

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

Judiciary Committee  
November 09, 2010

---

[LR571]

The Committee on Judiciary met at 10:30 a.m. on Tuesday, November 9, 2010, at Platte Valley State Bank, Grand Island, Nebraska, for the purpose of conducting an interim study public hearing on LR571. Senators present: Brad Ashford, Chairperson; Mark Christensen; Colby Coash; Brenda Council; and Kent Rogert. Senators absent: Steve Lathrop; Scott Lautenbaugh; and Amanda McGill. []

SENATOR ASHFORD: Why don't we get started here. I hope my voice...do we have amplifiers or not? Okay, we don't have amplifiers but hopefully everyone can hear everyone as we get started. I want to thank Senator Gloor for inviting us to Grand Island. Last session, Senator Gloor and I had several conversations about the issues in LB800, the juvenile justice bill, and the Office of Violence Prevention. Senator Gloor has informed us on the committee of the issues that...some of the difficult issues you're dealing with in Grand Island, and so we were very pleased to be invited out here. Thank you. We will take LB800 first. I assume that most people here now are here to talk about LB800 because that's the first agenda item. Is there anyone here that is also going to be...well, Mark Young, I see is here, that would be also talking about the Office of Violence Prevention issue. Are you...I know Mark Young...anybody else here that...that hearing is scheduled for 1:30, but possibly someone might be here...one o'clock, okay. So what we'll do is we'll go through LB800 and then break until 1:00 and then we'll go on to the Office of Violence Prevention. Mike Friend is here from Lincoln and then we have a number of testifiers. I'd like to introduce my colleagues. First of all, Mike Gloor. You all know Senator Gloor, of course, from Grand Island; Senator Coash from Lincoln; Senator Christensen from Imperial; Senator Council is here. You just zipped right in here from Omaha. Thank you, Brenda. And Senator Rogert from Tekamah. So welcome to everybody. Christina Case, our legal counsel is also here; and Stacey Trout is our legal counsel; Christina is our clerk, so, welcome. LB800 is a major piece of legislation that this committee worked on for two years, and one of the individuals who kind of was in the forefront of our deliberations is Mark Young, the county attorney in Hall County.

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

Judiciary Committee  
November 09, 2010

---

Mark comes before us on many, many issues, not just LB800 or the issues in the Office of Violence Prevention, but many issues dealing with his office in Grand Island and is truly a leader in the state. So I would welcome Mark, and if you would come here and lead off on LB800. [LR571]

MARK YOUNG: I got a new hip two weeks ago and so I'm trying it out today. [LR571]

SENATOR ASHFORD: That it is a new...how are you doing? [LR571]

MARK YOUNG: Good, good. I got to enjoy the new medical tower that Senator Gloor got built for us out here (laughter) for part of last week and now I'm back. [LR571]

SENATOR GLOOR: That's a nice look for you, by the way, Mr. Young. [LR571]

MARK YOUNG: It does, yeah, yeah, well. [LR571]

SENATOR ASHFORD: And Senator Gloor had leg issues as well, so, I mean, it's good that...anyway, Mark, welcome, and why don't you go ahead and give us your comments, and then I'm sure we'll have some questions. [LR571]

MARK YOUNG: Thank you, Senator, members of the committee. I am Mark Young, the Hall County Attorney. I'm here today, first of all, to thank you all for the hard work you put in over the last couple of years that led to LB800 getting passed. I think you've given us a good basic toolkit for addressing truancy issues. As those of you who have been on the committee know, Grand Island Public School and the county attorney's office here have partnered to put together a program where we have, if you will, a truancy court in the school system. And one of my deputy county attorneys who will be visiting and testifying in a little bit, Martin Klein, actually is in the schools four hours a day and conducts...is the hearing presiding officer at a truancy court, which is an informal problem-solving type of court. Marty and the school will be able to give you the statistics

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

Judiciary Committee  
November 09, 2010

---

on that, but I'm really proud of the work we've done. And I do think both the county board and the school board deserve a lot of credit and recognition for being willing, in this day and age, to pony up the money it took to get this going. The program itself, I believe there is some good reasons to have a county attorney involved because it give us some synergy, and this actually flows into this afternoon. The more communication, face-to-face communication there is, the more likely it is you're going to be able to address not only truancy but other behavioral problems before they end up in juvenile court, or help the judge craft an appropriate juvenile order of probation. One issue that has arisen under LB800 that needs to be, I think, clarified, is we're running into a situation where some attorneys are objecting to the judges talking to Mr. Klein about what's going on in the school under FERPA, which is the educational equivalent of HIPAA, I've been given to understand. Now I believe that the fact that LB800 specifically says the school is to collaborate with the county attorney's office means that we're specifically authorized to receive that information and use it. But it would not be bad to go ahead and say specifically that we should be receiving that information because then there's a FERPA exception under the CFRs that allows us to do it if it's specific in the state's statute. By way of explanation what's been happening is, one of the good things about the system we have is, you know, Marty, oftentimes I will be able to assign him to a case that involves somebody, a student he's already working with in the school system if they, you know, have a shoplifting or some other law violation. And then when it comes time for the disposition phase of that, the judge obviously wants to know as much as possible about what's happening in the school system. And so making sure we have the ability to do that, I think is very important. Thanks again for your hard work that got us LB800. I think it will be about another year before we really know how effective it is, because the school, the big school district here is obviously Kearney and Grand Island Public Schools. The other districts in the county are working on their truancy plans. I have been contacted by two of them for feedback on their truancy plan. But I think this can make a difference down the road. It's really tough to say, it's early in the process, really, so. [LR571]

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

Judiciary Committee  
November 09, 2010

---

SENATOR ASHFORD: One, I'm going to open up for questions, but the FERPA issue is an important one. And as we've been spending some time this summer and fall working on an interagency data-sharing protocol that we can start to...and to research whether or not we're going to need to change LB800 or other relevant statutes that deal with confidentiality and information sharing, my sense is in drafting LB800 we were attempting to address the FERPA issue. We've, in effect, created a team of people that are dealing with this child. And it's somewhat different in the sense that we're creating an opportunity for new interagency cooperation and team members. But again, I think by the time the Legislature convenes, hopefully we will have an opinion on whether we do need to change FERPA to address, or not FERPA, obviously, but state statute to address the FERPA issues. And then there's Title 42 issues and other confidentiality issues. But it stays...the idea, of course, is that this information is staying within the team. It's staying with the county attorney, it's staying with the school, and other relevant parties, HHS, or whomever it is, but... [LR571]

MARK YOUNG: And we can...once it gets in to the end point, you know, I think the statutes are pretty clear that the judge has the ability to order people to talk to each other under the juvenile code, and they're doing that here. Marty did a good job working on some new forms. But my concern with the FERPA is, I agree, Senator, I think it was clear that that was the intent. But it's also one of those things where I could see this judge or that judge reading it differently. [LR571]

SENATOR ASHFORD: Right. And I know in talking to...we've been in Omaha talking to OPS officials as well so that we could clarify this issue so there is no misunderstanding, but I appreciate your bringing up FERPA. Any questions of Mark? Let me just dig a little deeper on the 5-, 10-, 15-, and 20-day notices. Is there someone from the school here that's going to talk about how they address that or do you...what does your office do in that regard? [LR571]

MARK YOUNG: Our office...that is handled internally in the school as part of the truancy

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

Judiciary Committee  
November 09, 2010

---

program, is my understanding. Once they get to the 20-day or before that, then that's when we're getting...if things have been unsuccessful, in other words, then we're getting involved under the 20-day rule or slightly before that. You know, I've encouraged the schools here to look at that, is the maximum time to wait. Because really, you know, when you think about it, if you wait 20 educational days, the way the school semester works you're losing probably a month of the semester out of this kid's education. So we're getting involved directly with filing petitions after we get the 20-day notice, what I'll call the 20-day notice, even though we're getting them ahead. [LR571]

SENATOR ASHFORD: But prior to that, you're doing the other initiative. [LR571]

MARK YOUNG: Through the schools. [LR571]

SENATOR ASHFORD: Through the schools with the county attorney's office in the school prior to 20 days. [LR571]

MARK YOUNG: Yeah. Right. [LR571]

SENATOR ASHFORD: In fact, prior to 10 days, right? Is it five? [LR571]

MARK YOUNG: I think we are...they are...the good thing about what we have going is, they can look at those as the maximum time but they don't have to wait that long to get something going. [LR571]

SENATOR ASHFORD: Okay. And I don't know, Stacey, did you bring the numbers on truancy? I think it's important to get some framework here. I know...do we have the statewide last year number? Okay. So we had last year, correct? In '09-10 school year, is that correct? Eighty-five thousand two hundred three students were absent in the state of Nebraska more than 10 days; 42,296, more than 15 days; and 23,004, more than 20 days. Well, I mean, at least in Omaha many of those children when they're not

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

Judiciary Committee  
November 09, 2010

---

in school certainly they're not learning, and when they're not in school they tend to get into other behavioral issues that are hard to deal with, much harder to deal with. So what you're doing is incredibly important in my view. [LR571]

MARK YOUNG: Thank you. That was actually one of the reasons, if I may just real quick, that was one of the reasons I jumped on the schools initiative to get something going was, you know, if you're a junior high kid and you're not in school, you're probably not doing something real good with your time. And I know when Michelle Oldham got this program going, designed the program with the school, and now Marty, they have done a very good job of addressing that, and I really do think the integration is a key, trying to get...have the information as quickly available to as many of the different players, be it the county attorney, probation, the school, because everybody knows quite a bit, but it's surprising what we don't know about what each other are doing and... [LR571]

SENATOR ASHFORD: And I guess I have one other question and it does sort of go back to the FERPA issue. When we have a case of a 10-day or a 5-day--10-day certainly--absence situation, the ability to access information from all the agencies that touch that child is critical, wouldn't you say? [LR571]

MARK YOUNG: I would absolutely agree with that. [LR571]

SENATOR ASHFORD: And though there is some of that going on, the enhancement of that interagency collaboration would be something that would be helpful to you? [LR571]

MARK YOUNG: I think it would be. And if I may give a quick example, you know, on a hypothetical basis you could easily have a situation where you have parents of a grade school child where it's clearly the parents' responsibility to get the child to school, who are not getting the child to school. They're on probation, but the probation officer doesn't

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

Judiciary Committee  
November 09, 2010

---

know there's an issue with school attendance,... [LR571]

SENATOR ASHFORD: Right. [LR571]

MARK YOUNG: ...which is going to suggest, certainly, to the probation: (A) they're violating the law so it needs to be addressed from probation; and (B) then probation probably needs to be involved to find out why they're still messing up in that regard. You know, that's probably somebody that ought to be taking a test, you know. [LR571]

SENATOR ASHFORD: And then also, if you're the school and you try to find the child and the child is in foster care, but the foster care environment has changed, there's a new foster parent, and we don't know...the school doesn't know who that foster parent is, it's kind of hard to call them and find out where they are. So this ability to get real-time data it would seem to me to be something that we need to focus on. [LR571]

MARK YOUNG: I think it's the key to getting this addressed efficiently and economically. [LR571]

SENATOR ASHFORD: Okay. Thanks, Mark. [LR571]

MARK YOUNG: Thank you, Senator. [LR571]

SENATOR ASHFORD: Any other questions? I see none. Martin is here. Martin Klein is going to... [LR571]

MARTIN KLEIN: Good morning, Senators. I'm here...I'm the attendance hearing officer from the Grand Island Public School systems, from the county attorney's office. I, too, want to thank both the county board, the Hall County Board, and the Grand Island Public School system for having the foresight to put this program into place. I think it's very well-needed and I think it's very well-designed. The communication that you were

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

Judiciary Committee  
November 09, 2010

---

talking about with regard to the probation office, the Department of Health and Human Services, the schools, the county attorney's office, the judicial process in general, what we've tried to do here is mesh that together like Mark was talking about. Because most of the time when the kids reach my point, which is the attendance hearing process, the attendance or the absenteeism is a symptom, it's not the problem. Many times what we do in the process is identify these children by the fact that they're not going to school or getting to school consistently late, and then we oftentimes, I would say most of the time, find that these kids have other things going on, other familial issues where the transportation is an issue or parents that aren't doing their job, whatever the case may be. But I think that meshing the services all together and having the communication for these different agencies to be able to communicate about this child, keeping it confidential within these agencies is important, I agree, but having the ability to talk...for the school's to talk to probation, for the county attorney to talk to the schools, all the way around I think is a very important part of what we're trying to accomplish, and that is, making sure these kids are in school. Mr. Young talked about the fact that when they're not in school, especially your middle school, older kids, they're probably not doing good things, and I would concur with that. But with regard to the program, we at the Grand Island Public School system have a process. You asked, Senator Ashford, about the 5, 10, 15, 20. Let me give you a description of what we do because I think it is important to the law that you put into effect, LB800, which I was very pleased with. And I think you gave us a lot of tools to work with these youth and I do very much appreciate LB800 as passed so far, and anything you guys can do to improve it would be great. But what we do is, like Mr. Young said, we use those as top numbers. We encourage...and the schools do intervene sooner. We have on staff...in the public school systems we are fortunate enough to have on staff social workers at the various schools. There's coverage for each school. And these social workers are talking with these students. They're pulling absence reports and they're talking with these students well before they get to the threshold that's set by statute, in the criminal statute. The criminal statute talks about five absences per quarter or the hourly equivalent and that's a great guideline. What that equates to us, the math that we've done, is we roughly have 50



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

Judiciary Committee  
November 09, 2010

---

days in a quarter, anywhere from 47 to 52, depending on the quarter. So that's roughly 10 percent. If we've got a student approaching 10 percent of absences after the first few weeks of school, our social workers are touching base with them. If we have a student missing school and we don't have a verified reason why they're not at school, our social workers are making contact. So this, in practicality, happens before we ever reach those statutory numbers. The statutory numbers are great to have in place because it gives us hard and fast rules, and the parents that we have eventually come into our process need those, and I need those to be able to refer to. But these interventions are taking place sooner. We then send out...in addition to social work personal contact with parents, if they reach or near the 10 percent level, we send out an initial letter, and then the social worker follows up again. And then if it continues at the 10 percent level, we send a second letter out, and the social worker follows up again. So now potentially you've got social worker contact letter, social worker contact letter, and then a plan the social worker makes with the family. So you've got at least five contacts in the public school systems here before you ever consider coming into the hearing process. So the schools are doing their due diligence in trying to help this family out. And then if you're still not getting success, then we come into the attendance hearing process of which I preside. At that point in time, we, in essence, ask the family...we inform the family about the law. We inform the family about the expectation. And then I ask the school to provide information to the family and to me as to why the school has concerns. And what we try to do is establish a plan from that point forward to alleviate the problem. And we almost always set up follow-up hearings. So you're talking six or seven contacts with the family before there's ever any consideration of a referral to the county attorney's office. And the guideline numbers that you gave us in LB800 are very helpful. So we don't wait for the 20-day rule to go into effect. We are contacting those students very much sooner, usually...or in sometimes to their dismay, but we're contacting the students and/or parents sooner by both in-person contact and letters from the school system, and then, if need be, to coming into the attendance process. I'll give you just a few numbers with regard to what we've done here. We've had overall for the first two years, which would be '08-09 and '09-10, we had 173 students that made it to the

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

Judiciary Committee  
November 09, 2010

---

attendance hearing process. We sent out thousands of letters, 1,350 letters, first letters, second letters, continued problems went down to 452; attendance plans went down to 210. So we're seeing the funnel effect, we're getting our worst students. And then we went to 173 of the original 1,349 actually came all the way through the attendance process. That's actually a pretty small, that's a pretty small percentage of the students that came through. So just the contact by the social workers and that first letter curbs many of these students' issues. [LR571]

SENATOR ASHFORD: Now, let me...what school..are we talking about middle and high school? [LR571]

MARTIN KLEIN: We...Senator, we focus on K through 8. [LR571]

SENATOR ASHFORD: Okay. [LR571]

MARTIN KLEIN: K through 8 is our primary focus that we've got a contingent where if we have the students in eighth grade and they go on to ninth grade, we will continue to hold on...we will continue to monitor them in ninth grade. But our attendance hearing process is designed for the K-8 students. What we're trying to do is establish a culture in Grand Island from the very first point when the student comes into the Grand Island Public School system, that family understands that attendance is the norm, you have to be in school. And we want to set that expectation from the very first time that they come into school as a kindergartner all the way through. And we're trying to establish a culture by focusing on K through 8 students. [LR571]

SENATOR ASHFORD: How many years has this been going? [LR571]

MARTIN KLEIN: We are in our third year of actual hearings. Our first hearing was in October of 2008. Michelle Oldham and the school system worked together to put this all together. I was the beneficiary of Michelle's hard work from that point forward, but they

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

Judiciary Committee  
November 09, 2010

---

devised this and initiated this process in August of 2008. [LR571]

SENATOR ASHFORD: I interrupted you. Did you have some more comments? [LR571]

MARTIN KLEIN: I wanted to say that we have had a total for those two years of 555 hearings. So, many hearings. We have an initial hearing and we almost always have at least one follow-up hearing. We've had some students that have gone through...our first case, I wanted to make sure that we had a slam-dunk case. I think it's important that our judges back us, so we wanted to put a very obvious case in front of the judge to back us when we finally did the referral, when the school said, okay, we're not successful in this setting, now we need to refer that. That student had, I think, a total of 10 hearings over the course of two years, with some...we had some...you know, moderate success followed by backsliding, and we finally realized the backsliding was just too much. But 555 total hearings. A number of those hearings are follow-up hearings. First, follow-up hearings, and many times those drop off. Now the success that we've seen in what we're doing is limited in number, because the statistics that I have run with, the advisers that I've gotten from the college campuses, they tell me that you want to try to run numbers that show your process the whole way through. You received every step of the process. And in our public school system we try to follow first letter, second letter, plan, hearing, in that order if we can, but we don't always. Sometimes there's a more immediate need. When we've got a student who is truant five days straight, we may bring them straight to hearing. But my numbers...I just want to say that my numbers are relatively small in the total number that I've considered. But in the cases that were not eventually referred because we couldn't gain success with those kids, we took those kids out, we received from the first hearing, from the point that they came in to the last hearing, the point that they exited, almost 100 percent of the time we've seen in those students a reduction in the number of days that they were absent. And that average reduction has been about a 10 percent reduction in the time that they've spent away from school. So is it the success, is it going from being absent a lot to perfect attendance? I'm not going to sit here and say it is. We do have a couple of cases we're

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

Judiciary Committee  
November 09, 2010

---

very proud of that that is the case. We literally have had one case where there has been significant absences to perfect attendance for a year and a half. It's a great case. But more likely is, can we get those students to school more often? Can we impact their habits? And I believe we are doing it. We're taking incremental steps. Like I said, the average is roughly 10 percent, but we're seeing success. [LR571]

SENATOR ASHFORD: Yes, Senator Council. [LR571]

SENATOR COUNCIL: Yes, thank you, Mr. Chairman, colleagues, and I wanted to thank everyone for your attendance. And, please, I apologize for my informality. I have another event in Omaha immediately upon my return, and it is not business casual, so. (Laughter) I do apologize for the clothing informality. But Mr. Klein, if you could just briefly describe the process. How...or is that for the representatives from the school district? How is the process initiated? I mean, you've spoken to the fact that you conduct these hearings. How is the process initiated and what is your function as hearing officer? Do you mediate? Do you set out an order of compliance with some type of plan? Kind of tell me what goes on at the hearing and how do you get to the hearing? Is it something that's initiated by the youngster, the youngster's family? [LR571]

MARTIN KLEIN: The hearing is...we have that 10 percent rule, and when a family nears the 10 percent rule our social workers are talking with the family. And then we're escalating it. As the 10 percent rule continues, they continue to hover around that or exceed the 10 percent absences, we go to the first letter, second letter, attendance plan, and then if things aren't successful, and this is all at the school level, if they're not successful at the school level with the social worker, principal...social worker, principal, and teachers at that school through all those steps, then they will ask me to schedule a hearing. [LR571]

SENATOR COUNCIL: Okay, that's the school? The school will send you...? Okay. [LR571]

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

Judiciary Committee  
November 09, 2010

---

MARTIN KLEIN: Yes, ma'am. I'm sorry to interrupt you. [LR571]

SENATOR COUNCIL: Okay. No problem. [LR571]

MARTIN KLEIN: The school will ask either the social worker or the principal or both, usually it's initiated by the social worker who copies in the principal, saying, we haven't been successful with the student, would you please schedule a hearing? I then send what I call a summons. It's modeled after juvenile court. Send a summons out for the parent to come to the attendance process, to the attendance hearing. At that hearing they come in. I ask the social worker and the principal to demonstrate their reasons why they feel that this is an attendance problem, an absentee problem. I ask...my personal style is I ask the parent, do you understand why the school has the concerns that they have? Almost every time I get a yes. Yeah, okay, I get that. And then what I try to do is, and I know mediate is not necessarily the right word, but what I try to do is, I try to gain an understanding of what's going on with their family. I try to problem-solve briefly with them in the hearing process. And I oftentimes say, now go talk to the social worker if you have any questions or help. I set an expectation, a clear expectation of what I need from them going forward. I need you to contact the school with verified absences, I need you to...whatever the case may be. And I ask them for agreement because I can't order them to do anything. It's not my authority to do that so I ask them for agreement. And almost every time I get folks to agree to what I've asked them to do and then we go forward. So we're making a plan of action. We're trying to get a plan of action that they can personally agree with leaving that attendance hearing process. And then we check back in a couple of weeks, three weeks, to see how things are going, and to see if we need to adjust it. The mantra that I have all the time is, look, the school is here to help and this process is here to help you figure this out, and this is the time where you can make your own choices in how you want to modify what you're doing, but we got to have the kids at school. [LR571]

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

Judiciary Committee  
November 09, 2010

---

SENATOR COUNCIL: And Senator Coash, it kind of resembles Judge Johnson's family... [LR571]

SENATOR COASH: Prehearing. [LR571]

SENATOR COUNCIL: ...prehearing court where he brings the families in and what Judge Crnkovich... [LR571]

SENATOR ASHFORD: ...is doing, yeah. [LR571]

SENATOR COUNCIL: ...testified to that she is doing in Douglas County and the prefiling process. But that's, you know, the compliance was number one. I mean, sometimes when you have these habitual truant issues, you also have recalcitrant family members, so. But apparently the appearance of authority in the summons you have modeled is enough to gain the parents' attention and have them attend the hearing. Have you had any parents refuse to...? [LR571]

MARTIN KLEIN: Yes, ma'am, we have. And if I may describe that briefly. [LR571]

SENATOR ASHFORD: How does that work? (Laughter) [LR571]

MARTIN KLEIN: Well, what we have done is we schedule...I send a summons out, we schedule it. I've got a date and time certain you're here, and that's really the only time that I call the family if they don't show up. And I call the family and I let them know who I am with the county attorney, and I think that unique position of...I'm hesitant to say this about, it's the position, it's a position of authority. And that position of authority goes a long way in talking with parents because I'm calling them as a county attorney now, and in conjunction with the school, but still as a county attorney behind that title, and I ask them why they're not here. And I let them know the ramifications. The school has indicated to me that you are at or near violating the statute, we want to work with you on

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

Judiciary Committee  
November 09, 2010

---

this. This is a voluntary process for you to come in. However, if you don't work with us in this setting, and you continue to miss school, you're likely to be referred to the county attorney's office. So that usually, in almost every circumstance, gets them in the door eventually. We have had a couple people that have said, forget it. And then the good thing with the report that we've built with the judges and the validity of our program is when we bring our cases to these judges, they realize we have tried and tried and tried and tried; now I need your action, Judge. And when we've got this process in place and people refuse to take advantage of this opportunity to curb the absentee problem, the judges are just as supportive of us when somebody refuses to come to our process, and then is referred to the county court. Our judges have been very good in supporting the position of the school in trying to get this family back on track at that level even though they didn't come into the process. [LR571]

SENATOR COUNCIL: Thank you. [LR571]

SENATOR ASHFORD: Just to get...yes, Senator Gloor. [LR571]

SENATOR GLOOR: Thank you, Chairman Ashford. And I would be remiss if I didn't also add my thank-you to the group that's here for the great attendance, but especially to Senator Ashford and the committee members for taking time out of their very, very busy schedules to come out to Grand Island to hold this hearing. This is the second time the Judiciary Committee has been here, to my knowledge, in the past two years, and that level of commitment to reach out in the state is, I think, recognized and appreciated. So my thanks to my fellow senators and Senator Ashford. Marty, as I recall, there used to be quite a production behind the hearing. In other words, you wore robes and things of that sort. Does that continue still or is that not, in fact, part and parcel of all this? I mean, I know the effect of this, at least from the feedback I got, was pretty dramatic and was one of the reasons that it was successful. [LR571]

MARTIN KLEIN: We...I never did get my robe, but...(laughter)...I honestly... [LR571]

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

Judiciary Committee  
November 09, 2010

---

SENATOR GLOOR: I have an old choir robe I could loan you. [LR571]

MARTIN KLEIN: There was some consideration to wearing the robe and we decided not to do that. We made a conscious decision, because we were not a court. We're a hearing process. However, there...I am...there's some effect built in. They are outside until I call them in. I am seated higher than they are at the board room. I am seated a little away from them. I try to conduct myself in a similar manner to as...I've modeled what I do after a judicial proceeding very similarly. And that's not always the case in all other places, I know, but that's what I've tried to do. So we do a formality...we do have formality in what we do. It's not just people sitting down at a table working through this. There's some formality, and I think that lends credibility to both the position that I hold, the title that's on my nametag, which is deputy county attorney, by being at a formal process and keeping these formalities and the production that you mentioned. I think it gives it some good effect. I haven't gone as far as the robe, but we do keep things fairly formal in coming in, and I think that lends some good effect to what we're trying to do. [LR571]

SENATOR GLOOR: Okay. Thank you. [LR571]

SENATOR ASHFORD: Yes, Senator Rogert. [LR571]

SENATOR ROBERT: You talk about all the work that the social workers are doing, and it has increased, I assume, the workload for them in the past couple of years. In the face of extreme budget cuts that we have, what happens if we cut your staffing levels of social workers by 10 to 20 percent? [LR571]

MARTIN KLEIN: You know, that's a question, I think you have Ms. Harder on the table or on the schedule and I think she can speak directly to that. She's the one that oversees the social workers. I don't know the answer to that question. [LR571]



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

Judiciary Committee  
November 09, 2010

---

SENATOR ROBERT: Okay. [LR571]

MARTIN KLEIN: I don't know how the process would work and I would probably be better to defer to Ms. Harder to try to answer that question. [LR571]

SENATOR ROBERT: You mentioned as you were getting started that anything that could be done to improve the process would be appreciated. Any thoughts? [LR571]

MARTIN KLEIN: You know, I think Mark took care of the questions and concerns that I had. There's the sharing of information, making sure that that's transparent for everybody involved so that they understand that I do have...I am properly in receipt of this information when I'm talking to parents. Mark...Mr. Young and I discussed this beforehand, and the thoughts that he had for you were thoughts that he had on his own and a couple of them that I sprinkled in with there. So I think Mr. Young has testified probably to the concerns that are...not concerns, but the tweaking that I would do. [LR571]

SENATOR ROBERT: Okay. Thanks. [LR571]

SENATOR ASHFORD: Yeah, I think that is maybe the area where we're going to need to do some work, is when you get that case you need to have access to all the data, all the information you possibly can have. And then also a way to access additional information is by a parent's waiver, and so forth and so on. And I don't know whether you have that authority to ask for a waiver. I would assume you do and you probably already do. Do you get a confidentiality waiver, or is that done by the school? [LR571]

MARTIN KLEIN: It would be done by the school. In this circumstance we aren't currently getting a confidentiality waiver, although it's something that we are very seriously considering. We are currently relying on the statutory authority, the notes that you

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

Judiciary Committee  
November 09, 2010

---

placed. There are a couple places where it talks about a county attorney within the statute. Like Mr. Young testified, we believe that's pretty solid authority but...to make it more clear, but the consideration of because it's a voluntary process, we are considering instituting a waiver that they sign before coming in. [LR571]

SENATOR ASHFORD: Right. And that may be something that we need to firm up to make certain that...this information thing is an elusive target. And I think, in going around the country talking to various jurisdictions, it's the one issue that kind of raises its head, and that is, you know, we want to be able, when we get in a situation like you're in, we want to be able to access all the relevant people, so that whatever services are needed for that child, we don't have to wait to find out what services are now being given and what could be available. And it's a big challenge because of FERPA and other federal laws. But let me...just the magnitude, I just want to understand. There are 1,349 cases that were at the initial stage. Is that...that's five days, I think, is that what you said? Or around...it's 10 percent of their attendance, which would be five point-something days, is that...? [LR571]

MARTIN KLEIN: It's an approximate. Like Mr. Young said, that's...by statute that's the top number that we use. If we are nearing the 10 percent, our letter specifically says, your child is either nearing or at a disallowable amount--something like that. I don't have the exact language in my head. But the letter does say, your child is nearing or is at the statutory amount of school that's allowed to be missed, so we may send it a little sooner than the 10 percent, especially if we're seeing a pattern. [LR571]

SENATOR ASHFORD: Okay. And that's K through 8. [LR571]

MARTIN KLEIN: That's K through 8, sir. [LR571]

SENATOR ASHFORD: There could be additional individuals in 9 through 12, obviously. [LR571]

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

Judiciary Committee  
November 09, 2010

---

MARTIN KLEIN: Absolutely. [LR571]

SENATOR ASHFORD: Are you following...this three years, do you follow, do you track? I'm sure you do, but do you track the sixth-, seventh-, and eighth-graders that you've dealt with over the last three years as they move up in their truancy, or the school probably does, their attendance as we go through ninth, tenth? [LR571]

MARTIN KLEIN: We do track their attendance and we do have that ability to look at how we're doing. [LR571]

SENATOR ASHFORD: How's that coming? Or maybe the school people will be able to... [LR571]

MARTIN KLEIN: We haven't put it together yet to see, because last year was the first year that we had eighth graders go into ninth grade, and we continue to follow those. And we're tracking only those people that reached the point of being in a hearing. [LR571]

SENATOR ASHFORD: Okay. The 173? [LR571]

MARTIN KLEIN: Yeah. Our first hearings, I don't have it broken down by the number of eighth graders that were in a hearing that moved on, but I think it was, like, only seven or eight eighth graders that actually made it all the way into the hearing process that we tracked into the ninth grade. [LR571]

SENATOR ASHFORD: Because the ninth grade is such a drop-out time, that information would be great to have, and then be able to break it down by some of the different challenges that this population has, whether they're in the juvenile system, whether they are wards of the court and some other through the juvenile system, or

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

Judiciary Committee  
November 09, 2010

---

whether they're in foster care, whether they have other behavioral issues. But what you've done here is incredible. You know, in looking at plans across the country, this...I have not seen one like this, where...I've seen a lot that are sort of like it, but the key point is the authority. I think you've hit it. The county attorney authority piece, combined with the school's caring for this child and educating this child, is a pretty...that covers the bases, I think. I mean, you know, and I know Liz Neeley is here, and I think, hopefully, she's going to talk about the bar association initiative, which is to, hopefully, engage lawyers across the state in doing what you're doing. Somehow we'll have to deputize them. (Laughter) I don't know. There are all these issues. But I really, I can't tell you how...I just think you've...and you certainly did it on your own. There was no LB800 when you started this, so it's good work. I guess if there's not any other questions, we could move on. Thanks, Martin. [LR571]

MARTIN KLEIN: Thank you for your time, Senators. [LR571]

SENATOR ASHFORD: Michelle Oldham. Good morning. [LR571]

MICHELLE OLDHAM: Good morning, Senators. Thank you for having me here. My name has been bandied about a little bit here. I was actually involved in starting the program at the Grand Island Public Schools, and then I left the county attorney's office and went into private practice in Hastings. [LR571]

SENATOR ASHFORD: Now you're in Hastings. You're the Hastings one. [LR571]

MICHELLE OLDHAM: Yes. [LR571]

SENATOR ASHFORD: So you're doing the same thing in Hastings. [LR571]

MICHELLE OLDHAM: We are, we sort of. And I want to explain a little bit the differences and kind of what we're doing. And actually I'm sort of here to encourage

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

Judiciary Committee  
November 09, 2010

---

you. LB800 was great. I was on the small committee that worked on that bill also, but I want to encourage you to remember that there's not a cookie-cutter answer for this. And our program in Hastings is much more of a grass-roots program than the Grand Island program is. We started...and actually they had started before I moved to Hastings, and then when I moved down there they asked me to get involved in the program. But it's a more community-based program. The schools are obviously still very involved, but we have...the county attorney's office--and I'm not in the county attorney's office. I'm in private practice in Hastings. The county attorney's office is involved. Law enforcement is involved. We have private nonprofit organizations involved. The program partners with the ASAP, which is the substance abuse prevention program in Hastings. We've received funding from United Way, the Sunnyside Foundation. We received a grant from the...actually from the Nebraska Commission on Criminal Justice and Law Enforcement. We received money from Adams County. And then obviously the schools have funded a social worker position also. Unfortunately, the schools at the Hastings Public Schools level are not funded, I guess, for the social workers at the level that the Grand Island Public Schools are. There are three social workers in the Hastings Public School system, and so we try to shift some of their duties to this program also. We have been lucky enough in the last year to be able to hire a coordinator or a case manager for the program. She's a contract employee for the...actually she's employed by CASA. That's another partner that we have is the CASA program is a partner. So our case manager is employed by CASA. I act as the hearing officer. I donated much of my time the first year, and now we've received some of these grants so I'm getting reimbursed somewhat. So we really have more of a...I don't want to say cobbled together program, but much more of a grass-roots program than the Grand Island program. So I do want to also emphasize the importance of the confidentiality in the FERPA so that not only the county attorneys could receive the information but so that I, acting as a hearing officer, would be able to receive that information. [LR571]

SENATOR ASHFORD: Well I think that's key. And you have to have the information at the point of the case coming to you. [LR571]

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

Judiciary Committee  
November 09, 2010

---

MICHELLE OLDHAM: That's right. [LR571]

SENATOR ASHFORD: And by information, it's HHS, juvenile justice, probation, all that stuff. [LR571]

MICHELLE OLDHAM: Right. Absolutely. Absolutely. And how we're doing it now is... [LR571]

SENATOR ASHFORD: How are you doing it? (Laughter) [LR571]

MICHELLE OLDHAM: How we're doing it now is...because the public schools have partnered in these grants with us, I believe that their belief is that that allows them to share that information with us. You know, it's... [LR571]

SENATOR ASHFORD: You have a team. [LR571]

MICHELLE OLDHAM: We have a team, that's correct. [LR571]

SENATOR ASHFORD: And so under existing statutes, that qualifies. [LR571]

MICHELLE OLDHAM: Right. So...but yeah, that is definitely an issue. And like I said, I do want to emphasize the fact that, you know, this isn't, I mean, this isn't a cookie-cutter answer. You know, each community is different, and each community, you know, needs to work with, obviously, the resources they have. And Senator Rogert's comment was very well taken, you know, what happens when we start cutting social workers then when we, you know, don't have these individuals. And we've tried really hard to...we've partnered with Big Brothers Big Sisters. And we've got the TeamMates program. We're trying to work with all of those community resources to help with these children also. Our process is much the same as Grand Island's as to how the child and the family gets

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

Judiciary Committee  
November 09, 2010

---

into the program. We do the five-day letters. The case manager and the social workers begin working with the family and the child. Then they come in front of me. Our process is a little more informal than Grand Island's, but they still have to come in front of me. One of the things that we have, that I don't believe that they're utilizing as much at least in the Grand Island program, is one of the things that we used are incentives and sanctions. And so we have...we have received, I believe it was the Sunnyside grant, we purchased trinkets, things. We've got a big basket full of things that middle school kids will enjoy. We've got card games, we've got blankets. I have one story that we had a little girl looking at...we had some earrings that were in there, and she was looking at those and she said, no, I think I'll take the blanket. I mean it was, you know...it's...some of these children are in circumstances that are, you know, we just need to put all of our resources there that we can help them. But so we do have rewards. If they come in front of me and they've done everything that they were supposed to do that week, then they get to pick a reward out of the box. You know, we have Taco John gift certificates. I mean, we've just got all kinds of different things like that. For sanctions, if they come in front of me and I think that there's a blatant disregard for what I've asked them to do, I've had them write essays. Occasionally we'll have them do community service. So we have a little bit more of a system of sanctions and rewards. I've kind of modeled this program around a drug court model, a problem-solving court model. And we have phases like that also. So at first when they're in the program, they, the child, and if it's a younger child, the parent come in front of me once a week. Then once they've got a certain number of days of compliance, then we move it back to every other week and then once a month and then they graduate the program, so. And obviously, you know, numberswise, ours is much smaller at this point. [LR571]

SENATOR ASHFORD: Could you give us an idea about your numbers? [LR571]

MICHELLE OLDHAM: I know we had 19 go through the court process system last year. We're actually just starting our second year, so. But I know we've also been tracking those, you know, since school started this year, and we have not seen anyone that we

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

Judiciary Committee  
November 09, 2010

---

are reaching the point that they would need to be asked back. So I know that the attendance has improved and that... [LR571]

SENATOR ASHFORD: Are these also middle school children? [LR571]

MICHELLE OLDHAM: We focus on middle school. Yes, that's correct. We...I would like to, because of our resources, that was where we chose to focus. I would like to get more into the elementary schools. We do have a few elementary and, particularly, if it's a family situation where they have a middle school child and an elementary child. We actually have several freshmen and sophomores too. So we really are kind of focusing on middle school and then on freshmen and sophomore, is where our focus is more at. So we deal, probably more with the children than...we do have the parents there on the middle school children but when you get to the high school children, sometimes the parents will appear by phone. And a lot of those...when I was in the county attorney's office I always sort of took the position that the elementary children, usually it's the parents' fault; the high school children, it's usually the child's; and when you get to the middle school, it's a mixture of both. So we try to, you know, figure out what the problem is, who is the one that's the real cause of this child not being at school. And so we try to work with that. [LR571]

SENATOR ASHFORD: How many children are in the middle school in Hastings?  
[LR571]

\_\_\_\_\_: Seven hundred and fifty. [LR571]

SENATOR ASHFORD: Is it...how many schools...how many are there? [LR571]

\_\_\_\_\_: We only have one middle school. [LR571]

SENATOR ASHFORD: Okay, there's one. [LR571]



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

Judiciary Committee  
November 09, 2010

---

MICHELLE OLDHAM: And if I can throw in an aside that probably doesn't have anything to do with this, but we've sort of been talking about HHS with LB800. I do need to express my concern. I have heard rumors that with the upcoming privatization, that family drug courts are going to go by the wayside, that that's not going to be included in the privatization. And I'm very concerned about the truancy programs also, and so if anybody has any influence on that, that's a concern. [LR571]

SENATOR ASHFORD: Well, I think Senator Rogert hit it head-on is that...to respond, I don't know the answer specifically to the question, and we'll deal with it in the next session. But at least this committee, I think, has for four years has been committed to prevention and intervention. Punishment is part of the mix. Obviously, there are kids that aren't going to make it and there are adults that aren't going to make it, and punishment is part of it. But if we...every...well, in Douglas County we have a program where we have 450 young people who are fairly deep in the system. And rather than putting them into HHS, we've kept them at the juvenile probation level and in-home services. This is not quite at...this is a little deeper than your level but we've had...I mean, the cost savings between in-home, you all know, between in-home services and out-of-home placement is astronomical. I mean, we're trying actually in our committee as we look at the budget issues, we're trying to cast a light on that just on those 450 kids to show what the savings are. And across the country as I look at these programs, in Chicago, for example, in keeping kids out of detention and the difference in cost, they're reallocating those dollars back into prevention. And that...I mean, that's the challenge. I mean, those dollars need to go back into prevention or the prevention programs will fail, so... [LR571]

MICHELLE OLDHAM: Absolutely. [LR571]

SENATOR ASHFORD: I don't know, I mean, it's kind of tricky when you're dealing with budgets, but... [LR571]

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

Judiciary Committee  
November 09, 2010

---

MICHELLE OLDHAM: It is. It is. And I know I...it's a little off topic, but I was involved in the establishing the adult drug court here in Grand Island and the family drug court, which didn't actually ever take off. But now in Adams County they have a family drug court and I am very concerned. I am a firm believer, and you're right, and the prevention dollars are far more well spent... [LR571]

SENATOR ASHFORD: Far. I mean, millions of dollars are being saved just in Douglas County in this one program. And it is millions, actually, when you add it all up. So, great. Well... [LR571]

SENATOR COUNCIL: Well, point well taken. I mean we just had our hearing last week and the head of the probation department set out what would be the ultimate outcome, and I think even in our booklet with the...just with the budget cuts. Now the privatization, that's DHHS, and I don't...does anyone here... [LR571]

SENATOR ASHFORD: Can anyone here answer for HHS? (Laughter) We're pretty compartmentalized in state government, and we don't... [LR571]

SENATOR COUNCIL: But our challenge is from a community corrections perspective, which I have the pleasure of serving on the Community Corrections Council as a representative of the Legislature, I mean we see the benefits and the cost-savings associated with drug courts, and we want to expand them. But we're trying to accomplish that in this budget setting. And I can't remember the numbers, I'm not carrying my budget book around, but if we make the kind of cuts that have to be made, you're going to see a reduction in services or the actual existence of drug courts in certain areas. [LR571]

MICHELLE OLDHAM: Right. And that was why I started out my presentation talking about that there isn't a cookie-cutter answer because I think we have to work with what

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

Judiciary Committee  
November 09, 2010

---

we have. And that's kind of what we've done in Hastings. Like I said, we don't have the funding that the Grand Island Public Schools had for the social workers in those types of programs. So we've put together, you know, many more community resources. You know, I'm not employed by any of them. I just...because I happen to know about the Grand Island one. He came down and they asked me to be the hearing officer. So, you know, there are a lot of people donating time at the Hastings program, and I think we need to be aware of that and make sure that our legislation...and I think LB800 does (inaudible) this, but that it allows for that so that it's not...not to slam probation but just not that, you know, it's all under probation or it's all under, you know, whatever, that we can do it as we have the resources to do it in our communities. [LR571]

SENATOR ASHFORD: Well, when you get done with Hastings, then you can come to... [LR571]

MICHELLE OLDHAM: Move on to some other place. (Laugh) [LR571]

SENATOR ASHFORD: You can come to Omaha then and then, or maybe Lincoln in between, or whatever, but...thank you for everything you're doing. And it is a labor of love. It is not money because nobody gets rich doing this work. And we know that and everyone in this room knows that, and so we have to gut it out over the next two years to make sure that we sustain some of these programs. It's going to be a real challenge of making priorities. Thank you. [LR571]

MICHELLE OLDHAM: Thank you. [LR571]

SENATOR ASHFORD: Deb Harder is here, and...from the schools, good. [LR571]

DEB HARDER: Good morning. I am with Grand Island Public Schools. I'm actually the elementary director, but I'm the coordinator of the social worker program, and that's how I became involved to the extent that I am with our attendance program. Most of what I

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

Judiciary Committee  
November 09, 2010

---

would have said has been already mentioned through Mark and Marty. The cooperation of agencies is a real plus that we have seen as we've experienced this program for two full school years, now going into our third one. County attorney, HHS, probation, the schools, all of those entities being able to communicate with one another have really benefited our students and their families. So that's been said over and over again but I wanted to emphasize that again. Having that team, I think, Senator Ashford, you put it as a team for the child. And that's really what we need in order to help our kiddos.

[LR571]

SENATOR ASHFORD: (Cell ringing.) You're not calling each other are you? (Laughter) This is a tough job being (inaudible) committee. (Laughter) Okay. [LR571]

SENATOR COUNCIL: If I may be allowed to interrupt, it's your third school year but are you doing chronological data gathering in the sense of seeing trends? Are you seeing reductions in the truancy rates for particular age groups, or do you have any of that?

[LR571]

DEB HARDER: We are doing that. As you talk with researchers and statisticians, you really need about three years to have data that's really true, so this will be... [LR571]

SENATOR ASHFORD: It would be great to get even some top line stuff on...not...again, you know, one of the great...what we all...this is not directed to you even remotely, but in my years in doing this is that we're all very sensitive to success and failure in the areas that we're in. And I think what I see, have seen in the last couple three years as we try to deal with education and juvenile justice as a package, there is not...it's not an issue of fault. I mean, it's not that the schools are doing a bad job or the juvenile courts are doing a bad job. It's, you know, how do we improve to do better. And I think the more we...and it's hard because, obviously, we're public entities, and the press and the public has access to information. They say, oh, look, all those truant kids, the schools must be doing a terrible job; or all the juvenile courts must not be doing a good job; the

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

Judiciary Committee  
November 09, 2010

---

county attorney is sitting down on the job, not doing their work. That's not really the case. I mean, what we have found is that everybody is working very, very hard, and they get going in their own areas because there's so much to do. So if we start with the premise that it's not a fault issue; it's what are the solutions that can address the needs of these children. And all of us can improve. I mean the Legislature, for heaven's sakes, we all can improve as a team, but, so...I mean, that's the lesson I've learned. There just aren't...there aren't any bad guys here. There are just huge needs and so. [LR571]

DEB HARDER: And I might transfer that also to our students and their families. The premise of the whole attendance program is that attendance isn't the problem, it's a symptom of the problem. So our families or our students are going through something, whatever it might be, that stops them from getting to school on time or getting to school at all. And so it's not that it's anybody's fault; it's that we want to help fix that. We...that's the premise, the social workers that we've hired, our counselors, our administrators, our teachers, whomever, we want to reach out to those families and help them so that their students can get to school, attend regularly, graduate from high school, and go on to be productive citizens. So that's kind of our little piece of what you just said about nobody's fault. What we've found with this program that was described to you is that this helps make the parents let us help them. [LR571]

SENATOR ASHFORD: Well, and I'm not saying...I think the parents are responsible. [LR571]

DEB HARDER: They are. [LR571]

SENATOR ASHFORD: And so that's the first line of defense, obviously, is the family. And I know we're always...in Omaha there's always this discussion about, well, so many of these children don't have traditional families or families. Well, I found in my experience that that's not true; that most of these children that get into these issues do have families, and it may not be absolutely a traditional family that we all think, but they

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

Judiciary Committee  
November 09, 2010

---

have loving, caring people in their lives. [LR571]

DEB HARDER: Right. [LR571]

SENATOR ASHFORD: The question is, how do we organize and empower...have them realize that they have responsibility for those children, whether it's an aunt or an uncle or whatever it is, but getting around the stereotypical kind of broad-brush thing. Well, they don't have a traditional mother and father, therefore. Well, of course they're going to fail. Well, no. You know that isn't the way it is, so..., [LR571]

DEB HARDER: And that is our opinion also and that this attendance plan program has helped get parents' attention, because they do have parents, they do have guardians, they do have...and it doesn't matter whether it's traditional or nontraditional, we need to help those families so that they can raise children that will become good citizens of our community and our state and our country. [LR571]

SENATOR ASHFORD: Right. And our state. [LR571]

DEB HARDER: So one of the big pluses of the Grand Island Public School attendance program is, it's gotten parents' attention. We had tried...we have had social workers, this is our fifth year--third year of the attendance program--our social workers were reaching out to those parents over and over again prior to the attendance program too. Now, we have that little bit of leverage that really helps us get them to pay attention. [LR571]

SENATOR ASHFORD: I think it's amazing. And do you have document...or do you have anything that outlines how the program works? [LR571]

DEB HARDER: I didn't bring it with me, but yes, we definitely do. [LR571]

SENATOR ASHFORD: Can you just send it to Stacey or Christina, and then we can...it

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

Judiciary Committee  
November 09, 2010

---

would be nice to see how you lay that out to the parents and... [LR571]

DEB HARDER: We have it in writing. In fact, the year we started, Michelle and our social workers got into a room and spent a solid week in there hammering that out, so we have it all in writing. [LR571]

SENATOR ASHFORD: Okay. We won't steal it without your permission. [LR571]

DEB HARDER: You can steal it. We share it willingly. [LR571]

SENATOR ASHFORD: Yes, Senator Christenson...Senator Gloor. [LR571]

SENATOR GLOOR: Thank you, Chairman Ashford. Thanks for being here today, Deb, and I know you've got your hands full keeping principals in line. (Laughter) I didn't realize you had responsibilities for the social workers. You said you've gotten families' attention, parents' attention, guardian's attention, but I guess my question would be, in the period of time we've had it out here, there's a lot of work going into perception that this...every step of the way--and the schools have those first three steps--perception that this is all, everything down to the summons has the weight of law behind it. But that's not quite true. Obviously, attendance, there are laws that govern them. But are people getting...are some families getting savvy that this isn't, in fact, part of an organized system; that this is just a different way to get their attention, a different way to try and bring a focus on it, and starting to wink at it, as opposed to take it as seriously as we are trying to position it and create a perception that it is? [LR571]

DEB HARDER: I do not believe we've seen that, Senator Gloor. Marty and the social workers and I meet monthly, and the first agenda item is always the attendance program, and that is not anything that has come up in any of our discussions. [LR571]

SENATOR GLOOR: Good. [LR571]

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

Judiciary Committee  
November 09, 2010

---

SENATOR ASHFORD: Yes, Senator Coash. [LR571]

SENATOR COASH: Thank you. All right, you...the second testifier who said, you know, the truancy is really the symptom of a larger issue, and what we're really try to do is address, you know, the core root. So as you dig into these families, what kind of trends are you finding that are the core root of the cause of the truancy? [LR571]

DEB HARDER: It runs a very, very wide gamut. When you get into a family and actually have their attention and they're willing to work with our social workers and reach out to other agencies for help and assistance, it isn't...I can't say that there is a top two or three things. But a lot of it does come back to poverty, and families in poverty are there for various reasons and so that runs the gamut too. Some of them are...not because they've made unwise choices, and some because they have made unwise choices. So I think that we are seeing that it has to be one student, one family at a time, and really digging into what's going on there. But I'd say we...not every, but we do deal with a lot of families that are in some way, shape, or form suffering from some low socioeconomic issues. [LR571]

SENATOR COASH: Thank you. [LR571]

SENATOR ASHFORD: How about foster care? [LR571]

DEB HARDER: We have some of our students that come to...that make it to the hearing process that are in foster care, but very few. Most of them are one or the other or both parents. Grandparents are often at hearings as support. Especially for a single mom or a single dad, there's sometimes a grandparent that's along. But a lot of our...we have students, of course, in foster care, but not a lot of the students that we deal with for attendance issues are foster care students. We do have one in the program right now that is a foster care but that doesn't happen frequently. [LR571]



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

Judiciary Committee  
November 09, 2010

---

SENATOR ASHFORD: One of the data points that the department has is absences for medical reasons. And I know in talking to educators on this topic, oftentimes some of these chronically truant people are in the medical category. And trying to determine the medical...for a school, the challenge to determine is this a legitimate medical situation or not is a very challenging thing, is it not? [LR571]

DEB HARDER: Right. Marty deals with that frequently. Very often in a hearing he's dealing with is it truly a medical issue or they're telling us it's a medical issue. [LR571]

SENATOR ASHFORD: Marty, how do you deal with that medical issue thing? [LR571]

MARTIN KLEIN: Sir, that's one of the things that comes up a lot. What I try to do, the strategy that I employ as I talk about verified absences, I frame it in the way of verified absences. And I ask the family to work...we've got nurses, fortunately, we've got nurses in Grand Island Public Schools. I ask the families to work with the nurses. I explain, look, you've got too many absences, okay, from illness, for whatever reason. I don't want a bunch of doctors' notes today. Going forward what I want you to do, what I'm asking you to do, is to work with our nurse and go in to see the nurse to decide whether you can make it through a day or not. And if you can, the objective is going to be to try to keep you in school today. Because you have so many illnesses, for whatever reason, we want you to work with the nurse to stay there. We also would like to see if you would be willing to sign releases so that our medical professional can talk with your medical professional to figure out how we as a school system can best accommodate your medical situation; will you do that? And I ask...again I ask this of the family. I can't order it, of course. I ask this of the family in a way, the goal being, let's work together to figure out how we can make it the best that we can for the student to be at school. And we as a school system would be willing to do that. And then I also ask, if you can't come into the school, we need a verified absence, you need to be bringing doctors' notes from this point forward. I need to see a doctor's note. We need to verify these absences going

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

Judiciary Committee  
November 09, 2010

---

forward. So the goal is to try to ask them to do this and to get their agreement to do this. In some of the hearings that we have, we talk about the fact that they didn't live up to their agreements, but we ask them to do this. And I've got to say, in most cases, families are willing to do this and seem willing to go into the nurse. Many of them, if there's a true medical condition, they're open and honest, and we'll put our nurses in touch with their family physician to figure out how we could best accommodate them to help them make it through a day. [LR571]

SENATOR ASHFORD: Very good. Just one other. Of the 173 that have gone into the hearing process, do you have just a guess of how many of those were filed on in juvenile court? Or did you say that already? You only said a couple, I think. [LR571]

MARTIN KLEIN: I didn't say that. The first year I did indicate, I believe, that there were eight that were filed as strictly juvenile petition filings. Interestingly enough, I'm working on that data now. Mark asked me to work on it. It's a pretty good thing to look at: how many of these hearing students correlate to juveniles that are in the system for other reasons. [LR571]

SENATOR ASHFORD: Right. [LR571]

MARTIN KLEIN: I'm going to guess, my hypothesis is, that number is a very high correlation. The first year we filed 3(a) or 3(b)'s, I think most of them...they were all 3(b)'s, I believe, on eight students. That was 2008-2009. In 2009-2010, we filed on only three students. Now I know... [LR571]

SENATOR ASHFORD: But they may be otherwise in the system. [LR571]

MARTIN KLEIN: I know of two cases that we were going to file on, that the student beat us by getting in trouble with the law so we didn't have to file on that one. [LR571]

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

Judiciary Committee  
November 09, 2010

---

SENATOR ASHFORD: Okay. That's pretty impressive. I mean, 173 hearings and only a handful filed on for... [LR571]

MARTIN KLEIN: Eleven total. [LR571]

SENATOR ASHFORD: ...for the school-related issues. [LR571]

MARTIN KLEIN: For a 3(b), correct. [LR571]

SENATOR ASHFORD: For a 3(b). Generally. [LR571]

MARTIN KLEIN: Generally, yeah. For the school-related only, only 11 that I can recall. [LR571]

SENATOR ASHFORD: I must say that is remarkable. Just remarkable. Okay. Thank you. [LR571]

DEB HARDER: I do want to comment on our concern about keeping our...you asked about funding for the social workers and the program in general. We are, of course, very concerned about that. The reason we have a social worker program in the first place is that we received the federal grant. The grant was up last school year, so in '09-10, and now in '10-11, we have tried to find ways to fund it through our budget or through some federal funds, such as social workers that are helping in Title I schools, that type of thing. So we are...we do have concerns about that and how we're going to be able to continue the attendance program in the current economic conditions, so. [LR571]

SENATOR ASHFORD: Yeah, it's a major issue. [LR571]

DEB HARDER: Major. [LR571]

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

Judiciary Committee  
November 09, 2010

---

SENATOR ASHFORD: Deb, thanks. Thanks for all you're doing. [LR571]

DEB HARDER: You're welcome. Thank you. [LR571]

SENATOR ASHFORD: Liz, you're up. And I might mention, LaMont--I didn't see you--and LaMont is our legal counsel for the Office of Violence Prevention matters and other matters, and he's in the back, but will be in the front later, so. Liz. [LR571]

LIZ NEELEY: (Exhibit 1) Good morning, Senators. My name is Elizabeth Neeley. I'm here today representing the Nebraska State Bar Association. As everyone here has conveyed, effectively addressing truancy is really in everybody's best interest. As you've heard today, it's really a gateway to delinquent behavior, and the reasons for truancy are really indicative of larger family dysfunction, whether it be mental illness, substance abuse, domestic violence. And this truancy is really our initial red flag at finding out and giving our communities an opportunity to intervene early. Front-end efforts are necessary. What we really want to do is prevent truancy, provide early intervention so that our youth are not getting to that 20-day absence threshold and then further penetrating into the criminal justice system. Several weeks ago, Senator Ashford asked some representatives of the bar association, how are you going to be a part of helping to solve this issue regarding truancy? And over the past few weeks, Katie Zulkoski and I have been looking at how bar associations nationally have helped their communities address these issues and have come up with several options. And they're kind of printed there for you, so I'm not going to read this to you but will briefly summarize what we've found. But we do understand that truancy is a statewide issue. However, given the acute situation in Douglas County, our comments are really tailored to how this might work with a start in Douglas County and potentially be taken across the state through the bar association's network of volunteer and pro bono attorneys. The first option is known as TIPS, Truancy Intervention Project, and this is modeled all across the state of Georgia and Connecticut through bar associations. And what it really kind of boils down to is they recruit attorneys, one attorney per youth. And a kid who is, I guess,

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

Judiciary Committee  
November 09, 2010

---

indicated as having excessive absenteeism, maybe at the 10-day mark, for example, is assigned an attorney. And that attorney comes in and plays the role of really problem solving. Works with the family, the youth, the school, social worker, other school administrators in really problem solving the situation, finding out, investigating what the underlying issues, and putting a plan of attack together. The other component of this is, you know, once the master plan for addressing truancy is laid out, if the student does not progress and it gets to the point of it being filed formally in court, then that attorney represents that child for free, pro bono in the court process. I think the attractive part of that is that this attorney has been involved with the family, knows in and out what the truancy situation is, and will be able to better represent that youth in a court proceeding because they've been there through the tenth through the twentieth absence. The second model that we were really enamored with is the one you've heard all about this morning and that is the Grand Island and Hastings model. And there may be a way, we think, for volunteer attorneys to assume much of the responsibility of a hearing officer, up to the referral for action. And as Senator Ashford indicated earlier, this would require a couple of changes. First of all, we probably would need to kind of designate these volunteer attorneys as special prosecutors so that they could overcome both the confidentiality of records issue that's been brought up several times, as well as the kind of perceived authority of the person, as you've heard from Marty Klein. Just having the person of authority and whether or not a volunteer attorney can have that without a special prosecutor designation or kind of...it would be something we would want to consider. The third model that's been successful in other jurisdictions really focuses on the elementary and middle school age group where parents are more likely to be involved in playing a role in addressing truancy. And that's called The Truancy Prevention Through Mediation Program. And instead of a one-on-one, basically that works on a weekly basis as you do in the first model, basically you're...once you get to a certain threshold, say, for example, ten days, you're assigned an attorney who helps mediate, do a mediation plan with the family. And this is kind of not as intensive, but yet in terms of frequency of meetings, but really takes that kind of collaborative approach with working with the school, the family, and the youth. It's not recommended for the

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

Judiciary Committee  
November 09, 2010

---

high school age group. It's been much more effective when parents are involved in that. So no matter, A, B, or C, the option, the role of the bar association is really twofold: first, to recruit attorneys to be willing to participate in community efforts to reduce truancy and the bar association is willing to do that; and the second is training. We need to make sure that people that we're sending into the school system know about truancy; they know how to mediate; they know about culture; they know about poverty; mediation. And I think a real important component is knowing what community and state resources are available for students, for schools, in addressing those underlying issues, whether it be a mental health issue, whether it be a substance abuse, making those appropriate referrals. And so the bar association would also be committed to providing training to these volunteer attorneys in developing a resource guide so that those referrals, for example, for substance abuse assistance or if somebody has an eating disorder, or whatever the underlying issue is, that the attorneys could help be problem solvers and play that referral role. There are some issues that the bar association needs to figure out before we can kind of dive into that. Some of those would be, again, the access to records and what is our role with that, if the hearing officer or such is a volunteer attorney. We also need to explore a little bit whether the bar association's malpractice insurance would cover attorneys and schools in this situation. And another thing that we've looked at is whether or not law students or legal clinics at the University of Nebraska College of Law or Creighton Law School might also be a venue. There are several counties and other jurisdictions that use law students in this role as kind of a learning activity, but get that yearlong commitment from a student. We do believe that any three of these options would be fit into Nebraska's current statutory framework. However, what would need to happen is, this can't go forward without the express commitment from the county attorney and from the school system. What you have in front of you has been sent to the Douglas County Attorney, and we hope to meet with them next week to talk about which of these options might be most feasible and would work well with the other kind of numerous efforts that are going along in Douglas County. And the last issue there, I guess, is some kind of perceived steps for moving forward and the role of the bar association, whether that be the state bar or the Omaha

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

Judiciary Committee  
November 09, 2010

---

Bar Association might play with that. And as has been discussed here, we really think that, you know, tracking and evaluation of the effectiveness is an important thing. What we would like to do is, in addition to looking at how this could impact truancy and graduation rates, is have the attorneys that are participating play a role in identifying gaps in services, community needs, by identifying what the underlying issues for the truancy are so that we can really create a snapshot in our schools of what the underlying causes are and the resources that need to be devoted to that, so. If you have any questions, that's how we're planning on proceeding, but feedback you have.  
[LR571]

SENATOR ASHFORD: I think this is big. This is big stuff. I mean, I don't know, I mean...we do need to, I think, a combination of all three, probably, is the best. But we do need to shore up the special master statutes, I think, and...right? And then we'll get started and do this, right? [LR571]

LIZ NEELEY: Great. That's the plan [LR571]

SENATOR ASHFORD: Well, maybe after we take a couple of months. (Laughter) But great work. I mean, this is great work. And thanks, Katie, for helping on this. Is anyone else here that would like to testify, comment on this? Yes. [LR571]

DONNA MOSS: I'm sorry, my name is Donna Moss. Do you need a...do I need to sign in? There, got it. I'm director of student services for the Hastings Public Schools, and I've had an 11-year stint as director of student services for the Millard Public Schools, so I look at the process from a different set of lenses and one...though we've alluded to it, I would say it's the relational part. Rather than...I know this is the Judicial Committee, but I have a relationship with the Judicial Committee because you're people of authority, but I can also have a relationship with kids and families as being someone that is important in their life in one way or another. I think the success that we have had in Hastings is through our partnership with a variety of agencies. The idea for us in Hastings started

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

Judiciary Committee  
November 09, 2010

---

because of our CASA board. I'm currently the president of Adams-Clay County CASA, and on our board we have legal counsel and we also have a former state senator who was chair of the Education Committee, Ardyce Bohlke. And so... [LR571]

SENATOR ASHFORD: Ardyce is on. [LR571]

DONNA MOSS: Uh-huh. So we are all discussing, what is it that we can do to make a difference when you have no money. And the thing...one of the things... [LR571]

SENATOR ASHFORD: Well, we know we're going to have some proposals on CASA money, and I think it's going to be an issue that we will be addressing. [LR571]

DONNA MOSS: Yes, and so the thing, I guess, the only point I would bring is there are many ways, my father would say, to skin a bunny rabbit. And as long as we look at the problem as something we can solve and we're looking for solutions, relationships for kids and families and who they relate to in your community is as important as the process that the school and the partners that we have on the judicial side forum. And so that's why we went to our other constituents. Not only do they have hearts, they also have time, and they may have some coins in their pockets to assist us in our process. So I want to thank you for just bringing it to the attention, because this is important for kids, it's important for the future of our state. So I just thought the relation part... [LR571]

SENATOR ASHFORD: We have a number of generous people in our state that are getting on the bandwagon, and certainly in Omaha we do with Bright Futures, and all over the state. So, you know, it's true that those pieces have to be there. And it's just as important to do this as it is to build a building, I think. Okay. Thank you. [LR571]

DONNA MOSS: Thank you for taking time to come visit with us. [LR571]

SENATOR ASHFORD: Thanks for coming. Yes, sir. And say hello to Senator Bohlke for



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

Judiciary Committee  
November 09, 2010

---

us, will you? [LR571]

DONNA MOSS: I will. I will. [LR571]

CLAY SCHUTZ: Good morning. My name is Clay Schutz and I'm the chief probation officer for the District 9 Probation Office which covers Hall and Buffalo Counties, but I also serve on the Grand Island Public Schools Board of Education. I've been a board member for the past 14 years so I have kind of another different perspective. I come at this from a couple different angles in terms of the kids and the families that we work with on probation and what I see in the school system. So I just...as I listened to the testimony I just jotted down a couple of things I'd like to comment on. First of all, the partnership between the schools and Mark Young's office, the program that you've heard about, you just can't say enough about the work that Mark Young has done. It's a fantastic program. If you can replicate that at all, the concern is still there about the social workers, they've been a huge...and one of the things that we're going to have to do as a school district, and we have a budget process that we have in place, but we have to prioritize what programs, what stays and what goes. Because if we lose a significant amount of state aid, those are questions that we'll have to have answered, you know, by next spring, so that is a concern. The communication piece that Mark talked about is big. We struggle with that on the probation side in terms of, again, if we have parents on probation, we don't always know what their kids are or aren't doing in school. It hasn't always been our focus and we need to get better at that, but that communication piece is a huge issue. The second thing that I would comment on is the OJS probation project that you mentioned in Douglas County. If that can be spread across the state, if we could bring that here, I could give you a real-time experience that I dealt with this morning before I came to the hearing of a youth who is right now in OJS custody, is also on probation, having a significant amount of problems. They want to release him tomorrow, leaving us with the case with no services in place. If we had the same kind of program that the project has done in Douglas County, we could serve that kid and he would not have to be in out-of-home placement, but right now we don't have

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

Judiciary Committee  
November 09, 2010

---

that ability. It's huge. [LR571]

SENATOR ASHFORD: I just really agree with you. And it has been successful in Douglas County and I agree, and hopefully the committee can address that with legislation or with some movement forward. [LR571]

CLAY SCHUTZ: Right, right. Just know that...and I'm sure that you're aware from Ellen that probation wholeheartedly supports that effort. The last thing that nobody has really mentioned and it's just something that I think that everybody needs to take into account when we talk about kids missing school and we talk about truancy, and it's this whole idea of the number and the amount of kids that we put in detention in Nebraska, in juvenile detention. I talk to our officers all the time about the fact that if we detain a youth and let's say we put that youth in a secure facility on a Thursday afternoon, he's going to miss school on Friday, he's probably going to miss school on Monday by the time he comes back for his hearing. If he's fortunate enough to be released and go back to his home, he's going to get back to school on Wednesday. If he is not and he remains in detention for another week or two weeks until he gets back for a hearing, we can get some kind of services in place, now you're talking about a youth who has missed two, five, ten days' worth of school. We talk about parents and how we do not want them to allow their kids to miss up to ten days of school, but yet we put kids in detention routinely, and that impacts their performance in school and that impacts that whole educational process. So although that's not part of truancy, per se, it's an issue that I think that we need to take into consideration when we talk about alternatives to detention, because we don't do kids a lot of favors when we keep them out of school on a long-term basis in detention facilities. And I would just bring that to your attention so. [LR571]

\_\_\_\_\_: Good point. [LR571]

SENATOR ASHFORD: And that's a massive problem. I know in Douglas County we're

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

Judiciary Committee  
November 09, 2010

---

working on a JDAI grant. Chris Rodgers, Commissioner Rodgers has taken the lead on that. And it's all about alternatives to detention and finding best practices to do that. But thank you very much for your comments. [LR571]

CLAY SCHUTZ: Thank you. I appreciate it. [LR571]

SENATOR ASHFORD: Any further testifiers? Anybody else want to chat? Thank you all very much. This has been very informative. Thank you to Hastings and Grand Island for doing what you're doing to lead the way in these areas. We have a lot to learn from you. And hopefully the statutory changes that I think are going to be necessary a little bit in the information sharing area, we'll come back to you and consult. And thanks to the bar association, Liz, for coming up. I asked you to do this. You did it. And hopefully we can find a way to engage the bar directly in some of these projects, so. Thank you all for coming. All right. Why don't we get started. Welcome, everyone. We are obviously the Judiciary Committee. And my name is Brad Ashford. I'm the Chair of the committee. Mark Christensen is here from Imperial and Colby Coash from Lincoln. LaMont Rainey is the legal counsel for these issues and Christina Case is the clerk of the committee. We heard from Mark, however, I hope there's no real big cases (laugh) going on, Mark. I'm sorry to take you away from your duties today. But certainly the news we had this morning on the truancy program in Grand Island was fabulous and we appreciate Mark's efforts. So this afternoon we're going to focus...and there are other colleagues here somewhere. I don't know, they're lost in the bank some place or lost on their way across the street to the pizza place. But we're going to talk about the work that is being done around gang violence issues. We know it's an issue in Grand Island and a lot of good work is being done here. Mike Friend, who is the director of the Office of Violence Prevention, is here today obviously, and he's...he and I and members of the committee have been conferring for a couple of...well, about a year and a half now on the work in Grand Island. And we were anxious to come out here and see for ourselves what's going on. So with that, Mike, will you give us an overview of the work that's being done in Grand Island from your perspective. [LR571]

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

Judiciary Committee  
November 09, 2010

---

MIKE FRIEND: Yeah. Thank you, Chairman Ashford and members of the Judiciary Committee. My name is Mike Friend, it's F-r-i-e-n-d. And I'm the director of the Office of Violence Prevention. And I will give you an overview. Last week, I probably took too much time. I don't... [LR571]

SENATOR ASHFORD: Yeah. (Laughter) [LR571]

MIKE FRIEND: ...I don't...I don't need to, today, because you all know what the statistics look like, at least statewide. I'm going to let the Grand Island...obviously, the fine members of the Grand Island Police Department and some other folks in the community speak to some of the issues that I took liberties with last week, in Omaha, specifically relating to Omaha. But anyway, the bottom line is you all know when this office was established, how it was established in 2009 with the passage of LB63. You know that there was \$350,000 in cash funding that went out in a competitive grants process administered by the Crime Commission in 2009. You also know, obviously, that LB800 included a provision that included \$350,000 more in cash funding that will be...is in process of distribution, I guess, if you will, or we're within the competitive grants process right now. We have a grant review at the end of the week. And in January those recommendations will go to the Crime Commission for distribution. This is...this office itself, I've had the privilege and the pleasure of coming out to Grand Island on a few occasions to observe what they, the folks in Grand Island, have put in motion. And the state Office of Violence Prevention, one of the key objectives or I would say the charter is to try to drive a comprehensive strategy relating to violence prevention intervention and even suppression in the state, I should say in the state of Nebraska. Omaha 360, which is kind of the model being used in part of the comprehensive statewide strategy, was going long before the Office of Violence Prevention was created. And I think it's safe to say that some of the other models that are popping up throughout the state, one of them happens to be in Grand Island, is...it doesn't mirror Omaha's but it is reflective to a certain degree. The models that encompass that comprehensive strategy, it's very

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

Judiciary Committee  
November 09, 2010

---

important that they reflect the community needs. And the folks behind me can speak to some of the community needs and some of the issues that have been going on in Grand Island over the last few years required this type of action. The Grand Island collaborative or the model, the things that are going on here, include a wide array of players: the Hall County Attorney's Office, obviously, and Mark is here; the Hall County diversion, Troy is here, he'll speak, I believe, a little bit later or he can answer questions I suppose. I shouldn't put him on the spot. St. Francis Medical Center; Grand Island Police Department; the Grand Island Public School system; a wide, wide variety, 15, 16, 20, you know, 501(c)(3)s, organizations within Hall County and the surrounding area that are part of this discussion. And the discussion has turned to action, and I'll let some of the folks speak to that. But the bottom line is there was a need out here. And I think when I was...I guess I was sort of invited to come out. I didn't really inject myself, but I was invited to come out... [LR571]

SENATOR ASHFORD: This time or before? (Laughter) [LR571]

MIKE FRIEND: Well, no, both times. I was invited to this too. I've been invited on several occasions out here, so I must not have worn out my welcome yet. They really wanted to show and communicate, you know, the collaborative effort. So anyway, I've been...you know, I could go on. I'd be happy...at this point let's answer some questions and stuff or move on to some other folks. [LR571]

SENATOR ASHFORD: What we might do, Mike, what we might do is that or let's have some other testifiers, and then at the end you can kind of sum up. [LR571]

MIKE FRIEND: Okay. [LR571]

SENATOR ASHFORD: The point though I think... [LR571]

MIKE FRIEND: Well, I'm done, yeah. [LR571]

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

Judiciary Committee  
November 09, 2010

---

SENATOR ASHFORD: ...well, but no...but if...I just want to focus on the one point and that is that the Office of Violence...clearly, there...Omaha is, and parts of Omaha, have had gang violence issues for numbers of years. And that is one of the focuses obviously of our efforts. But this is a statewide initiative, it's a statewide collaborative. And we as an...you as an...you're looking. And there are other areas--Columbus and South Sioux City and other places that you've visited. Correct? [LR571]

MIKE FRIEND Yeah, absolutely. Two quick things, Chairman Ashford. One is that the interesting part about the Grand Island effort is that they put some of this forward or they got together as a community, not seeking anything...they weren't necessarily betting on the come. It's not like they threw money...it's not like they threw this thing together and said, oh, the Office of Violence Prevention will come along and we'll get money because we do this. [LR571]

SENATOR ASHFORD: Yeah. No, I didn't get that perception. [LR571]

MIKE FRIEND: It's not a chicken and an egg thing. Well, I would imagine that some communities may do that. I'm not saying it's bad. [LR571]

SENATOR ASHFORD: Yeah. [LR571]

MIKE FRIEND: I'm just saying that everybody needs resources. The second thing is that there are communities that are following this type of thought process. The model is not a Cincinnati CeaseFire, for example, where you lay out nine chairs, you know, behind you, drop indictments on every one of them and have the police chief stand in front of the room and say, okay, we know who you are; unless you straighten up we're going to deliver these indictments. Now by the way, the Boys and Girls Club and Boys Town and everybody else in the back of the room, you want help? The help is there. If you want to go to jail you will go to jail. That's not an all-encompassing model nor is it...nor are we

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

Judiciary Committee  
November 09, 2010

---

trying grab Chicago CeaseFire and all these other things. This is a model that they've created. And I think it's going to...I think that there's going to be benefit. I mean, and I'll let them speak to some of the, you know, the intangibles. [LR571]

SENATOR ASHFORD: Thank you. Any other questions of Mike? Thanks, Mike. Why don't you... [LR571]

MIKE FRIEND: Leave? [LR571]

SENATOR ASHFORD: ...step down. (Laughter) You may remain. And Senator Rogert is here and Senator Council so we have a complete group. How about...Mark, do you want to add some comments? Do you want to add those comments from there? Would it be easier? [LR571]

MARK YOUNG: You know, if I could, I would appreciate that. [LR571]

SENATOR ASHFORD: Yeah, why don't you do that. [LR571]

MARK YOUNG: Thank you. My name is...I think I can speak loud enough for everyone to hear. I'm Mark Young, the Hall County Attorney. It's Y-o-u-n-g. Senators, first of all, as I said this morning about LB800, I want to express my appreciation. A couple of years ago, the Judiciary Committee took the lead and passed some changes to substantive and procedural law in the state of Nebraska. They have made a difference. As I recall when I was down testifying about that, Senator Council, you were asking, why aren't we prosecuting more people that sell bad guys guns? Because of some of those changes we've actually been able to do that on some occasions here and taken some gang-related weapons off the street and prosecuted the people that are distributing the weapons. I feel like in Grand Island, and there are other people here that are going to talk to you in depth about the numbers we're facing, the types of issues we're facing, but I feel like we've done a good job with the resources we have in

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

Judiciary Committee  
November 09, 2010

---

tamping down the violence and in identifying and aggressively prosecuting, if you will, the leadership of the various gangs or other criminal organizations. The concern that I think prompted a lot of conversations to start happening was that, you know, we're in the situation where every time we cut off the dragon's head, three new dragons showed up. And so the schools started talking to probation and to me, and, you know, the police department and a number of different groups. And then St. Francis came to everyone and said, we want to be a part of this and we want to be sort of the leader on this, and it was a wonderful thing. What we need to be looking at I think here in town and I suspect elsewhere in at least mid- to small-sized Nebraska communities is at trying to demystify the gang lifestyle and the violent lifestyle, and to put into place programs that may, down the road, be able to keep the kids in junior high and early high school from getting involved. And if we can do that I think we have a shot. The good news for a town like Grand Island is, you know, most of our hard-core gangsters could be in a room about this size. So it's a problem we can identify and hopefully a problem we can address now before it gets worse. We're in the early stages of the collaborative process. I do think one of the legislative changes that may be needed to assist collaborative process will be once again on information sharing, just to make sure that this pool... [LR571]

SENATOR ASHFORD: There's no question that we need to...really, there's just no question that information sharing is a major obstacle. [LR571]

MARK YOUNG: Yeah. You know, the school needs to be able to talk to probation. Probation needs to be able to talk to the school in a (inaudible). [LR571]

SENATOR ASHFORD: Right, right. [LR571]

MARK YOUNG: I also think in the juvenile court system it's going to be important maybe to take a look at some of the statutes about what judges ought to be considering--disposition--to have some mandatory nonassociational language. Right now it's up to the judge. But if you prove up somebody is gang-involved, to keep them



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

Judiciary Committee  
November 09, 2010

---

from associating with the other gang members. So I would be happy to answer any questions. Thank you for coming out and visiting us and looking into this issue. [LR571]

SENATOR ASHFORD: Thanks, Mark. I mean, I think it's...on this collaboration thing, in Omaha, we've experienced an amazing turnaround in the last six months--well, year, maybe longer than that--but clearly the last year where the number of homicides in Douglas County and Omaha have gone down. Well, there were none between May and October, which is incredible, and the collaboration...or gang-related slayings. The collaboration in north Omaha, specifically, has been incredible. So that's the answer. Great. Steve. Steve is here, I think, Steve Lamken, the chief of Grand Island's police force. Every time I see Chief Lamken, I have to thank him for his service and the way he handled some very difficult issues here in Grand Island a few years ago involving one of the packing plants. I mean, I...it just...I know you probably don't want to hear it but we thank you again for the manner in which you...the professionalism which you exhibited in that case but... [LR571]

STEVEN LAMKEN: (Exhibit 2) Thank you. Chairman Ashford, members of the Judiciary Committee, my name is Steven Lamken, it's L-a-m-k-e-n. I'm the police chief in Grand Island. I've handed out my talking points. I really want to thank you for your interest and support to confront youth and gang violence and coming out here to Grand Island. The Grand Island...I'm going to give you the police department...what we try and do, how we have tried to work with other people. I'll let Sergeant Jim Duering tell you about the issues we're facing. He's the expert in that area. We're committed to suppressing youth and gang violence in our community and our region. And some of our efforts to impact this problem just within the department is our Gang Operation Unit. They are basically our information unit. They are not full-time. They work other jobs but they are officers that specialize in it. And they hold joint meetings that bring multiple agencies, law enforcement agencies, federal, state, local, multiple criminal justice agencies, as well as the schools and HHS and other organizations to the table to discuss issues and what's going on with gang issues in our city. Our School Resource Officers are very involved in

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

Judiciary Committee  
November 09, 2010

---

the schools. They teach GREAT. They keep our schools safe. They work closely with the schools. It's a collaborative effort and it keeps our public schools very safe. We have dedicated an investigator full-time. This is a new initiative that any gang-related crime we are going to put with that person instead of shot-gunning it out to different investigators. That way all of our information, our gang violence and crime, goes to one person and they can do a better job of coordinating that and keeping track of it. Enforcement, from the street officers to everybody, we are very pro enforcement against gang members. If we know they're violating a crime we will go out and we will look for them and we will prosecute them or do everything we can to bring charges against them. Public education: Our gang unit, our School Resource Officers, and other officers do, I think, an excellent job, and we have been doing a lot of public education in the community. There's a lot of people interested, from civic groups to our school staffs to just concerned citizens. And then graffiti abatement: We have a very good and very proactive graffiti abatement program in Grand Island where we try and get it painted over real fast or removed real fast. We don't like it being up. We don't like it lingering. Sort of describes what we do inside the department, but I wanted to also real quick say that it is, like Senator Ashford said and Mark Young said, it's very...there's a lot of cooperation and support within the community, and we have a lot of partners. And I can't list them all but I'll just throw a few out and one is the Hall County Attorney's office. They are dedicated. When they know this person is gang affiliated they will pursue charges and they will look at trying to get the best prosecution they can. Our state Probation Office works very closely with the police department in reviewing gang affiliation when conducting presentence investigations and also monitoring known gang members placed on probation. And then just the public schools; I've skipped one. But the Grand Island Public Schools and the police department have had a longstanding partnership. Our schools do not tolerate gang colors, gang actions, gang graffiti. They are very good at keeping our schools a safe environment and not allowing that influence in the schools. Finally, St. Francis Medical Center, just this last year and a half or so, stepped up and said we would like to try and take the lead or bring people together to see what we can do to suppress gang and youth violence in our community. So these

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

Judiciary Committee  
November 09, 2010

---

are just some. I'd also like to say there are many good organizations in the wings, you know, and I've listed them here. I don't need to take time talking about them, but from our schools to Big Brothers to Big Sisters to Boys and Girls Clubs, the YMCA, YWCA, on and on, there are many, many--our city libraries--many good organizations who have activities for youth. They're out there, they're willing to serve our youth, they're dedicated to serving our youth. With all of these efforts, though, there are still gaps in our criminal justice system and in our community efforts to suppress gang activity. And one significant gap is countering gang recruitment of new members, that's what Mark Young said. We know that all of our enforcement efforts do have an impact and they do make a difference, but they aren't going to make the long-term difference as long as new members keep coming into the pipeline. We continue to work to address these concerns. A promising effort is this effort being led by St. Francis Hospital. Hopefully, this will bear some fruit and help there in that area also. As far as the Office of Violence Prevention, I believe they can assist our community's efforts. I really appreciate Mr. Friend coming out to Grand Island. It was like Grand Island didn't exist for a long time and it's nice to have him here and see that we are trying, that there are problems.

[LR571]

SENATOR ASHFORD: Mike does have that power. He comes to a city and all of a sudden it's on the map. [LR571]

STEVEN LAMKEN: Right. Somebody cares for us. [LR571]

MIKE FRIEND: Look, I lived here for four years (inaudible). [LR571]

SENATOR ASHFORD: That's right. [LR571]

STEVEN LAMKEN: I see the role and mission of the Office of Violence Prevention as sort of multifaceted, that the office could serve as a clearinghouse and identifier of resources to assist us in achieving our goals; can provide knowledge of what programs

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

Judiciary Committee  
November 09, 2010

---

have worked and what was done to be successful. I hear lots of chiefs and sheriffs talk about gang issues. I want to hear about gang success stories, what's worked, how we can...and what we could adapt to Grand Island, because what works in one city might not work in another. The office can serve as a resource to find possible funding opportunities and sources; knowledge of how we can leverage our community efforts and assist them in seeking resources and funds. The office can serve as a support or an advocate for communities in their efforts to suppress gang influence and crime, such as Mr. Friend has done just by showing up and showing an interest. It's nice to know that there is a person who has that interest. And then also, serve as a resource on the problem with violence and gangs to the Legislature and advocate for legislation that can be effective in suppressing violence and gang influence in our communities. And to this end, I believe Mr. Friend has already begun to implement such efforts. And I thank you for your interest and attention to what we have going in Grand Island. I would be happy to answer any questions. [LR571]

SENATOR ASHFORD: Any questions? Chief, we've talked about this before in other areas. But the area of intervention or prevention, intervening to stop a particular event from occurring is obviously part of the puzzle. How do you see intervention to start with, kind of getting involved prior to the event, how does that work in your plan? [LR571]

STEVEN LAMKEN: I think that communications gap, maybe Mark Young talked about, we need to start in the fourth or fifth grade. I think our gang unit officers, I think the people who are knowledgeable, our Gang Operations officers and other people will tell you they're being groomed in the fourth and fifth grade towards this. And then they're being actively recruited in middle school and jumped in, in high school, early high school. So I think we need to start early. I think we need to have the cooperative effort of teachers, counselors, the social workers in the schools, probation in that early juvenile age, other people be able to talk about it and say, here's somebody who is an at-risk, we can see this is somebody heading that direction, our people, we can see them heading this direction. And then we need somewhere where we can try and

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

Judiciary Committee  
November 09, 2010

---

channel them towards all these organizations standing out there whose function is to help youth and are out there willing to help youth, but how do we get them tied to it? Sometimes the families don't know how. Sometimes the families do care. They don't know what to do because they see their child going wrong. Some families don't care. But how can we reach out to those youth and try and direct them the right direction? Because I think by the time they're in late middle school or early high school, we're probably too late. If they are looking at or being attracted to, recruited into a gang, and they have that tendency, I think by then it's really pretty difficult for us to deter that. I don't know. [LR571]

SENATOR ASHFORD: Is that in the 13-, 14-, 15-year-old? [LR571]

STEVEN LAMKEN: I would say by 14 or 15 we're getting pretty far behind the curve. That's my personal opinion. I am not an expert in this area but I think we're probably pretty far behind the curve by then. [LR571]

SENATOR ASHFORD: Yes, Senator Council. [LR571]

SENATOR COUNCIL: Yes. And thank you, Chief Lamken, for coming today. I'm curious about the St. Francis Medical Center planning grant. Is there anyone here from there? [LR571]

STEVEN LAMKEN: Yes, I think Mr. Brennan will talk to that. [LR571]

SENATOR COUNCIL: Oh, okay. Because I...and Senator Ashford is aware of this. At many of the conferences that we've attended on juvenile justice reform issues there are those talking about a public health model to suppressing gang and youth violence. And I was just going to ask you, so be prepared. I want to know if you're moving down that public health model pathway to gang violence. [LR571]

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

Judiciary Committee  
November 09, 2010

---

SENATOR ASHFORD: Yes, Senator Coash. [LR571]

SENATOR COASH: Thank you. Chief, how many gang members, how many gangs are you dealing with here in Grand Island? [LR571]

STEVEN LAMKEN: I would let Sergeant Duering...I'll defer to Sergeant Duering on that. [LR571]

SENATOR COASH: Okay, all right, I'll... [LR571]

STEVEN LAMKEN: He's the expert. He's the walking encyclopedia. [LR571]

SENATOR COASH: Okay, all right. (Laugh) I'll defer to him. [LR571]

SENATOR ASHFORD: Great. Thanks, Chief. Sergeant, good afternoon. [LR571]

JIM DUERING: (Exhibit 3) Good afternoon, Chairman Ashford, members of the committee. Thank you for having me here today. My name is Jim Duering, D-u-e-r-i-n-g. I'm a sergeant with the evening shift patrol on the police department but I'm also the coordinator of the Gang Operations Unit. And I've been a member of the Gang Operations Unit for about 11 years now so. In Grand Island, we've had a gang influence since the early to mid-1990s, so it has been around for a little while, although that's still pretty young compared to some of the larger communities. That's when we started to see a lot of our importation of some of the gang ideals from some of the larger coastal areas and some of the bigger states. Some of the issues that we deal with here in Grand Island because we're a smaller community that may differ a little bit for some of the larger communities are, we get a hybridization of gangs, that's a mixture of some of the local ideals with some of the larger ideals from, say, Los Angeles or Chicago or some of the older gang-involved areas. Also because of the relatively small size of our community, we can have...territories are a lot more loosely defined; whereas, in some of

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

Judiciary Committee  
November 09, 2010

---

the larger communities you can kind of draw lines where gangs claim territories. In smaller communities it's more of a shotgun scattered pattern and it really can become difficult to track territories. Having a community that's newer to gang involvement, our generational gang membership, that's something that we're just beginning to deal with, some of the second and third generational gang members, which means we have a lot more of that family influence in the youth at home that we weren't dealing with early on. So that's a little bit newer to us here. We have an estimated 150 gang members and gang associates in town. There are six predominant gangs in town. But because of the smaller community, again the number of gang members we have can fluctuate greatly based simply on making several good criminal cases. What we do see, however, is as the gang member numbers fluctuate the gang violence doesn't necessarily go down. It's not a direct correlation. What we see is, is if you make some good criminal cases on the upper echelon of the gang, the recruiting phase really picks up a head of steam as they try and recruit more members to kind of backfill those numbers. And so sometimes when all of our resources are advocated to the higher level criminal activity, the lack of resources on the other end, on the recruitment phase really becomes apparent and we start seeing more of the violence in the younger youth. We have all different kinds of criminal activity involved with our gangs, ranging all the way from petty theft rings to homicides. Witness tampering and intimidation are two of the big obstacles that we deal with as far as criminal prosecution and trying to prosecute the gangs. The other thing that we're starting to deal with now, which is kind of a newer issue to us, is we're starting to see an increase in some of the outlaw motorcycle gangs. That's something that had really kind of gone away for a period of time. And some of the racially motivated groups are really kind of on an upswing now, and that's something that we really want to kind of keep an eye on early before it becomes tomorrow's problem. Thank you for having me. I'd be happy to answer any questions. [LR571]

SENATOR ASHFORD: Lots of...you raise a myriad of issues here, obviously. We could spend a couple of days going over each one of these topics because they're all complex. Do you see a nexus or connectivity between the juvenile offenders and the

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

Judiciary Committee  
November 09, 2010

---

later gang activity, the prior juvenile record, minor offenses, as it matriculates into gang activity? Or are many of these people just committing the more difficult crimes and not so much the lesser crimes? [LR571]

JIM DUERING: No, I would say... [LR571]

SENATOR ASHFORD: Is there a dynamic that moves through the continuum? [LR571]

JIM DUERING: Definitely, definitely. Almost all of the gang members that we're doing serious investigations on, federal cases, the upper echelon, very violent crimes have a long juvenile history. I mean,... [LR571]

SENATOR ASHFORD: In Hall County? [LR571]

JIM DUERING: Yes, sir. [LR571]

SENATOR ASHFORD: And can you just explain for me the influence of the larger urban gangs on Grand Island. How does that manifest itself? [LR571]

JIM DUERING: Well, kind of interestingly actually in a small community. We kind of run the gamut. None of our gangs here in Grand Island really are a complete local gang. They all have adopted gang ideals. For example, our largest gang influence is the Surenos organization. That's a large group of southern California gangs. They take a lot of the ideals and the way that the southern California gangs run those organizations and they bring them here. But when they get here, it gets a little bit mixed up. In Los Angeles, the Surenos gang, it's a very large Chicano population gang. We're a very small community. We just don't have the Chicano population for that type of thing. So we get a lot of different ethnic backgrounds mixed into that sort of a gang, something that you don't deal with in the larger communities. And even on the extreme spectrum, we have a group called the West Side Crips, and this is a group of Caucasian males.



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

Judiciary Committee  
November 09, 2010

---

They're claiming membership to what's historically been a black ethnic gang but they have mixed into it some neo-Nazi ideals. I mean, that's the extreme example of the hybrid gangs that we deal with here. So you get that big mix of that California influence as far as their graffiti, their clothes and that kind of stuff, but then you mix in some of that local stuff and it becomes a little bit harder to identify and track them that way. [LR571]

SENATOR ASHFORD: How is the coordination with federal law enforcement agencies here? How do you work with them? [LR571]

JIM DUERING: I talk to our local federal agents multiple times a week. It's actually very good. They're very proactive in assisting us in our gang effort. [LR571]

SENATOR ASHFORD: Any other questions of Sergeant? [LR571]

SENATOR COUNCIL: Very thorough. Thank you. [LR571]

SENATOR ASHFORD: Yeah, this is great information. It's...anybody thought that these issues only were present in Omaha here, have got a...this should show that that's not the case. Yes, Senator Coash. [LR571]

SENATOR COASH: Can you, Sergeant, elaborate a little bit on your statement about size and activity can fluctuate greatly with a small catalyst. Can you give me an example of a catalyst that you're dealing with to try to get ahead of this? [LR571]

JIM DUERING: For example, if you have a select group of leaders that are real active in running or organizing the gang's criminal efforts, if we put together some good criminal cases, especially if we do them simultaneously, and take the head off the dragon, as Mark Young said, that has a huge effect in the long-term organization of the gang and it really disrupts things. But the reverse end of what happens there is, now that their

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

Judiciary Committee  
November 09, 2010

---

organization is gone, their leadership is gone, the guys that are under them start to struggle to fill that power position and at the same time really start to recruit in the youth, heavy. You know, those criminal cases are...we're talking about 18- to 27-year-old people usually. But in order to backfill to make the...gangs are not powerful if it wasn't power by numbers. And so in order to backfill for the lack of organization we get a big upswing in activity on the recruitment and courting phases. So we do a good thing here and it results in more activity on the other end. [LR571]

SENATOR COASH: Okay. [LR571]

SENATOR ASHFORD: (Phone noise.) Not Mark, okay. Not Senator Christensen. We had these issues earlier today. No, but the retaliatory shootings that are sort of legendary in gang activity, is that something that you see here and how do you measure that? [LR571]

JIM DUERING: Yeah, we definitely do see that here. As far as measuring it, we measure it both by the reported criminal cases, and we have a pretty good intelligence network. Of course, a lot of these...if it's gang-on-gang violence, a lot of that violence is going unreported. So we rely a lot on our intelligence to know what's going on if it's not being reported. But we have had...it will go in spurts, have a series of shooting or stabbing, serious felony incidents in a row. And we'll make our efforts to thwart that and sometimes quiet that for quite a while, until there's a new catalyst, whatever sets it back off that gets going again. [LR571]

SENATOR ASHFORD: Okay. Thanks, Sergeant, very much for your comments. Thank you. [LR571]

JIM DUERING: Thank you. [LR571]

SENATOR ASHFORD: All right. Carlos. [LR571]

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

Judiciary Committee  
November 09, 2010

---

CARLOS BARCENAS: Hello. My name is Carlos Barcenas, B-a-r-c-e-n-a-s. And Chairman Ashford, member of the committee, I'm here with the Multicultural Coalition of Grand Island and mainly on support of what all of the organizations are doing to keep Grand Island safe and a great community that it's been. We're representing the ethnic community and the minority community, just letting...we want to let everybody know that there are individuals in our community that have come from different races or that have moved into Grand Island. And we have a very high interest in getting involved with the community. And we realize that if we want to see changes, we have to get involved. And we would like as much as possible to provide information and cultural...empower cultural information to break the misunderstandings that might have been in the past or that gangs have to do with the minorities coming in or things like that. So what we want to do as a coalition, and fairly new to the violence committee, we want to just provide information and provide a voice for the community, the ethnic community, just saying we love Grand Island, we love the community we are in and we're willing to work. We're not just...we didn't move in here just to take advantage of the system, or clear those misunderstandings. We have a lot of people in Grand Island that are lawful permanent residents. They're seeking citizenship and they love Grand Island. They have a very high concern for the safety of their families, the safety of the city. So mainly again, thank you for taking the time of coming in. And I would be open to any questions if there were any. But very, very interested on promoting the cultural part of Grand Island, that we are interested in making sure that we keep it safe and we get involved and we want to know how we can get involved. [LR571]

SENATOR ASHFORD: Yes, Senator Council. [LR571]

SENATOR COUNCIL: Thank you, Carlos, because I was looking at what the sergeant provided, and one of the...under the criminal activity: Witness intimidation and community influence are major obstacles in making criminal cases. I know speaking from my experience and my residence in north Omaha, that that's been a problem

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

Judiciary Committee  
November 09, 2010

---

there, as well, too. And it has a lot of cultural roots; you know, that you don't snitch. Are you...is there a way that the Multicultural Coalition can be of assistance in terms of getting down to the root of that witness intimidation and the community influence?  
[LR571]

CARLOS BARCENAS: One of our main goals, it actually goes into educating people and empowering people from different, say, for example, the Hispanic community, taking them and saying, you know, the police force is here to help you, there are agencies that can help you. So we are promoting as much as we can that just to be a voice and break the stereotype and break the barrier of fear of saying, you know, somebody might tell you not to say anything or retaliate, but just letting them know. I think one of the quotes that I love the best is "My people perish because of the lack of knowledge." And I really believe that is true. And many times as immigrants coming into the city they don't know what's available. We, I think, we take it for granted that we do everyday thing as a second nature. But people that might come from a refuge camp in Ethiopia really might not know simple tasks that, for us, you know, we take for granted. People that come from a country where government was really corrupt might not have a good view of the government. So there is that--where do I go? So what we're trying to do is work with all the agencies, working with St. Francis, with the police department and a lot of agencies, just to let people know, you know, we're here to help you. And we have...we're just promoting that Grand Island is a great community, there's agencies that can help you, where to go to get help and how to get the help. [LR571]

SENATOR COUNCIL: Okay, thank you. [LR571]

SENATOR ASHFORD: I mean, it is clear you're key to intervention and prevention, your organization. And breaking down the barriers and stereotypes is key. I'm sure it's a challenge but it can be done. Right? [LR571]

CARLOS BARCENAS: Right. [LR571]

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

Judiciary Committee  
November 09, 2010

---

SENATOR COUNCIL: Well, and I extend an invitation if you're ever in Omaha on a Wednesday afternoon at 2:00 p.m., you can see firsthand an example of a community coming together... [LR571]

CARLOS BARCENAS: Um-hum. [LR571]

SENATOR COUNCIL: ...and trying to address the issues around youth gang and violence. It's called Omaha 360. And while it started off as a north Omaha initiative, it has expanded citywide because there's finally an acknowledgement in Omaha that there are gangs in west Omaha. And as the sergeant was saying, the wannabes, you know, who take on the dress, the talk, the style, and they form their own version. You know, they may have never met a Crip or a Blood or a Surenos in their life, but they become them. And so Omaha 360, it meets every single Wednesday at 2:00 p.m. at Omaha Home for Boys. So you can get a firsthand look at how you can bring your coalition together to address these issues. [LR571]

CARLOS BARCENAS: Thank you. [LR571]

SENATOR ASHFORD: What's really powerful, and Senator Council is absolutely right, when we started this initiative four years ago, then-Senator Friend and others, and Mark was on the committee and Kent Rogert, is the idea was that punishment is part of the triage. I mean, there are people who commit violent crimes and we need to prevent that through getting them off the street and incarcerating them. But there also is a great opportunity for intervention and prevention initiatives. And the Office of Violence Prevention was our committee's, this committee's, you know, effort at taking all three pieces: prevention maybe a little bit more long-term, how do we put in place policies that have long-term implications; intervention--how do we stop the next, as the sergeant was talking about, how do we stop the next shooting from happening or the next violent act from happening by having intelligence and also sharing information, and that comes

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

Judiciary Committee  
November 09, 2010

---

from trust. It is amazing to watch Omaha 360 because it is groups that five years ago or four years ago... [LR571]

SENATOR COUNCIL: Wouldn't speak to each other. [LR571]

SENATOR ASHFORD: ...would never talk to each other. I mean, you didn't have the police officers in Omaha talking on an information sharing basis. And I credit this committee, the committee here and Senator Friend and all of those senators working with police and community groups across the state, to kind of change the debate. I mean, I remember three or four years ago people were saying, well, we can't possibly use ex-offenders as interveners. Well, yeah we can, because ex-offenders, in the public health model, ex-offenders are part of the triage. You know, they understand the street and they can intervene as long as they've paid their debt to society. They want to give back, and it works. And it's...obviously you guys are moving in that direction. So good job. [LR571]

CARLOS BARCENAS: Thank you. [LR571]

SENATOR ASHFORD: We're behind you. (Laugh) Okay, I think St. Francis is next. [LR571]

BILL BRENNAN: Hi, Senator Ashford and fellow senators. My name is Bill Brennan, B-r-e-n-n-a-n, and I'm with St. Francis Medical Center. One of the things I would like to talk about real quickly and then I'll get into the St. Francis initiative. But one of the things, I think one of the strengths of Grand Island, I've been a resident here for about 30 years and I worked at the newspaper before I joined St. Francis, is that we have several across-the-community boards, including the Multicultural Coalition. Both Steve Lamken and I sit on that board; representatives from the school system sit on that board; a member of the newspaper is on that board. There's several strong ethnic leaders on that board. And I think one of the opportunities for the Multicultural Coalition

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

Judiciary Committee  
November 09, 2010

---

is to develop strong cultural leaders. And that will be another strong fact of the community toward gang prevention. There's also a Coalition for Children organization that has done quite a bit of work. And again, they're just another group that's across the board where we have this ongoing interaction between the schools, hospital, newspaper, ministry. I mean just all segments of our community are together on these boards. And when I'm talking...when I start to talk about the Violence Prevention Coalition, we're trying to do the same thing: establish an across-the-board group. And when we start looking at some of the issues that cause...whether you're looking at substance abuse or you're looking at gangs or you're looking at other problems, especially when you're addressing youth, is that we're looking at the same risk and protective factors. The same things that are leading to drug abuse, many of them are leading to kids joining gangs. Anyhow, this coalition that we have formed is about a half a year old; it's relatively new. St. Francis Medical Center is among four Nebraska hospitals that are part of Catholic Health Initiatives, which is based in Denver, Colorado. They have a large foundation. And basically, Catholic Health Initiatives has asked its hospitals to go into their communities and identify major sources of violence in their communities and to address that issue. And that's what we're seeking to do with our group. We're looking for an upstream approach that includes strategies to address public awareness, public policy, education, and then the increasing resilience factors, reducing risk factors, and also developing and understanding respect for cultural differences. So those are all...in other words, we're trying to approach this on several levels. So we strongly...obviously, we strongly suspect that the gang violence--and we know it's a major source of violence in our community--but we do want to start at square one. And on December 7-9 we will be having townhall meetings. We're actually having a prevention coalition meeting on Friday. And we have been working with Mike and the state because we...right now we're in the midst of a planning grant. We have a \$24,809 planning grant which we brought in a consultant into our community, and we wanted to identify our resources and our gaps, and we want to work with focus groups at these townhall meetings and try to identify, drill down as far as we can with the root causes of violence in the community. And one of the things that Catholic Health Initiatives has

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

Judiciary Committee  
November 09, 2010

---

asked us to do is to go slow and be thorough and get it right. So in one sense we're on a different track, maybe than in talking with Mike. We're trying to do the same thing but Mike is on a faster track than we are. (Laugh) So we're... [LR571]

SENATOR ASHFORD: Well, that's Mike, so I wouldn't...(laugh)...I'd discount that. [LR571]

BILL BRENNAN: So we're trying to resolve that. We're trying to do some things, I guess, maybe at a triage level, immediately, with any funding that is available. What we see in the long-range future is for this coalition to identify a solution-type of project. And then Catholic Health Initiatives and our hospital will put up funding and then we're seeking partners to match that funding. [LR571]

SENATOR ASHFORD: So you're looking at...you're trying to single out a, you know, something that's definable. [LR571]

BILL BRENNAN: Yeah. What specific can we address that we're going to make a communitywide difference. [LR571]

SENATOR ASHFORD: To help stop violence. [LR571]

BILL BRENNAN: Right. [LR571]

SENATOR ASHFORD: And really triage is the right word is to... [LR571]

BILL BRENNAN: Yeah. [LR571]

SENATOR ASHFORD: ...let's stop the... [LR571]

BILL BRENNAN: The bleeding. [LR571]



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

Judiciary Committee  
November 09, 2010

---

SENATOR ASHFORD: ...let's stop the shooting and the... [LR571]

BILL BRENNAN: But then let's get down to the root causes. [LR571]

SENATOR ASHFORD: Right. [LR571]

SENATOR COUNCIL: And that's where the public health model comes in. [LR571]

BILL BRENNAN: Right, exactly. [LR571]

SENATOR ASHFORD: That's where the public health, it's the old, you know, take the finger away from the trigger kind of thing, and then somehow then start to deal with all the overlays. [LR571]

BILL BRENNAN: Correct. [LR571]

SENATOR ASHFORD: Any other comment? I mean that... [LR571]

BILL BRENNAN: Yes, that's... [LR571]

SENATOR ASHFORD: Is that... [LR571]

BILL BRENNAN: Yeah, that's exactly what we're trying to do. [LR571]

SENATOR ASHFORD: I mean that's very good. You know, I think that's exactly what we've been thinking about in our committee is moving policy towards a triage. I mean, we've got a...the great point was made by, I think, either the chief or the sergeant about the, you know, there always are these new (laugh) gang members or new shooters or new people coming up from down below. But all the things we're hearing, the truancy

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

Judiciary Committee  
November 09, 2010

---

initiative--massively important. [LR571]

BILL BRENNAN: Right. [LR571]

SENATOR ASHFORD: The triage that you're talking about and getting community involvement is critical. I mean, it's just a new dynamic it seems for the whole state. So we commend you for that. [LR571]

BILL BRENNAN: Well, thank you. [LR571]

SENATOR ASHFORD: Like to hear more about it. Maybe when you decide what your... [LR571]

BILL BRENNAN: Right. Yes, and we're staying in very close touch with Mike's group at the state level. And yes, we will be issuing a written report from our first year of planning. By July 1, we will be deciding whether to continue the planning phase another year or go into a project phase. We don't want to make that decision until we're closer and know what we have. [LR571]

SENATOR ASHFORD: That's really good work. [LR571]

SENATOR COUNCIL: Well, Mike, excuse me, I'm sorry. But you were...the summit that was held on gang violence a year ago, the two physicians from Creighton, I mean they had that all laid out in terms of the components of a public health approach to reducing and eliminating youth and gang violence. Is that something that you could see if they'd be willing to share with St. Francis? I mean, they had that whole... [LR571]

SENATOR ASHFORD: We actually have the CD of that conference there. Who's the football player (inaudible)? [LR571]

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

Judiciary Committee  
November 09, 2010

---

MIKE FRIEND: Pat Tyrance. [LR571]

SENATOR ASHFORD: Pat Tyrance... [LR571]

SENATOR COUNCIL: Pat Tyrance, you're right. [LR571]

SENATOR ASHFORD: ...who played for Nebraska who's... [LR571]

BILL BRENNAN: Okay. [LR571]

MIKE FRIEND: Sorry, I didn't mean to yell. [LR571]

SENATOR ASHFORD: Yeah (laugh). [LR571]

SENATOR COUNCIL: What? He didn't mean to yell? (Laugh) No, I'm sorry. [LR571]

SENATOR ASHFORD: That was quiet actually. That was a whisper, I thought. But the...no, Pat went to Harvard Medical School and then also graduated from the Kennedy School of Public Health, and he is in Omaha now and worked in Baltimore with a hospital, public health-based initiative. He's a great resource. [LR571]

BILL BRENNAN: Um-hum. [LR571]

SENATOR ASHFORD: We can get you the CD, which it's not... [LR571]

BILL BRENNAN: I'm obviously very interested. [LR571]

SENATOR ASHFORD: Yeah, we'll get that to you. It's somewhere in my desk which is also a problem. (Laughter) [LR571]

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

Judiciary Committee  
November 09, 2010

---

SENATOR COUNCIL: You might get that. [LR571]

SENATOR ASHFORD: Yeah, you might. (Laugh) We may have to recreate the whole thing. Very good. Any other comments or questions? Thank you, Bill, very much. [LR571]

BILL BRENNAN: Thank you. [LR571]

SENATOR ASHFORD: Good luck. Mike, do you want to...is there anyone else who would like to comment? Mike, do you want to kind of pull this together and...you're working with Grand Island and... [LR571]

MIKE FRIEND: Yeah. Members of the Judiciary Committee, their work is their own. It's not a chicken and an egg thing. I didn't show up and invent a thought process for them. On the contrary. I think that they had a model and all I tried to do was add to that model. What Mr. Brennan had pointed out is he thinks, well, I'm ready for that model to be implemented and they're not really ready yet. I don't disagree with him, but I do think that that's part of the model is getting everything ready. So I mean, whether he thinks he's on my track or not, I think it's irrelevant. I think I've seen these models... [LR571]

SENATOR ASHFORD: Well, I mean, if you've got... [LR571]

MIKE FRIEND: ...nationwide, and they've got a model and... [LR571]

SENATOR ASHFORD: If you have...yeah, if you have eighth graders, six, seventh, and eighth graders and you have 175 truancy cases and 11 filings in juvenile court, that means that at that stage that 11-, 12-, 13-year-olds, there is significant work being done there. And linking that then to the older kids, I mean they've already got a big piece. [LR571]

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

Judiciary Committee  
November 09, 2010

---

MIKE FRIEND: Right. And not only that, the fact that you have a county attorney, county diversion, the medical center, the police department and the school district communicating on a weekly basis--that's a model. I mean, these things are not happening... [LR571]

SENATOR ASHFORD: Yeah. Well, and to have the hospital... [LR571]

MIKE FRIEND: ...these things are not happening in every community. [LR571]

SENATOR ASHFORD: ...to have the hospital taking a major lead both in resources and in expertise is pretty... [LR571]

MIKE FRIEND: I think that you have acute violence in certain communities around the state that could learn from the types of baby steps they're taking here. [LR571]

SENATOR ASHFORD: And I wonder, Bill, is there also an opportunity to do sort of forensic investigation on some of these families that, I mean, from a public health perspective to, you know, what is...what were the makeup of these families, what...? [LR571]

BILL BRENNAN: Yes, in fact, when I first had this idea, Steve came to our offices and met with the vice president and myself and we discussed. And in the back...we asked if, you know, just off the top of his head, what's your solution? And I think Steve still feels this way, but he envisions maybe the intervention is going to take a really tough-minded, almost a police-type of social worker as being one component from the community to do an intervention. But then you need that family support on the other end to save a kid. [LR571]

SENATOR ASHFORD: Yeah, you got to wrap around there, wrap around it. That's great. Thank you very much. Great presentation. Thanks, Mike. Thanks for all your

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

Judiciary Committee  
November 09, 2010

---

work. And I believe that, unless anybody else has any other comments from the committee or otherwise, that concludes the hearing. Thank you all for coming. And we'll be anxious to hear how it develops. Thanks, guys. [LR571]