're going to do your research, you better do it in a lot of depth. And quite frankly, you asked me about this one and did I, did I look at a lot of these studies? You know what? I'll tell you this. I've had 17 bills this session. I haven't necessarily had the time to research this down to the nth degree like a professional would if you were in law enforcement. I re-- stated earlier, I'm not a law en-- law enforcement person. I was a hospital administrator. There's a lot of difference.

McKINNEY: A lot of peer reviewed data from both sides--

RIEPE: True.

McKINNEY: --support data that says one, youth, are not mature at 11 years old. Detaining them at a young age is actually traumatizing detrimental. So once you get a chance, maybe after this hearing, maybe do that research. My last question is, outside of this bill, will you be supporting legislation that supports prevention that so these youth don't end up in these situations. Will you be certain-- will you be supporting legislation this session focused on prevention this session?

RIEPE: I'm not going to pledge to you tonight that I'm going to support anything that I haven't read and studied. So that's where I'm at. Thank you.

BOSN: Any other questions for Senator Riepe? Thank you very much for being here.

RIEPE: Thank you. Good night. Good luck.

BOSN: That will conclude our hearing on LB556. Next up we have LB694. And while Senator Dunixi-- excuse me, Guereca is-- I was texting you

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see how many witnesses you had, so I'm now going to just ask, and so I just typed Dunixi, that's why I'm sorry. How many testifiers do we have on LB694? You might be my favorite Senator.

GUERECA: I'm here to break the world record for getting through a hearing.

STORER: Did you get a nap?

GUERECA: I did, a nice dinner and everything, it was great.

BOSN: Welcome. Don't rub it in.

GUERECA: Good, great Chinese food. Good, not afternoon, good evening, Chairwoman Bosn and members of the Judiciary Committee. My name is Dunixi Guereca, D-u-n-i-x-i Guereca, and I represent District 7, which includes the communities of downtown and south Omaha. Today I bring forth LB694 to prohibit discrimination based upon military or veteran status. Colleagues, the State of Nebraska is one of the most veteran friendly states in the nation. That is something that shouldn't surprise anyone here. But what might be surprising is that we as a state, don't consider military members to be a protected class. Service members and their families are the bedrock of our military readiness and national security. They and their families make substantial sacrifices in terms of time, physical safety, and geographic stability. The department has esta-- has established a goal to ensure that service members and their families are protected through state anti-discrimination measures against bias and discrimination in employment, housing, and education. In addition to the protections under the Uniformed Services Employment and Redeployment Act, these protections, along with the DoD's commitment to, quote, take care of our people. Because their releta-- because of their military status, service members and their families may encounter bias and discrimination in employment, education, housing, public utilities, civil rights laws, and in places required to provide public accommodations such as stores, restaurants, and various transportation modalities. This is why it is absolutely critical, critical, crucial, and critical that Nebraska step up and provide the necessary protections these families deserve. Senator Blood had previously introduced this bill as LB977 in 2024, and this committee voted it out 8-0. Late timing in the short session unfortunately made it so LB977 did not get its time on the floor. I am optimistic that we can move forward with LB694 and help these families find a safe comfortable home here in Nebraska. I want to thank the-- all the kind-- I want to thank of all, all the kind folks that chipped in for

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this bill. I specifically want to highlight the strong comments and support from Michelle Richard [PHONETIC] of the office of the Deputy Assistant Secretary of Defense, Cindy Putnam from the National Association of Social Workers, and the ACLU of Nebraska. I appreciate your time today, and I'm happy to answer any questions you may have.

BOSN: Questions for Senator Guereca. Thank you.

GUERECA: And I waive closing.

BOSN: OK. Definitely favorite senator.

STORER: You get an award.

BOSN: Any proponents? Opponents? Neutral testifiers? Before I close, we had five proponent comments submitted, some of which you noted and I can concur, were very thoughtful. No opponents and no neutral testifiers. That concludes LB--

GUERECA: And no fiscal note.

BOSN: And no fiscal note. Trifecta.

DeBOER: That ends the hearing on LB694, and we will open our hearing on LB470 and our own Senator Bosn. Welcome, Senator Bosn, to your Judiciary Committee.

BOSN: Thank you, Vice Chair DeBoer. Good afternoon, evening. Probably morning. Members to the Judiciary Committee, for the record, Carolyn Bosn, C-a-r-o-l-y-n B-o-s-n. I represent District 25. LB470 was introduced at the request of the Nebraska State Bar Association to provide a clear mechanism in state statute for attorneys to offer evidence or other items to the court under certain circumstances, where a notary must traditionally witness their signature and avoid the need for that notarization in such cases. This bill is modeled after the Uniform Unsworn Declarations Act, but provides a more narrow application of that broader rule to address only those instances where an attorney is offering a document for consideration by the court, and the attorney is signing that document by virtue of their representation of a party in the case. So it's very narrowly tailored to the court by a party of the case. This process mirrors how evidence can be offered in federal court under the Federal Rules of Procedure, as well as the process in other state courts, such as Iowa. A representative of the Bar Association is behind me and can provide a few examples of instances where this minor change would be useful for

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attorneys to assist in practice. Thank you for your time and consideration and I'm happy to answer any questions.

DeBOER: Any questions? Thank you for being here. Welcome, proponents.

TIM HRUZA: Good evening, Vice chair DeBoer. My name is Tim Hruza, last name is spelled H-r-u-z-a, appearing today on behalf of the Nebraska State Bar Association. I will get a green sheet as we close here tonight. I want to thank Senator Bosn for introducing LB470 appearing in support of the bill. I-- two things I want to highlight from the, the from her opening and the legislation that you see in front of you. It is modern af-- modeled after the Uniform Act, but is, is narrowed compared to what some other states and the federal courts do. I think attorneys are a little bit-- we're still a little bit leery in Nebraska from the attorneys' standpoint of eliminating affidavits and the notary requirement there entirely. This narrow approach applies only when a lawyer is filing something with the court by virtue of their representation of a party. Instances where that might come up. If you have a, an appointed counsel who's submitting an affidavit for billable hours to a court, right? To the county court judge to approve billable hours, that they're doing. Solo practitioners that might do that in their own office, they wouldn't have to take that affidavit to a notary outside of their office. They could submit their bills to the court to do that. Other instances might be in discovery, matters that arise, motions to compel, those sorts of things where you're giving evidence to the court based on actions that the lawyer has taken in the case, and you're certifying to the judge under penalty of perjury that you've done that. The last thing that I would note is that this reflects generally what we allow under our rules of professional conduct as well. So prior to a recent change based on e-filing, traditionally the rules of professional conduct did make reference to the-- that a lawyer would not need a notary for any of their filings unless state law otherwise required it. That change was made in January due primarily, I think, to e-filing rules changes that were done. But also our, our ethical duty to candor to the tribunal. Lawyers are subject to losing their license if they lie to the court. So we feel like the penalty of perjury provision makes, makes sense for those types of evidence that you might be offering. With that, I'm open to any questions you might have, and I appreciate your patience this evening. Thank you very much.

DeBOER: Questions for this testifier? Sen-- Senator Rountree.

ROUNTREE: Thank you so much for your testimony. Thank you, Chairwoman. Appreciate that. Have there been instances where lawyers have lied to the court?

TIM HRUZA: Not that I know of, honestly. Like I said, the, the Model Rules of-- I'm-- I would tell you, I'm certain that there have been, but not that I know of, right? I, I would tell you that pra-- Model Rules of Professional Ethics require lawyers to be candid in how they do it to the tribunal. I think it's 3-503.3 that requires them to not lie to a judge, right? Or to file something that is otherwise they know to be untruthful, which would-- this would be reflected in this penalty of perjury requirement as well.

ROUNTREE: Thank you.

TIM HRUZA: Thank you, Senator.

DeBOER: Other questions? Senator Hallstrom.

HALLSTROM: Give me that citation again?

TIM HRUZA: Yeah. 3-503.3. That is the Nebraska Model Rules of Professional Conduct.

HALLSTROM: Thank you.

DeBOER: Other questions? I don't see any.

TIM HRUZA: Thank you.

DeBOER: Thank you. Next proponent? Is there anyone here in opposition to this bill? Is there anyone who would like to testify in the neutral capacity?

SCOTT THOMAS: [INAUDIBLE].

DeBOER: Come on up. Welcome.

SCOTT THOMAS: Back again. Scott Thomas, S-c-o-t-t T-h-o-m-a-s. Just wanted to speak to Senator Rountree's question. Yes, there are attorneys who have lied to the court. And the problem that we found with that-- I had an attorney lie to the court in a custody proceeding, and the lawyer instructed me the next day to bring the transcripts that proved that she was perjuring herself. Read them to the judge. Let the judge see the perjury for himself so that he can judge how he wants to weigh her testimony. But I said, why isn't this

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being followed up on? Why isn't anybody referring this to like, an ethics committee? And they said, because the Counsel for Discipline has no teeth. So I referred it to Kent Frobish, who works for the Counsel for Discipline. And I got a letter back from Mark Weber, who is his boss. But it's crazy because Mark Weber's name wasn't on the envelope that I sent to the Counsel for Discipline, Kent Frobish's name was. Kent Frobish's name was at the top of the letter. So I, I think that there is a, a lot of room to work on that, following up on ethical considerations for attorneys. Every attorney is supposed to be an officer of the court, they're supposed to be working together to preserve the ethics of the court, I guess, the integrity of it. That's it. Unless anybody have any questions.

DeBOER: Are there any questions? Senator Hallstrom.

HALLSTROM: Sir, just for your information, Mr. Weber and Mr. Frobish are both with the Counsel for Discipline office. So you might have expected that-- to get something from both of them.

SCOTT THOMAS: No, no, I, I had written a letter that was addressed to Kent Frobish about an issue that I had referenced to him, and I got a letter back from Mark Weber.

HALLSTROM: They're both in the same office.

SCOTT THOMAS: Right. But he just, he just kind of pulled rank, you know?

HALLSTROM: Thank you.

DeBOER: Other questions? Thank you so much for being here.

SCOTT THOMAS: All right. Appreciate it.

DeBOER: Other neutral testimony? As Senator Bosn comes up for her close, which she waives, I will read for the record that there were five proponent position comments, two opponent position comments, and zero neutral position comments. That will end our hearing on LB470, and end our hearings for the night.