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Judiciary Committee  
October 29, 2010

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[LR571]

The Committee on Judiciary met at 9:00 a.m. on Friday, October 29, 2010, in the Civic Center Legislative Chamber in Omaha, Nebraska, for the purpose of conducting a public hearing on LR571. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Mark Christensen; Colby Coash; Brenda Council; Scott Lautenbaugh; Amanda McGill; and Kent Rogert. Senators absent: None. Also present: Senator Jeremy Nordquist.

SENATOR ASHFORD: Nine o'clock, 9:01, so let's get started. My name is Brad Ashford and this is the Judiciary Committee hearing on LB800 in the morning, this morning, and then in the afternoon we will be discussing the Office of Violence Prevention. I understand that there are some of you who are going to be testifying on both. That's great. I don't think we will get to the Office of Violence Prevention until after 1:00, but we're glad you're going to be here for both. Let me introduce my colleagues--and I appreciate Mark Christensen came a long...from a long ways away--so Mark Christensen from Imperial; Colby Coash, Senator Coash; Senator Rogert from kind of a long ways away from Tekamah; Senator McGill from Lincoln; and Senator Council from not that far away; also Senator Nordquist is here, Jeremy Nordquist, not a member of the committee but an extremely active participant in the juvenile justice issues and the truancy issues, and I'm glad that Senator Nordquist is here. I know Senator Lathrop is coming and should be here soon so we'll have almost a full complement. I have a list of testifiers on LB800 issues. Roger Breed from the Department of Education, obviously, has asked to go first, so I'm going to put him last, but there is...(laughter). Just kidding, Roger. This is a serious topic, obviously, and everyone in this room, and I recognize most of you, have played a pivotal role in the development of LB800 and its...in the beginnings of the bill, the passage of the bill and, most importantly, its implementation. I'm just...and we're going to hear a lot of good comment today about how the implementation is going, what is needed to make the bill better or the law better. We're certainly always open to that. It was interesting, I was talking to a colleague this morning

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who said that he was informed by a relative that...who had, I think, gone to...whose child was in one of the school districts here in Douglas County, and she had taken her child to a meeting outside of the city and they were gone for two days and after...on the second day they got a call from the school district wondering where the child was. Well, she had an excused absence, but isn't that great that we are so aware now of truancy as a trigger event for other issues and that our school districts are stepping up in the metro area and I know across the state, with the help of the Department of Education? And we're going to hear about Roger's initiatives on that. I just...it's really overwhelming. So those stories come in daily and so it's good news. At this point, does anyone have any other...any comments on general matters regarding LB800 on the committee? If not, Roger, would you like to start? We do have sign-in sheets, which are located on the small table over here, and if when...before you testify, if you would fill out the sign-in sheet and hand it to Christina, and Christina Case will take those and record those. Actually, my legal counsel, Stacey Trout, is here, Stacey did quite a bit of work, as most of you know, on LB800, and Jonathan Bradford is also here from my office, and LaMont Rainey, who did quite a bit of work on...and still is, on the violence prevention issue. So now it is your turn, Roger. Proceed. [LR571]

ROGER BREED: (Exhibit 1) Thank you. My name is Roger Breed. I'm the Commissioner of Education for the Nebraska Department of Education. And I have a report to present to the committee, and I think that's been handed out. There are additional copies if some members of the audience would like to see those or not. This is the first report required under LB800 regarding absenteeism across the school districts and the school systems in Nebraska. I have brought and provided only the public school systems, but there is also private school data if people are so interested. It includes membership, which is the enrollment number, the number of students who have missed two or more days, and then within that count the numbers of students under long-term suspension, expulsion, who have missed for medical reasons, or the large category of other reasons. There's also those students that have been referred to the county attorney, and a count of those students who have received a contact with law

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enforcement at the request of schools, as required by state law. Just public schools, the state totals, we have about 283,000 K-12 students in the state. That is a preliminary fall membership count. We take that count on the last Friday of September and then school districts do have some time to adjust that. Missing more than two days: 48,706 students across the state. [LR571]

SENATOR ASHFORD: Is this for the first month of the school year, Roger? [LR571]

ROGER BREED: That is from the start of the school year until September 30: 48,706 students, 17.2 percent, roughly 1 out of 6 students. For medical reasons, 27,424 students, again, that is within the 48,000. That's 9.7 percent of students, about 1 out of 10. And for other reasons--and those can be for funerals, for being pulled out of school by a parent for a variety of reasons--13 percent, 36,831. We have 172 students that have been referred to the county attorneys for attendance already, and we have 375 contacts with law enforcement already this year. The absences cut across all socioeconomic strata. To me, they are indicative of perhaps a societal question and that societal question is: What value is education when translated to consistent attendance? Give you some numbers to ponder. We have run some totals from the 2009-2010 school year--again, these are for public school students only, but we can get all students if need be--2009-2010: missing more than 10 days, 85,203 students missing more than 10 days, that's 30 percent of students across the state; missing 15 days, that's 42,296 students, just under 15 percent of students; and missing 20 days, more than 20 days, sorry, 8.1 percent, 23,000 students. Having been in education for 40 years with a wife that's been in education for 39 and teaches math to this day, it is a difficulty in time, in energy, in resources to keep students up to speed when we have 8 percent of our students missing 20 or more days. So on that bright, cheery note on an otherwise nice Friday, do you have questions? [LR571]

SENATOR ASHFORD: Senator McGill. [LR571]

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SENATOR MCGILL: How do I turn this on again? [LR571]

SENATOR ASHFORD: It's the bottom button, I believe, or the bottom...these are very complicated. It's on that console thing, yeah. [LR571]

SENATOR MCGILL: Oh, on the touchscreen. There we go. Sorry about that. [LR571]

SENATOR ASHFORD: Okay. [LR571]

SENATOR MCGILL: I'm looking through all the districts and I'm just wondering if you can help me account for why, you know, it looks like Omaha Public Schools, they've had 17 contacts with law enforcement, whereas like LPS has had 123 and Beatrice has had...school district has had more than Omaha's. [LR571]

ROGER BREED: Um-hum. [LR571]

SENATOR MCGILL: What are the different procedures being followed that would account for that? [LR571]

ROGER BREED: Those are individual to school districts and that would require more information than what we've gathered on this report. [LR571]

SENATOR MCGILL: Okay. [LR571]

ROGER BREED: So I really can't speak to that. [LR571]

SENATOR MCGILL: Okay. [LR571]

SENATOR ASHFORD: Yeah, let me just follow up on that. Roger, in LB800, your task force that was created with HHS and juvenile justice... [LR571]

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ROGER BREED: Right. [LR571]

SENATOR ASHFORD: ...or with probation, I believe,... [LR571]

ROGER BREED: Probation. Um-hum. [LR571]

SENATOR ASHFORD: ...is given the authority to delve further into this data. [LR571]

ROGER BREED: Right. [LR571]

SENATOR ASHFORD: So I assume...Senator McGill raises a great point. As we look at the...as numbers come in, in the aggregate, now in not real time but darn close... [LR571]

ROGER BREED: Um-hum. [LR571]

SENATOR ASHFORD: ...we can start to think about other types of information to clarify what is clearly an... [LR571]

ROGER BREED: Yup. [LR571]

SENATOR ASHFORD: ...oddity, I would guess. [LR571]

ROGER BREED: And we can clearly now go back and take a look in detail at 2009-10 data to help inform us also, so. [LR571]

SENATOR ASHFORD: Thanks. Senator Council. [LR571]

SENATOR COUNCIL: Yes, and thank you, Commissioner Breed. I go back to the data

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you provided for the current school year. [LR571]

ROGER BREED: Um-hum. [LR571]

SENATOR COUNCIL: You indicated 48,706 had missed more than two days, and that was 17.2 percent, and then you gave a figure that was 27,000-plus and you stated that that number was included in the 48,000. I think that's... [LR571]

ROGER BREED: Right. That's not in addition to the 48,000. [LR571]

SENATOR COUNCIL: Okay. [LR571]

ROGER BREED: That's one of the reasons that students missed. [LR571]

SENATOR COUNCIL: Okay. And that was for medical reasons, right? [LR571]

ROGER BREED: Correct. [LR571]

SENATOR COUNCIL: Now for other reasons, it was 36,831? [LR571]

ROGER BREED: Right. [LR571]

SENATOR COUNCIL: So is that in addition to the 48,000? [LR571]

ROGER BREED: No. No, that is also within that number. [LR571]

SENATOR COUNCIL: Okay. Well, then those two numbers come to 63,000. [LR571]

ROGER BREED: Yeah, they will add up to different numbers because students can take for different reasons, depending on the accounting of school districts. [LR571]

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SENATOR COUNCIL: And then the number that will refer to the total referred to the county attorney offices, what was that number again? [LR571]

ROGER BREED: A hundred and seventy-two statewide. [LR571]

SENATOR COUNCIL: And just one final data point for explanation purposes, on the handout, there are some school districts where there is no number stated for their preliminary fall membership, yet we have numbers for the number of students absent more than two days. How do we...what is the cause of that? [LR571]

ROGER BREED: They turned in one report but not another. [LR571]

SENATOR COUNCIL: Okay. (Laugh) So... [LR571]

ROGER BREED: Welcome to our world in data collection. [LR571]

SENATOR COUNCIL: Okay. Yeah. Because, for example, I'm looking at Plattsmouth and they don't turn in their fall membership but they've had 546... [LR571]

ROGER BREED: In all fairness, they may have turned in their fall membership and then they may have said...asked us to put a hold on it because they have a question about it. [LR571]

SENATOR COUNCIL: Oh. [LR571]

ROGER BREED: So it doesn't show up on this. That's why I started out, "preliminary." [LR571]

SENATOR COUNCIL: Preliminary. [LR571]

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ROGER BREED: Okay. [LR571]

SENATOR COUNCIL: Thank you. [LR571]

ROGER BREED: You're welcome. [LR571]

SENATOR ASHFORD: Thank you, Roger. Just to sum up, the data that we have in front of us--and thank you for it--is...it's a compilation that has not been done before. This is something that's new and will result in further work and data collection as we move forward, correct? [LR571]

ROGER BREED: Right. And I think it will be very informative to educators across the state who might have had a feeling that attendance is an issue. But when you look at the commitment of time and effort necessary to keep students on track in the face of this number of absences, for perhaps valid and reliable reasons, it does indicate that there is a gap between our resources provided and the number of absences that exist. [LR571]

SENATOR ASHFORD: And the next challenge, of course, is to find out, this 8 percent, to find out, get in forensically why. [LR571]

ROGER BREED: Yeah. [LR571]

SENATOR ASHFORD: And that's the great challenge we have to face, is why are they absent and what is it in their lives that need to be changed. [LR571]

ROGER BREED: And one of the things that we can look at is a per grade level breakdown of those individuals from... [LR571]



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SENATOR ASHFORD: Do we have that or is that... [LR571]

ROGER BREED: No, that would only be available in '09-10 data. [LR571]

SENATOR ASHFORD: Okay. That's in '09-10 data though. [LR571]

ROGER BREED: And...but we can, you know, start to look at that. [LR571]

SENATOR ASHFORD: Right. [LR571]

ROGER BREED: Because you can make different assertions about 17- and 18-year-olds from 7- and 8-year-olds. [LR571]

SENATOR ASHFORD: And the dropout rate, which is so high in the 9th grade time frame, 9th, 10th grade time frame, flows from this, some of these truancies in the 6th, 7th, obviously 6th, 7th, and 8th grade number. [LR571]

ROGER BREED: Right. [LR571]

SENATOR ASHFORD: Okay. Thank you. Thanks, Roger. [LR571]

ROGER BREED: Thank you, committee. [LR571]

SENATOR ASHFORD: Thanks for coming. I'm going to ask Bob Beecham to come up next because we're on data and Bob is "Mr. Data" in the state. So we're glad that you came. Bob, would you identify yourself and go from there? [LR571]

BOB BEECHAM: (Exhibit 2) Certainly. My name is Bob Beecham. I am a newly employed person with the Avenue Scholars Foundation and with Building Bright Futures. I spent the last 30 years at the Department of Education heading up the data

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center for the Nebraska Department of Education. I helped develop some of the systems that Roger was talking about. I'm here today, though, to talk about a data sharing project, a data sharing initiative that we've started here really centered in the Omaha area but really contains or is made up of folks from the major state agencies that deal with juveniles--Education, Health and Human Services, the Crime Commission, and the like. You have a handout that lists those agencies that are involved. We recognize that there are students in school who are also either wards of the state who are...and who may have committed a juvenile offense and we believe that the individuals and the agencies that are involved with those children can benefit by sharing data, can keep those kids from penetrating further into the juvenile justice system just by sharing information about them, about their grades, about their attendance rates, and about, you know, their home situation, and help those students, identify those needs earlier and help them out, keep them from getting further into the juvenile justice system. We have a long way to go, but those agencies listed have committed to developing a memorandum of understanding that will enable the sharing of data. And again, we're just getting started, but there really are three committees. The Building Bright Futures and the Avenues Scholars Foundation is facilitating that. Senator Ashford and myself are kind of the project staff for it. We've employed or have retained John Tuell, who is a consultant and is with the Georgetown Center for Juvenile Justice Reform. But we have an executive committee made up of Commissioner Breed, Kerry Winterer from Health and Human Services, and really the high-level folks from all of those agencies. Those folks are charged with developing the goals and objectives of the project and really overseeing the development of this system. There's also a group that looks at some of the legal issues related to legislation or rules that either enable or prohibit or inhibit the sharing of data about kids. And then we have a Data Collection and Systems Integration Task Force Subcommittee that will look at the actual data elements, will look at the systems that exist in all of those agencies, and try to figure out ways to get those systems to talk to each other. Our goal is to have that memorandum of understanding finished and agreed to by the end of December of 2010. We have some drafts. I did not provide those today because they're just too drafty at this point.

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But we met a week ago, we'll meet again in the middle of December, and by that time, hopefully, we'll have a prototype already put together on how data can be shared. That's really all I wanted to report about today, to let the committee know that there is a data sharing initiative, and let me say that those words are mine, not anything that exists in statute or anything else. The Nebraska Data Sharing Initiative really is dealing with how data can be shared about kids who are in the juvenile justice system, Education, or affected by Health and Human Services. So that's...I'll stop there and see if you have any questions. [LR571]

SENATOR ASHFORD: Thanks, Bob, and Senator Lathrop has arrived. Welcome, Senator Lathrop. Let me...just as a...what is the practical application of this? Can you give an example of how this data sharing would work for a young juvenile person? [LR571]

BOB BEECHAM: Yeah. Well, hopefully, and this is...you know, Dr. Breed talked about data that's collected on a monthly basis and on an annual basis at the state level, and those systems are designed kind of to take the temperature at a higher level over time. But really what we're looking at is more what we might call real-time data or data that's available on a daily basis or at least a weekly basis on those kids so that when that child might bump up against the juvenile justice system, for example, gets stopped or is arrested, that a group can get together, look at a system somewhere, look at a database somewhere that has a variety of data, not just their grades or their attendance rates but, you know, what other things are going on in their life. And, again, there are lots of privacy issues that we need to conquer but, you know, those things are being addressed in other places. So really the difference is having current data about those kids, what's happening in those kids' lives. [LR571]

SENATOR ASHFORD: Thanks, Bob. Any questions of Bob? This is significant work. It's something that does not now exist in Nebraska. It does exist in other states, a few, not a great many. And when we are done with this, it will be innovative. It will enable us to

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identify at-risk youth and to find services for those youth at the earliest possible point in time. And I do appreciate the cooperation of Probation and HHS and Education, of course, Bright Futures and Bright Futures Foundation, Sherwood Foundation, all those in Omaha who are doing such hard work. It really...and thank you, Bob, for what you've done so far on this. Thanks. Okay. Thank you. Now that we're talking about what do we do when we find someone who's truant in the schools, that brings me to Nicole Goaley who...is Nicole here? I think I saw her. Nicole is with the county attorney's office and I have never seen anybody work harder on a topic in my life. Not only did she help us draft LB800, working with Stacey in our office, but is working daily with children who are truant. And so I appreciate you coming. Can you tell us how things are going? [LR571]

NICOLE GOALEY: Yes, I can provide some information of transition from last year into this year, if that is helpful. [LR571]

SENATOR ASHFORD: Why don't you state your name and then go ahead. [LR571]

NICOLE GOALEY: Nicole Goaley, Douglas County Attorney's Office. As I have shared previously, it would be the school year of 2008-2009 when we were at approximately 239 truancy referrals throughout Douglas County. For the 2009-2010 school year, we received approximately 1,048 truancy referrals. And certainly this year it's too soon to tell. We're at approximately 73, at this point, referrals, expecting many more. The difference with the transition this year is the ones that were filed last year, the court took a court-supervised truancy diversion program and gathered together approximately 400 of the cases that were filed, and that has been supervised and processed through Judge Crnkovich, all 400 of those, with a team that, postfiling preadjudication, came together, including the Juvenile Assessment Center, Health and Human Services, defense attorney, county attorney's office, Omaha Public Schools. And I apologize if I've omitted anybody from that. Those cases continue to be dismissed if it has been effective that those children have returned to school. On occasion, the needs have been too great to remain in that diversion-type program and they have gone on through the

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traditional court process. But the overwhelming majority have participated in a diversion program with services offered in the community at the recommendation of that core team. This year the plan is to try to push that team forward so that it will collaborate postreferral, prefiling. And again, those team members have remained in place, including Omaha Public Schools, and we plan the addition of each of the school districts in the community to join that team, if so willing, which I believe they will be, continued participation by the court, by the judge. We have put in our office one person that will be specifically assigned to truancy cases in general. So even if those truancy cases have a delinquency become added to them or become an abuse/neglect case in addition to the educational neglect, that will be her full-time responsibility in managing participating on those teams in diversion programs. That one person has offered to go to every school in the district, if need be, and she has been to plenty of them, to indicate that she's the contact person, these are the efforts being made, these are the questions I'm willing to answer. And that's going well. We have also indicated to the Omaha Police student personnel or student resource officers, if they want to make connections within the schools and have us invited into the schools that we would do that as well. In addition to the team participating right now, postreferral, prefiling, is continually the Juvenile Assessment Center, Health and Human Services, Region 6, and any additions that are willing to join in that collaborative effort. Also, we have put in place a letter to the family home and the child at ten absences. Don has signed approximately 650 of those letters, where we've been notified by the school districts that the child has reached the ten absences, as kind of a prevention in hopes that the absences will not continue. Any questions on any of that? [LR571]

SENATOR ASHFORD: Let me just, again, thank you for your effort and let me just ask one question, then I'm going to then turn it over to Senator Council. The cases that have been filed in this '09-10 time frame, substantially more obviously than in the years before, do you have any idea of the length of time those 400 cases that were prosecuted, I guess, for lack of a better term, how long those kids were out of school? [LR571]

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NICOLE GOALEY: Yes. Overwhelmingly, the referrals that we received last school year had a history, up to five or more years, of excessive absenteeism. Additionally, there were not just the years of history of absenteeism but we would see across the school districts referrals for up to 80 absences for that school year. [LR571]

SENATOR ASHFORD: Senator Council. [LR571]

SENATOR COUNCIL: Yes. Thank you, Ms. Goaley. Two questions: number one, with regard to the 400 diversion cases, those were cases that were filed last year, is that correct,... [LR571]

NICOLE GOALEY: Correct. [LR571]

SENATOR COUNCIL: ...that carried over? And you indicated that there was a percentage of those cases where diversion wasn't appropriate or was not working. Have you been able to collect the data to show what kind of services those children and families need, because you'd indicated that they were removed from the program because their needs could not be met through the services provided by the team members? And correct me if I understood that wrong. [LR571]

NICOLE GOALEY: Right. The team would come together and review information that they have obtained about that particular child, for instance, a urinalysis that was performed by Probation, an assessment that was performed by somebody trained in the YLS. The Juvenile Assessment Center helped provide those services. CPS helped provide those services. And with all that information, the team got back together and looked at that information to determine whether or not there would be resources in the community, we called it diversion, that they could do that, or that the needs were too great. With regard to the specific number then, the majority, their needs were able to be met with the resources that were available. I do not have the exact number that had to

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then go through the traditional court route because their needs were too high. I didn't have a chance to look around to see if Judge Crnkovich is here,... [LR571]

SENATOR COUNCIL: But if they... [LR571]

NICOLE GOALEY: ...but she would have a better feel for approximate numbers that then were ordered on to the traditional court cycle. [LR571]

SENATOR COUNCIL: So if they go through the traditional court cycle, do we have any data that indicates how many of those youngsters end up in some detention facility and, consequently, miss more days of regular school? [LR571]

NICOLE GOALEY: I don't think that we have that exact information. It would be more likely that they would have been made wards of the state than that they would have ended up in the youth detention center. However, we are finding, even this year, Jordan Boler, specifically in our office, being assigned to the truancies, that her cases are the ones that are becoming the most complicated in terms of notification from law enforcement of gang involvement and they legally can't be in the youth detention center. But some of the issues are becoming extremely serious in terms of how dangerous they are to themselves and the community, and they haven't necessarily committed a law violation. They are a status offender truant child. That leaves the necessity for a placement that will ensure the safety of that child in the community, separate and apart from the Douglas County Youth Center as sometime more akin to the Youth Links Program. And we...yes, so I'm not going to say that they're being detained, but there is a need for a facility that meets their needs for the safety of them and the community on these...some of these truants. [LR571]

SENATOR COUNCIL: Okay. And my second question, from an LB800 standpoint, Jordan's position, is it in part funded through the grant that came through the Office of Violence Prevention? I know that... [LR571]

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NICOLE GOALEY: No. No, we just reallocated some of our resources within the Juvenile Division to make sure that the truancy cases were getting the attention that they needed to have. [LR571]

SENATOR COUNCIL: Okay. Thank you. [LR571]

SENATOR ASHFORD: Senator Nordquist. [LR571]

SENATOR NORDQUIST: Thank you. Thank you for being here, Nicole. What assessment and services are available to assess the academic performance for these kids that are referred and then diverted? If a kid is a freshman in high school and misses 20 days and is referred, and then we're sending them back to high school with a fourth, fifth grade reading level, you know, they're going to have trouble reintegrating in the system. I don't know if that's a question for you or maybe someone from the JAC, but... [LR571]

NICOLE GOALEY: I'm not the best person... [LR571]

SENATOR NORDQUIST: Okay. [LR571]

NICOLE GOALEY: ...to answer that question. I do apologize. [LR571]

SENATOR NORDQUIST: Okay. [LR571]

NICOLE GOALEY: But we did see many cases of a child who may be repeating ninth grade for the third time. [LR571]

SENATOR NORDQUIST: Uh-huh. Okay. [LR571]



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SENATOR ASHFORD: Thank you, Senator Lautenbaugh. (Laughter) Seriously, Senator Council has raised what is the elephant in the room here and that's capacity. We don't have a staffed secure facility in Omaha, in Douglas County. That puts us in the minority of urban areas in the country. How is...what is out there, and maybe you answered, what is out there between detention and other options? [LR571]

NICOLE GOALEY: We rely on Youth Links. [LR571]

SENATOR ASHFORD: Right. [LR571]

NICOLE GOALEY: I will tell you that. I will...I don't know...don't want to go into too many examples, but the examples are too many to describe. We have a young man who is truant, status offender, who was shot in the back a couple of weeks ago, gang involved. He has not committed a law violation so that's not pending on him but the status is. He was treated for the bullet. He was brought to Immanuel Hospital because of his mental health needs and the situation. He ran past a security guard there and is now back out in the community. When he is located by law enforcement, he will not be able to be detained at the Douglas County Youth Center. But if there's not a bed available at Youth Links,... [LR571]

SENATOR ASHFORD: There isn't any place available for that young person. [LR571]

NICOLE GOALEY: ...that is going to meet the needs of that child that he won't be back on the street in an hour. [LR571]

SENATOR ASHFORD: And I wonder if there's any wonder out there any longer about why we're having this violence in our community. Is there...I mean... [LR571]

NICOLE GOALEY: I will give you one more example of a 12-year-old who just turned 13 whose sister has been murdered in this community at a very young age, mother in the

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penitentiary. He had been missing for six weeks. Law enforcement was able to find him and have him transported to the Douglas County Youth Center. The judge's order was for Youth Links, quite possibly because of his size and age. He was not transported to Youth Links by law enforcement. When he got into the parking lot of Youth Links, he ran from his service provider. He is back out in the community. We do not know when we will see him again. He is a concern. It was brought to my attention by Child Protective Services, by Omaha Police Department, and by Omaha Public Schools. If there's not a bed available for him at Youth Links when he's found again, and he's not transported by law enforcement, he will be back out for, at the minimum, the third time in the community unsafe. [LR571]

SENATOR ASHFORD: And, again, is there any wonder why we're having the problem that we're having in our community? And this is startling testimony. And if this isn't a wake-up call, I really don't know what else can be more startling. Thanks, Nicole. Any other questions? Thank you. [LR571]

NICOLE GOALEY: Thank you. [LR571]

SENATOR ASHFORD: And thanks for everything you're doing. [LR571]

NICOLE GOALEY: I appreciate it. Thank you. [LR571]

SENATOR ASHFORD: Kim. Is Judge Crnkovich here? I know she works 14 hours a day so she's probably up in court, but... [LR571]

\_\_\_\_\_: (Inaudible) [LR571]

SENATOR ASHFORD: I was...no, Kim is next on the list, but Judge Crnkovich, I know, wanted to speak, but I don't see her. So, okay, Kim. I'm sorry, Liz. I'm sorry, Liz first and...oh, okay, Kim, and then Liz, I think. Okay. And then Chris after that. Hi, Kim.

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[LR571]

KIM CULP: Hello. I didn't know I was on the list so I don't have anything prepared.

[LR571]

SENATOR ASHFORD: Oh. [LR571]

KIM CULP: But that's fine. I'm certainly here... [LR571]

SENATOR ASHFORD: You're third on the list actually. [LR571]

KIM CULP: Oh. Okay. I'm certainly here to answer any questions that you might have or anything. [LR571]

SENATOR ASHFORD: Well, tell us what you do. [LR571]

KIM CULP: We have participated in the last year in the truancy and, obviously, we have done truancy at the Juvenile Assessment Center since we opened seven years ago. [LR571]

SENATOR ASHFORD: Why don't you just...and you've spoken to us many times before, tell us your name and what you're doing. [LR571]

KIM CULP: My name is Kim Culp and I'm the director of the Juvenile Assessment Center. And we did, in fact, participate... [LR571]

SENATOR ASHFORD: In Douglas County. [LR571]

KIM CULP: In Douglas County. And I did participate last year in the Truancy Diversion Program and we are a member of the team and we're continuing to do that work this

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year. Basically, as the team would meet and kind of review these cases, the youth would then come over to the Juvenile Assessment Center. We have two assessments that we do. We do the risk and needs assessment, which is the YLS, and then we also do the mental health screening. So to answer your question, Senator, we do not do any educational testing at the Juvenile Assessment Center. We rely upon the school to get the information on how the child is doing academically. [LR571]

SENATOR ASHFORD: What sort of data, Kim, do you have when that child comes in? What do you see on your computer? [LR571]

KIM CULP: Okay. Well, our computer system, our case management system is a shared case management system with the county attorney, so if a youth is referred for truancy, then it's the county attorney's office who first enters the information into the system. And with that, you're going to...it's the demographic information. [LR571]

SENATOR ASHFORD: Do you have HHS information or school information? [LR571]

KIM CULP: Yes, we do. We don't have school information at the time of entry. We'll have that later, once the family comes in and we get a release of information. We do have...our system is tied into the Douglas County mainframe, so we do have information that's there which would include neglect cases, would include any kind of law violation that had taken place on a previous date. [LR571]

SENATOR ASHFORD: Do you have HHS information? [LR571]

KIM CULP: We would have on our system whether or not there was a neglect case, but we wouldn't have detailed information from HHS. [LR571]

SENATOR ASHFORD: For example, if the child is a ward of the court or whether the child is in foster care, would you have any of that information? [LR571]

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KIM CULP: We would have that through the mainframe system, yes. [LR571]

SENATOR ASHFORD: Okay. How many young people do you see every year, Kim? [LR571]

KIM CULP: We see approximately 1,500. Last year was a busy year and it was more like about 1,700. [LR571]

SENATOR ASHFORD: And how many...well, has there been an increase, I assume there has, with the truancy cases? [LR571]

KIM CULP: Yes. That's most of where our increase came from last year. [LR571]

SENATOR ASHFORD: Okay. Any questions of Kim? Seeing none, thank you. [LR571]

KIM CULP: Okay. Thank you. [LR571]

SENATOR ASHFORD: Liz. [LR571]

LIZ NEELEY: Good morning. I have some stuff to say about record sealing, so I just wanted to clarify. You want us to talk about the bar's position on truancy, if you're talking about truancy? [LR571]

SENATOR ASHFORD: Why don't we come back and talk about that later. [LR571]

LIZ NEELEY: Okay. [LR571]

SENATOR ASHFORD: Why don't you give us your name. Is Katie going to talk about the referral program or are you? [LR571]

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LIZ NEELEY: I can, if you'd like. [LR571]

SENATOR ASHFORD: Okay. Well, Katie is also on the list to talk about it but whomever would like to do that. [LR571]

LIZ NEELEY: Katie, would you like to talk about it? [LR571]

KATIE ZULKOSKI: Sure. [LR571]

SENATOR ASHFORD: Okay. [LR571]

LIZ NEELEY: Okay. [LR571]

SENATOR ASHFORD: Why don't you talk about the truancy then or is that what you meant by... [LR571]

LIZ NEELEY: Yeah. Katie will talk about... [LR571]

SENATOR ASHFORD: Okay. Well, then we'll have Katie come up and talk about the referral system. Good morning. [LR571]

KATIE ZULKOSKI: Good morning. I'm Katie Zulkowski with the Nebraska State Bar Association. Similar to Kim, I was not necessarily aware that my name was on the list. I do want to make the committee aware we are working with Senator Ashford on the referral program. I assume this is what you're talking about, where volunteer attorneys would be working, hopefully, with other constituency groups in Omaha on the truancy program and working directly one on one with students that are selected from that program that volunteer attorneys could be paired with and as a mentor and sort of referee position. And that is something we're looking at. We do not have much

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information at this time. (Laugh) We are prepared to talk to you next Friday. [LR571]

SENATOR ASHFORD: Oh, you said you would have...next Friday, okay. Okay, we can postpone the hearing now and wait for the bar association. [LR571]

KATIE ZULKOSKI: (Laugh) I'm sorry about that. [LR571]

SENATOR ASHFORD: No, but the bar was...had proposed in our last meeting that a referral system that would be manned by attorneys could be made available in the schools and other facilities, at the Juvenile Assessment Center, for example, in truancy cases. And what we asked the bar to do is to come up with a plan as to how to do that. There are several jurisdictions around the country, in major urban areas that have such referral systems that take the load away from the... [LR571]

KATIE ZULKOSKI: Exactly. And the program that we're looking specifically at is in Atlanta. They have a very successful program. It's the Truancy Intervention Program. It's referred to as TIP, and that is what we would be looking to base our program off of. [LR571]

SENATOR ASHFORD: Good. That's good information and we'll wait to see the actual proposal next Friday. Okay. Thank you. Chris. [LR571]

CHRIS RODGERS: (Exhibit 3) Senator Ashford, members of the committee, and other senators here, you're getting some information that was given by the Juvenile Justice Coordinating Council, and while you're getting that I want to say on behalf of the council to thank you all for your political will and vision in regards to LB800 and particularly state that you have listed the members of the coordinating council in there but I want to state that they are made up of the gatekeepers in Douglas County in regards to the juvenile justice system. So we tried to give you a comprehensive view in the eight-page report that you have that we attempt to recognize the successes, the challenges, and talk

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about some clarifications and revisions, and hoping to strengthen the piece of legislation. So a lot of things have already been said so I would like to point out specific pages and answer any questions you may have in that respect. On page 4 of the 8 pages, I want to build on a statement made by Nicole Goaley, who also cochairs the committee, and from that it states at the top paragraph "Status Offenders." That's from January through September of 2010. Douglas County has had 93 admissions to the Douglas County Youth Center for status offenses and that's 9.7 of the overall admission. And a lot of that, as Nicole stated, has been because of we don't really have a good choice of alternatives at this point. [LR571]

SENATOR ASHFORD: Is that 93 this year, is it? [LR571]

CHRIS RODGERS: Yeah, from January to September this year. It's about 9.7 percent of the population. We don't have a lot of good alternatives this year but our efforts right now is in money given to us by the Crime Commission. We've been in the process of trying to become a part of the Annie E. Casey franchise. We are happy to say that we're very close, have had interviews this past week, and have a couple of finalists that we are going through the process with. We're close to assembling the committee up, named two cochairs, which are actually Judge Vernon Daniels and Thomas Warren of the Urban League, that will help us to that point, and we're coming as close to the line as we can until Casey gives us the official okay. Also want to note, particularly at the bottom of page 4, some comments that were given to the committee about the increased penalties for controlled substance offenses. Without reading through the whole paragraph, I want to leap to the bottom part that says, basically, "While...part of the law is discretionary, the judge may impound the license, it is unclear why the second part is mandatory" when it says "all convictions/adjudications must be submitted to the Department of Motor Vehicles, as this likely results in the Department of Motor Vehicles being notified of: 1) convictions/adjudications in which the judge did not impound a driver's license, and 2) for convictions/adjudications in which the underlying offense is not a driving offense." This was brought out by a couple of people, of the inconsistency,



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and we wanted to kind of bring it to your attention for that respect. On page 5 is particularly talking to truancy and some things you've heard. I'd like to note two specific points that were brought out in the committee under what's called reporting requirements, and that's pretty much parts 1) and 2) when we state that: The Department of Education has established different thresholds for defining students experiencing "excessive absenteeism" that we feel are inconsistent with the five-day per quarter definition established by law. This has resulted in some confused and duplication of reporting requirements and intervention efforts. And from the viewpoint of Omaha Public Schools, they strongly suggest that the definitions be aligned for the more effective utilization of some resources. Two: Specifically, we would like to suggest an amendment that narrows where it says LB800 requires the school districts to report contacts to law enforcement relative to a student. We're suggesting that the amendment that narrows this requirement to reporting contacts relative to a student's behavior. The majority of the contacts to law enforcement relative to a student are related to suspended child abuse situations, and Omaha Public Schools does not believe that disclosure of such conditional (sic) matters would be beneficial to the student, family, and the system. Nicole touched a little bit on the process for, on page 6, that we have in regards to referrals to the county attorney's office. But at the middle of page 6, where it talks about the establishment of the truancy intervention task force, we just want to point out that there are no representatives from the schools or the courts that serves on the task force, and we'd like to suggest that their perspective and representation are critical to the understanding and development of some solutions. Lastly, we have...there's several comments that came back from 6, 7, and 8 in regards to the sealed records piece. Some of them are in regards to efforts that we would like to have it expanded a little bit but without touching a slippery slope of opening it, and some of those referrals in regards to some issues of having the records accessible to some attorneys that help us in regards to capturing payment of need in regards to situations in the court, but also one specifically request noted by the police department in regards to being able to just have access for future jobs. With that, I can...I've tried to skim that without reading the full view of it, but any questions, I'd be glad (inaudible). [LR571]

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SENATOR ASHFORD: These are all responsible suggestions, Chris, and I think we can deal with most of these. Any questions of Chris? Yes, Senator Council. [LR571]

SENATOR COUNCIL: Thank you, Commissioner Rodgers. Just a couple of quick questions: Back on page 4, can you just briefly outline what the advantages will be to Douglas County of being included in the Annie E. Casey initiative? What benefits accrue to the county if... [LR571]

CHRIS RODGERS: I think a couple of benefits. One is it will allow us to handle some of the situations that were brought up particularly by the gentleman that used to work for the Department of Education who now works for the Avenue Scholars. Annie E. Casey is based on data and everything is driven to data-driven solutions in the system that will, one, allow us to have a concentrated effort to concentrate data and pull back those areas that are really weak in the system, not just on speculation but really drill down to the data. So, one, it's heavily data driven, results oriented. And we will be able to pinpoint specific alternatives that can help us in that regard and, hopefully, knowing that money is strained, work within that concentrated effort to try to make some changes and tweaks to the system. Another advantage is it puts us into a national network of best practices that we can pull from. We do get some technical assistance that comes in with it and they will help guide us throughout the system. The benefit to the state is that when we got the funding for the Crime Commission to do it, we promised to the state that we would make everything accessible to all the other counties that were here and be a resource backup to the state advisory committee in regards to recommending implementations to the state. It's safe to note that we did get invited to the Annie E. Casey's annual conference in Kansas City. Judge Crnkovich did, Judge Daniels, Terri Nutzman from HHS, Corey Steel from Probation, Brad Alexander and Liz Neeley went and we had some very, very good response. I think HHS was very receptive to it. Those are the immediate advantages and the hope is that every Casey site has had remarkable deductions in population. You look at a place like Cook County, as big as it

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is, had massive trouble. I think they have under 100 people in their juvenile detention center. Our hope is that we can get to the point where it would only be necessary for those people that need to be there in the long term, hopefully be able to do some more planning in regards to those alternatives that are available. [LR571]

SENATOR ASHFORD: Senator Council. [LR571]

SENATOR COUNCIL: And this is my final question. In your comments on page 5 regarding the reporting requirement, and just to remind my colleagues that the reporting requirement result in the data that's reflected on this document, and so can you give me an example of what the inconsistency is in terms of experiencing excessive absenteeism? [LR571]

CHRIS RODGERS: I was going to ask that and I was hoping the person that made that comment to us would be here. I don't know if Matt maybe can explain it. You can expand on that? Matt Ray from OPS, who's on the committee, may be able to expand on that for us. [LR571]

SENATOR COUNCIL: Okay. Can you...do you mind, Mr. Chairman, if we go ahead and get that question answered? [LR571]

SENATOR ASHFORD: Oh, let me think. No, that's fine, Matt. (Laughter) [LR571]

SENATOR COUNCIL: I don't want to (inaudible). [LR571]

SENATOR ASHFORD: That would be very helpful. I mean this is a critical question and... [LR571]

SENATOR COUNCIL: But it's (inaudible) because this... [LR571]

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SENATOR ASHFORD: Yeah. [LR571]

SENATOR COUNCIL: ...all this data is... [LR571]

SENATOR ASHFORD: Yeah, and that's just the top line. I mean... [LR571]

SENATOR COUNCIL: Right. [LR571]

MATT RAY: I was hoping you were going to say no. (Laughter) Specifically, the law... [LR571]

SENATOR COUNCIL: You need to identify yourself for the record. [LR571]

MATT RAY: Oh, I'm sorry. My name is Matt Ray. I'm the director of student and community services with the Omaha Public Schools. Specifically, the law requires five days per quarter. The increments for reporting purposes are two. They grow by two every month. So the schools are working on students with five days to make an intervention and the reporting is at two, four, six, eight, and so on. So in December you may be working on reporting students at ten where, since it's by quarter, the school district is working on students with five. [LR571]

SENATOR ASHFORD: Yeah. I think those are things we're going to have to address and clear up so we have that consistency, but what is clear is we're getting information we didn't have before. And now the...and I might ask you, once we get this top line, fairly current data sharing across agencies, the ability then to dig down on each at-risk child is more important, is it not? [LR571]

MATT RAY: It is, but the other piece of this--and I was going to provide this, I don't know if you want this now but--is that there's still inconsistencies on how people are reporting absences throughout the school district. [LR571]

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SENATOR ASHFORD: Right. [LR571]

MATT RAY: So an absence in one school district may not be an absence in another school district. [LR571]

SENATOR ASHFORD: Right. Right. [LR571]

MATT RAY: So when you're comparing those milestones, you're not really comparing the same information. [LR571]

SENATOR ASHFORD: We know it's a trigger event. We know it's a trigger event when someone is not in school and generally not excused. We know that that means there's something else going on in their lives. We have to figure out how to enunciate that in a consistent way. So thank you for your work. Yes, Senator. [LR571]

MATT RAY: Right. [LR571]

SENATOR COUNCIL: Matt, just for example, I mean, because when people hear that school districts are reporting absences differently, let me give you an example and indicate to me whether that is indicative of the concern. A child in middle school misses the first three hours of the school day. Some districts count that as an absence, some districts count that as a tardy, some districts don't count it at all. Is that an example? [LR571]

MATT RAY: That's fair to say. They may be at a piano lesson and a school district may determine that's not an absence because they're using some sort of instructional time. You're absolutely correct. [LR571]

SENATOR COUNCIL: Okay. Thank you. [LR571]

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MATT RAY: And if I may, I could answer Senator McGill's question about the contacts to the police department. I think you see a change in those numbers because of the SROs in the Omaha Public Schools. We're not reporting, per LB800, those contacts with the SRO. These are contacts outside the SRO. [LR571]

SENATOR MCGILL: Okay. [LR571]

\_\_\_\_\_: What's SRO? [LR571]

SENATOR ASHFORD: Student resource officer? [LR571]

SENATOR COUNCIL: Student... [LR571]

MATT RAY: I'm sorry. Yes. [LR571]

SENATOR MCGILL: That's very helpful. [LR571]

MATT RAY: School resource officer. [LR571]

SENATOR ASHFORD: Yeah. [LR571]

SENATOR NORDQUIST: Senator Ashford, (inaudible). [LR571]

SENATOR ASHFORD: Yes, Senator. [LR571]

SENATOR NORDQUIST: Yeah. Matt, are there any efforts in Douglas...with school districts I guess in the metro area or statewide or anywhere to kind of...I mean we were a local controlled state, but to come up with some sort of standardized definitions for what were absences and tardies and suspensions? [LR571]

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MATT RAY: And I think Nicole might if...would be the better person to ask that. The Omaha Public Schools has been working to try to get a unified definition of what an absence is so we're all reporting the same information. And I know that Nicole and Jordan Boler are working on their efforts to make sure that we're all defining the same things. [LR571]

SENATOR NORDQUIST: Okay. Thank you. [LR571]

CHRIS RODGERS: But, Senator Nordquist, I think it is safe to say that Nicole and County Attorney Don Kleine and the committee have been talking about this every month and we've been having a constant debate about the powers of their office to shape it. And I do think they're trying to do some evaluation over this next year to see how they proceed after one year and how to implement some uniformity. [LR571]

SENATOR ASHFORD: Part of this is data driven, is it not? I mean the more information we get on each individual case, we can start to create definitions that are reflective of what's actually going on within those cases, correct? Is that accurate? [LR571]

MATT RAY: That is accurate but we try not to get bogged down on the collecting of the data, rather the interventions we're doing. [LR571]

SENATOR ASHFORD: Well, I know but...right, fairly said. [LR571]

MATT RAY: I mean it's hard to ask a counselor to meet with every student at five days and document... [LR571]

SENATOR ASHFORD: Right. [LR571]

MATT RAY: ...every intervention or every contact. [LR571]

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SENATOR ASHFORD: I get that. Okay. [LR571]

CHRIS RODGERS: If I can add one more thing, Nicole did note that, you know, the Youth Links and their use of them. I do want to note that for, since the law was passed, we've been trying to meet. The chair of the board, Mary Ann Borgeson, myself, and representatives from Youth Links have been trying to meet to get ahead of this thing when the violation of court orders part kicks in. It's a challenge just because of...similar to a business when it starts, we don't have enough cash flow up-front to get it going to reduce the back end. So for your thoughts, I don't know how you do it creatively, we're trying to find some way to do it. There may be some partner deals, but we almost need a bridge to get us there to get it going so we can do the up-front piece, reduce the back, and hopefully make some resource adjustments. But we are trying to find a way to do that. We've been working with a couple of facilities, got some good options, and Youth Links is hopefully going to get back to us soon about what options and stuff we can take. And when we get that, we'll be happy to share that with you. [LR571]

SENATOR ASHFORD: Just...then we'll move on, but, Chris, that's a very good point. And the reallocation of resources, as we start to divert these juveniles outside the system, we are...the cost of doing that is significantly less than incarceration, obviously, in the youth center. I know you mentioned Cook County and I've been there a couple of times, as Senator Council has and Senator McGill, and we've looked at those programs. And I know Corey is going to talk about one program here that's quite successful. As we bring those people out of a more intense, supervised situation, there are savings per individual. How we get those dollars reallocated in the system, whether it's on the state, county, or other level, is a massively important point. The other thing is that your work in Annie E. Casey is incredibly important. Becoming an Annie E. Casey state is...or a county, in this case, and sharing that information with the rest of the state puts us in a very elite place. We wouldn't be here had you not started that initiative, Chris, and I hope people understand how massively important that is. So thank you for your work.



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[LR571]

CHRIS RODGERS: Appreciate it. And I do want to thank the people on the committee. It, you know, started a couple years ago and people have been willing to bend and mold and take some risk, and we still got a whole lot more risk to take with that. [LR571]

SENATOR ASHFORD: Yeah. It's good work. Thank you. Judge Crnkovich is here. Okay. [LR571]

ELIZABETH CRNKOVICH: Well, I was worried I wasn't dressed for court but...(laugh). Nice to...I'm Liz Crnkovich, juvenile court judge, and I appreciate those who have been waiting to allow me to speak. I do...I did race down here and there's cases waiting for me to return to. I think, number one, as you'll all recall, I testified last legislative session concerning detention but I didn't wish to lead any of you with the impression that I was in support of juvenile detention, but as a judge you hate to lose your tools if there are not alternatives. So now I get a chance to let you know that. So I am very committed to alternatives to detention. I, too, respect what Commissioner Rodgers is doing, and not only myself personally and Judge Daniels personally, but we are devoted to working with the county and with others to see alternatives and to work with the Casey Foundation, but the entire bench is as well. So I do want to let you know that and I think it's huge for Douglas County and it will be huge for this state. I'm happy to answer any questions. On the one, of course, part of LB800 that's been near and dear to my heart in the last six months is with the respect to the issue of truancy. I think, as one...I've been working with a team of individuals and I very much support the diversion of these kids in ways that holds the kids and families accountable but also provides them what they need, and those are services. These are not just naughty kids not going to school. We've demonstrate...we've known that for, you know, anecdotally in juvenile court. I've seen it quite distinctly in the 450 cases that we've worked more aggressively with. [LR571]

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SENATOR ASHFORD: Could you tell us, Judge, how did you do that? I mean it's miraculous to me that...(laughter) [LR571]

ELIZABETH CRNKOVICH: Let me...I will tell you how and I'm being a smart aleck. I drew on several things and I want to tell you this because it leads to a request that I have. But in about 1993, the Legislature passed what we still call LB1184, and that required counties to put, in the case of child abuse and neglect, to put together a treatment team and an investigative team. At that time, I was a deputy county attorney and so I had the responsibility of putting together the treatment team. And so it called on bringing together a multidisciplinary team, so great minds from different disciplines, to work together and to collaborate to problem solve and to problem solve on individual cases but also to have an eye out for systems issues, things that might be missing. Now I am proud to say that that team still exists and is part of Project Harmony and has been utilized--the judges use it, other people use it as well--but that and combined with over the years working in...juvenile court is a problem-solving court, but I've had occasion to operate two drug courts, one on the delinquency end and one on the abuse and neglect end. And that, too, is a different approach so you're not on the bench. You're working with a team and then...and making collective decisions, not delegating your authority but everybody takes...you step aside from your traditional role to problem solve in a better way. And then it's about relationship building, often between the court and the parent or the youth. So when this, really, crisis occurred and was brought to my attention, I called on those things that I had already had experience with, and it seemed like the right approach. So that was how we were...one way we were able to it in a very short amount of time because, frankly, it was between December and February that we pulled all this together. Now that's how I came up with the idea. To be fair, I was only able to do it for these reasons: Omaha Public Schools was absolutely on board 100 percent, the county attorney's office, Health and Human Services, the Juvenile Assessment Center, other agencies in the community, all saw the need for it, they saw the support. They immediately bought into the collaboration. It's been a work of love for all of us. People have...I mean, I'm telling you, we all took on 400 extra cases in addition to our caseload.

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So the fact of the matter is it could not have been accomplished without the willingness of those entities, without their ability to not have it all planned out, you know. We had a plan, but a lot of it was shooting from the hip. But it's been very positive and successful. [LR571]

SENATOR ASHFORD: And there are a number of children that are back in school, aren't they? [LR571]

ELIZABETH CRNKOVICH: Yes. Many, many immediately started returning; others, you know, it took a little while. We did assessments. We discovered their needs: family dynamics; mental health within families; drug problems; oh, I lost my job; transportation; but also within the children we were able to screen for anxiety, for phobias. Some of the kids were really sick and others, as we tease, were sick of school. You know, I never had so much H1N1, but it ties in. Senators, I'm telling you this because it ties in with LB800 in this way, and here's where I would seek your clarification if there are things to be clarified. My impression on that issue of LB800 is that by requiring referrals at a certain day, and irrespective of whether excused or unexcused, my interpretation is that the intent was not to further criminalize truancy. The intent was to do what the court has done in a way--use the law enforcement, administrative clout of the county attorney's office in a proactive way and in a kinder, gentler way by calling on the school districts, by collaborating, by bringing people together, by saying, look, we need common definitions, we need common approaches. But we also need to bring the people together to help individual kids. [LR571]

SENATOR ASHFORD: I think that's right and I think also we were looking at national models and numbers... [LR571]

ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR ASHFORD: ...telling us that the 5, 10, 15, 20-day incremental... [LR571]

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ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR ASHFORD: ...access and even below that was critical... [LR571]

ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR ASHFORD: ...and...to success. [LR571]

ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR ASHFORD: And I think that was where that also came from. [LR571]

ELIZABETH CRNKOVICH: So I'd like to share, on your behalf and with respect to this bill, some of the...I mean the most positive things about the experiment and, by the way, we are now continuing to collaborate and turn that experiment into working with the county attorney, working with all the school districts, Health and Human Services, Probation, Region 6, all the people that I see here today. Building Bright Futures gave us an opportunity to go look at a model in Louisville, Kentucky. Number one, kids' needs are being addressed immediately rather than months and months down the road. A simple referral to a county attorney in the past didn't necessarily result...this isn't a criticism, this is where I'm letting you know what you have done is having immediate effect, because a youth might...in the past might have been referred to the county attorney and maybe no action was taken, and then the next year it filed but plea bargaining. These are all normal things that happen but...and so a child's needs weren't addressed again. And then maybe when they come to court you're looking at 60-90 days before a judge has ordering to go to school. In this collaborative model, you know, in six months ago, in February, that's a day that will live in infamy, right? February 25, the year 2010, that's when we had the first arraignment. Not only were kids going to school immediately, the communication among all of these entities improved

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immediately. Communication between schools and prosecutors immediately improved. We are all...and, by the way, I don't want to forget Jordan Boler but also Jane McNeil, a defense attorney who represented each of these 450 kids, called every single one of them up, called every parent up,... [LR571]

SENATOR ASHFORD: Um-hum. [LR571]

ELIZABETH CRNKOVICH: ...got them ready for school and for court. I wanted to note that on Jane's behalf. All right, I digress. All of us are communicating more and it's continuing to grow. We now have a school-court liaison, so there's immediate discussions about attendance and school. Ms. Boler told me the other day, she's in the county attorney's office, through this collaboration there was an issue that the school had with a young person who also happened to be gang involved and who law enforcement were involved in. And by this new ability to work together, to call immediately, to build relationships among the professionals as well as with the kids, police, school, county attorney were able to immediately intervene on behalf of that youth. And who's to say, because there are shootings out there now, there are lots of things happening, truancy is at the heart of all of these things: on the left, the things that contribute to truancy--abuse and neglect, parental issues; on the right, the consequences of truancy--delinquency, gang activity, criminal activity. They are all tied in. So I can talk forever, as you know, and I don't wish to do that. I'm happy to answer... [LR571]

SENATOR ASHFORD: Well, we might have to put a little bit of a... [LR571]

ELIZABETH CRNKOVICH: Right, I'm going to stop. I just was going to ask one favor. [LR571]

SENATOR ASHFORD: (Laugh) Yes. [LR571]

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ELIZABETH CRNKOVICH: No, I wasn't (laugh)...I was inviting you to shut me up.  
[LR571]

SENATOR ASHFORD: No. [LR571]

ELIZABETH CRNKOVICH: And the favor is this. In working in this community and in visiting with other people, the notion of collaborating, of working as a team in the context of the justice system, which includes prosecution and the courts, is a growing trend but it is unique to some individuals who are used to the traditional, you got the evidence, you file the charge, you do the thing. It might be helpful if your intent was to establish coalitions, as I've interpreted, to perhaps clarify that. I do think there are some county attorneys that are a little torn: Wait, we don't want all these kids. That might be helpful.  
[LR571]

SENATOR ASHFORD: Well, I think this whole concept of treatment teams... [LR571]

ELIZABETH CRNKOVICH: Um-hum. [LR571]

SENATOR ASHFORD: ...and what acts and what information is available at the treatment team level... [LR571]

ELIZABETH CRNKOVICH: Uh-huh. [LR571]

SENATOR ASHFORD: ...is one element of that. [LR571]

ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR ASHFORD: It's very key and I know that's what the data sharing group is working on. That's well said, though, and it does come up so... [LR571]

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ELIZABETH CRNKOVICH: Well, it's not a criticism of you certainly. [LR571]

SENATOR ASHFORD: No, it's a point... [LR571]

ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR ASHFORD: ...and I think it needs to be addressed. [LR571]

ELIZABETH CRNKOVICH: And the other is that, you know, as the law reads now, the referrals at 20 days, irrespective of excused or unexcused, again, in these months we've had so many discussions. People say, well, there's a sick child, are you going to prosecute a sick child? And our philosophy has been even sick children need education. So, no, we're not here to be punitive. But we, in the course of our six-month experience, there was one youth who had quite severe medical problems. Well, as a team, we invited the parent, the youth, the doctors, the therapists to come to our team meeting and that way we were able to problem solve. And this child was having trouble with school. [LR571]

SENATOR ASHFORD: Right. [LR571]

ELIZABETH CRNKOVICH: So it's not...it's more making sure people feel comfortable that, no, we don't want to prosecute sick kids; no, we want to understand. Sometimes families are challenged. We want to help collaborate on problems. [LR571]

SENATOR ASHFORD: Right. Senator Council. [LR571]

ELIZABETH CRNKOVICH: Um-hum. [LR571]

SENATOR COUNCIL: Yes. Thank you, Judge Crnkovich. I just have a quick prefiling/postfiling question. [LR571]

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ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR COUNCIL: Now the 400 or 400-plus that... [LR571]

ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR COUNCIL: ...you've been working with through diversion,... [LR571]

ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR COUNCIL: ...were those postfiling cases? [LR571]

ELIZABETH CRNKOVICH: They were and, in fact, that's how they came to my attention. What had happened last year was a newfound, for lots of reasons, a newfound interest in making sure that referrals are made to the county attorney. And in the course of doing that, you know, we went from...the county attorney went from 300 referrals, 2008-2009, to like over 1,000 in 2009-2010. Anecdotally, the judges are seeing, h'm, more truancies. But what happened was around December, you know, you get...as the process, the kids start missing school early in the year, you try to divert, so these were filed. The decision was made by the county attorney they needed to be filed. And when I was a presiding judge, it was brought to my attention. Nicole is here. Judge, you won't believe it, 400 kids are going to be...no, I'm teasing here, but, you know, 400 kids filed within 30 days. I said, oh my goodness, we can't have that; that's not...doesn't help the kids, it doesn't help the...I will say, however, these were, on their face and having worked with them, these filings were meritorious. They were not single incidents of missing 20 days. Each of them had missed well over 40 days and for a number of years, so...but that's how it came to my attention. But, of course, the goal of juvenile justice is to meet the needs of the kids outside the system--the goal of the Legislature. So that's why I, in addition, I have been actively involved with all of these agencies to



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help in any way that I can and the court can, too, to establish diversions that meet the needs of the kids and, thereby, don't require getting to that point where they have to be filed in court, so. [LR571]

SENATOR COUNCIL: And that's the distinction, because what Kim was talking about is postreferral, prefiling... [LR571]

SENATOR ASHFORD: Right. [LR571]

ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR COUNCIL: ...the assessment that's undertaken... [LR571]

ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR COUNCIL: ...and then the determination made as to what kind of services... [LR571]

ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR COUNCIL: ...and if the services are available there may not be a filing on that (inaudible). [LR571]

ELIZABETH CRNKOVICH: Precisely. And that's all of our goals. [LR571]

SENATOR COUNCIL: Right. And I had one question to Nicole. The 600, what does the letter say? Does it direct the parent to any particular resource? [LR571]

NICOLE GOALEY: I previously introduced myself. The letter is very short. The letter indicates that the school districts have notified our office that they have missed ten

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absences. I'm sorry, there have been ten absences; that the law requires regular school attendance. I'm trying to (inaudible). [LR571]

ELIZABETH CRNKOVICH: And if you don't go, we'll file. Remember, we talked about that (inaudible). [LR571]

NICOLE GOALEY: Well,... [LR571]

ELIZABETH CRNKOVICH: (Laugh) That's a little strong. No. (Laugh) [LR571]

SENATOR ASHFORD: And please go to school, right. [LR571]

NICOLE GOALEY: But we are trying to redraft and add another...no, no, that's okay. The medical issue became a little bit of a concern in terms of statutorily we have to have that information, but the letter, at the same time, didn't necessarily convey...we might not have all that information at ten days, if I'm making sense. [LR571]

SENATOR COUNCIL: Um-hum. [LR571]

NICOLE GOALEY: Okay. We have to have that information at the 20. But the letter indicates that it's come to our attention you've missed 10 days; the law says you have to go to school; the law requires a mandatory referral at 20, that we will take action, yes, that we will file a complaint. We are working with that team that the judge spoke of to try to have it be more "you'll be reviewed at 20 days" instead of the automatic "there will be a filing," because of the approach that we're taking, if that makes sense. [LR571]

SENATOR COUNCIL: Okay. And what I'm saying is perhaps we should give some thought that if they received that ten days to be...that letter to be a little more proactive and, you know, maybe give them a list of...maybe there's some contact person in these interdisciplinary teams that have been placed together so that you could...and maybe if

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he'd get in at the point where the families receive the notice of 10 absences, that we get them someplace where you don't have to confront the 20 days of absences is maybe... [LR571]

NICOLE GOALEY: Well, that's the entire intention of the ten days, to try to bring it to all of our attention that are on the team and to let them know that we're aware of this and it's this important to get back in school. So the whole goal is to, yes, to be proactive in that way. And I know Judge Crnkovich has another comment about it as well. [LR571]

SENATOR COUNCIL: Oh. No, but I'm just saying, I mean, that there ought to be someplace the parent can contact...I mean there may be underlying...well, we all know there's some underlying issues, but if that child and that family needs some services that are accounting for these absences, perhaps we could utilize this 10-day letter... [LR571]

ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR COUNCIL: ...as the first step in having them undertake to contact... [LR571]

NICOLE GOALEY: Right. [LR571]

SENATOR COUNCIL: ...particular resources to assist them in keeping their child in school so they don't even get to that 20-day point. [LR571]

NICOLE GOALEY: Right. [LR571]

ELIZABETH CRNKOVICH: In fact, that's what we're working on. And Nicole, of course, has so many juvenile justice issues and she's delegated a lot to Jordan Boler, who's done a fabulous job too. But the goal, at least in Douglas County, is to have, whether it's a process or even a center, where in fact this collaboration would continue and the

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communication has already started so that this team of people isn't just sitting there waiting at 20 days. With the communication with the schools,... [LR571]

SENATOR COUNCIL: Right. [LR571]

ELIZABETH CRNKOVICH: ...we are communicating with the families and with the schools. We are talking about services. And eventually the "we" won't include me at that part. It's more working together. So all of that is...we are in the process of planning that. We have structure to it. But, additionally, we're actually doing it now so that we're connecting with families as soon as we hear and it's just changed everything. [LR571]

SENATOR COUNCIL: Right. And I'm just saying (inaudible) if you need assistance in assuring that your child regularly attends school, we suggest that you contact the Juvenile Assessment Center. I mean, I don't know if that's something, you know, that... [LR571]

ELIZABETH CRNKOVICH: Well, how about the Greater Omaha Student Learning Center? How does that sound? [LR571]

SENATOR COUNCIL: All right, or someplace where this assessment could occur. [LR571]

SENATOR ASHFORD: When do we get started with that? [LR571]

ELIZABETH CRNKOVICH: We have started. [LR571]

SENATOR ASHFORD: Oh. Okay. [LR571]

ELIZABETH CRNKOVICH: Unofficially. [LR571]

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SENATOR COUNCIL: Well, I've got...I have an idea now but I mean I think that's a step that needs to be... [LR571]

ELIZABETH CRNKOVICH: Yeah, come talk to us, Senator, because... [LR571]

SENATOR COUNCIL: ...to be implemented so that once you get that and, you know, okay, wow, I mean this is something I need to address. But even by your own statements, Judge Crnkovich,... [LR571]

ELIZABETH CRNKOVICH: Um-hum. [LR571]

SENATOR COUNCIL: ...these...the 400-plus that you're working with now, these young people and their families had serious issues... [LR571]

ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR COUNCIL: ...and their absences were extremely excessive. You were able to provide services for the vast majority of them. [LR571]

ELIZABETH CRNKOVICH: Right. [LR571]

SENATOR COUNCIL: So all I'm saying is that if they get the letter that says your child has missed 10 days and, you know, this is what the law says and at 20 you could be facing...we suggest that you contact X for assistance in preventing your child from...and you see what I'm... [LR571]

NICOLE GOALEY: I do. [LR571]

ELIZABETH CRNKOVICH: And you're suggesting...you are absolutely correct and that's a great idea and I think it's something...it's something Don Kleine is listening to

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and the county attorney. And, in fact, the key has been, too, by looking at these kids and the people that are brought together, if you have Health and Human Services, if you have the schools, if you have...we're already recognizing or you're going to see recognition early on, and those are the...to meet those kids, whether it's in elementary or in junior high. And the services that we've looked at, by the way, this can't go on forever this way, but we have not used any new money, we didn't have any, but in-kind services and making referrals to the community, again, the Juvenile Assessment Center. We've looked at what are the resources of the family. Do they have Medicaid? Do they have insurance? We've had...Region 6 has been great, their rapid response team. So there are services out there and it's collaborating, connecting, putting it all together. And I think it's the beginning, and with the support and the understanding that this was the intent of the law but also with those great ideas, all these...Chris left. Where did he go? [LR571]

SENATOR ASHFORD: Well, that was the intent, so... [LR571]

ELIZABETH CRNKOVICH: All these people I've been pulling together, you know, are going to go, yeah. (Laugh) [LR571]

SENATOR ASHFORD: That clearly was the intent. I know Senator McGill had a point or question. [LR571]

ELIZABETH CRNKOVICH: For...because if you don't...I don't want to take up your time. [LR571]

SENATOR ASHFORD: No, I think of you probably. (Laugh) [LR571]

ELIZABETH CRNKOVICH: Okay. All right. [LR571]

SENATOR MCGILL: Yeah, real quick, and this is... [LR571]

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SENATOR ASHFORD: But you have more authority. You can leave whenever you wish if you feel... [LR571]

ELIZABETH CRNKOVICH: Well, I know, but this is very... [LR571]

SENATOR ASHFORD: At least in this building you do. [LR571]

ELIZABETH CRNKOVICH: This is so important to juvenile justice and to the city of Omaha and the state of Nebraska. [LR571]

SENATOR MCGILL: And this is slightly off topic but I think related. [LR571]

ELIZABETH CRNKOVICH: Oh, sure. [LR571]

SENATOR MCGILL: Do you have any... [LR571]

ELIZABETH CRNKOVICH: "Dancing with the Stars"? [LR571]

SENATOR MCGILL: (Laughter) Well, do you have any input on child welfare reform in the courts, just from what you've been seeing so far that might be help to us as we try to figure out what to do? I do think it's related in some part to this. [LR571]

ELIZABETH CRNKOVICH: No, it is. I only rolled my eyes because do I have input. To the extent people recognize the authority of the court and follow their orders, the court has input. We're very concerned about reform, all of the judges are, on behalf of our kids and our families, and I don't think that's speaking out of turn or out of line. Every...I know every judge in the three separate juvenile courts is concerned. On the one hand, having fewer people in the lives of kids is better; on the other hand, accountability, who's responsible, making sure that the services are there, that there's sufficient

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funding for the right services, that families aren't being abandoned, that the job is getting done, that's a huge concern. [LR571]

SENATOR MCGILL: Thank you. [LR571]

ELIZABETH CRNKOVICH: Um-hum. [LR571]

SENATOR ASHFORD: Thank you, Judge. [LR571]

ELIZABETH CRNKOVICH: Thank you very much. [LR571]

SENATOR ASHFORD: One of the young people that was in your court in the first 400, I heard from their family and not only is the child, young person, back in school at South High but playing football, and he said, I didn't know they cared. And he had been gone for a year, half a year. So it's a new day. [LR571]

ELIZABETH CRNKOVICH: It is. [LR571]

SENATOR ASHFORD: And no more fault. We're just going to move forward and together. Thanks, Judge. [LR571]

ELIZABETH CRNKOVICH: Thank you so much. [LR571]

SENATOR ASHFORD: Yeah. You know, Tom Warren is here and he was going to speak this afternoon, but I asked him if he would talk a bit about what's happening out on the street, Tom, as it relates to these reforms and how you're seeing it, connections with the system and truancy, and what an impact truancy has on other kinds of behaviors. [LR571]

TOM WARREN: Thank you, Mr. Chairman, members of the committee. My name is



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Thomas Warren. I'm president and chief executive officer of the Urban League of Nebraska. And we work in education, youth development. We work very closely with the Omaha Public Schools district, juvenile justice system, Building Bright Futures. And I'm not going to regurgitate what you've heard. Obviously, you've gotten a significant amount of information on the magnitude of the problem here in Douglas County and certainly I want to commend you for your efforts because obviously we worked together on this juvenile justice reform issue, particularly with Commissioner Rodgers and his efforts in advocacy in dealing with this issue. I serve on a steering committee for the Juvenile Assessment Center and, as it has been mentioned, it came to light in the spring of 2009, this issue of chronic absenteeism, and the system and whether or not the cases were being adjudicated in a timely manner and whether or not we had an effective intervention strategy, and of course last year, the 2009-2010 school year, where, due to strict compliance with the statute, it led to the 1,000 or so students being referred to the county attorney's office for chronic absenteeism, missing in excess of 20 days. So I want to kind of share with you what we're doing at the Urban League, a program that we're administering in cooperation with Building Bright Futures in the Omaha Public Schools district. But certainly I want to commend the Omaha Public Schools district on their efforts in terms of not only implementing the changes in complying with LB800 but the impact that it's had on students. I've heard a lot of questions in regards to early intervention. I will tell you that we administer a pilot program at Northwest High School, a truancy reduction program, where we have what we call a youth advocate who works directly with the student, will work directly with the family, serves as a liaison to coordinate services. They're not an agent of the court. They're not an officer of the court or an agent of the school district. They're neutral and so they're able to coordinate services between the courts, the schools, Health and Human Services, and actually serve as an advocate for that student. And so the way the statute has been implemented at Northwest with respect to the early intervention...you know, compliance is one thing. If a letter goes home at five days, you know, that parent knows their student isn't attending school or that responsible adult. If there's a follow-up at ten days, it's not going to really change behavior unless there's

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intervention. Well, at Northwest, the school social worker will call a meeting with the student and the parent at five days. That's the early intervention. It's at that point that services are offered. And, of course, our youth advocate who administers our program is made available to that student, that parent, and that family to coordinate services, and whether it's Health and Human Services, behavioral mental health, social recreational activities, even remedial tutorial support to get that kid reengaged back in school, these are the types of services that are offered. And I will tell you that, while it's probably nothing new, truancy is symptomatic of a whole lot of other stuff that's going on. And you've heard the stories with respect to why kids may not be attending school, but it's important to get to the cause, to the core reason why that child isn't attending school, and to address that issue. I will tell you that we have seen some positive results from these efforts. Kids are improving their school attendance. Of course, the ultimate objective is to improve academic achievement. We know that there's a direct correlation between school attendance and academic achievement, and the data suggests that. If a kid misses less than ten days of school, 85 percent of those students graduate. If a kid misses less than five days, 95 percent of those students graduate. Wouldn't it be great if we had a 95 percent graduation rate? I will tell you that it will take a collective effort, as has been described, a community effort to ensure that our kids go to school every day and... [LR571]

SENATOR ASHFORD: Tom, I think you really put your finger on it, is to put a goal out there that the public can understand what we're trying to do here, whether it's let's reduce the dropout rate, which is one of the highest in the country, to one of the lowest in the country, and let's, you know, reduce the trancies down to a level where that graduation rate goes to that percentage. And I think the public, if we clearly state those goals, they'll understand it. [LR571]

TOM WARREN: Well, I think, you know, we need to communicate it. It needs to be our community's expectation that our kids go to school every day, and that doesn't cost any money. I think that should become our community standard. And, of course, for those

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families that need some support, the services have to be provided. And for those young people that may not necessarily have the support in that household, then that's when the community needs to become that surrogate family to ensure that that kid goes to school every day. [LR571]

SENATOR ASHFORD: Any questions of Tom? [LR571]

TOM WARREN: Thank you. [LR571]

SENATOR ASHFORD: Thank you. What we're going to do now, we're going to have Mr. Pantos from Legal Aid and Corey talking about some solutions that are out there right now. And I've asked Legal Aid to take a look at a program in West Virginia and some other things. And so why don't, very briefly if you could, come on down, Dave, and explain what you've come up with and then Corey. And then we'll go see if there's anyone else I missed on the list. Are there those in the...that I've not mentioned who are here to testify today? And, Marty, I'm sorry, Marty, you are on this sublist. Thank you. And we're going to get to the sealing of the records issue at the end and Liz may want to speak about that, and then I think John Cavanaugh as well to wrap up. So, Dave. [LR571]

DAVE PANTOS: Thanks, Senator Ashford and members of the committee. My name is Dave Pantos, and I'm the executive director of Legal Aid of Nebraska. Legal Aid is a nonprofit law firm for low-income people, and we provide free legal services to low-income people--adults and children--in all 93 counties of Nebraska. Senator Ashford asked me to look into ways that Legal Aid programs have gotten involved in truancy prevention or intervention in other parts of the country. I surveyed my colleagues throughout the country, and I found that there is a program in West Virginia. West Virginia is very similar to Nebraska in the sense that both Nebraska and West Virginia have statewide legal services programs that receive some federal funding, some state funding, and some private philanthropic support as well. West Virginia's program

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actually seems to involve a significant number of the Legal Aid program's staff. They began a project in late 2008, early 2009 where Legal Aid staff who had been already trained in addressing and assessing behavioral issues and their interrelationship with legal problems in young people, and they established a program in I believe it's called Putnam County in West Virginia which has been described as a bedroom community, but that's also growing and has a significant low-income population. What happens there is there's a local school official that identifies kids who have hit the five absences threshold unexcused or unexplained absences. At that point, the Legal Aid program is contacted, and a Legal Aid staff person is assigned to that child and gets that child into a program which is modeled on something called the WRAP program which is...I don't actually know what WRAP stands for, but it's a model created by an institute for helping kids no longer be truant. And so the Legal Aid staff person works with that kid. It's a weekly program, and they've had some startlingly great results, and I'll explain them to you. In the first year of the program, it seems like almost every child that has been put through this program has stopped being truant and now attends school regularly and has had great, great results. Again, this program has only been going on for about 12 to 18 months. They're looking at expanding it to additional communities in West Virginia, but I think it just goes to show how a partnership between a nonprofit legal services provider and school system and the courts can really make differences for kids. The great thing about the program is that there has been no filing for those kids, so this is before the case gets...or the child's situation gets put with a judge and a prosecutor. And they've had, again, great results and part of the legal service component, though, and then I'll stop...a lot of times the barriers that are facing the kids do involve civil legal problems that the parents are facing whether it has to do with an IEP or access to transportation, maybe a domestic violence situation in the household, and so on. So that's where the Legal Services component comes in, can't be referred to (inaudible)... [LR571]

SENATOR ASHFORD: Right. And that is a key part. It's a wrap in the sense that it's wrapping around the family. [LR571]

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DAVE PANTOS: Exactly. Yeah, so it's holistic. [LR571]

SENATOR ASHFORD: All right. Thanks. Yeah, Senator Lathrop. [LR571]

SENATOR LATHROP: Are the people that are doing this work lawyers or do you have like volunteers in this West Virginia program? Do they have volunteer nonlawyers that are helping the young people, and then they refer the civil problems to the lawyers or are lawyers involved in all of this? [LR571]

DAVE PANTOS: Thanks, Senator. This is actually...they're all paid staff within the legal services program, some of which are lawyers who handle those civil legal problems and some of which are paralegals, social workers, folks who understand legal problems but aren't JD's, so they kind of work in partnership. But these are all staff of the legal services program who work with the schools. [LR571]

SENATOR ASHFORD: And the budget is amazingly low. [LR571]

DAVE PANTOS: Um-hum. [LR571]

SENATOR ASHFORD: They're able to perform these services at just an incredibly...I was blown away by the...it's a smaller county, but still. [LR571]

DAVE PANTOS: Right. Yeah. And the great thing is, is that, you know, the Legal Aid component of it is that we're preventing, you know, folks from entering, becoming Legal Aid clients as they become adults. So it's a good (inaudible). [LR571]

SENATOR ASHFORD: Any other questions of Dave? I think it's good stuff. Thanks very much. [LR571]

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DAVE PANTOS: Thank you, Senator. [LR571]

SENATOR ASHFORD: Corey is going to tell us about a real success here in Douglas County and also some ideas, hopefully, about what this portends for the future, Corey, with how you can do some innovative things in the future. [LR571]

COREY STEEL: (Exhibit 4) Well, thank you, Senator Ashford and the rest of the committee for having Probation come up and speak about this project that I'll get into. My name is Corey Steel, C-o-r-e-y S-t-e-e-l. I'm with Probation Administration. The first thing I want to do is thank the Legislature for taking juvenile justice on and the leadership from Senator Ashford in this really important issue that we see in the field every day. The other thing I'll talk real quick about LB800. Thank you for the administrative sanctions piece for probation that was placed in LB800. That gives Probation the flexibility to deal with technical violations with those juveniles, so we're not continually going back to court and spending all the time in the court system, so we can address those issues right away with those juveniles and get them back on track on just those technical violations such as skipping school and those things. We can employ a sanction. The next thing I'd really like to touch on is the information sharing working group that Senator Ashford is showing his leadership and bringing that forward with John Tuell, something that Bob Beecham had talked about. That's really important to the system, so everybody is talking the same language, and I see that moving forward. And I think that's going to be a huge success for the system as well, so when a juvenile does come into the system we know what has been tried, what other systems are involved in, and how we can collaborate together for the success of that juvenile. So I wanted to thank you on those couple of fronts. What's been passed out is something that in 2009, the Office of Probation Administration, the Department of Health and Human Services came together and collaborated. What our juvenile system has done over the years is had judges place juveniles in the state care and custody of Office of Juvenile Services for simple payment of services. The juvenile may have been appropriate for probation supervision, but because there was no money whether it be

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insurance or private money for that juvenile to pay for the services needed, we then would place that juvenile in the higher end of state care and make them a state ward for the sole purpose to pay for those services. What this collaboration with the Department of Health and Human Services, Probation said: If we have access to funds we can address those issues and those barriers up-front, so that juvenile would not have to get into the deep end of the system and become a state ward. So in 2009, we entered into this collaboration here in Douglas County. We chose Douglas County for a couple of reasons. One, we've seen a high rate of dually supervised juveniles where there was a caseworker with the Department of Health and Human Services and probation officer involved in the same case, one of those issues where supervision from probation and then payment for services with the Department of Health and Human Services. As you can see on the second page, those first-year outcomes, when this project first came to inception, there was close to or over a quarter of the kids involved in the Douglas County court system that had those two people involved in that case, so 29 percent of the kids had a caseworker and a probation officer. I'm proud to say currently, we're down to 4 percent of the cases in Douglas County. It's not for the simple fact that the decrease in the number of cases overall, but it's the simple fact of decreasing the amount of dual supervision. We've worked very hard with the Judiciary and their leadership to say, if you have funds to pay for the services with these juveniles on probation, we would just keep them with probation, or if they have the abuse neglect and truly need the HHS system because of parental issues then they would go with HHS OJS. And so, that's a true success, as you can see, reduction of 29 percent of dual cases to 4 percent which is a savings to the state because we're both state agencies. Now only one state agency is dealing with that juvenile in that family instead of two. Some of the other big outcomes that we see with this project in allowing Probation to access those treatment services is, 86 percent of those juveniles that we have dealt with in the first year, which is 334 juveniles, have stayed in their family home. Okay, once again, they've stayed in their family home, and they've received the services needed to keep them in the community instead of being placed in out-of-home or out-of-state placement for those services. That was really a telling number to us in

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Probation to say, this can be done to keep the juvenile in the home and put those Wraparound services with that juvenile as well. We are currently...this first year was the end of July, so we have August, September, and October. Our numbers are now over 450 juveniles that have been involved in this project. Just last week we ran the numbers again...84 percent of those kids are still remaining in their family home, so added over a hundred more juveniles, and our percentage is still above that 80 percent which is our goal. We utilize a lot of... [LR571]

SENATOR ASHFORD: How are they doing, Corey? [LR571]

COREY STEEL: What's that? [LR571]

SENATOR ASHFORD: How are they doing? Are they behaving and? [LR571]

COREY STEEL: Well, Senator, as you'll see, our success rate right now is 72 percent of the kids are being successfully discharged from probation. That is actually higher than our normal rate of successful discharge. We're about 65 percent on a normal juvenile on probation, so being able to access services up-front has increased our success rate by about 7 percent. That's another percent is that we're going to continually work on to do a better job. One of the things the project has allowed us to do as well as we talk about detention alternatives, now Probation can say to the Judiciary, this juvenile is having issues. We have funding; we can pay for a reporting center; we can add a tracker. We can add these other services, so we're not jumping right to detention as well. And we have a number of kids that we've employed detention alternatives on and be able to pay for those services, so they're not winding up in the detention facility in Douglas County Youth Center as well. So the second page is basically first year highlights. We're a little over a year into this project, and we see real positive outcomes in what we're doing and the collaboration between Probation and the Department of Health and Human Services. I'd be willing to answer any questions as far as the project itself, outcomes. Our goal and our hope is to move this statewide. We wanted to look at Douglas County,



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one of the biggest jurisdictions, and our response when I talk about Department of Health and Human Services and Probation, we always say, if we can do it in Douglas County we can do it anywhere in the state, and so we feel that we've had success and would like to move it forward. It always depends on dollars to move it forward. [LR571]

SENATOR ASHFORD: Yeah, is there a way of, on the dollar side, is there a way of calculating the savings to the state and other entities? [LR571]

COREY STEEL: We're real close on that, Senator. We've worked with the Department of Health and Human Services. We actually have a meeting coming up this month where we can sit down. We have some draft kind of numbers in the savings between probation, what it costs to have a juvenile on probation in the project versus a kid in the Department of Health and Human Services. Anecdotally, what I can say is when you're with Probation, we have a lot less red tape, so to speak, for that juvenile to be involved in. They're on probation with the officer, and there's just some oversight as far as within that district. What we see when a juvenile becomes a state ward is, they're now not only with that caseworker and involved in that, but they're also in income maintenance. They're also on Medicaid, so there's several divisions that are working with that juvenile. So our best guess is that there is a cost savings with this project. The other cost savings would be we're addressing the issue up-front. In history with Probation, what our officers tried to do, is as soon as we started seeing an issue with that juvenile, we would either increase substance abuse testing and increase supervision and do those things so we did not have to go to court. And usually two months down the road, it didn't work because we weren't addressing the issue specifically if it was substance abuse by getting an evaluation and getting them involved in treatment. We were trying to just work within our confines of no treatment services. Now we're able to say we're starting to see a substance abuse issue. We can address it right away, so we're not having that lag time as well of trying just to address the issue by those other areas. [LR571]

SENATOR ASHFORD: Great. Yes, Senator Council. [LR571]

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SENATOR COUNCIL: I just want to comment from a practitioner's perspective. This is a much more efficient and appropriate method of dealing with these dual...I mean, you talk about the anxiety and strain on the family, and then try to represent, you know, you have Probation, you have both of them involved in the handling of one individual. You know, you have to go through the red tape on the Probation side; you have to go through the red tape on the HHS side. Sometime in the past, never the twain met, and so, you know, you'd end up in court and something hadn't occurred because the twain hadn't met. And then you get six months more of...before you can get back on the court's docket, and this child is left out there, you know, basically floundering if one entity had that jurisdiction, sole jurisdiction, it moves through the process a lot quicker too. So I know the courts could see some savings in terms of reduction of their dockets, because I can tell you personally how many status reviews were continued because we had the dual jurisdiction going on, so. [LR571]

COREY STEEL: Right. I would agree with that, Senator Council, and I'd say that we did not do a good job between the Department of Probation and coming together and doing that team approach with that case. Caseworker was saying, do this; probation officer was saying, do this, and it was confusing to the family and the juvenile. What this does is now one agency is dealing with that family in Juvenile. As you can see, there's still 4 percent of those cases that are dually supervised. We know that not every case is going to be clean-cut. Sometimes there's severe abuse and neglect issues that the department does need to be involved in, and a severe delinquency side where Probation does. One thing we have done in this partnership with the Department of Health and Human Services, Office of Juvenile Services, is now created those multidisciplinary teams. So when we do have a dual kid that's abuse, neglect, and probation, they're coming together as a team in driving that case plan, court report instead of HHS doing their thing and Probation doing their thing. They're doing it together, so we're working really hard on that as well, so Probation is involved in all of the case instead of just the delinquency, and HHS is just involved in the abuse. So

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those are some things as well that we're going to continue to work on with those small percentage of kids that are going to be dually supervised. [LR571]

SENATOR ASHFORD: Okay, thanks, Corey. [LR571]

COREY STEEL: Thank you. [LR571]

SENATOR ASHFORD: Thank you very much. John Cavanaugh, are you...? [LR571]

JOHN CAVANAUGH: Thank you, Mr. Chairman and members of the committee. John Cavanaugh, I'm the executive director of Building Bright Futures at 1011 Farnam, and it's my pleasure to be here this morning. And, first of all, to commend you for the multiyear commitment involvement that you've made. Obviously, these issues are not issues that can be solved quickly or easily, and we have so many agencies and complications involved in these lives that it takes a continuing commitment to, first of all, public policy revisions and I think that's certainly, Mr. Chairman, what you have done is provide a continuity of oversight and engagement in terms of what kind of adjustments do we need to make in our policy to allow...and then to follow the implementation? The devil is always in the details and particularly when we're dealing with the individual, the problems and individual lives. I have to say that in spite of the fact that I've been involved in this for several years, the testimony this morning earlier of the Commissioner of Education was shocking to me. Those numbers are new to me, and I think they'll be new to the state. They're obviously new to you, but if we have 85,000 kids in this state with ten or more absences, that is a catastrophic number, and if we have 23,000 with more than 20 absences, that is just horrendous in terms of any expectation that we're going to...or that we are reducing the number of children failing in our educational system and failing, therefore, in our society. So we are, in spite of all of the effort I think that you've heard today and all of the coordinated efforts, we're still at the tip of the iceberg in terms of this problem and the nature of the challenges that we face are simply enormous. I think that the role that this committee has played and that the

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Legislature has played and the leadership that you've exhibited over the last several years has been critical to get us to this point of recognition of the magnitude of the problem, of the complexity of the problems that we have with these individual lives. And I think you have been a catalyst for much of this collaboration that you are hearing about today. The fact that there is public attention on it, and there's public policy focus on the problems of school attendance, the relationship of that school attendance to academic achievement and the relationship of that academic achievement to social and economic success is a critical factor in keeping us on the right track. Building Bright Futures itself, we're in our second year of implementation, and I would say that we have been in the process of completely rethinking even our approach to truancy and school attendance as we have been confronted with a much larger size of chronic absenteeism. It occurred over the course of the last year, and I have to say Tom Warren was modest in his presentation, but he has played an enormous leadership role in bringing the focus on this issue and on the needs of these children. He's been a dynamic partner of Building Bright Futures in terms of looking for solutions. But what is critical is that we have and utilize the capacities that we have whether...and I think, again, Mr. Chairman, what you're doing in terms of the data sharing is a game-changing opportunity. Between Health and Human Services, Probation, and the school districts and school buildings, there's a critical need for real-time sharing of information on these children. There's just no justification for Health and Human Services not to have access to academic and attendance records and probation the same on a real-time basis. If they're responsible for the well-being and the achievement of those children, that's a problem that we can solve, and that I think you've set in motion the track to get that problem solved. And it's one critical element because it addresses a large number of the children, and the fact that we're already devoting tremendous state resources to the support of those children, but we're not getting the effective bang for the buck primarily because we're not sharing information on a real-time basis there. So that's a critical effort bringing John Tuell into the state to help us shape and lead that effort, I think has been important and an important element going forward. I do think that all of the collaborations and the focuses that are happening, first of all, with the school districts

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and OPS has, in the last year, really stepped up and made significant changes within their system. We have reengaged on a much intense level with building principles. I think the perspective now is...the answer to these problems is a real specific focus on each individual child, and that can only occur on a building-by-building basis. You have to have principal leadership and it can't just be from the top down. It has to be in each school building if we're going to make a real dent in the size of...in reducing the size of or the number of absenteeism. I think the other challenge that you've focused on is having a much better identification of the reasons for absences. This is another area in which Building Bright Futures has sharpened its focus as we set up six school-based health centers this year. We did that in response to an understanding that--and I think your numbers indicate this--about half of our school absences are related to health issues. And I think if you look underneath that number, you will find that that's disproportionate...health absences are disproportionate among the poverty population. And what we found is the lack of access to healthcare is a critical factor. So both in terms of addressing that particular need which is a huge one in terms of school attendance, access to healthcare and quality healthcare, and then being able to track the impact that programmatic efforts have, we do need a much more precise and uniform across the school districts and within the school districts across the buildings in terms of what are the exact reasons for school absences if we're going to address them. And within the health, I think you all are aware that behavioral health is another huge component and element of that and, again, disproportionately distributed in terms of wealth. So I think that this process that you're engaged in is critical to our success. I think you, at the beginning of today, probably are even as shocked and aware as I am about the magnitude that still lies in front of us. We have a tremendous number of students in this state who are in need of much more intensive intervention and support, and the earlier we get to them with the right kind of support, the better off we'll all be. So thank you for your work and your effort, and we will continue to be supportive of your efforts. [LR571]

SENATOR ASHFORD: As you most certainly have been. Thank you, John. And any

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questions of John? Thank you. Ross. [LR571]

ROSS STOFFER: My comments will mainly be the sealing of records if you want to (inaudible)... [LR571]

SENATOR ASHFORD: Oh, okay. Let's do this, and is yours the sealing of the records, Corey? [LR571]

COREY STEEL: Yes, mainly. [LR571]

SENATOR ASHFORD: Let's start with...we have how many sealing of the records testifiers do we have? Okay, that's all right. Three, maybe four, five. Sealing of the records, okay. Liz, would you like to...? Then we'll go around the room and...these pesky records. Marty, that's right. You're going to talk on that as well. Thanks. Okay. [LR571]

LIZ NEELEY: Good morning. My name is Liz Neeley, and I'm here today representing the Nebraska Minority Justice Committee. Just to start off, I'd like to say that, you know, in society, presumably, once a sentence has been served, an individual has paid his or her debt to society yet the collateral consequences of a minor conviction or even a juvenile court adjudication are significant and affect our youth for decades to come. It can inhibit opportunities to obtain employment, federal student loans, public health benefits, eligibility for military service, licensures, a variety of other things. At the request of Senator Ashford, the Minority Justice Committee with the support of the State Bar Association helped to draft the record sealing provisions in LB800, and we were happy to take part in this initiative. He recognized that because minority youth are disproportionately represented in the juvenile justice system, they disproportionately suffer these collateral consequences of adjudications and convictions. And our position is and will continue to be that Nebraska directly benefits when more youth are able to obtain employment and financial assistance for higher education as both are key factors

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in reducing recidivism, stabilizing family relationships, and ensuring future economic independence. So as one of the entities that was really instrumental in helping to draft the legislation, originally LB923, we feel it is incumbent upon us to ensure the process established is working effectively. Over the past few months, we've met with the county court judges associations and juvenile court judges and held several meetings with bar members to talk about the record sealing provisions of LB800, and several issues have come to our attention. I guess I'm here today to let you know that there will be amendments offered by the bar association to the Judiciary Committee for your consideration. The amendments are meant to provide clarification of terms, provide consistency in language of cross-sections, strengthen the intent, and ease implementation. And a few examples of these issues that have come to our attention, how record-sealing provisions will work for records that are generated when charges are filed and then dismissed. Right now, there is no real clear path for those types of cases. Second, addressing the issue of how the court will be notified when a youth successfully completes a YRTC commitment or parole supervision under OJS because technically, judges lose jurisdiction when they make that sentence, and so they're...we need to create a feedback loop so that judges know when those commitments are complete. Exploring the possibility of providing clarity to the process by listing those entities that should receive notice of sealed records, especially in our rural jurisdictions, we've heard from a lot of county court judges with juvenile court jurisdiction that they're not quite sure who they are to be notifying. And so we'll take a look at whether or not kind of notifying in statute some of those entities would be helpful. In exploring the utility of removing the 17-year-old age requirement which does not necessarily seem to have a legal basis, but has reportedly caused a lot of clerical work to find kids with this offense at this age and then wait till they turn 17. And so, there has been some support among our members and the judges for just making it a blanket kind of automatic process and not waiting until a youth is 17. So while several areas have been identified and still need to be explored, I'm really here today and will be in Grand Island November 9 to listen to what other people's or judges and others in the juvenile justice system concerns are with the provisions, so that we can be of help in strengthening their

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process, we'd like to play that role. [LR571]

SENATOR ASHFORD: Thank you, Liz. [LR571]

LIZ NEELEY: Um-hum. [LR571]

SENATOR ASHFORD: Any questions of Liz? Great. [LR571]

LIZ NEELEY: Thanks. [LR571]

SENATOR ASHFORD: Thanks. Marty, and then we'll go. [LR571]

MARTY CONBOY: Thank you, Chairman Ashford, senators. Marty Conboy, I'm the Omaha city prosecutor. I'm also appearing here on behalf of the Criminal Justice Management Council here in Douglas County and representing those people in that committee who have asked me to appear and who have sent me their comments. That committee represents all the law enforcement courts, government, corrections, and other legal agencies here in the county that deal with criminal justice. And I would join the comments that this bill had many reasons to be part of this process, although it's a small part of LB800 when it was LB923. There was a recognition that the sealing of records process was ineffective and confusing and seldom used, and the release of records was inconsistent. I've been asked to bring forward some concerns about the implementation in the last three months of this process in no particular order, started out with the availability. You've already heard mentioned, and I think you're going to hear again, perhaps, law enforcement has a concern that just as a matter of somebody who's been convicted of crimes involving the use of force or dishonesty and then not to be able to vet that in the hiring of a law enforcement agent in a state agency is a concern. The jail is a concern, because they are not a part of the exceptions, and they classify people in their system based on their criminal history. For the safety of the staff and the other inmates, they feel that they should be considered. The public defenders, not



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specifically enumerated as somebody who can know, and if it's a codefendant or an action that occurred with a witness in the past or something of that nature, they have no access to the information. I've heard from military recruiters that they are concerned about giving a gun to somebody who's got a history of poor judgment as a youth and, again, the same as law enforcement, their concerns. Victims are not allowed to have access to information of a sealed record. I guess just to jump ahead, the definition of civil actions requires that it be an actual filed lawsuit as opposed to, you know, an investigation of a claim, even an insurance claim. If a victim goes down and tries to get the report from an incident that occurred, either traffic or otherwise, where the record had been sealed, they would not even be able to get a copy of an accident report or an incident report to give to their insurance company. The schools...I think there's been some mention about concern about giving them access. Certain grant administrations require that there be...and, again, these were concerns that were forwarded to me in various ways from various people... [LR571]

SENATOR ASHFORD: Does it go on for quite awhile or is there...? [LR571]

MARTY CONBOY: Oh, yeah, I've got two pages of this stuff (laughter). I'm sorry, but I'm speaking on behalf of about a dozen or 15 different people; I'll be as brief as I can. [LR571]

SENATOR ASHFORD: No, and that's good. [LR571]

MARTY CONBOY: The people in a grant administration say that the conclusion of a case is necessary for them to determine whether grant funds should be distributed, and if they can't get access to that, there's a concern that that's a problem. Finally, the defendant themselves is not able to even access if, for some reason, they're having a problem with employment or some other thing that they need that record, they themselves can't go get it. They're not accepted. Briefly, sealing of records is a problem for traffic offenses, especially serious offenses in this age group where they're the most

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dangerous drivers of all. The most dangerous of those dangerous drivers have their records sealed, and that's confounding to the Department of Motor Vehicles because they'll have revoked a license or taken away provisional license as required by law, and then when the record is sealed, they have to restore the license, the insurance ramifications, and the license suspensions go away, and that person is back out on the street with every other driver despite the ancillary things. And now we've even added MIP and marijuana to those things that you can lose your driver's license for, and yet those would disappear as well because the DMV would have to restore the driver's license. There's a concern about the notification that prosecutors are supposed to make to suspects. Unfortunately, we don't encounter them until they get to court. Law enforcement does encounter them in every case, and certainly, they all have to come to court. I would suggest that it might be more appropriate to have the court notify the defendants of their rights since the ones that don't get filed on are automatically sealed. It's really not a problem except for those that come to court. And ethically, it's difficult for prosecutors, or actually prohibitive, to have contact with unrepresented defendants without their request, so that's problematic in that way as well. Briefly, there's a provision that provides for applicants for employment or the applicants' applications to advise the applicant that they are not required or even they don't need to disclose sealed records. But there's no indication of how that's going to be communicated or any sanctions for those employers or what employers that includes. And just some practical issues, the law enforcement community tells me that cases where there are multiple offenders in a case, one who's under 18 and one who's over, one is sealed--the other is not. They can get access to the other codefendant's records and certainly get at the existence of this case through those other records. They don't exactly know how to deal with that when people make those requests or how to segregate those records. Also, when there's multiple counts, some which are declined. Maybe one...kids out breaking mailboxes...some counts are declined and some aren't, and so some of the reports have to be sealed and some don't. And sometimes they're all in one big report. It's caused a lot of problems for that. Apparently, the penalty section would actually...the sanctions for violating this section only apply to people in government institutions. In

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other words, records that are given to people outside of that government operation, private citizens and so forth, if you gave this to a business or something, there's apparently no sanction. There's no sanction at all for the release of what I call Section 26 records, the automatic seal for the declining charges. And, again, I think it was mentioned..it was (inaudible) mentioned, there is no protection in here for those cases that are dismissed. And I'm sure that she mentioned there would be some language to correct that. And, finally, the auto hearing that occurs...what I call the automatic hearing, the court is required to commence a hearing for those cases where the person reaches the age of 17, and, unfortunately, there's...that probably accounts for several hundred thousand potential people who are now over 17 who had a case that occurred before they were 18. And there is no mechanism in the courts right now to go back and try and follow the law in terms of finding those people and notifying them all that they have a hearing scheduled and then have several hundred thousand hearings to seal potentially those records as the statute requires. I am told by law enforcement and, again, this is just from a variety of agencies, so no particular order. They may have to hire as many as two full... [LR571]

SENATOR ASHFORD: You just said finally twice (laughter). [LR571]

MARTY CONBOY: Well, (laughter) those were my opening comments (laugh). [LR571]

SENATOR ASHFORD: Oh. [LR571]

MARTY CONBOY: I'll be as brief as possible, and this probably will just take two minutes to go through. They're going to have to hire probably two more people at the Omaha Police Department. They've had 150 hours of programming. They have to spend about 45 minutes per seal; they've got 500 pending, and they expect several thousand more at that time frame at 45 minutes per person. There's an additional person that's had to be tasked full time in the juvenile CDC. The courts are just now beginning to see the increase in the filing. There's no wait now to accept phone, e-mail,

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or fax requests for records that are sealed within the law enforcement community because they have no way of verifying whether or not they're validly an exception to this process. And I guess...I think you get the idea. I guess there are...and I think that was mentioned earlier that there's going to be an attempt to look at some amendments to the process to see what needs to be done to address these or whether they should be or not. I just point out that people have mentioned that they want you to be aware of those things. I won't go through everything, but I will tell you that, hopefully, at that process there will be an opportunity to look into the concerns of all these different agencies and with that, I'll conclude. And I think somebody...even the people who are here, were here, want me to testify, hopefully. [LR571]

SENATOR ASHFORD: Any questions of Marty? I do have...just so we all understand, the judge has to seal the record, correct? [LR571]

MARTY CONBOY: In those cases that are filed, that's correct. [LR571]

SENATOR ASHFORD: Right. So if it's not filed, it's the prosecutor has to agree to have the record sealed. [LR571]

MARTY CONBOY: They can either agree or object, and then the judge has to decide at a hearing. [LR571]

SENATOR ASHFORD: Right. I mean, this is not just some sort of automatic thing that doesn't have judicial intervention. [LR571]

MARTY CONBOY: Yeah. The hearing is automatic once the child reaches 17. I mean,... [LR571]

SENATOR ASHFORD: The hearing is, but... [LR571]

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MARTY CONBOY: Correct. [LR571]

SENATOR ASHFORD: ...someone else...some judge or prosecutor who would have an interest in...as you do, in making sure that the system has access to records when you have someone who has committed a violent act or some sort of act that they fear would have...people would have to have a knowledge of at some future date. [LR571]

MARTY CONBOY: Correct. Each case would be analyzed separately. [LR571]

SENATOR ASHFORD: Right. I agree that there is an issue when you start a new program that there is a number of new cases, obviously, to address, and I also acknowledge that in talking to the court, people hear that clearly there are...it's a lot of work. I think when we had the hearing on this bill, there were a number of very few, if any, testifiers against it, but, that the problem of not being able to be employed because of a minor offense is a critically different problem, and that that's why we addressed the issue in the way we did. [LR571]

MARTY CONBOY: No, I understand, and I completely agree. I was all in favor of... [LR571]

SENATOR ASHFORD: Right. [LR571]

MARTY CONBOY: ...the bill to get rid of sealed...public records for those people who aren't charged, complete diversion and so forth. [LR571]

SENATOR ASHFORD: Right. [LR571]

MARTY CONBOY: It's a worthy effort, and I just point out that it's in the practicality needs to be analyzed, and how someone (inaudible)... [LR571]

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SENATOR ASHFORD: Right, and as always, Marty, you've always...though. Yeah, your tie is fancy enough. You have always been a great help to us, and I think, obviously, we will address these concerns next year. Without question, the thing that obviously moved us, I think, on the committee was the fact that, for example, black unemployment and youth unemployment in Nebraska is greater than any state in the United States. That just seems...and those are the same kids that are on the street engaged in violent behavior in some cases, not all. But, you know, I think we're...but you've raised good points, and I think we need to address. [LR571]

SENATOR COUNCIL: I have a question. [LR571]

SENATOR ASHFORD: Yes, Senator Council. [LR571]

SENATOR COUNCIL: Yes. Thank you and thank you, Mr. Conboy. You know, clearly some of the issues that the consortium that you represent were included in some of the concerns or areas that Liz's group has also identified, so it would appear to me to be the most appropriate time for you all to get together and try to come to some agreement on what amendment should be proposed during this legislative session. One of the areas that has concerned me, and it's not just a juvenile area, it's in the adult area as well, and that's charged, filed, but dismissed. I mean, I've had adults come to me on a number of occasions where they were arrested and that arrest shows up on their record, but they were never prosecuted for it. The charge was dismissed, but the arrest is there. And there's no real way, and I think you and I, Marty, have already talked about the police department has the difficulty...I mean, you don't want to remove a tool that law enforcement needs and maybe we need to have some kind of dual system, but law enforcement needs to be able to know whether someone they're approaching in a traffic stop has been arrested six previous times, some particular offense, although never charged. I mean, that helps to determine how they approach the individual, what kind of investigation of any pending charge. But then you have situations, and I was meeting with a woman who lives in a Housing Authority tower. She has a number of arrests on

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her record, but has never even been prosecuted. These cases have been dismissed, and she is chronically unemployed because those arrests are accessed. So there's charges filed but dismissed. I think it even goes beyond the juvenile issue, and we really need to look at that. But the main point I wanted to make was hearing what the concerns were from the group you represent as well as from the Bar Association. I think it presents a perfect opportunity for some collaboration in bringing forward those which are most critical to be addressed during this upcoming legislative session. And I did have occasion a couple of months ago to meet with Chief Hayes, and he articulated the concern about applicants for law enforcement positions who may have had convictions for violent personal injury type of offenses as a juvenile and not being able to access that during the course of the application and employment consideration process, I do understand. [LR571]

MARTY CONBOY: I spoke quickly. I do want to make clear, and I have kind of communications from maybe half a dozen or ten people here. Everybody that I talked to said...no one said, I want to get rid of this law or that it's a bad idea. I think everybody said, we would like to make it work and here's some things we're concerned about. And that's the way I feel as well. I agree a hundred percent, and I was the one who drafted the law that supposedly gets rid of the prior arrest records for those things that trouble you, and you and I should probably talk because I think there are probably some issues there that aren't being addressed because I hear from people as well. And there is...you can get an arrest sealed, but you can't get a dismissal sealed. It's kind of funny how that works, and that's for adults as well, so that is another need. [LR571]

SENATOR COUNCIL: Thank you. [LR571]

SENATOR ASHFORD: Thank you and, Marty, also before you go, I want to thank you for your efforts on referring cases to the Juvenile Assessment Center. I know you've worked hard at that and how is that coming? [LR571]

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MARTY CONBOY: We're sitting at about a thousand cases a year by our estimate now. We've kind of, I think, by now worked out the criteria we're going to use, and it's working very well for us. I think it's increased the...shifted the burden for the county attorney... [LR571]

SENATOR ASHFORD: Right. That's a major thing. I mean, that's a major movement on your part that you saw, and that's, again, keeping these kids out of an adjudicated situation, hopefully. [LR571]

MARTY CONBOY: Well, hopefully, that's one step. I mean, there's a lot of very positive things going on with juvenile justice right now, as you're hearing,... [LR571]

SENATOR ASHFORD: Right. [LR571]

MARTY CONBOY: ...and I think this bill and this committee have been really instrumental in lighting that fire. So I'm glad to see it. [LR571]

SENATOR ASHFORD: Right. Thanks for all your help, Marty. Yes, Senator, okay. Thank you. Okay. Yes, sir. Sorry to keep sealing the records at the end, but. [LR571]

MARTY BILEK: (Laugh) My name is Chief Deputy Marty Bilek. I'm with the Douglas County Sheriff's Office, and I'm also here today representing Nebraska Sheriff's Association. And, basically, my focus here is very narrow. I just simply want access an exception for law enforcement so that we can access juvenile criminal histories during the selection process. Rather than repeat what Marty Conboy said, because I perfectly agree with him, I'll just simply provide a little anecdotal evidence that is an incident that happened to us a couple of years ago. We were going through a selection process for deputy sheriffs. We were very concerned about one individual who had a criminal history that was of concern but, nonetheless, we recognize it as juvenile indiscretion. We decided that this person would be suitable for law enforcement. We enrolled them in



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a state training center in Grand Island. The state training center declined the enrollment because of the criminal history. We had to go through a waiver process. We were successful. The person was enrolled; they graduated successfully, working on our department today, and so it worked out very well. The moral of my story is, is we're able now to recognize youthful indiscretion, and I think that's what you're all concerned about, and when we recognize it for what it is, we make exceptions. We hire the person, and it works out. So...but nonetheless, we would prefer not to have blinders put on us, so that in other cases where the criminal history is a little bit more severe, maybe there's a pattern of behavior that we wouldn't otherwise recognize unless we could look a little bit farther back, it's important to us, and then we can make wise decisions because we have all the information, and I fear that we won't have that if juvenile records are sealed as far as we're concerned. [LR571]

SENATOR ASHFORD: Thanks, Marty. Thanks for the...that's a good comment. Any questions of Marty? Seeing none. Thank you very much. Yes, I think it's wrap up time. [LR571]

ROSS STOFFER: (Exhibit 5) My name is Ross Stoffer, and I'm a county judge up in northeast Nebraska with the 7th Judicial District, and that's up in the Norfolk area up there. And, basically, I think some of the concerns we have in the court system have already been expressed and, I think, Senator Ashford, you'd indicated that you're aware of those as well. Our main concern is...and I'm on Ms. Neeley's committee as well. I was not on the committee when this bill was drafted but have been since that time. And some of our concerns are basically the workload that it's placing on the court system and, of course, with the budget cuts and things that are going on, we're asking the courts to do more and more with less and less. We have some positions that are not being filled for six months or longer because of the budgetary concerns, and so this bill puts a lot of stress upon the court system because of that. We've also had some...and I did give some copies of my notes to the clerk that she can make copies of those to you later. But there are some things that we've suggested as well. We've been working, of

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course, also with Senator Flood with some possible changes as well, some things like, for example, the way the bill looks like, or the statute is now, things like undersized fish would have to be sealed, or entering a park without a park permit, a lot of different things like that, that would also have to be sealed, and the process we'd have to be going through for that. And so that's our concern, basically, and I think I won't take a lot of time because a lot of that has already been covered. But Ms. McGill, since...Senator McGill, since you did open the door a little bit about the... [LR571]

SENATOR MCGILL: I'd love to hear from you (laugh). [LR571]

ROSS STOFFER: Okay. (Laugh) Well, I'll stick my foot in a little bit further as well and just on behalf of the judges that are in the counties outside of Lincoln and Omaha, I would say also that we're very concerned also with the reform that's going on. Real concerned, of course, as you probably all know, we lost our provider up there of Boys and Girls, and so the department is now taking on those responsibilities again, but real concerned about whether a provider will ever be found, and if a provider is found, about going through that same process again with losing another provider. And, of course, the people at Health and Human Services, I was...had a meeting there a couple of weeks ago and everybody there is very disheartened about their jobs (laugh) and what might happen with them. And, of course, if we lose providers then we have to go back to the Department of Health and Human Services...will those people be around? And so we're real concerned about that. Another thing I would just point out, too, that since it was brought up, and I'll give a little bit of a plug to Judge Crnkovich as well here, too, but when she talked about the...having detention as a tool and the toolbox that a judge can have, that's very important, I think, as well. We've seen some situations where just having a juvenile...we do have a staff secure section up in Madison for juveniles, but just having juveniles even going for a day because they've not been going to school or something like that has gotten a kid to go back to school because they know they don't want to go back to a place like that. And we've seen kids that have turned around substantially. I had one individual who was not going to school and had been involved in

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band and a lot of other things, quit all that stuff, got into some trouble. And he went down for one day and after that...he went down there for one day, got back into school, got back in the band, is doing pretty well in school and on his different programs at this point. Plus the other thing, too, is that we can...you know, if we had some ability, and I think you may be aware, the Supreme Court has taken away a lot of that ability to use a detention center for different things. And even if we could do that as far as for probation, I think it was talked about, administrative sanctions and things like that, if we could coordinate some things like that, it'd give probation officers the powers to, you know, at times, if necessary, to use detention as well. That would certainly be helpful. I know that's a big problem with...problem the courts have is balancing that idea of...I guess I always refer to it as, I feel like youths sometimes are like puppies. You know, you have to give them their sanction or their punishment quickly or they forget what they're even being sanctioned for. And...but we have a difficulty there with balancing that against the due process rights and things of that nature, so those are some of the things we're looking at. But we certainly would like to have those tools back that we could use. And, again, in regards to LB800 and the sealing of the records, none of the court magistrates that are here today with me really oppose the idea and the concept of it, it's just the workload that it's putting on the court. And so we'd appreciate any considerations you can give to help us with dealing with that workload. [LR571]

SENATOR ASHFORD: Those are great comments, Judge. I want to just very briefly ask...I know Senator Flood had a bill last year on the issue of utilizing staff-secure facilities, and in Madison County you have a separate staff secure... [LR571]

ROSS STOFFER: It's one building, but there's a separate...yeah. [LR571]

SENATOR ASHFORD: It's a new...it's new, isn't it, a relatively new facility? [LR571]

ROSS STOFFER: Right, it is. I think it was built in the last probably 10 or 15 years, something like that. [LR571]

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SENATOR ASHFORD: Right. [LR571]

ROSS STOFFER: And it has two sides to it. There's one side staff secure and the other side is the secure side, yes. [LR571]

SENATOR ASHFORD: Secure. And that's a great point. I mean, there are cases, and if we're going to use graduated sanctions successfully, you know, there may be a time when a staff-secure facility for a short period of time might be an appropriate way to go. And your point on immediacy of consequences is every meeting I've been to on this topic over and over...waiting around for consequences is the worst. It's worse than no consequence at all in that somehow the idea of the graduated sanctions was to some degree address that consequence issue, but with the Supreme Court case, you've mentioned, we discussed last year that it may be necessary to address that issue, put some safeguards in it or whatever, but. [LR571]

ROSS STOFFER: Right. Senator Ashford, along that line, too, as well, I can see it as a real benefit for juvenile treatment programs as well. We've had situations where, you know, graduated sanctions, if you had that in your toolbox to use as a graduated sanction, that can certainly...and the idea, of course, is not to, you know, put kids in detention and keep them there for long periods of time, but to get their attention, to rehabilitate them, to use it as a rehabilitative process rather than just being something as a punishment for an act they've done in the past but as a consequence of the... [LR571]

SENATOR ASHFORD: Well, they know it's coming. I mean, if you... [LR571]

ROSS STOFFER: Right. [LR571]

SENATOR ASHFORD: ...if it's a graduated sanction, if it's up there, if they don't do X, Y,

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and Z, and they know the consequences out there, that's a little different than incarcerating a child for something that has happened six months ago or a year ago, and they've forgotten what it is. I mean, it's just...but. [LR571]

ROSS STOFFER: Well, and we've had situations, too, where juveniles have, you know, maybe have had something happen and then they've turned their behavior around. Well, then they turn their behavior around, and three months down the road and we finally get to the point of the probation revocation hearing or whatever, then we, of course, do something with them at that time and they've turned their behavior around, they're saying, well, why are you punishing me...? [LR571]

SENATOR ASHFORD: I've already done it, yeah. [LR571]

ROSS STOFFER: Exactly. And just so that you know as well, and maybe you know, maybe you don't, but in my position, and of course, everybody outside of Omaha or outside of Douglas, Sarpy, and Lancaster Counties, we deal not only with juveniles but with the adults in criminal court and with civil matters, and we have a wide range of...as Judge Johnson sometimes says, we have a large bench because we have a lot of things we have to cover, so we'll see sometimes those people we've had in the juvenile court then come into the adult court with, you know, continuing on with their problems and things, and a lot of us would really like to see that ability to get that stopped while they're juveniles which then, of course, would, you know, assist with the employment and all those types of things later on as well to get that stopped while they're juveniles and the more tools we can have to do that, the better. And we don't have quite the resources that are available, some of the things that were talked about here today that Douglas County is getting. And I understand that's kind of a pile of projects... [LR571]

SENATOR ASHFORD: Well, we don't even have a staff-secure facility and so, in that regard, Madison County is ahead of us and that's good. [LR571]

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ROSS STOFFER: Yeah. And I don't want to take away necessarily from the LB800 sealing of records issue which is what we're here today on as well... [LR571]

SENATOR ASHFORD: Well, I think we have to address it, and it is a crunch. I think we're fully aware of that now and appreciate everybody coming down. [LR571]

ROSS STOFFER: We're appreciating, like I said, any consideration you can give to help the magistrates in their work as well with all the work that the sealing of the records is putting on them. [LR571]

SENATOR ASHFORD: Okay. Thank you very much. Thank you. [LR571]

ROSS STOFFER: Thank you. [LR571]

SENATOR ASHFORD: Thank you, Judge. Anyone else want to testify today? We're going to conclude the hearing and reconvene at 1:00 to talk about what happens when these...all the wonderful work that's being done sometimes fails and a kid is on the street and is involved in violence and what are we doing about it? So we'll meet again at 1:00. Thank you. [LR571]

SENATOR ASHFORD: Friday afternoon at the Judiciary Committee, right? Oh, they'll come eventually; I think they're in the back room. So we're...why don't we...it's 1:00, so we're going to get started. I anticipate that this hearing on the Office of Violence Prevention and implementation of the violence reduction plans will not take as long as this morning's session, just because we don't have as many testifiers. But we do have a few important ones. And so with that, I'd like to convene the hearing. And when every...few...I guess we have three of us... [LR571]

SENATOR MCGILL: They're coming. [LR571]

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SENATOR ASHFORD: ...four of us. Okay, we're all here. What we're going to do is start out with Mike Friend, director of the Office of Violence Prevention, and ask Mike to give us an overview of the activities of the last year of the Office of Violence Prevention and talk about the--how the program is going, how the grantees are faring in the programs that have been funded, and anything else that you think is relevant, Mike. So go ahead. [LR571]

MIKE FRIEND: Okay, thank you, Chairman Ashford. I'd be happy to. Members of the Judiciary Committee, my name is Mike Friend--it's F-r-i-e-n-d--and I am the director of the state Office of Violence Prevention. The Office of Violence Prevention was created in--as most of you either remember or know or were involved in--in 2009, and the primary responsibility of the state Office of Violence Prevention is to help promote and assess statewide gun violence prevention programs. The Office of Violence Prevention aids privately funded organizations, local government subdivisions, and community leaders and advocacy groups in developing projects throughout Nebraska that work in the areas of crime prevention, intervention, enforcement, and diversion. I believe and I think you can probably quiz a lot of others in the room about whether you think this has really come to fruition, but I believe that there has been some increased communication and collaboration throughout the state. And I believe that the office, to a certain degree, is helping those private 501(c)(3) organizations even in the areas of possibly promoting better fund-raising and efforts in those areas, so...and helping their programs grow--I hope that's the case, anyway. In 2009-2010, there...actually in 2009 there was a grant process that was moved forward: \$350,000 of cash funding that was distributed to seven organizations. The majority of that money went to the Omaha metropolitan area; there was some funding to Platte County Diversion in Columbus. And the grant recipients have been in the process--aggressively in the process--of evaluating the success of that financial distribution, if you will. In 2010, the Legislature--you, in your infinite wisdom, I hope--decided that there was going to be another \$350,000 distributed in approximately the same manner for another grant process in this--in 2010, in this season. And the process is, at this point right now, there will be a grant review--that you

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also created--created the Office of Violence Prevention Advisory Council, which is going to act as a grant review, along with myself and some Crime Commission grant administrators, to help us through the process. That grant review is actually going to be on November 12 for that new grant. And that's down at the Crime Commission in Lincoln--it's a public meeting--fifth floor conference room at 9:30 in the morning, I believe, and that's a Friday. And then it's going to go to...the recommendations will be taken to the Crime Commission for the January meeting, and then that money will be distributed as well for 2010 and 1011. Quickly--I want to be quick--but we have been doing a lot of stuff, and these folks behind me are going to be able to speak really, really specifically to a lot of this stuff. I'm going to hit high level, and I'm going to tell you what I've done or at least try to take a swing at that. The Douglas County grant recipients, a lot of the folks behind me have worked in partnership to drive a prevention and intervention effort that's really cutting-edge. It's not like a Chicago CeaseFire; it's not like a Cincinnati CeaseFire; it's not like a Boston CeaseFire. These are collaborative efforts that include the faith community, that include 501(c)(3)'s, government entities, Mr. Kleine's office, the Douglas County attorney's office, the police department, Omaha Police Department, and you name it. I mean, everybody is involved in these meetings, and the interesting part is, it's now expanded. And I think I played a role in this or at least I've tried. This Omaha 360, or this idea, has moved to...closer and closer to a vision that I think that everybody in Omaha has. And that is a collaboration, not only from the north Omaha--the recipients and some folks in the north Omaha community but also into south Omaha. And the drive will be west as well, western Douglas County. There are gang problems all over this county; there are gang problems all over this state. I think what I have passed out and some of the information that you have--I'll get to those statistics real quick, in a minute--will underlie or is an underlier to some of the things that I've talked about or the reasons that this stuff, I think, has been valuable. The expansion into south Omaha--let me address that real quick, because that's where a lot of my personal focus has been played, I guess. Right now there are approximately 45 individuals and 16--also approximately 16 organizations regularly attending monthly meetings on the south side to communicate law enforcement initiatives and intervention



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and prevention strategies that are being implemented down there. This is a model--and this is part of Omaha 360. This is a mirror of what...at least I think that that's what we are trying to achieve, a mirror of what has been going on in north Omaha for quite a while now. Now, I don't think it's anywhere near where it needs to be. And it needs to continue to grow; there are a lot of folks that are missing from these meetings. And the challenge for me--and I've told a lot of the folks in this room exactly that--the challenge for me is to get myself out of a facilitator role in south Omaha--because I do not live down there, I'm not part of that community--and get somebody in that community to take that facilitator role and to grab ahold of it and make sure that it doesn't go away. I won't go anywhere until I can get that done, unless you guys tell me I'm fired. [LR571]

SENATOR ASHFORD: Well, not today probably. [LR571]

MIKE FRIEND: Okay. All right. [LR571]

SENATOR ASHFORD: Not today; that's not on the agenda, but... [LR571]

MIKE FRIEND: Okay. I wasn't implying that you should. (Laughter) I just am saying that that's always a... [LR571]

SENATOR ASHFORD: (Laugh) But I suppose we could insert it. [LR571]

MIKE FRIEND: Okay. [LR571]

SENATOR ASHFORD: Yeah. [LR571]

MIKE FRIEND: Do whatever you've got to do. (Laughter) But I...in all seriousness, the facilitator role needs to be in south Omaha. And I think it's going to happen; I've had a couple of conversations with some folks I think that can grab ahold of that. But that's an important aspect of it. The other thing is we can't go more than once a month, and we

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can't build collaboration unless we have people show up at these meetings; they're all busy. Right now, every week in north Omaha, there are huge, huge amounts of people gathering to...and, by the way, this week has been...there's been a spike in violence in Omaha. And everybody knows it. But it doesn't take a spike in violence for these people to get together and to share and collaborate and to strategize on how they're going to deal with these issues. I digress there, because there are folks that can speak to that a heck of a lot more eloquently than I can. Let me really quickly get to the statewide expansion or at least where we feel like we're at right now with, maybe, some of our office's efforts--the Office of Violence Prevention's efforts. Grand Island, Columbus, Scottsbluff are expanding to improve their intervention, their prevention strategies, their law enforcement strategies, not that they needed a tremendous amount of improvement--but to improve the collaboration, I should say, in those areas. Because great things are happening here and there are great models being implemented here doesn't mean that it's happening in Scottsbluff. It doesn't mean that it's happening in Grand Island or Platte County or Lexington or anywhere else. And they have problems; they're on a different scale, but they do have problems. I (inaudible) the Attorney General's Office, Midwest Gang Investigators, and some others around the state--1,400 miles to...and I was in a learning mode. Corey O'Brien and a lot of others were speaking to some of the issues that were happening in those communities--and law enforcement officials in those communities. By the way, I woke up on Wednesday morning, I couldn't remember where I was. But that happens a lot to me right now. (Laughter) It was a long trip, and it was very, very enlightening. And the enlightening part was that some of the things that I heard in the back end when I came into these north Omaha meetings I was hearing from law enforcement officials in Scottsbluff and Kearney--or, yeah, Kearney--and Norfolk. And that's troubling, because they don't have the type of collaboration and the information and possibly the resources to deal with the problems, and they're on a smaller scale, obviously. But I've tried to get out there, and I've tried to promote the growth of these ideas in those areas. Grand Island was a applicant--we got ten applicants for this new grant. Grand Island has a collaborative effort going on out there, and they applied for a piece of this \$350,000. And it is a pretty decent effort, and

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it's a good start. And we'll see how that whole thing goes with them. What you'll also notice...and I'm almost done here, what you'll also notice--I passed out some crime statistics. Those were gathered for 2009, and those were published out on the Crime Commission Web site. I'll tie this together. Nebraska experienced a 4 percent decrease in the number of crimes reported to law enforcement agencies during 2009, compared to '08. Now, don't get me wrong; I'm not saying because this office is in place that's why that happened. But I think that there could be some correlation. I'll let, maybe, some of the other folks speak to that, but I'm going to speak to it real quick from my standpoint. There were 53,105 crimes reported in '09, compared to 55,573 reported in '08. And those numbers include murder, manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny theft, motor vehicle theft, and arson. And those serve as the basis for the crime index used to measure the crime statewide. In the violent crime category, Nebraska experienced a 10 percent decrease in '09 from '08, with 4,890 violent crimes reported during '09, compared to 5,440 reported in '08. Murder, manslaughter decreased 40 percent, from 65 to 39 offenses. Forcible rape increased 3 percent, from 558 to 575; obviously, that's troubling. But robbery decreased 6 percent and aggravated assault decreased 13 percent, from '08. Crime in Omaha decreased, overall, 4 percent, from 21,440 offenses reported in '08 to 20,654 offenses reported in '09. The number...the Omaha number...I had some Omaha numbers here, sorry. Sorry. Bear with me. The juvenile arrests decreased 5 percent, from 15,519 in '08 to 14,762 in '09. That would include the robbery, larceny, theft, vandalism, destruction of property--they all went down. Now, I think...you can go out and look at these numbers, and I'll leave those where they're at; I think you can go out and look at these numbers. And with some of the evaluation data that I've put together--thanks to the organizations that actually received funding in '09--I think that's a corollary effect. I don't believe that it's me; I don't believe it's the Office of Violence Prevention. I think that there was funding distributed to help children--to help kids, to help youth--and I think that there was an effect. Now, when we're done gathering...I just got, I believe, third-quarter numbers, when we're done, I think we're going to be able to prove that there was an effect. I think that you can show that it was money well spent. And we're going to try to

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do that. I'll leave it there. I don't have a whole lot more to say. All I can tell you is--I'll sum it up this way, and I've told people this, and they kind of laugh. I don't sit around and I don't know how some of the folks in the Crime Commission feel about it, because there's a lot of hard-working folks in there. And what they see me doing is not shining a seat with my rear end. I'm out all the time trying to figure out where the problems are that the Crime Commission and the Office of Violence Prevention can get involved and to try to help. And I don't have a staff or else I'd probably be in the office more. So... [LR571]

SENATOR ASHFORD: Well, Mike, thank you for... [LR571]

MIKE FRIEND: ...anyway... [LR571]

SENATOR ASHFORD: Thank you. And I... [LR571]

MIKE FRIEND: Sorry. [LR571]

SENATOR ASHFORD: Let me just thank you for your efforts. I know we talk almost every day. And there is no question that you are out throughout the state all the time, constantly. And I do think it's made a difference that the state has taken an active involvement. I think it's made a significant difference that the people in this room are working every day in their neighborhoods. And--but what is really key is that this is part of an overall strategy that we've developed over the last four years together to deal with the very early stages of indications of criminal activity and behavioral issues all the way up to the...Ben Gray is going to be talking about his successful efforts in triage and hospital intervention and interruption. I...I mean, we have come so far in the three years or four years, when we started, when there really was sort of a...not much people in this room but, you know, just sort of people out in the public saying, well, it's all about punishment. Well, punishment is a part of it. And it's expensive, though, and what's better is if we can intervene and--prevent and intervene. So I think it's...you certainly are

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working hard. I have one, just...and I'm going to pass it on to my colleagues, but one question, very briefly: What do you see, in the next biennium, where dollars need to go as we continue this program? And maybe you've answered that already. But what would be your focus or the focus of this office, going forward, you know, with the state's involvement in helping these programs move forward? [LR571]

MIKE FRIEND: Well, knowing all the people that I know now, after a year and, you know, a few months of working on this, I would say: In all of the above. But let me be more specific. I think intervention services are strapped, and so are preventive services. And we all know that. But people actually on the ground intervening--they don't have any money. [LR571]

SENATOR ASHFORD: Right. [LR571]

MIKE FRIEND: They just don't. [LR571]

SENATOR ASHFORD: And it's a real struggle for them. [LR571]

MIKE FRIEND: So--and there is value in that. Now, it gets a little clouded. Some people are doing prevention, intervention, and everything. And they're doing great work. I'm just saying, if you're talking about specific instances of getting ahold of a kid in a really, really difficult situation and a perilous situation, intervention services don't have a lot of money. Now, neither does reentry and recovery, and like I said... [LR571]

SENATOR ASHFORD: And reintegration is an expensive proposition. That's why it's so much better to help--get involved earlier, obviously. [LR571]

MIKE FRIEND: Yeah. And let me qualify something. Between the numbers...thank you, Senator, and I didn't mean to interrupt you, but the numbers between '08 and '09, let's be really specific. Obviously, these people didn't have a whole lot of...they actually didn't

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get any of the money from the state to work on those... [LR571]

SENATOR ASHFORD: Right. Right. [LR571]

MIKE FRIEND: ...to reduce the violent crime and everything else. But they...all they did was expand services based on the \$350,000 that they received. [LR571]

SENATOR ASHFORD: Right. [LR571]

MIKE FRIEND: So the only conclusion that I can come to is that... [LR571]

SENATOR ASHFORD: More of the same. I mean, we need to do more of the same. [LR571]

MIKE FRIEND: ..the 2010 numbers are going to look better because these people are focused on issues, and they know this stuff is going to work. [LR571]

SENATOR ASHFORD: So more intervention, more broad-based prevention. [LR571]

MIKE FRIEND: We put money toward areas that are reducing violent crime. That's my point. [LR571]

SENATOR ASHFORD: Any questions of Mike? Seeing none... [LR571]

MIKE FRIEND: Sorry. I took 17 minutes. I... [LR571]

SENATOR ASHFORD: Yeah. That was a little longer than anybody else today has. But thank you. Don, would you mind? The county attorney's office, obviously, is one of the recipients of the OVP grant money. So... [LR571]

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DON KLEINE: Good afternoon. Don Kleine, Douglas County attorney. The...I just more want to answer questions. But our efforts, really, are interwoven. I think you heard from the juvenile...from Nicole this morning, with regards to the juvenile court aspects of what we need to do or what's going on there with our resources. We have done a lot of things in our office with regards to working with the Office on Violence Prevention with...just a breakdown of our office in putting lawyers in what we call a gangs and gun unit. We have somebody who goes every Wednesday to the 360 meetings in north Omaha. We also have people that are assigned to south Omaha specifically. We have...we are...I think we obviously continue our efforts on the enforcement end of it, from the standpoint of trying cases, working with people in the system. But one of the things that we think it's important to do is to go to the schools and let them know what happens. You know, we handle cases where we have very...results of...you know, maybe somebody...if there's a victim, and then there's also an individual, who's a young person, who's going to go to prison for the rest of their life. And if young people don't know about that part of it, from an education standpoint, they need to know that what's going to happen when they're involved in these kinds of violent crimes. So from an education aspect, making sure that they're aware of what happens to people who are involved in gangs from the standpoint of getting hurt themselves, getting involved with crimes that they shouldn't be involved with, and then spending the rest of...for a long period of their life in prison and to make sure that they understand that we have examples of these kinds of cases where I'm sure people didn't think this could ever happen to them, which we can show them, to make sure that they understand. We can do things within the system from the standpoint of prosecution, but it's important that that message needs to be sent to the people who need to see it or need to be aware of it. So we've got things going on with our office in all those regards. We also meet with the gang unit of the Omaha Police Department; we work closely with them--the lieutenant there. We are aware of people who are involved in violent crimes, so that we can ensure that if we have cases against them, those get followed through to the best of our ability. So it's really a collaboration, communication, information sharing with the community and the different law enforcement departments to make sure that we can do our job effectively. But it also is

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interwoven with what we're trying to do in juvenile court, so that we don't have the caseloads that we have, so that we can prevent these young people becoming involved in violent crimes, so that we can do whatever we need to do--education, the juvenile court aspect, intervention--early on. So with that, I'll be happy to answer any questions. [LR571]

SENATOR ASHFORD: The influx of truancy cases and the prediction that we're looking at, with the change in the law, 3,000 to 6,000 potential truancy cases--hopefully, not all of those are cases that need to be filed but can be diverted--do you see a correlation in your office with the getting involved in those cases earlier? Because obviously they hadn't been reported to you before; they're all being reported to you now. Do you see a correlation? And what would your opinion be, going forward, as these cases do--the serious ones--get to your level, that there are...you have the ability to intervene and get these kids off the street? [LR571]

DON KLEINE: Oh, there's no question there's a correlation. And the chief and the former chief can attest to that, that if kids aren't in school, many times they're getting in trouble. So anything that we can do in that regard is going to be helpful. And it's an important initiative that we need to work on. We...I personally met with all the superintendents; we had a meeting with them--and the purpose in being proactive from the schools' standpoint, to lessen the burden that we're going to have in the juvenile court with those cases. And that's one of the reasons I think Nicole talked about this morning--the ten-day letter that I send out. Once we get notified about somebody missing ten days of school, they get a letter from me saying that, you know, if your child doesn't go to school, you're going to be referred to the juvenile court with regards to something happening there. So we want the schools to get involved early on. Building Bright Futures--there are several organizations that are doing a great job in this big effort. But if we keep kids in school, they're not going to be out committing these crimes. So it's--there's an obvious correlation between the two. [LR571]



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SENATOR ASHFORD: All right. Any questions of Don? Thank you very much, Don.  
[LR571]

DON KLEINE: No problem. Thank you. [LR571]

SENATOR ASHFORD: Ben Gray, I...Ben agreed to come in and talk about his efforts with intervention and interruption of violence, which is pretty significant work, and...  
[LR571]

BEN GRAY: Thank you, all. It is not often that I testify from this end of the podium. So--but, for the record, my name is Ben Gray. I reside at 5425 North Fourth Street; we just moved, so I'm getting it together. And, obviously, I'm the city council member for District 2. But more importantly for purposes of this discussion, I am the emergency team director for Impact One Community Connection, which is a gang intervention organization primarily. Let me start off by giving you...well, first of all, let me say, you know, when we were talking about whether you guys are going to keep or not keep--and I know it was in a jovial sort of way--but to get rid of Mike Friend...I'm going to equate that to my wife. A number of people have asked my wife, because of the hours that I keep, why doesn't she get a divorce? And she says she's spent too much time training me. (Laughter) So--and I feel the--and we feel the same way about Mike Friend. We done kicked him around so much and gotten him trained that you've got to keep him now, because we've spent too much time training him. Let me talk just specifically about a couple of things and, you know, just to give you an idea of where we are and the kind of collaboration that goes on within this city, more particularly in north Omaha, hopefully reaching out to south Omaha and the western part of the city. Because through our organization, we have been giving advice and information to a number of other cities in the state, because they recognize that in Omaha, and especially in north Omaha, there's a collaborative group of people that have a clear understanding, a lot of times, of what the problems are, can give them some--not only give them in some cases solutions but help them know what to look for. With Impact One, let me give you just a

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little bit of what we have done with our efforts not only on the street and in the hospital but in the classrooms as well. We have a group of--some of our team are at Blackburn alternative school. And, as you know, that school has had problems in the past. Prior to us going in there, the year before, they had had a number of gang fights, a number of weapons that were taken, and so forth. And last year, with our first year of intervention in the Blackburn alternative school, they had the largest graduation class of any on...that they've had on record. They didn't have a single gang fight. They had one incident where two girls traded a few punches, and that was about it. But because of our intervention strategies, we were able to keep things down at Blackburn, you know, keep the problems down, discuss on a regular basis with the young men and women there about the responsibility that they have, the educational opportunity that they have. And, you know, when we talk to them, we're talking to them from a perspective; the people that we hire are ex-gang members. And that is a strategy that we think has worked extremely well for us, because they know the street; they know the players; they know the games that get played. And so we're able to intervene and stop some of those gangs before they get to the point of being dangerous. And that's what we've done in the classroom and what we do on the street. One of the most important areas that we have intervened into now is the hospitals. And we have made arrangements now with four hospitals in the Omaha area--University of Nebraska Medical Center, Creighton University, Immanuel Medical Center, and we are even over in Bellevue putting together strategies for their organization as well. Intervening in the hospital is extremely important for several reasons. Number one: Tensions are really high in the hospital, because that's where a person goes, you know, that has been shot. In some instances, multiple individuals go, from a number of different gang sets, which creates a very dangerous situation in the hospital if we're not there to intervene and if we're not there to provide strategies to help them operate better in the hospital setting. For example, at University of Nebraska Medical Center, I came off the elevator one day after a shooting, and the individual that was shot was in intensive care. And in the intensive care unit there's a waiting room right next to the intensive care waiting room, and then there's another elevator that goes straight up into the intensive care unit that is unmanned by

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anybody. So we were able to work with UNMC to help them, first of all, see the dangers that were inherent in the way the layout of the hospital was. So we were able to help them, you know, do some things and put some measures in place that would help keep down the possibility for serious violence in UNMC. Creighton has a different problem in that they've got multiple entrances and no way to get to all of them. So we were able to help them determine how we are going to, with our strategies, how we were going to be able to make sure that those hospitals stayed safe. Hospitals are very vulnerable places. And they're really vulnerable when tensions are high. And so with us being in those hospital settings, we are able to, first of all, recognize when there's going to be a problem, know the proper people to call--whether it be the gang unit security at the hospital or whether it's something that we would be best off taking care of ourselves. And we know how to make those assessments, and the hospitals that have been working with us understand that we know how to make those assessments, and they follow a lot of what we tell them to do. And we have had, you know, our relationships have formed, they're getting stronger as we meet and talk about strategies for making things more safe in the hospital. But, you know, it's...we deal with a number of things in the hospital that range from shooting incidents and the things that I just mentioned to some people...we had to go up to UNMC in one instance because we had a family that had pretty much camped out up there because they were too afraid to go home. So--and they were in the waiting room area, which made it difficult for them to operate. So we were able to collaborate with a number of our partners in the community to get them safe housing--get them a safe place to stay, to remove them from the environment where they felt was going to be dangerous--and really work in that way to help hospitals maintain safety, because they need to operate on the patients, and they need to be free to do that, and they don't need to be in the business of trying to intervene between families or multiple families or multiple gang sets and so forth. That has to be outside agencies working together. And with the various people behind me, we have formed a collaboration that we think is one of the best in the country right now, because we know on a weekly basis what our strategies are going to be because we meet every week. And it's not that most of the time we send...the people that are involved send

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representatives. A lot of these people are there themselves when they can be. When Don Kleine can, he is there. If not, he sends his chief. A lot of times our police chief is there; our fire chief is there or either sends one of his top representatives. We have a variety of organizations including the Urban League and others whom we partner with in a number of different ways to get students--if we can't get them in the Impact One, we get them in the ENCAP; if we can't get them in the ENCAP, we get them into the Urban League. But we get them someplace where people are prepared to intervene and teach them and work with them and get them out of the environment that they're in, when possible. But when we can't, we work with them, keep them on a client list, and we monitor them and keep them...and keep pushing them through the process to completion. We've got a really strong network of individuals. The hospital intervention is really key for us, as well as the intervention strategies that we employ on the street and in the classrooms. And with our collaborative partners, we think we're having great success. We have not had a homicide...this past weekend, we had a spike in violence, as Mike told you about, prior to that, we had not had a homicide in north Omaha since May. And even the one in May was a domestic dispute between two people. So the last gang homicide that occurred prior to this weekend was sometime around the end of April. So we know that we're doing a lot of things right, in spite of the limited resources. We could always use significantly more resources, but we know that we're headed in the right direction. We know that our collaborations work; we know that our partners that we collaborate with--we stay in our lanes; we do what we do best, you know. I don't suggest that other organizations intervene with gang members, because that's something that not a lot of people can do, and you have to have the skill to do it. And we think with our ex-gang members and me having been in it for over 20 years and our...and we've got two police chiefs--a former police chief and a current police chief--that know the lay of the land very well. So we think that we're really well suited to deal with intervention/prevention strategies in Omaha; we just need the resources to continue. And with that, I'll stop and answer any questions you might have. [LR571]

SENATOR ASHFORD: Any questions of Ben? [LR571]

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SENATOR LATHROP: Can I ask one? [LR571]

SENATOR ASHFORD: Yes, absolutely, Senator Lathrop. [LR571]

SENATOR LATHROP: I'm looking through this summary of the activities. And Impact One was involved in a summer jobs program... [LR571]

BEN GRAY: Yes. [LR571]

SENATOR LATHROP: ...for high-risk youth. Take two seconds--it looks like you employed 200 kids. [LR571]

BEN GRAY: We employed over 200 kids. And the ones we went after--and just so you know, Senator Lathrop, the people that we go after are failing students and gang members. We all work with a degree of individuals who are at risk, but we feel like it is important for us to reach out directly to gang members and get them employed and directly into classrooms of OPS. And we ask each middle school and high school principal to give us five of your failing students, and those are the ones that we employ. [LR571]

SENATOR LATHROP: And did...were they employed and were they paid by the grant or a grant from the Office of Violence Prevention or did the business community participate in their employment? [LR571]

BEN GRAY: Some of it was the business community; some of it was money from the Office of Violence Prevention. But most of it was a partnership between us and the Omaha Public Schools. So the Omaha Public Schools put in resources as well. [LR571]

SENATOR LATHROP: Okay. Thank you. [LR571]

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SENATOR COUNCIL: A follow-up. [LR571]

SENATOR ASHFORD: Yes, Senator Council. [LR571]

SENATOR COUNCIL: And this is resource related, because it's a follow-up. Ideally, how many young people would Impact One would have liked to employ during this past summer? [LR571]

BEN GRAY: You know, Senator Council, with our collective partnerships and what we've done this year when the city council, you know, put together some resources for--it was under the technical term of Bright Futures, but it was actually money to go to the Urban League, Impact One, and ENCAP--between our partners, we would have liked to, between Impact One, the Urban League, and ENCAP, we would have preferred to serve as many as 1,000 students; that was going to be our goal this year. Between the three of us I think we did a little over 500. [LR571]

SENATOR COUNCIL: Okay. [LR571]

BEN GRAY: So we would like to have done--if we'd had the resources, we would have loved to have doubled that number, because I think we would have had a real significant impact between the three agencies if we had been able to accomplish that. [LR571]

SENATOR COUNCIL: Thank you. [LR571]

SENATOR ASHFORD: You know, Ben, I'm blown away. I just think this is such a tremendous report. Three or four years ago we were...on the policy level, we were worried about whether or not ex-offenders could even be involved in dealing with these kids. And now I think you've proved...and the challenge was there: can we... [LR571]

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BEN GRAY: Yes. [LR571]

SENATOR ASHFORD: ...could we bring ex-offenders on the street and--safely--and make an impact? And you have proven it, that it can be done in a safe manner and to the benefit of those kids. I think it's a turning point in our history. I honestly do, because it's wiping away so many of the misconceptions, really, that the general public has about the value of these people who come out of the institutions, who are able to relate to these kids. It has to be directed, obviously. But I know we've heard Beto talk about it, and he's here to talk about it some more. But I'm just...on a personal level, I just want to thank you; it's an amazing accomplishment, in my view. [LR571]

BEN GRAY: Senator Ashford, thank you. And Beto and I have been on the street for, what, 25 years--close to. And what we have done before this process and certainly during this process is incorporated, as many young men who have been through this, who understand it, who know that it's the wrong way to go. And we're using them successfully. And we wouldn't have the success we're having but for the fact that we've hired ex-gang members to work with us to get this done. [LR571]

SENATOR ASHFORD: It's incredible work. And I'm thankful. [LR571]

BEN GRAY: Thank you. [LR571]

SENATOR ASHFORD: We all are; the state is. Everyone. [LR571]

BEN GRAY: Thank you. Thank you all. [LR571]

SENATOR ASHFORD: Chief. Brought you in from out of town. [LR571]

ALEX HAYES: I'm Chief Alex Hayes, the chief of police for the city of Omaha. Thank

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you for having me. And, yes, you did bring me in from out of town. No. Very worthwhile for me to come back and do this. You know, when the Office of Violence Prevention first started and you named Mike Friend as the director, I had my reservations, because me and Mike sat down and talked, and after talking to Mike, I thought: Wow, we've got a lot of work to do. (Laughter) But he stepped up to the plate, and he's done very well. One of the biggest things, I think, that he's done, really, is getting south Omaha on track to collaboratively get together and talk about the issues that are going on. North Omaha was a little bit different, because the collaboration was already there. It was already started; there was a lot of talk already going on; there were a lot of positive things that were going on. And having Mike there is really helpful. Whenever you have that grant money, kind of in the background, behind people's minds, and they start thinking of ways that they're able to apply for the grant money, receive the grant money, and kind of participate in that process, the one nice thing about what Mike tells them--and, I think, that office does--is let them know that it has to be a collaborative effort. It can't be a single individual out there who wants to do their own thing. The collaboration is really what counts here; the talking, the openness that we as a police department have given to the community, makes a really big difference. You can see it in the numbers. Mike was talking about the 2010 numbers and hoping that they were going to be better. I can tell you, in the aggravated assault number itself, we're up about 2 percent, compared--this year to last year. The thing that I find interesting is "shots fired" calls for the police department is down about 19 percent this year, compared to last, so far, in the third quarter. Those are huge drops in gun violence that's going on in the city (inaudible). Councilman Gray indicated earlier about the number of felonies--or, I'm sorry, homicides that we've had in northeast Omaha, which is traditionally our high area of town when we're having homicides. Tremendous drop, not to have one all summer. You know, virtually unheard of for, you know, really, probably a decade or so. I can't remember of a time where we did not have some kind of homicide, or homicides, really, going on in that particular part of town. This collaboration works. That office has a big part in that. And, you know, I can just only encourage you to continue your support for the office. It would be really nice to see more people out doing intervention work for



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those nonprofit groups out there in our community that would have an opportunity to apply for hiring more people and getting more people involved and out in the community helping us as law enforcement in that endeavor. I can only hope and encourage you to continue down that road. So that's really all I have to say. [LR571]

SENATOR ASHFORD: Thank you, Chief. Any...? Yes, Senator. [LR571]

SENATOR COUNCIL: Yeah. I was going to just kind of sit here quietly, but I just think it's important...Senator Ashford made mention of the resistance to employing ex-gang members. I have a much more vivid recollection: Ah, we're not going to spend state money on these people. And I'm, like, you don't understand (inaudible). And, Mike, you were in the Legislature that year when that was being debated; it was when Brad was talking about what he had seen at CeaseFire and trying to get state money to develop a CeaseFire-like model. But in terms of what value is added by the Office of Violence Prevention and Mike being in that position, is to hear from a different voice, a different perspective, you know, what the community has been saying for a long time, because I think there's this perception that the community is complacent, just allows, perhaps contributes to the crime that occurs in the community. And if people actually get involved...and Senator Ashford mentioned it; Mike has mentioned it. I've lived in Omaha all my life--I'm not going to start stating years; (inaudible) I am older than Thomas. But I have to go back to the early '60s to say I've witnessed the level of collaboration and cooperation between individuals, agencies, entities. I would encourage all of my colleagues on the Judiciary Committee and my colleagues in the Legislature generally, if you're in Omaha on a Wednesday afternoon at 2:00, you need to go to an Omaha 360 meeting, because it is phenomenal to see the level of commitment and participation. I don't think I've been to a 360 meeting where there were less than 45 people in attendance. And I know the last meeting was moved to be adjacent to Blackburn, where Impact One has been doing a lot of their work. But to see--I mean, we're talking faith-based community; we're talking family and youth service, not for profit; we're talking--in law enforcement, I'm talking the breadth of law enforcement. I think the

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meeting that shocked me the most was when I went to one of the 360 meetings at Omaha Home for Boys, and the deputy fire chief was there. And I'm, like, wow, you know. But if you think about it, you know, the fire department does and can have a role in crime prevention efforts, and to have them there and the level of support...this is my final comment, that this effort we've seen from the Omaha Police Department is to be commended. I mean, I don't go to one of those where either you're there--Councilman Gray--either you're there, your precinct captains are there--I've been there when the northeast and the northwest precinct captains have been there--regency coordinator, and the liaison between the mayor's office and the police; they're always present at those meetings. And the work that's done there, the communication that occurs there, is what I think is contributing greatly to the reduction in...and there's no...everybody is doing it without regard to who gets credit for it. And I think that's the most significant part of Omaha 360. I just had to state that for the record. [LR571]

ALEX HAYES: Thank you. [LR571]

SENATOR ASHFORD: Thank you, Senator Council. And thanks, Chief. Thank you very much for all your work. [LR571]

ALEX HAYES: Thanks. [LR571]

SENATOR ASHFORD: Beto and then Tom, I think. And then we have some representatives of Omaha 360 here and others. [LR571]

ALBERTO GONZALES: Good afternoon, folks. Glad to be here. You know, I look around this room, and I know all the hard work that's been put in. And I'm kind of guilty of not being able to make it to some of the meetings, but not because I don't want to be there. Working out of a lot of schools at the beginning of September, which does not allow me to make it to a lot of the meetings, but me and Mike do keep in contact by e-mail. I'm always letting him know what's going on or what I'm about to do or the

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schools I'm working out of. But I want to make a comment. I really--I would just be repeating everything everyone else has said if I just went on and on. But I just want to make one comment about Mike. And all joking aside--and I mean this truly, from my heart--in all my years, 30 years as a professional, one of my biggest pet peeves were those who give grant monies, those who hire...one of the things that's always crawled under my skin, for years, is that I have done all this work for 30-something years--in a lot of years, there was, like, the people that hired me or people that gave the monies never once walked into one of my groups, never once went and made one of the family sessions with me. And I want to say that Mike went above and beyond just sitting behind the desk and talking to all of us folks. Mike came to DCYC once. I have to commend you for that, Mike, because, you know, I mean, he got to see the work that was done; he got to look in the faces of these young men that were getting ready to either serve the rest of their lives in prison or some time. But I think that helped you and gave you a different perspective of these young...and I still, regardless of what they do, they're still beautiful people to me, because something in their core was damaged to cause them to be the people that they are today. God bless them all. But I want to say that I know that through the efforts of this crime prevention office that you guys have in Lincoln, it's because of that that these numbers really...you're seeing what you're seeing and it's right in front of your eyes; people have documented it. I'm not really a data keeper, and I don't have numbers to give you; I just know that as I walk the streets and I see the smiles on my people's faces and the comments and the phone calls that I get, this work is helping. We're never going to get rid of gangs. Gangs have been here since the biblical days; I hate to break you guys' hearts. But, you know...but the fact is that we do have to save one life at a time, and we do have to work on our neighborhoods, and we do have someone that they call, in my book, "Satanas." And we've just got to keep working on keeping him out of the hearts of people. And if you folks have any questions for me, I'd love to answer them. [LR571]

SENATOR ASHFORD: Questions of Beto? Beto, just one question. [LR571]

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ALBERTO GONZALES: Yes, sir. [LR571]

SENATOR ASHFORD: And you have been out on the street for over 30 years. Do you think Omaha is safer today than it has been in the past several years? [LR571]

ALBERTO GONZALES: You know, it's safer during the day. (Laugh) But at night--I think Rick James made the song, "The Freaks Come Out at Night"; there's a lot of truth behind that. There's a lot of people out there, they're just getting smarter. The drugs are still out there. I'm still witnessing the damaged lives. Right now, I think...there was an officer who once shared with me that it breaks his heart to see how many Latino children, especially in the south Omaha area, that are being either put in foster care or having to be deported back to Mexico, when their families brought them here to give them a better life to begin with, but because once their fathers get caught up in making those drug deals and making some money real quick because they've gone broke. [LR571]

SENATOR ASHFORD: What happens in that case, when a...and that is a frequent event, when there's a drug bust and the father or the adult in the home is deported--well, is prosecuted. And then the children are there. What does happen in those cases? [LR571]

ALBERTO GONZALES: Well, either they go into foster care or they get adopted out or right away a phone call is made to Mexico. And I don't know how they work it out, but they work it out where the children are then sent back to live with an auntie or uncle, whatever. So... [LR571]

SENATOR ASHFORD: And they're... [LR571]

ALBERTO GONZALES: ...but there is a process. [LR571]

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SENATOR ASHFORD: Yeah. But they are--they're little children in many cases.  
[LR571]

ALBERTO GONZALES: Small, beautiful children that don't even have a clue what's going on with their parents. And, you know, and for the most part, if you walk into their homes, they're loving families. But, you know, these fathers have to, you know, bend over and do whatever to survive. [LR571]

SENATOR ASHFORD: Are the drugs still pouring in here? [LR571]

ALBERTO GONZALES: Yes, they are. And I want to share some information--and you never know what to take, you know, as far as being truth or not--but got a comment from one of our store owners the other day that Zeta in Chicago, the gang from Mexico that we're all reading and hearing about, has now made it to Chicago. And I'm guessing that some of the folks up in Chicago are really being devastated by Zeta making it to Chicago, and if that's true, you know, believe it or not, you know they're going to make it to Omaha. So we've got to keep our eyes and ears open, continue being out on the streets, hearing what (inaudible) saying. [LR571]

SENATOR ASHFORD: Yeah, that's what makes it even more amazing, that we're seeing--the success we're seeing is--that we're fighting a war, really, here. It's a foreign war, really; drugs are coming from another country. They're getting in here, and we're having to deal with this problem every day. And so the success of this is...that we've seen in spite of all that, is pretty amazing. [LR571]

ALBERTO GONZALES: Yes, sir. [LR571]

SENATOR ASHFORD: Yeah. [LR571]

ALBERTO GONZALES: Well, I'm going to keep doing what I'm doing. And, thanks to all

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of you folks and the folks behind me, I'm still here; so God bless all of you. [LR571]

SENATOR ASHFORD: Thank you. [LR571]

ALBERTO GONZALES: Thanks to all of you. All right. [LR571]

SENATOR ASHFORD: Tom. [LR571]

THOMAS WARREN: Good afternoon, Mr. Chairman, members of the committee. My name is Thomas Warren; I'm president and chief executive officer of the Urban League of Nebraska. We are a grant recipient of the funding that was made available through the Office of Violence Prevention. We administer a program that we refer to as our youthful offender reentry program. And as I testified earlier, as an organization we do administer programs in education and youth development, much like the truancy reduction program that I testified on earlier today. These programs are recognized by the juvenile court as a approved diversion program. Any effective crime-reduction program must be comprehensive; it must contain elements of prevention, intervention, and enforcement. And, of course, we were reminded this past weekend, when you talk about the ongoing and persistent problem that we may have with gang and gun violence, that we can have a spike or an outbreak at any moment. But it's important that we have an appropriate strategy to respond to these outbreaks. And what you've heard this afternoon is a very comprehensive, cooperative, collaborative effort that takes place in our community. The Urban League is an active participant in Omaha 360. The program that we administer--our youthful offender reentry program--focuses more on prevention and intervention, and it's our hope that we keep these young adults from graduating into getting involved in more serious offenses. We hope that we can intervene and get them back on track. We do work with at-risk youth. We take them where they're at--ages 16 to 21. If they're in school and struggling, we provide remedial and tutorial support. If they're out of school, we try to get them, in fact, reenrolled, if they so desire, or get them engaged in programs where there may be an alternative means

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to obtaining a high school diploma or an equivalency diploma. What makes our program unique is that it operates under the auspices of Urban Youth Empowerment Series, where we can offer a comprehensive suite of programs. We'll talk about credit recovery to keep a kid on track towards obtaining a high school diploma. We administer our own credit recovery program; we call it Urban League University. It's a summer school program where we hire certified instructors in cooperation with the Omaha Public Schools district, and students can actually earn credits that they apply towards graduation. We offer core classes in English and social studies, elective classes in criminal justice and business administration. And then they have an on-line offering, an ANGEL on-line program, where they can obtain core credits that are actually monitored by a certified instructor to stay on that path towards graduation. Our program is a educational supplemental program that is a pathway to employment. Our current case manager, our specialist, Tyrone Marshall--when we applied for the grant initially, we had projected a caseload of about 80--currently has 115 youth on his caseload. And to be able to offer additional supportive services--we also administer a job training program. And Councilman Gray talked about Impact One's summer jobs program. We were fortunate--and, of course, due to the leadership of Mayor Suttle, funds were pooled together so we could administer a work-experience program this summer. We were able to employ 125 youth this summer, and they were able to work up to 400 hours at \$7.25 an hour. And it is my belief that one of the most effective crime-reduction strategies is a summer jobs program. And there's no coincidence. You heard the chief testify that we didn't have a homicide between May up until last weekend, a gang-related homicide. And we had these young adults engaged in constructive activity, whether it was a supplemental educational opportunity or an employment opportunity. And we went the entire summer without a gang-related homicide. And I will attest to the fact that--I'm native; I've been here most of my entire life--but I'll tell you that we've never had a summer where we didn't have one gang-related homicide, to my knowledge. And the level of cooperation amongst the community-based organizations, the donor and philanthropic community, the governmental agencies, the corporate sector--that has been unprecedented. And that's what it takes. I do want to share with you one specific

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incident that is indicative of the collaboration. And, of course, the staff that are assigned through the funding that was made available through the Office of Violence Prevention and the cooperation that we have with our partners--whether it's the Empowerment Network, 100 Black Men, Wesley House Leadership Academy--hosted an event called "Striving for Success," where we focused on ninth-grade African-American males, students in the Omaha Public Schools. We brought in a keynote, Dr. Stephen Perry, an expert on education. The focus was on education as well as on personal responsibility, life skills management. And we also exposed these young men to professionals throughout our community, adult African-American males--lawyers, doctors, judges, businessmen, educators, representatives from the faith community, nonprofit organizations--to engage these young men and, really, to hear from them in terms of what the issues that they are dealing with and how they are confronting these issues. And it was important that they see the positive male role models and that they engage with someone who can share an experience and, hopefully, motivate them so that they can become productive adults. That afternoon there was an incident--potential incident--that was more of a residual from a shooting incident that had occurred on a public bus a couple days prior. And the principals involved in this incident or their associates had decided that they would reconvene at a public high school and engage in a brawl, if you will. My staff member Tyrone Marshall, being a specialist in working with some of these individuals, gets a phone call that this incident is about to occur. Coincidentally, members of Impact One and his staff--they're getting intelligence information on the ground that this incident is about to occur and could potentially disrupt that school environment. Our staff immediately mobilized. They were able to arrive at the school; they were able to engage these individuals and defuse a potentially volatile situation. These are real-life examples of the impact that this program has had and an example, illustration, of the cooperative efforts that are taking place in this community. And ultimately it's about trying to keep this community safe, keep these young adults on track so that they can become productive citizens and, of course, improving the overall quality of life for the residents in this community. And so I'm willing to answer any questions that you may have. [LR571]



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SENATOR ASHFORD: Any questions of Tom? That's great. The only comment I would make, the pathway program, the sort of GED-plus, which, that...what you're doing...you're not simply getting someone into a position where they can take a GED; you're creating a pathway for them--for young people that are not necessarily traditional students or that may never be traditional students but do want a job and need a job. That's essentially what you're... [LR571]

THOMAS WARREN: There are several programs, actually, Senator. [LR571]

SENATOR ASHFORD: Right. [LR571]

THOMAS WARREN: The program that we administer, Urban League University, keeps them on track towards earning a high school diploma. [LR571]

SENATOR ASHFORD: Right. [LR571]

THOMAS WARREN: OPS has alternative pathways to a high school diploma, including their accelerated program, which is a accelerated credit recovery program. In partnership with Metro Community College, they have dual enrollment, where you can earn a high school diploma... [LR571]

SENATOR ASHFORD: But, in essence, my point is that you're working with these young people to find out where their pathway should be, as opposed to simply cookie-cutter in a... [LR571]

THOMAS WARREN: Absolutely. It's important to customize... [LR571]

SENATOR ASHFORD: Right. [LR571]

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THOMAS WARREN: ...a strategy to meet that individual's... [LR571]

SENATOR ASHFORD: Right. [LR571]

THOMAS WARREN: ...needs, their interests, you know, certainly their aspirations. And we recognize that it's important for them to obtain either a high school diploma or some credential to maybe pursue postsecondary education, so that they can get a job. And then with the job placement services that we offer and the job training, we have also actually been able to get these individuals placed in employment opportunities. [LR571]

SENATOR ASHFORD: Thank you. Thanks, Tom. [LR571]

THOMAS WARREN: Thanks. [LR571]

SENATOR ASHFORD: The mayor's office is here, I think. Is someone here from...? Is Alec here? No? Is Gail here? I don't see--I hadn't seen her, but...Gail Braun? Jeanette (phonetic)--is Jeanette Taylor (phonetic)...? [LR571]

BEN GRAY: Mr. Chairman, we...they're at a...they're over at a funeral, and... [LR571]

SENATOR ASHFORD: Okay, that's...you mentioned that before. [LR571]

BEN GRAY: Yeah, we've got a situation that we've got to address. [LR571]

SENATOR ASHFORD: All right. Is...? [LR571]

BEN GRAY: Yeah. [LR571]

SENATOR ASHFORD: Is anyone...? [LR571]

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BEN GRAY: So that's where Jeanette is. [LR571]

SENATOR ASHFORD: All right. Is anyone else here that would like to testify? [LR571]

SENATOR COUNCIL: Mr. Chairman. [LR571]

SENATOR ASHFORD: Yes. Senator Council. [LR571]

SENATOR COUNCIL: Could I ask Mr. Friend to return to the podium and Beto be prepared to kind of follow up on it? It's related, but it's unrelated. It gets to a question a colleague, Senator McGill, asked a couple of members of the Judiciary this morning about the child welfare system and the reforms. And I just want you to comment, because it's in the report. Boys and Girls Club along with the Office of Violence Prevention were probably the primary sponsors; I had the privilege of attending that teen town hall meeting in July. And if you could share with my colleagues the results of the focus groups and what item that most of the focus groups had as their top concerns facing...and I think it would respond to Senator McGill's question. [LR571]

MIKE FRIEND: Thank you. Thank you, Senator Council. You and I have never really talked about this, but I know we were both there. And what occurred to me, and I think you'd agree, is it seemed to be overwhelming, as far as those focus groups were concerned--and tell me if you're thinking the same thing--that foster care was a huge issue. And not just foster care as an issue--the system being broken. And frankly, there was a bunch of kids in that room. And when I say a bunch, there were probably a hundred and... [LR571]

SENATOR COUNCIL: A hundred-plus. [LR571]

MIKE FRIEND: Yeah. I don't even know what the number...it was over a hundred. I think Don told me that there were approximately...I think that they figured 110. The point is

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every other question. Now, there were questions mingled in for Deputy Chief Schmaderer: How come the cops harass me? Or whatever. And he goes: Well, no...so he had to answer a couple of those, but--and they were sort of having fun with that. But I don't think that they really...but they weren't having fun with the foster care issue. And they were asking specific questions about: How come this happens? How come this happens? How come when I have a friend here and...there's people couch surfing, I guess that's the point. [LR571]

SENATOR COUNCIL: Um-hum. [LR571]

MIKE FRIEND: And it was a concern with a lot of those kids. They were having fun with the police, and... [LR571]

SENATOR COUNCIL: Well, they were having fun with the chief because...you know, they were kind of talking about one of the top concerns expressed was lack of trust of authorities. And that was in the context of you're talking about people needing to come forward and to cooperate with law enforcement so that, you know, we can be working together to reduce crime. And one young man said: Well, yeah, I did that, you know, and told him you can't, you know, don't tell you got that from me; and the next thing I hear, everybody knows that I told the police, you know. And that was the guy that kind of got a kick out of it. It just happens that I have my notes from that meeting. And it just struck me that there were five focus groups, and three out of the five focus groups had the foster care system among their top three concerns. They had it above work opportunities; they had it above safe places for teens to hang out; they had it above education; and then in a couple of them they had it above violence. And I just think that the committee needed to hear that. Because one of the other things that occurred was, because that was expressed among their top concerns so many times, the question was posed: By a show of hands, how many of you are now or have ever been involved in the foster care system? And I think, like, 75 percent of the hands went up in that room. And, Beto, I mean, I think that... [LR571]

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ALBERTO GONZALES: Well, let me just share this about the foster care. When it comes to the Latino community, there's some wonderful families out there that are taking on some of these Latino kids. But these kids are going in there and they can't, especially if they're Spanish speaking, they can't communicate with the families there. They try to do the best they can. I think that we need to take a look at how are we going to get more Latino families involved in foster care. I think we also need to look at if we have families that are not citizens of this country but are working towards their citizenship, how can we...even though they're not citizens, but how can we help them become foster care parents so they can get these kids, to help these families out that are struggling. That's the struggle that I'm hearing in, you know, in south Omaha. But this is what I do hear on north and south. A lot of the kids who have come out of foster care, the abuse that takes place. These foster parents who have children of their own who, when their parent isn't looking, that child is beating on the child that's being cared for or being sexually abused. I don't know what kind of screening needs to take place, but screening not only on the foster care parents but screening on the children--if these children have any backgrounds as far as have they ever been arrested. Have they ever been picked up for, you know, molesting another child? Anything like that--I think that needs to be investigated, because you do get a lot of the...not a lot, but, you know, you do get the stories of children being sexually abused by the children in foster care--that are the children of the foster care parents. [LR571]

SENATOR COUNCIL: Okay. Okay. Another thing--another point that was raised--and, Mike, and I don't know if you remembered it--the young woman who said that she had been in 15--she had had 15 foster care placements in her experience, and she was still in foster care. And there were a...and then there was kind of, like, a lot of cosigning onto that after she talked about the number of placements. But I was just shocked that, of all the concerns, you know, that you would have expected these young people to express, that the foster care system was cited as among the top three in three out of the five. And in one it was number one. [LR571]

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MIKE FRIEND: And, Senator, what occurred to me...sorry about... [LR571]

SENATOR COUNCIL: Go ahead. [LR571]

MIKE FRIEND: What occurred to me is...I ran him off. (Laughter) They--a couple of them didn't know how to verbalize it or communicate it appropriately, but they're saying, how do we...they all went down into this direction that they didn't know how to develop continuity in that system. So in other words, why are they moving from place to place to place? And they didn't know how to verbalize how does that end--who do I talk to to get that to end? [LR571]

SENATOR MCGILL: Um-hum. Yeah. [LR571]

MIKE FRIEND: And none of us had any answers. We were all just standing there looking at each other. So, yeah, it's a problem. [LR571]

SENATOR COUNCIL: And, Councilman Gray, you had something... [LR571]

BEN GRAY: Yeah, I... [LR571]

SENATOR COUNCIL: ...you wanted to add. [LR571]

MIKE FRIEND: We could, all of us, just stand together. [LR571]

BEN GRAY: (Laugh) Yeah, we could. And, Senator Council, I think you raised exactly one of the clear problems that we face. And, Senator McGill, I'm glad you asked the question, because one of the things that really...that drove it home for me: some of the young people were saying, you know, you load us up with all this medication, and we're not the ones that need the medications; some of our parents need the medications;

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some of the caregivers are the ones that need the medication--not us. But you load us up with medication, and so we go to school. And we go to school, we've got this medication in us, and so we're not functioning the way we should. And then when we don't function the way we should, then you blame us, but then you got us on all this medication. And we're not the ones that need to be medicated. So I, you know, it was a very clear, clear picture that was drawn by these students. And, you know, some of the things that were said, including the ones I just mentioned, were things that I think, you know, we had not heard. And I think it was a good opportunity to hear from them, clearly, some of the concerns that they had. And this was really...this one was really serious. [LR571]

SENATOR ASHFORD: Thanks, Ben. Anyone else? I believe that Senator Lautenbaugh is here. Welcome. I know he had to be in Lincoln this morning for other hearings. I would just--I will end right now, but I do--I would want to mention this, that as we work through this data issue, which I think to some degree is--I've talked to Mike about, and we've been working on it this summer and fall. One of the blockers or obstacles in this area of foster care is the relevant agencies aren't talking together on this relevant foster care information. The school, OPS--one of their major criticisms has been we don't get updated information from HHS on foster care and the other way around. Kerry Winterer and his group, as we talk about this data, need more information from the schools. That's not going to answer the problem. The mobility is a huge issue as children go from school to school. But we do need to know much, much sooner when these issues arise and how the foster care situation impacts those children. It is clearly, as we worked through it this summer and fall, is a major, maybe the major, issue that we see, as well. And the systems need to start talking to each other, and they really aren't. But--so I would just end by saying this, again, thank you to everyone in this room for everything they have done. I'm just honored to be a part of watching it happen. And in this Judiciary Committee, every single...Senator Council, I was trying to applaud you. [LR571]

SENATOR COUNCIL: I'm sorry. (Laughter) [LR571]

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SENATOR ASHFORD: No, I'm kidding. No, I really, honestly want to thank the members of the Judiciary Committee; they...and the staff, LaMont and Christina and Jono and Stacey and the whole team. We took this issue on as a committee four years ago, this issue of violence, and moved backwards to how it all starts and what we can do. We know we can't do the job that needs to be done. It has to be done here, on the streets, in the schools, and in the neighborhoods. We know that. But, hopefully, we've been a facilitator to help get us to the right place. What I would lastly say is I am absolutely convinced that everybody that's working on this issue, that I have worked with, are at the top of their game. We are blessed in this city and state with having people at the top of their game, from law enforcement to the prosecutorial side to the community-based services to the elected officials. We will succeed in stopping the violence, hopefully, substantially reducing--and we already have this summer. And it's because of you that that's happened, and the members of this committee; so thank you all very much. Thanks for coming, and, well, we'll see you soon. [LR571]