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Health and Human Services Committee
August 29, 2018

[LR377]

The Committee on Health and Human Services met at 1:00 p.m. on Wednesday, August 29, 2018, in the Kearney Public Library South Platte Room, Kearney, Nebraska, for the purpose of conducting a public hearing on LR377. Senators present: Merv Riepe, Chairperson; Sara Howard; Lou Ann Linehan; and Matt Williams. Senators absent: Steve Erdman, Vice Chairperson; Sue Crawford; and Mark Kolterman. Also present: Senator John Lowe, Senator Dan Quick.

SENATOR RIEPE: Today's meeting or hearing is going to be on the YRTC. We had one earlier on the Geneva facility and today we had the opportunity to tour your facility here in Kearney. I am Merv Riepe. I'm the Chairman of the Health and Human Services Committee. I represent, out of Douglas County, both Millard and Ralston. I'm going to ask my fellow senators and then I will come back to staff here just so that you know who all is playing. So, Senator Linehan.

SENATOR LINEHAN: Hi. I'm Lou Ann Linehan and I represent western Douglas County, District 39.

SENATOR WILLIAMS: Matt Williams from Gothenburg. I represent Dawson, Custer, and the north portion of Buffalo Counties.

SENATOR HOWARD: Senator Sara Howard. I represent District 9 in midtown Omaha.

SENATOR RIEPE: And I want you to know the staff that's here at the table. So, Kristen.

KRISTEN STIFFLER: Kristen Stiffler, legal counsel.

TYLER MAHOOD: And Tyler Mahood, committee clerk.

SENATOR RIEPE: And before we go any further, I did want to announce, and we're very pleased to have, we have Senator Dan Quick here who is from the fine city of Grand Island down the road, and we also have Senator John Lowe who is here with us today too. And John is going

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to be opening here in just a few minutes on this legislative resolution, which is LR377 and the intent was to see what we...so that we have better understanding of the two YRTC facilities and to try to find out some of the issues that revolve around that and also issues that the community might have in relationship to those two facilities. Oftentimes within the Capitol, we're from another part of Nebraska, we have a tendency to not fully understand. So these hearings are very informative to us. Before we really start, we are going to have Senator Lowe will open and then we will have one invited presenter and then we will go to open testimony. And one of the things I would ask you, if you do have cell phones, to please silence them. And this is just like church. You got to silence your phones, okay, so we can hear prayers. And also we're going to be using a card system today when...not for Senator Lowe or the formal presentations but for people that want to come up and be heard. And we invite any of you and all of you, but we need to try to, in fairness to everyone, and we'll try to be very gracious or gentle as we do this and we might say, please, after about four minutes, if you could wrap that up, that would be very helpful to us. We have also been advised by the library that this place closes at 5:45 and we need to get out. (Laughter) And the county sheriff may be here and if we don't finish up we're all in trouble. Again, thank you all for being here. And, Senator Lowe, we would like to have his, it's your resolution, and we'd like to have you share that. We would encourage you to be rather vocal, even though you're facing us, because I don't know what the acoustics are in this particular room but people are here to hear and we want that. So it's yours. [LR377]

SENATOR LOWE: Thank you, Chairman Riepe and members of the committee. My name is John Lowe, J-o-h-n L-o-w-e, state senator from District 37. I brought Resolution 377, which its purpose is an interim study to review the procedures and practices of the Youth Rehabilitation and Treatment Center in Kearney and Geneva, to improve safety and security of the residents of the facility, the staff at the facility, and the neighbors living around and near the facility in the community. The study shall include recent practices and procedures that have worked to improve the safety and security and those that have been effective, and also practices and procedures that have been attempted at other facilities to improve safety and security but have not been attempted yet at the Youth Rehabilitation Center in both Kearney and Geneva. This was a problem during my campaign, and I know my predecessor, Speaker Hadley, had several meetings on this exact same issue, of some of the problems at YRTC in Kearney anyway, and it was one of my promises that I would look into it further and try to get some solutions. With the change in

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administration at YRTC over the past several years, conditions have improved greatly out there, up there, on the hill, as we were told this after...this morning, I guess. And part of the concern of the community is the youth that run. And so I brought this resolution to see what kind of safety issues that will work best for everybody involved, whether it's the youth, whether it's the staff, whether it's the citizens of Kearney, and I look forward to some resolution to that problem, most likely not immediately but in a very short time following. Thank you, Mr. Chairman. [LR377]

SENATOR RIEPE: Thank you, Senator. We're going to go ahead and I want to...let me ask this. And I'm sorry, I got distracted here. Are there any questions from the committee members? You must have done a spectacular job. [LR377]

SENATOR LOWE: I am thorough, aren't I? (Laughter) [LR377]

SENATOR RIEPE: You are thorough. Thank you. [LR377]

SENATOR LOWE: Thank you. [LR377]

SENATOR RIEPE: Thank you. The next open presentation, and then I'm going to be asking for a show of hands of those that intend to testify so be thinking about whether you want to come to the front stage or not but, so I'll be asking that question here in a couple of minutes. At this time, though, I want to invite Mark, and I'm trying to work on this, LaBouchardiere. [LR377]

MARK LaBOUCHARDIERE: LaBouchardiere. [LR377]

SENATOR RIEPE: He's from...aren't you from Louisiana? [LR377]

MARK LaBOUCHARDIERE: Louisiana. [LR377]

SENATOR RIEPE: So you have some French. [LR377]

MARK LaBOUCHARDIERE: A little bit, my dad's side. [LR377]

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SENATOR RIEPE: Okay. With my apology for whatever I did to your name, please go forward.
[LR377]

MARK LaBOUCHARDIERE: (Exhibit 1) You did fine, Senator. Hi. Good afternoon, Senator Riepe and members of the Health and Human Services Committee. My name is Mark LaBouchardiere, M-a-r-k L-a-B-o-u-c-h-a-r-d-i-e-r-e, and I'm the director of facilities for the Department of Health and Human Services. I'm here to testify in on LR377, which provides for an interim study to review procedures and practices at the YRTC-Kearney with the intent to improve the safety and security of the youth housed at the facility, the staff who work here, and neighbors who live nearby. The safety of the youth in our care, our staff, and the surrounding community are of utmost importance. Assaultive behavior by our youth is a constant concern. Our staff are trained in Handle with Care, a behavioral management technique that emphasizes de-escalation skills. Over the past three years, YRTC-Kearney has had ups and downs with youth-on-youth assaults. For this year, YRTC-Kearney averaged 14 youth-on-youth assaults per month. In terms of youth-on-staff assaults, we are seeing a district (sic--distinct) trend down from previous years. In 2016, the YRTC-Kearney experienced 251 youth-on-staff assaults. This is a staggering number, and efforts were put in place immediately to improve the safety of the campus. In 2017, there were 145, close to half as many youth-on-staff assaults. Thus far in 2018, there have been 97 youth-on-staff assaults. And of those 97 assaults: 45 resulted in no physical pain or injury to the staff; 30 injuries required basic first aid; 9 received on-campus medical treatment by our nursing staff; and 13 required treatment off-campus at a medical clinic. All of our employees who sought outside medical treatment were treated for their injuries and then released from the medical facility that same day. We continue to monitor the data trends in regards to aggressive behavior by our youth. We have increased security staff presence in the living units and continue to coach our staff in de-escalation techniques. Brief time-out periods are utilized in our Dickson Behavioral Stabilization Unit to help give youth space to gather their thoughts. Restorative Justice Principles, such as mediation, are being implemented across campus to assist youth in mediating their differences with other youth or staff members. We have seen success in the accountability youth are taking for their actions and their recognition of how they affect...how their actions affect others. By implementing these principles and also utilizing de-escalation skills, we have experienced not only a drop in assaults but also a reduction in confinement time for youth. Tracking of confinement hours began in July of 2016 and the

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YRTC-Kearney posted 86 hours average time per incident. That number has dropped drastically in July to less than half, or 31.75 average hours of confinement per incident. An area of concern for not only the YRTC-Kearney but also shared with us by the Kearney community as a whole is the amount of escapes that occur from our campus. We are again happy to report a very significant decline in the amount of successful escapes from our campus. In 2016, the YRTC-Kearney saw 36 escapes from our community (sic--campus). The following year, in '17, there were 17, less than half as many escapes. And we are happy to report thus far in 2018 there have been four escapes from our main campus, on track to decrease the number of escapes again by more than half from the previous year. This success is due to strategic measures put in place to reduce opportunities for youth to escape. Measures include a constant perimeter patrol during waking hours and highly monitoring all youth movements by security staff members. As the committee may be aware, the DHHS business plan for fiscal year 2018-19 has included erecting a perimeter fence for the YRTC campus, the YRTC-Kearney campus to even further decrease the number of escapes, ensuring safety of the community as well as our youth. In regards to the physical state of our facility, the majority of the buildings were built in early to mid-'70s. Recent efforts with juvenile justice reform to ensure that only high-risk youth are present in our facility have drastically decreased our population. The average daily count for fiscal year 2016-17 was 97 youth. YRTC-Kearney continues to increase its efforts to provide evidence-based programming for our youth and has recognized the following evidence-based programs: Moral Reconciliation Therapy, which is a cognitive behavioral program currently implemented that leads to enhanced moral reasoning, better decision making, and more appropriate behavior; Aggression Replacement Training, or ART, a program aimed at helping youth develop more appropriate anger management skills--we hope to have this program implemented within the next six months; Adolescent Community Reinforcement Approach, A-CRA, is a program the therapists utilize to treat adolescent substance abuse. This program includes both individual and family therapy sessions in order to support the youth through their recovery and is endorsed by the Substance Abuse and Mental Health Services Administration, or SAMHSA. YRTC-Kearney continues its collaboration with the Nebraska Department of Labor and Vocational Rehabilitation to provide our youth with career exploration and preparation for postsecondary education. We hope to bolster these efforts and provide more vocational opportunities for our youth who are high school graduates. Currently, youth may elect to take a safety course through the Occupational Safety and Health Administration, OSHA, giving them more experience as they

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enter the work force. We are grateful for the opportunity to highlight the changes we have made to our campus in terms of programming and security. Helping the youth we serve to live better lives and keeping our staff and communities safe will continue to be of the utmost importance of the department. Thank you. And I'm happy to answer any questions you may have. [LR377]

SENATOR RIEPE: Thank you very much. I can...I have a couple to start off with and that is you commented, as Senator Lowe did, about the number of what I call runners, escapees, whatever. What do you attribute that to? Is that to increased staffing, better food, or what, what do you attribute it to? [LR377]

MARK LaBOUCHARDIERE: Over the last two and half years, three years we've about (inaudible) today and you mentioned even the food piece where we've changed a plethora of things in the facility, all the way from programming to the culture of the facility to the security practices. And we talk about the runners, as I mentioned on the tour earlier today, the majority of the kids that we do have come in, they are high-risk kids. All probation measures have exhausted and have been tried to be used have just failed for that youth to come to our facility. We are the last stop. So having said that, a good portion of our youth have been to a multiple of other places prior to even coming to us where they have continued to either run or failed in that programming prior to coming to us, and they are the highest risk youth we have in our state. So when a kid comes to us, when you talk about runners, a lot of the kids have done this multiple times, some as close to 10 to 15 times. Or some of the kids have been through 20-25 placements before coming to us. So as you're aware, we did not have a fence on the facility, so having no fence we had to increase several different measures apart from the culture of the facility but also, like I mentioned earlier about the security practices, having a permanent vehicle out there to monitor all movement, actually having youth security supervisors in vehicles to be able to monitor every move which goes back and forth. [LR377]

SENATOR RIEPE: You also talked about assaults and that those have declined. I assume those are assaults within the facility. And is your definition of assaults been the same or have you lightened the definition of what an assault is, which then, of course, changes the statistical outcome? [LR377]

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MARK LaBOUCHARDIERE: Actually, what we did, though, when I came here in April 2016, what I did was actually, I don't say lighten it, we used assault as far as the definition of what the law says an assault is. So, for example, even those numbers I gave you, if a youth was to push a staff, just barely a push, that is still an assault, because if you did that to anybody in the community or a law enforcement officer, that's how we need to do it. Prior to that, people were not using those assault numbers as the definition of the law. So it wasn't lightened. Our numbers have actually looked as though they have increased but it's actually we will count every one of those assaults. [LR377]

SENATOR RIEPE: So you don't have degrees of assault, like first-, second-, third-degree of...like a push might be a simple first-degree and... [LR377]

MARK LaBOUCHARDIERE: So we don't. We don't do that piece, but every one of those assaults including, like I mentioned, a push up to if a staff is seriously injured, every one of those assaults are reported to the Nebraska State Patrol who then it's up to them to do the investigation. And they are referred to the county attorney for any prosecution. I mean it's up to them as to what they...how they define this part of the law, whether it's a first-degree, second-degree, or third-degree assault. We don't do that at our facility. What we do at the facility is what I was mentioning earlier, is we do our severity ratings on how the injury was, whether it was a push or whether it was requiring first aid. That's what we do at the facility. But we don't do the definitional law. That's up to the NSP and county attorney. [LR377]

SENATOR RIEPE: I think we'll get to even talk more about the fence because I assume that's maybe of significant community interest as well. So I want to do that. But the other thing that I did before I'd get to that point is have you...what have you seen from an external...our culture has changed? What...how has that played out in the young people that are coming to this facility? [LR377]

MARK LaBOUCHARDIERE: I think with the changes that we made over the last few years, I think when they come in it's a much more structured environment. We provide our staff better training, better de-escalation skills. We went through a new physical restraint program. The way that we were treating kids where even though our American Correctional Association guideline

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standards talk about we can keep a kid up to five days in confinement, we have vastly reduced that because there is no benefit from keeping a kid locked up in a room for hours or days on end. So it's just a matter of us being in line with what best practice is in with youth facilities in how we treat youth or high-risk youth in our care. [LR377]

SENATOR RIEPE: Have you see more implications of drug use and violence at home and that kind of stuff of those coming in? Maybe you haven't been here long enough. Someone who's maybe been here ten years might be able to put a benchmark on there. [LR377]

MARK LaBOUCHARDIERE: But what I can say is, though, even prior to me even being here, the population of the facility back then, the census was around 150-160 kids. Well, those 150-160 kids, they were the low-risk, medium-risk, and high-risk kids, so you had a mix of them. Once LB, I think it was, LB561 changed where only the high-risk youth came to us, there was a sharp decline in population. But then again, it ended up also being only those highest risk kids in the state of Nebraska being with us. So no longer did we get those first-time offenders or the petty crime kids. [LR377]

SENATOR RIEPE: Okay. [LR377]

MARK LaBOUCHARDIERE: These are more...so to answer your question about, yes, we did see most of our kids are here for serious crimes and most of them here for assault or a concealed weapon or (inaudible). [LR377]

SENATOR RIEPE: So you're seeing higher acuity, if you will. The few that have run, have they committed crimes on residents in the community? [LR377]

MARK LaBOUCHARDIERE: Yes. [LR377]

SENATOR RIEPE: Okay. [LR377]

MARK LaBOUCHARDIERE: There have been a few of them. [LR377]

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SENATOR RIEPE: There have been. Okay. [LR377]

MARK LaBOUCHARDIERE: We had a couple kids back in December 2017 who (inaudible) the community. They stole a couple vehicles. One ended up in Oklahoma. The other one, there was a high-speed chase where they rolled the car, so. [LR377]

SENATOR RIEPE: Yeah, not minor incidents. [LR377]

MARK LaBOUCHARDIERE: Not minor incidents. [LR377]

SENATOR RIEPE: You had talked, during our tour, some about your belief in a perimeter fence is necessary. Would you elaborate on that for the group? [LR377]

MARK LaBOUCHARDIERE: Yes. So this year the Department of Health and Human Services, we have a annual business plan which shows our priorities and we would like to move forward, and one of the plans we have in there is erecting a perimeter fence. Just as the example I gave here of what happened in December 2017 when we had a high-speed chase with a couple youth who stole that vehicle, I think we'd be having a different atmosphere in speaking about a fence today if one of those kids who stole that vehicle, going down 90-100 miles an hour, was to hit an innocent family and kill some people. Those are the risks that we're trying to avoid where, even though our numbers are now down to four this year so far, it is a risk for the community, where years and years ago, back in the late 1800s, when YRTC-Kearney first was opened up over there, nothing was around the facility. It was more on the outskirts of town. Today it's right in the middle of the community. So those community members who do live around us, and they have kids, I mean I could see why they would be frightened to have their kids out there by themselves because maybe you have a kid who's a high-risk kid running down, trying to escape, or maybe hurt them. So that's one piece of it where...why we feel there should be a perimeter fence. The other piece is just within the facility itself, while keeping our kids safe. We have several kids in our community or in our facility who have come from some gang-oriented backgrounds and there's been incidents where we've had a group of kids from Omaha, I believe, who came up all the way to Kearney looking for one of the kids we had because of some outside differences they had. Another piece is because of contraband purposes. Without having a fence it is easy for

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family or people to come in and bring contraband in, whether it's drugs, cell phones, maybe a weapon, what have you. We've also seen what some of the...just a regular school, not just in Nebraska, in other countries too with a school...with the school violence that's gone on where there's been shootings in there where we have trained our staff for Active Shooter Training. At the same time when even regular high schools were putting up fences to protect the kids in there, it's the same kind of concept. We want to make sure our kids are safe in there. So it's for multiple, a multitude of reasons. Nebraska is, yes, we have our high-risk facility here which doesn't have a fence, but the majority of the rest of the country who house high-risk youth, they all have fences. Some of them have fences which are the curved fence. Some of them have barbed wire. Some of have actually concrete walls at their youth facilities. The approach that we would take is to go with a curved fence and that is what most of the facilities in the country are going towards because it's more therapeutic, doesn't have that correction feel to it. But the way the curved fence works, if a kid tries to climb up it, there's a no-climb area that is the last like six feet where, through gravity, you can't really jump over because you'll fall down. You kind of like twist yourself up there. So that's if the fence that we have proposed would be a curved fence, plus it would be more aesthetically pleasing for the community, because we are, like I said, right in the community and we have a golf course behind there, and we'll make it as therapeutic looking as possible. [LR377]

SENATOR RIEPE: I'm assuming you got your fence budgeted, and if you did you probably got it before the last two sessions, when we ran out of money. [LR377]

MARK LaBOUCHARDIERE: Yes. [LR377]

SENATOR RIEPE: I'd also venture to say that a gang in Kearney, Nebraska, is a meeting of the FFA chapter. Thank you very much. That's the questions I have. I'd like to, and I apologize for kind of hogging the mike here, but I want to turn to the board or the committee members if you have any. [LR377]

SENATOR HOWARD: Sure. [LR377]

SENATOR RIEPE: Senator Howard, please. [LR377]

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SENATOR HOWARD: Thank you for the tour this morning, Mark. I appreciate it I wanted to focus a little bit on staff. Can you tell me what your turnover rate is right now? [LR377]

MARK LaBOUCHARDIERE: I do not have those numbers for you this morning. [LR377]

SENATOR HOWARD: That's okay. Do you think you could follow up and get those to us? [LR377]

MARK LaBOUCHARDIERE: Absolutely. We'll get those to you. [LR377]

SENATOR HOWARD: And then I wanted to ask you, how are you getting feedback from your staff about how they feel about working in the facility? [LR377]

MARK LaBOUCHARDIERE: If I was to compare to when I first got here back in 2016, I think it was really rough back then. The culture was really poor, and rightfully so, when we had instances where we were not holding the youth accountable to the degree we needed to, not using our Dickson Stabilization Unit as effectively, when our programming was not as much in line with all the different security changes we did. It was more very poor culture. I think, I think it has increased. But at the same time, we, when we do see staff who get assaulted, it still hurts regardless. [LR377]

SENATOR HOWARD: How are you getting feedback from your staff about how they feel about working in the facility? [LR377]

MARK LaBOUCHARDIERE: Feedback is through they have meetings with the supervisors and we have a group called the employee recommendation committee who try to do different things with staff, whether it's like a Christmas party and different things, to get them involved with things. We have meetings with our labor management team to get feedback from union stewards. Those are some of the ways. [LR377]

SENATOR HOWARD: Okay. And did... [LR377]

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MARK LaBOUCHARDIERE: We also have PbS climate surveys which they do for our youth and our staff to see the level of safety and how they feel. [LR377]

SENATOR HOWARD: Perfect. And then I wanted to ask you...and you probably don't have this on hand either. And I promise this is my last one. [LR377]

SENATOR RIEPE: That's okay. [LR377]

SENATOR HOWARD: So one of the ways I'm sort of considering what an assault is and sort of what has actually impacted a person is I like to look at workers' compensation. Do you know how many workers' compensation claims you currently have from staff at the center? [LR377]

MARK LaBOUCHARDIERE: I do not know. I know it's drastically decreased. I don't have those actual numbers with me. [LR377]

SENATOR HOWARD: Okay. [LR377]

MARK LaBOUCHARDIERE: I can follow up and get you those answers. [LR377]

SENATOR HOWARD: That's great. And if it's possible to share some of the results of those climate surveys with us, even just anecdotally, that would be wonderful. [LR377]

MARK LaBOUCHARDIERE: Absolutely. [LR377]

SENATOR HOWARD: Thank you. [LR377]

MARK LaBOUCHARDIERE: I appreciate it. Thank you, Senator. [LR377]

SENATOR RIEPE: Are there other members of the committee that would like to ask questions? Senator Williams. [LR377]

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SENATOR WILLIAMS: Thank you, Chairman Riepe. And thank you, Mark, for the tour this morning and in particular the emphasis and the change on the educational system. I think that we're going to see additional positive from that. When we look at the escapes and how they have happened and can you cite or have there been specific incidents in the neighborhood where neighbors around the perimeter of the facility have experienced damage or threats of damage or those kind of activities? [LR377]

MARK LaBOUCHARDIERE: Yeah, I mentioned before the most recent example I am aware of is the one which happened in December 2016 when a vehicle was stolen here from the Kearney community and it was later taken all the way to Oklahoma where one of the youth went. The other youth stole another vehicle from a surrounding community and totaled that vehicle or damaged that vehicle when they rolled it. [LR377]

SENATOR WILLIAMS: So a vehicle was stolen from around that area... [LR377]

MARK LaBOUCHARDIERE: Yes. [LR377]

SENATOR WILLIAMS: ...that was taken. We haven't had homes broken into or those types of incidents that you're aware of? [LR377]

MARK LaBOUCHARDIERE: I believe back about two years or so ago where a kid had ran and tried to hide in the garage of one of the community members, but I'm not aware of...I don't recall anything specifically there was a lot of damage done. I know there was something which happened I think like five or six years ago where they stole another vehicle. This was before my time. [LR377]

SENATOR WILLIAMS: Okay. Thank you. Thank you, Chairman. [LR377]

SENATOR RIEPE: Thank you. I have a question. Are you recommending a perimeter fence for the Geneva facility? [LR377]

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MARK LaBOUCHARDIERE: Not at this time, but they're more in the rural side of things. They're more out there. Like I say, Kearney used to be on the (inaudible) out there. But similar to what Geneva is. They're not in the community. They're more in the rural area where there's a lot of...I think when we visited there, there's a cemetery, there's pastures, not pastures, what do you call it, fields where people farm out there. So we're not recommending (inaudible). [LR377]

SENATOR RIEPE: Not at this time. Okay. Also in this litigious state of, not state of Nebraska, but our culture, what's your concern about the liability that the state would have on, say, a young escapee wrecking a car, going down the interstate at 100 miles an hour, killing someone? [LR377]

MARK LaBOUCHARDIERE: So, in looking at that last incident and looking at how our legal department responded with that piece, it can be dependent upon whether our staff was being negligent or not while the youth was in our care. So if there is a staff who saw a couple kids or a kid run and did not do anything about it or was unaware of it, this is more the higher liability. But there are times, knowing this is a high-risk facility or the facility where we have no fence up, these kids are pretty, well, pretty sneaky. They're pretty manipulative and they can get away sometimes by causing distractions, if you may. But if a kid was able to get out of care without us being negligent, it lessens the liability for us. In the case of a, like, for example, vehicle out there, it also sometimes bases it on the citizen. For example, if you had your keys in your car or if your keys...your car was running or your house was open, it's my understanding it all plays into what the liability is when it's looked at legally as to the liability of it. I'm not a lawyer, though, so I'm not sure all the ins and outs of that piece. [LR377]

SENATOR RIEPE: Okay. What's the average length of employment of those that are employed there? Do you know that offhand? [LR377]

MARK LaBOUCHARDIERE: I do not know that offhand. I can get an answer for you. [LR377]

SENATOR RIEPE: Okay. Do you have a staff retention program? Do you have a staff orientation program? [LR377]

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MARK LaBOUCHARDIERE: We have bolstered our training orientation quite considerably based upon the population we have, and we've changed our strategies where we concentrate more on staff to recognize the different things when dealing with youth. So even things like motivational (inaudible) training, things that I have experienced which have been used nationally for youth, we are starting to use more of that in our training program for our staff and with (inaudible). [LR377]

SENATOR RIEPE: I asked that in part because we've had such a retention problem at our other correctional facilities that I just wondered how that played out with you. [LR377]

MARK LaBOUCHARDIERE: I think that's why I think the training piece essentially for those coming in the door is very crucial. Some of the positions, like the youth program specialist I and II, which are entry-level positions, some of these folks have never worked in a facility, nor have they worked with high-risk kids before. And to try to get them geared up in the right manner, especially with the de-escalation and how to deal with situations, what signs to watch for, it's...leads to their success if we can train them and give them the right tools walking in the door. [LR377]

SENATOR RIEPE: I think we also, you and I, talked a little bit and I think you addressed our group that the Richard Young Hospital, the local hospital, you have had a working relationship with the hospital. And tell us a little bit about how that plays between your behavioral children, boys, young men and the hospital. [LR377]

MARK LaBOUCHARDIERE: So there is...there are kids in our facility who, due to the mental illness that they have, they can self-harm, they can try to commit suicide. Some of them are pretty...we have some very sick kids over there, and there have been times, not in the last couple years, but we would have kids who would continue to self-harm where we would refer them to Richard Young or a psychiatric hospital. And what we have seen is that as the youth were sent there, if they start to assault their staff, they're sent right back to us, which it basically puts us at a greater risk and it's a challenge for us. Because even with our increased staff/youth ratios, which are one to eight, which is the federal PREA Act numbers, psychiatric hospitals generally have a...even a higher staff/youth ratio. So sometimes they have one staff to every two kids out there,

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versus us, which is one to eight. But we are a no-eject/reject facility. We cannot sit there and say, well, sorry, it's past 5:00 p.m., we can't accept this kid. If they're kicked out of the hospital or a judge across the state commits them to us, we have to take them regardless. [LR377]

SENATOR RIEPE: Okay. When you have a staff member that's assaulted, how do you follow up to make sure that you get them comfortable about returning to the work site? [LR377]

MARK LaBOUCHARDIERE: So something we have started and this is, I want to say, 90 percent of them try to increase as much as possible whenever staff is assaulted, if they do have to go to the hospital. So this year there has been four instances where we had the staff went directly from the assault situation to the emergency room. And we generally have an administrator for the, if I'm in town I would go or the facility administrator, the facility operating officer, they would go to the hospital to make sure the staff is okay. We refer, like I said, every assault to NSP. Those who go to the hospital, immediately we call on NSP in directly and let their investigator or dispatch know this is what happened so they can start the investigation process. We hand over all our incident reports. If there's video footage, we hand over video footage of the incident so they have all information. Then it's then in their hands to do anything with charges of a kid or a referral to the county attorney. It's then it's in their hands. [LR377]

SENATOR RIEPE: Do you have a positive working enforcement...with law enforcement (inaudible)? [LR377]

MARK LaBOUCHARDIERE: I think we've had a very good relationship with them. And we have to depend on them. They are part of the community. When we've had kids who have taken off, they've been right there. It's never been an issue with them. They've always been helpful, with any of the law enforcement. Whether it's the city KPD or the Buffalo County Sheriffs, they've always been very, very helpful. [LR377]

SENATOR RIEPE: What do you think your relationship over the last, say, five years with the community is? Has it improved, stayed the same, or deteriorated? [LR377]

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MARK LaBOUCHARDIERE: I want to say I think it's improved, especially if you've gone up from 36 escapes to 4. I think we try to make our best efforts to try to make it safer. Even one escape is...does not make the community safe. But it always has that if I was a community member, it's always that fear in the back of my head that this kid might come running through my door. So even though we've decreased it, I know even Senator Lowe mentioned when he first started saying, yes, we made some drastic improvements but even one escape can be something which people feel fearful about. [LR377]

SENATOR RIEPE: I know you went to various colored shirts--I think the ones that we saw today were the green shirts--so that if someone was a runner they can't peel it off and simply have a typical white T-shirt on and blend into the community more quickly. Is that...are there more steps that have been taken to try to...? [LR377]

MARK LaBOUCHARDIERE: There's been numerous steps. That's one of those steps which we have taken. [LR377]

SENATOR RIEPE: Okay. [LR377]

MARK LaBOUCHARDIERE: So this way we can identify the youth in community. That's actually helped us quite a bit when we have had kids who have taken off, because they've been identified by that green shirt. However, I think it was...think it was last Halloween or the one before that where we had a kid who took off. Of course, he takes his shirt off and he's blending in the community with kids trick-or-treating, which was much harder to find the kid that way. We were still able to get the kid, but (inaudible). We always try different measures to try to minimize that as much as possible to be able to get them back to us more efficiently. [LR377]

SENATOR RIEPE: Do you have a volunteer organization or what's your relationship regarding volunteers with the community? Do you have volunteers? [LR377]

MARK LaBOUCHARDIERE: We do have volunteers that come in with our religious programs. We also have a citizen advisory board which is comprised of members of the community who

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meet with the facility operating officer and the facility administrator to go over things and try to strengthen that relationship. [LR377]

SENATOR RIEPE: Do you ever hold any community open houses, not open houses, that come to the facility but simply briefing times,... [LR377]

MARK LaBOUCHARDIERE: We... [LR377]

SENATOR RIEPE: ...sort of politically I guess we'd call those, you know, little coffees or whatever you want to call them? [LR377]

MARK LaBOUCHARDIERE: We've had a few town halls in the last couple years. [LR377]

SENATOR RIEPE: Town halls then. Okay. Well attended or not? [LR377]

MARK LaBOUCHARDIERE: Sorry? [LR377]

SENATOR RIEPE: Well attended? [LR377]

MARK LaBOUCHARDIERE: Yes, it has been. In my...when I first started in April 2016, I was here for barely a week and there was a whole town hall, about 200 people. [LR377]

SENATOR RIEPE: Okay. Well, you can tell by this room there's a great interest. [LR377]

MARK LaBOUCHARDIERE: Yes. [LR377]

SENATOR RIEPE: Do other committee members, do you...Senator Howard. [LR377]

SENATOR HOWARD: Just one more (inaudible). [LR377]

SENATOR RIEPE: Sure. Of course. [LR377]

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SENATOR HOWARD: You had mentioned the youth-on-youth assaults, that you're averaging about 14 per month this year. And you mentioned that you've had your ups and downs with youth-on-youth assaults. Can you tell me more about that statement? [LR377]

MARK LaBOUCHARDIERE: Yes. So a good example would be generally...generally there'll be a mix of ups and downs. Generally when we have around the November, December area,... [LR377]

SENATOR HOWARD: Uh-huh. [LR377]

MARK LaBOUCHARDIERE: ...we see a trend of a large amount of intakes. So we had, like this last year, the year before, we had about...we had about 15 to 20 kids who come the same month. Sometimes they have these drug sweeps in Omaha, Lincoln. They all come the same time. They are from the same gang. They're from the same streets. They have sometimes they come over (inaudible) that can quickly change the culture of the facility. They're trying to affront and try to, like, show their bravado, if you may. [LR377]

SENATOR HOWARD: Uh-huh. [LR377]

MARK LaBOUCHARDIERE: And that can sometimes disrupt the culture because they're coming in and they might be, like I said, they've had issues on the streets which they bring in, try to make that in the facility. So trying to weed those things out and get them to change their mentality of trying to work a program versus continuing to make poor choices. [LR377]

SENATOR HOWARD: So how does 14 youth-on-youth assaults per month compare to the previous years? [LR377]

MARK LaBOUCHARDIERE: They used to be higher. I'll have to get you the numbers exactly. I have to find those. [LR377]

SENATOR HOWARD: Could you? Could you share those numbers with us? [LR377]

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MARK LaBOUCHARDIERE: Yes. [LR377]

SENATOR HOWARD: Thank you. [LR377]

SENATOR RIEPE: Okay. Are there other questions from the committee? Seeing none, thank you very much. And we will now move to the open testimony. I'd like to see a show of hands to get some idea of how many we have that want to testify. Okay. Okay. That's very reasonable. And we would accommodate, up until 5:45, whatever it takes to do that. We're not going to jump out of here prematurely by any means. We would ask those that want to testify to come forward. We're going to, again, try to work off of a four-minute clock. In the absence of a clock, my trusty legal counsel over here--lawyers are good at a lot of things--and she's going to run a card program here. It's a green-yellow-red type of thing. And I would also share with you that if you're testifying the rules of engagement are we can ask questions and, unfortunately, you don't get to ask questions of us. But we will try to be gracious in that way and if we think that...we will try to be helpful. If we can work around to make sure that you get an answer to what your question is, without you asking us the question, we will try to do our best to do that. So if you will come forward, please. We're going to ask you to state your name and spell your name for the record and then proceed on. [LR377]

JOHN ANTONICH: Thank you, Senator Riepe. My name is John, J-o-h-n, Antonich, A-n-t-o-n-i-c-h, not quite as bad as the person ahead of me. [LR377]

SENATOR RIEPE: Not quite as French. [LR377]

JOHN ANTONICH: But it's French. So first, I want to thank you, Senator Riepe and members of your committee. I am the executive of the Nebraska Association of Public Employees, and our shortened name is NAPE/AFSCME Local 61. And I'm happy to speak with all of you today on behalf of our members who are employees, not only here but also at the Geneva YRTC. I wish a lot of the line staff could have been here; however, their shift change always is at 2:00 p.m., and so I don't know if you all know that or not. So in the future, I would hope that the committee would take those schedules into consideration when scheduling these hearings so we can hear from line staff directly. I think that would make some sense. With that said, I'm here today on

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behalf of our members who are scared. They're scared to come to work here. Their workplace, they feel, is unsafe, as demonstrated by the number of assaults by the youth who are housed at these facilities. Our dedicated employees want these youth to be successful and they dedicate their lives to their future successes. But at the current pace there won't be any staff left here. Turnover is high and morale is extremely low. And we understand that solutions are just as complex as the problems. There's no cure-all in reducing staff assaults. However, I would like to offer a couple of suggestions, if I may, that as senators you might be able to control and change with some legislation. First, you must support an increase in funding so that workers in our youth homes can be paid appropriate living wage. Their job is very dangerous and meaningful, and yet most of them make between \$13 and \$15 an hour only. A more attractive salary would help retain staff members. Secondly, under current Nebraska statute 28-310, a person commits assault in the third degree when he intentionally, knowingly, or recklessly cause bodily injury to another person, or threaten another in a menacing manner. The crime is punished as a Class I misdemeanor. Assault on state employees is covered under Nebraska statute 28-931 and is committed when the assault occurs against a peace officer, probation officer, firefighter, and out-of-hospital emergency care provider, or an employee of the Department of Correctional Services, and is charged as a Class III felony. Since the YRTC is not considered a DOC facility, assault against our youth at the YRTCs can only be charged as a misdemeanor. By simply amending the statute 28-931 to include our YRTC staff, the county attorney could then choose to charge assaults against staff as a felony. Because we all want the youth to lead protective...productive lives, there may be some reticence to change the law with a felony; however, we are simply advocating for the county attorney to have the ability to charge them with a felony when the situation warrants such a charge. Without the possibility of punishment or consequences for these severe crimes, as you can see, the assaults will continue, and they have continued for far too long. Even though as Mark testified they might have went down slightly, 14 a month is much, much, much too high of a number. However, over time word will get out that if you assault a staff member you could possibly face serious consequences and/or penalties. That behavior will soon improve. Lastly, NAPE/AFSCME Local 61 supports strategies in improving the behavior of the youth in these facilities. Our members will continue working with administration to provide outstanding service to the youth. We hope that you would do your part with an increase in funding and common-sense statute reform to help put an end to these assaults

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on our staff. I thank you very much for listening to me and would be glad to take questions.
[LR377]

SENATOR RIEPE: Great. Thank you very much. I forgot to mention there's a, what is it, amber or is that the color? It's kind of like...these are like traffic lights, you know? [LR377]

JOHN ANTONICH: Did I go over four minutes? [LR377]

SENATOR RIEPE: No, you were... [LR377]

JOHN ANTONICH: Oh. [LR377]

SENATOR RIEPE: ...you were perfect. Thank you very much. [LR377]

JOHN ANTONICH: I thought you were going to chew me out. [LR377]

SENATOR RIEPE: Stay right there. I want to see if we have some questions from the committee. Senator Williams, please. [LR377]

SENATOR WILLIAMS: Thank you, Chairman Riepe. And thank you, John, for being here.
[LR377]

JOHN ANTONICH: Yes, sir. [LR377]

SENATOR WILLIAMS: You mentioned that the staff are afraid to come to work,... [LR377]

JOHN ANTONICH: Yes, sir. [LR377]

SENATOR WILLIAMS: ...scared of that. And you also suggested somehow that statistically we're having high turnover. And can you document that with some numbers? [LR377]

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JOHN ANTONICH: At this time I can't. I mean I can have my office manager do some data. I would feel much better if she could do that in conjunction with Mark, so you don't think the figures... [LR377]

SENATOR WILLIAMS: Well, on what basis are you giving us that... [LR377]

JOHN ANTONICH: Well, from phone... [LR377]

SENATOR WILLIAMS: ...comment that you made? [LR377]

JOHN ANTONICH: ...phone calls and e-mails that we get from members who tell us that not only are they quitting but two or three other folks are. I mean I had a call last month, six people were...had jobs at other institutions that pay more and because they were scared they were all going to apply at this institution. I can't name them for they've asked to be... [LR377]

SENATOR WILLIAMS: So we have anecdotal information... [LR377]

JOHN ANTONICH: Right. Right. [LR377]

SENATOR WILLIAMS: ...on this, we don't have accurate. Okay. [LR377]

JOHN ANTONICH: My staff member, one of them is here, Mike Steadman. He's had more than six members call him on conference calls. The other complaint we get, Senator, real briefly, the amount of overtime here is such that folks can't spend time with their families, their spouses. And it's just like the rest of the correct...although you call the other institution correctional, it's (inaudible). I don't know if the citizens in Nebraska understands that people at the youth center are working 72.5 hours a week. I know that's a common figure I get thrown at me quite a bit. [LR377]

SENATOR WILLIAMS: Most of us wouldn't work at jobs with mandatory overtime. [LR377]

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JOHN ANTONICH: Well, in 1940 the unions were trying to get the 40-hour work week, and here we are at 2018. [LR377]

SENATOR WILLIAMS: One other question, if you could explain this to me. You mentioned the wage level. [LR377]

JOHN ANTONICH: Yes, sir. [LR377]

SENATOR WILLIAMS: And in that I think you equated it that there would be a safer environment. Can you track through for me again how increasing wages would create a safer environment? [LR377]

JOHN ANTONICH: Well, I don't know if I said increasing wages would create a safer environment. I think it would cut down on the overtime and that, in itself. And I've had the media call me since I've been here just a year now. And I don't negotiate with the media, whether it's the Omaha Herald or a radio station. But what I've told them, Senator, is when people are making low wages and working 72.5 hours a week, they can't be as safe mentally or physically to watch over this type of population that they're supposed to be watching over. Does that makes sense to you? I mean they just can't be. They have to be worn out and fatigued mentally and physically. So that's kind of my answer. [LR377]

SENATOR WILLIAMS: I think we're talking about two different issues of whether it's wages that are causing that or the conditions of overtime and those things. [LR377]

JOHN ANTONICH: Yeah, I think mostly it's the overtime. [LR377]

SENATOR WILLIAMS: Okay. [LR377]

JOHN ANTONICH: But if their wages were up and that overtime could be cut down, I think everybody would be safe. [LR377]

SENATOR WILLIAMS: Thank you. [LR377]

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SENATOR RIEPE: Was there recently introduced a program that there was a difference between overtime and mandatory overtime and that they would go to someone and say, would you like to work, and then they, if they say, yes, their overtime issue might be resolved in a friendly way as opposed to having to go to mandatory, which of course you have to have safety for everyone and safety for the younger? But then you would require and go to that. [LR377]

JOHN ANTONICH: My answer to that, Senator, would be in all of our labor agreements or contracts we do have voluntary overtime and there are certain few people, sometimes the younger ones who have a mortgage and a boat and a couple car payments, who volunteer on a regular basis to work overtime. But again, depending on the population you have of workers, if there's not that many volunteering then mandatory comes to play. And when you're short-staffed, like you are here and at Geneva, sometimes the whole shift is required to stay for quite a number of hours over eight hours. And so we're just advocating that when you work way over eight hours you're not safe in your position to take care of yourself or the youth that you're charged with. [LR377]

SENATOR RIEPE: Do they provide recruitment incentives? Some organizations, I'm familiar with hospitals, they will recruit or provide to a fellow employee maybe a bonus of \$500, maybe \$1,000 for recruitment of a fellow worker because people generally want someone to work with them... [LR377]

JOHN ANTONICH: Sure. [LR377]

SENATOR RIEPE: ...who are reliable. [LR377]

JOHN ANTONICH: Well, again, my answer to that, Senator, would be you'd have to ask the administrators here. I, as a union official, I can't mandate that they have recruitment policies. I have had some really nice talk with Senator (sic--Director) Frakes in Corrections over this issue and told him, as a professional courtesy, I'd be glad to work with him on issues like that. And I have some ways and he has some ways. And I think that would be a good start, I really do, if administrators and the union could come together on something like that. I'd be happy to participate. [LR377]

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SENATOR RIEPE: Can you tell us how many open positions are here at the Kearney facility at this time? [LR377]

JOHN ANTONICH: No, sir, I could not tell you. [LR377]

SENATOR RIEPE: Okay. [LR377]

JOHN ANTONICH: I have no idea. [LR377]

SENATOR RIEPE: Okay. Okay. The other one that I want to pursue a little bit here was under you had talked about 28-931, I believe it was, that would upgrade the assault on a worker to a Class III felony. Is that...was that right? [LR377]

JOHN ANTONICH: (Statute) 28-931, according to the information... [LR377]

SENATOR RIEPE: Okay. [LR377]

JOHN ANTONICH: ...that I receive, would give the county attorney...he would be able to choose to issue felony charges instead of misdemeanor. [LR377]

SENATOR RIEPE: In your own opinion, do you view that as a deterrent or as a punishment? [LR377]

JOHN ANTONICH: Well, from what I've heard, going back to the other day at Geneva to here, and I've even heard several of the administrators from the state say that the youth don't receive consequences when they assault staff. I think they do receive consequences when they assault a peace officer or somebody in the neighborhood, a neighbor in a community, and a lot of times the information that comes to me is those are felony charges. And I'm big on prisoner...I'm not saying, pardon my word "prisoner," but I'm big on rights to those who are confined. But what I am saying is our youth, I mean our staff doesn't seem to have the same rights as peace officers or the folks in a community when they get assaulted. [LR377]

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SENATOR RIEPE: Do you ever explore that when you're doing labor negotiations, or is that off... [LR377]

JOHN ANTONICH: Certainly. [LR377]

SENATOR RIEPE: ...is that within the purview of what you can talk about during negotiations? [LR377]

JOHN ANTONICH: Well, I'm just getting ready now to do my first labor negotiation. I started here a year ago in July and I have been exploring this with my lobbying firm so I can come up with statutes and numbers, etcetera. We're going to start bargaining in October with... [LR377]

SENATOR RIEPE: I'm just curious if you could resolve it with management as opposed to going to a statutory position. [LR377]

JOHN ANTONICH: Well, again, I would assume they would...I would assume, because I've done this type of work for 27 years in two other place, that they are going to use a management rights clause that they don't have to even have that dialogue with me, so. [LR377]

SENATOR RIEPE: Okay. Well, we're not going to negotiate that today. [LR377]

JOHN ANTONICH: (Laugh) Okay. [LR377]

SENATOR RIEPE: So thank you very much. [LR377]

JOHN ANTONICH: Thank you, Senator. [LR377]

SENATOR RIEPE: Are there any other questions? [LR377]

SENATOR HOWARD: I have a question. [LR377]

SENATOR RIEPE: Yes, Senator Howard, please. [LR377]

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SENATOR HOWARD: Thank you. Thank you for visiting with us today. [LR377]

JOHN ANTONICH: Yes, ma'am. [LR377]

SENATOR HOWARD: We've tried to change the assault on state employees before. I think we tried it about ten years ago. But I think it was too broad because it included all caseworkers. In full disclosure, my mother was a caseworker. She was a member of NAPE. And then she was a senator and she tried to get an assault on a caseworker and all state employees who are working with kids to be a felony, and it didn't go. So when you're talking about changing that felony law, are you only thinking of the workers at Kearney and Geneva, or are you thinking of everyone who maybe would interact with high-risk youth? [LR377]

JOHN ANTONICH: Everyone. Yes, ma'am. [LR377]

SENATOR HOWARD: Okay. And then I just want to, since you're here and I'm not sure if there are any other staff who would be willing to come forward and tell us, when you're telling us that they're scared, what are they scared of? Is it just, you know, a gentle push? Are they...what are they scared of? [LR377]

JOHN ANTONICH: Again, what we have been told at the union office is the culture here is, in other words, the two assaults that happened in May, and I think the visual will prove it, after someone is assaulted the other youth are clapping and it's kind of gang related. They want to show that they're new here and they can get to us, the culture is such. And as Mark, pardon me, LaBouchardiere said, they come from Omaha, regular gang-related, you know, environments and they're trying to prove and then somebody else is trying to, the younger ones, that they belong to this. So the staff are afraid that by no consequences for, they're afraid to keep coming to work. Matter of fact, I've been told, one of my other staffer here and he's going to testify shortly, we've been told at least a dozen times in the last year there's going to be a death here and it's going to be on our hands. That's what we've been told. Now, understand, people can call anonymously but they give us their name and then they don't want their names out, so. But we've been told numerous times there's going to be a death here and the union is going to have death on their hands, just like the administration is. [LR377]

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SENATOR HOWARD: And I'm not familiar with what happened in May. Was it just that somebody got beat up or...I was reading some stories about people putting dominoes in socks and roundhousing them. Is that normal? [LR377]

JOHN ANTONICH: Well, what came to us was one of them was in an elevator, a female staff was not only physically assaulted and knocked unconscious by 17 or 18 punches, and then the group clapped, but then the perpetrator started pulling her blouse off while she was unconscious. And then ten days later a very similar, and again that one I don't have as many details, but the member's spouse did not want any more details out or her name out to the media or her to come forward to the union office to write a grievance, and asked that we keep everything...anonymity is the way they described it, so. [LR377]

SENATOR HOWARD: Thank you for telling us that. [LR377]

JOHN ANTONICH: Thank you, Senator. [LR377]

SENATOR RIEPE: Prior to coming to this position, were you in the state of Nebraska? [LR377]

JOHN ANTONICH: No, sir. I'm from the "show me" state of Missouri. [LR377]

SENATOR RIEPE: Well, there you go. Did you have similar problems? Were you in a like position in Missouri? [LR377]

JOHN ANTONICH: I was. I was in private sector. I also worked in Wisconsin for a couple of years. I had private and public sector nurses. But I never had anything like this with assaults. [LR377]

SENATOR RIEPE: Not with assaults? [LR377]

JOHN ANTONICH: No, sir. [LR377]

SENATOR RIEPE: But were you in a correctional (inaudible)? [LR377]

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JOHN ANTONICH: No, sir. No, sir, it was a hospital. [LR377]

SENATOR RIEPE: Oh, in a hospital, huh? There you go. Okay. What about solitary confinement? Are your workers and you in support of that? [LR377]

JOHN ANTONICH: You know I would say at this time I'm not a 100 percent proponent of it, you know, but again on the limitations that would be imposed, I would think that would be something that again would set some type of consequence up for these individuals that...and I'm sure the same ones are doing the behavior. I'm sure we can't sit here as a class (inaudible) all these youths as perpetrators. Because I know in these...my daughter is a social worker in Missouri and has been doing this for years and she always says you can't claim the whole basket is bad apples; there's a few of them. So I don't want to crucify the whole population here. But I think that might help to a certain degree, among other measures. [LR377]

SENATOR RIEPE: I think in our business, when things are going well we don't have the luxury of hearing about them. [LR377]

JOHN ANTONICH: Exactly. [LR377]

SENATOR RIEPE: We're here to try to address some of the things that we hope that maybe, through some evidence-based or just some common sense, that we can bring some logical order to and make things better, if nothing else incrementally better,... [LR377]

JOHN ANTONICH: Yes, sir. [LR377]

SENATOR RIEPE: ...for the state of Nebraska and for the workers. Quite frankly, we're all concerned about them,... [LR377]

JOHN ANTONICH: Yes. [LR377]

SENATOR RIEPE: ...as Senator Howard has noted here. [LR377]

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JOHN ANTONICH: Thank you. [LR377]

SENATOR RIEPE: Okay. Any other questions? Seeing none, thank you very much. [LR377]

JOHN ANTONICH: Thank you very much, Senator. [LR377]

SENATOR RIEPE: Can everyone kind of hear? Can you hear in the back? Seems so. Okay. If you would, kind sir, give us your name. [LR377]

JOSE MOLINA: Jose Molina. [LR377]

SENATOR RIEPE: And spell it, please. [LR377]

JOSE MOLINA: Jose, J-o-s-e, Molina, M-o-l-i-n-a. [LR377]

SENATOR RIEPE: And your position is? [LR377]

JOSE MOLINA: Currently, I work at the new veterans' home. [LR377]

SENATOR RIEPE: Okay. Proceed forward. Tell us what you'd like to have us know. [LR377]

JOSE MOLINA: Well, I was privileged enough to work at YRTC for a number of years in the past, and then I just got back about ten months ago and I was dismissed in May. We have a serious problem in Kearney with YRTC. I was a staff in the secure unit. I worked in every cottage as well. I've seen the things that they have said and I've seen...I heard things that the youth have said, I will call young men, not youth actually. And I know that it gets worse. I haven't been there in two months but when I was there, when I came back, I didn't see treatment being (inaudible), any treatment done, treatment center. I understand that there's chaos and you have to take care of that chaos before he calms down and are provided treatment, but it seems like the chaos cost a lot of damage to a lot of people that I work with, a lot of staff. Like I say, I was on the ground and I seen kids when having consequences because of those actions. But I also know that there's so much that you can mask and go around your day and not pay attention

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to the community. I agree with them. I heard kids saying before, we should take somebody hostage, take the keys. I seen the juveniles take the keys from staff, beat them up in a bathroom and take the keys away. They take the keys away with them and run. I work under the old administration at YRTC and it wasn't like that, if I might say. I seen women get beat up (inaudible) like a common thing. I know a lot of those people that are scared to talk and speak in front of you guys because they're afraid to lose their jobs. I'm not afraid of any of that (inaudible). I work at the new veterans' home and I really don't...I worry more about my kids in this community. I worry more about the administrator's kids, about people here beyond these kids. I haven't seen most of these people in years. I decided to come and speak about that because I don't want you guys to turn around and walk away and say, oh, that's YRTC, (inaudible) accomplish. I'd like you guys to see, pay attention to what's going on between the lines. And regarding the gang duty, we can take care of that. We can take care of that in the institution. I've seen people leave because of it. I've seen people going to therapy because of it. They develop PTSD from getting assaulted and punched, women and men. I'm originally from Los Angeles and I grew up in a gang culture, so I know what I'm talking about. Is (inaudible) can be fixed? Yes, but it takes unity from the staff. The staff that are not here today, they're just talking and whispering in the shadows because they're afraid to lose their job. It's a state job. What else can they work with? You know what I'm saying? So like they think that by speaking out they're going to be targeted. Like I say, the (inaudible) workers (inaudible) YRTC, like if I have to shoot something in the dark and say what will be a solution, it will be that and apply a different type of equipment or the treatment that we implement. There's teachers that are afraid and there's all kinds of people are afraid to do their job but they do it because they have no choice. Well, they have a choice, but they love what they do. I believe YRTC is a little bit more dangerous than what is going in Omaha and Lincoln at this moment. You got to remember that Nikko Jenkins, all these people came to the YRTC. All these guys that you see in the news shooting somebody, every time I see that on the news in Omaha I recognize the name. I recognize those names. The community here in Kearney are concerned. They're concerned but they don't want to speak up because they're scared and they're afraid. Unity, unity among the staff, the morale is low, but also to implement a treatment that is not just teaching those expectations but actually knowing more and above and beyond of what they expect in changes, such as therapy, be involved. I'm sure they're trying their best. Like I said, I'm here. Honestly, I second thought about...I had second thoughts about coming here today, but I was like I'm going

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to the library anyway, so. (Laughter) But I'm not complaining because I'm an ex-employee. I'm not bitter. I'm just telling you what's going on. And please don't walk away thinking that I'm just being dramatic about this. It's just that I seen it, I faced it, you know, with the tough, some of the toughest. Don't turn around from these and find a solution. Be a fence, it could be whatever it is, but what is happening right now is not working. [LR377]

SENATOR RIEPE: Okay. Thank you for being here, coming forward. And please stay. We'll see if we have some questions from the committee members. Senator Howard, please. [LR377]

SENATOR HOWARD: No, Jose, I don't have a question. I'm just really grateful that you took the time to come talk to us, even if you were just returning library books and you just happened to drop by. [LR377]

JOSE MOLINA: I wasn't. (Inaudible) as a joke. (Laughter) [LR377]

SENATOR HOWARD: I think that we need to hear from the staff, and I think the staff are scared to talk to us, understandably, right? [LR377]

JOSE MOLINA: Yes, ma'am. [LR377]

SENATOR HOWARD: You don't want to lose your job. But do you think that much has changed since you left two months ago? [LR377]

JOSE MOLINA: No, because he just said they had 14, average about 14 assaults a month or something like that. I mean a lot has changed when I was here in 2006 until, you know what I'm saying, 2013. That was...it was okay. Well, then I went back and I see this going on and I'm like should we call the cops? And they do, you know, I mean they do the best they can so God bless the souls of the officers, because I know they feel the way I do, by talking to several of them and ex-staff members and teachers. And they've been doing this for years. They've been trying to fight this for years. Not fight it but they've been trying to look for a solution. And we have meetings and meetings and meetings, you know? And the staff said, no, I don't want...I know for a fact the last I talked to (inaudible), I said, are you guys going to the meetings? They're like, no,

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we don't want to lose our jobs. No, we don't want to do this. No, we don't want to do that. We don't to get on the administration's bad side. We'll be a target. I have targets all over so I don't care, I'll speak up honestly, because it's about safety and security. And then those kids go back to Lincoln and Omaha. [LR377]

SENATOR HOWARD: Uh-huh. Yes. I just want to clarify, the 14 assaults per month were youth-on-youth, but what we have is that thus far in 2018 there have been 97 youth-on-staff assaults. Does that sound right to you? [LR377]

JOSE MOLINA: I'm going to say more. [LR377]

SENATOR HOWARD: Uh-huh. Okay. Okay. Thank you. [LR377]

SENATOR RIEPE: You're a big strong guy. Did you have anyone assault you? [LR377]

JOSE MOLINA: No. [LR377]

SENATOR RIEPE: Okay. Good. That's...maybe that's a clue too. If you had to choose between one of the things that, quote unquote, need fixed, would you say it was the facility or would you say it's policies and procedures or would you say it's staffing? And you can have a fourth if you have one (inaudible). [LR377]

JOSE MOLINA: Policies and procedures, and staffing. I believe that if you (inaudible), the staff that just walk in to the door, and you got experienced staff there and you actually have them together, work together, experienced staff can put so much knowledge into the new staff. A lot of new staff come in here, come into the facility because they told me from their mouths, we don't know programming. I'm like, what, when I went back. We don't know what that is. We know of it but we don't run it. So that tells me that experienced staff need to be partnered up with the newer ones. I honestly believe that that will make a change because experienced staff can actually implement that and they can bring people into the facility to unify and (inaudible) like a family and they will run that treatment. They will take care of that business. But we don't see that. Everybody, you see it, there's no staff here talking. Why? Because they're not unified. Second

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thing will be I don't...I honestly think the facility too. What I think will be adjustments to a facility, I mean there's certain things that I can see from the facility, looking from outside in, that need changed, but I can see it from the inside out as well. But honestly, the key to it is unity, Senator, honestly. (Inaudible) unity and putting the experienced staff with the newer staff, I think that's a key for change. [LR377]

SENATOR RIEPE: So mentoring towards team building kind of (inaudible). [LR377]

JOSE MOLINA: The newer staff need to learn that this is not a game and we're not dealing with your average high school kids. [LR377]

SENATOR RIEPE: Okay. Thank you. Is there anything else? Are there any questions, additional questions? Okay. Thank you. Thank you for taking your time. [LR377]

JOSE MOLINA: (Inaudible). [LR377]

SENATOR RIEPE: We need anyone that's going to be testifying or...to make sure you fill out an orange slip in the back. I see some orange slips. You don't have to go to the back if you go to Tyler. Okay. Okay, I see some yellow slips...or orange slips (inaudible). Please, sir, if you'll give us your name, your title,... [LR377]

RALPH HEALEY: Thank you, Senator, for this chance. [LR377]

SENATOR RIEPE: ...and spell your name and then... [LR377]

RALPH HEALEY: I'm Ralph Healey, R-a-l-p-h, Healey, H-e-a-l-e-y. I'm one of the unit managers at YRTC-Kearney. One of my major responsibilities has to do with intaking staff, so I help a lot with the staff that are coming on a shift. I do a lot of interviews. I help coordinate that stuff. I'm also in charge of our behavioral stabilization unit, so I'm very familiar with that end of our program, as well. One of the things I really want to focus on in my talk is staffing. One of the big things we always run into how do we help maintain and keep staff at our facility that are motivated to help build that experience necessary to really run programming. Programming is

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learned over time and experienced and as you become more confident with it, you become better at it. So we need to work on focusing on maintaining our staff and I feel one of the biggest hurdles we have at our facility is the pay structure. In the old days you always...Corrections is seen as a place where you send somebody and you hold them. Juvenile justice has shifted rapidly in the last probably 20 years to treating youth to try to prevent them from ever making it to that stage of their life, rather than just holding them. But through that old structure from years ago, juvenile corrections is...you know, we don't even (inaudible) Corrections anymore. It is now a treatment facility and our staff are paid less. Instead of working at a jail and making \$17 an hour, we have staff coming to our facility and choosing to make \$14.90 an hour. Not only do they have to maintain safety and security, but they also have to help running programming and treatment and be role models. But they get paid less than everybody else, so frequently we're seen as a stepping stone into full Corrections, so you come here, learn security and a little bit of programming and then step up into Corrections and make more or work at Probation or go on into CFS. We're often seen as a stepping stone and we're working with the highest risk kids and really we should be the professionals that are above and beyond average because then you can take a pay raise and go work in the community with low-risk kids. It doesn't make sense to me, in my opinion, and it's something that definitely needs to be addressed and is left over from an era of when we didn't work with only high-risk kids. I mean we have supervisors in the facility that make less than our shift leads because we're salaried and they're not and they work a lot of overtime. We work just as much overtime and we don't get paid for ours. So I would say pay is a pretty major issue at the facility. Because we're a state entity, we really have no funds at all to do the type of incentive programs necessary to really bring in recruits. Nebraska has an incredibly low unemployment rate right now and Kearney is really low in general so we do struggle to find staff to fill our remaining positions. The Legislature was gracious enough to give us an additional 20-27 positions to help us meet the PREA ratios as we came into those, but in my opinion that number is still not enough. Although we can meet our PREA ratios, that doesn't account for things like doctor's runs, staff that are out sick so we do end up having to mandatory a lot of people to help cover those things, especially now that we also have the perimeter patrol because perimeter control requires yet another body or two on every shift to help us maintain those ratios. So I definitely think money needs to be freed up to help our staff succeed and really treat these kids so they don't end up in our correctional systems because we want to see them be successful. Thank you. I am prepared to take questions. [LR377]

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SENATOR RIEPE: Okay. Let's see if we have some questions. I have a question. I heard you say the state had given you 27 new full-time equivalents? Is that correct? [LR377]

RALPH HEALEY: Correct. [LR377]

SENATOR RIEPE: How many of those remain open? [LR377]

RALPH HEALEY: Last time I saw the list, I believe we were floating around nine or ten. [LR377]

SENATOR RIEPE: Oh, okay. The other question I have, is your staff trained...what kind of training does someone have...if you have a new applicant walking to their HR function, what kind of...are they trained in mental health? Are they trained in social work? Are they trained in...or they're not trained. [LR377]

RALPH HEALEY: Training a job now is about 13 days of classroom training and then two full weeks of on-the-job training. In classroom training they get a taste of all of our policies and procedures. They get to learn all of those, make sure they know how the facility is supposed to work, what they're expected to do and how they're expected to do it. Along with that they get trauma-informed care, they learn motivational interviewing, techniques to talk to youth without...so you can roll with resistance rather than try to confront their negative thinking directly. They get hands-on training and verbal de-escalation and then, along with that, the Handle With Care program which teaches you how to physically intervene if necessary are all included in that. Our programs are run not only by a dedicated training coordinator who has mastered all these skills by going to various certification programs, but also we bring in our nursing staff to teach med aide certification. The mental health partner has all the trauma-informed care training. We have our treatment specialists that do the motivational interviewing. So our staff get a lot of everything. [LR377]

SENATOR RIEPE: Do you do any testing for the right fit? Today a recovering hospital administrator just let me know that the really great nurses cannot not help. I mean there's a certain calling for people that want to be nurses and I assume that that's for teaching and that's

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for a lot of other professions that they're very focused in terms of what calls them. Do you have that kind of a testing piece that would identify people that would be best suited for this, knowing what the work is and then...and do...and are they shared with in advance as this is what the job is really like,... [LR377]

RALPH HEALEY: We don't really have... [LR377]

SENATOR RIEPE: ...so if you want to go to step two, understand that it's not a, you know, cupcake factory. [LR377]

RALPH HEALEY: We don't have a lot of testing, but during the interview process we try to be as candid as possible and explain to the applicant that not only are you going to be running safety and security and programming, but at some point in time you're going to break up a fight and you may get hit during that fight. We try to be very candid about that. We don't want people who come up here, see their first fight, and immediately quit. We did have that problem a year and a half, two years ago, where that we weren't as open about that but now we try to be very candid about that. We want you to know what you're getting yourself into so we don't lose you right after we finish training you. [LR377]

SENATOR RIEPE: Okay. Are there...yes, Senator Linehan, please. [LR377]

SENATOR LINEHAN: Thank you, Chairman Riepe. Do you have any of your youth, because I'm trying to figure out behavioral--obviously we have behavioral problems--but mental health problems that are on actual medications, because you just mentioned nurses and meds. [LR377]

RALPH HEALEY: Yes. We do have a full mental health team led by a licensed psychologist and he has ten therapists under him, licensed mental health practitioners. And some of them are the drug and alcohol counselors as well and then we've got some independent licensed mental health practitioners. So they do a lot of individual therapy with the youth and then through the Richard Young contract we are able to get help, run enough tests on youth to get them diagnosed with things like bipolar disorder, cannabis use disorder, a myriad of other disorders that we can help work with. [LR377]

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SENATOR LINEHAN: So somebody is diagnosed with bipolar disorder. What happens?
[LR377]

RALPH HEALEY: That's something we could definitely take...we'll make sure they get the necessary help they need, whether that be going to Richard Young to develop behavior plans to help them stabilize it however they can, they work with a therapist, they can maybe use medication management to help them stabilize that. And we see a lot of success with our youth being able to manage and learn how to not only manage it through us telling them what to do but educate them on it so they know how to manage their own condition, as well, so they leave here a little better educated. [LR377]

SENATOR LINEHAN: Thank you. [LR377]

SENATOR RIEPE: Okay, thank you. Any other questions? Thank you very much for being here. Someone that's eager to testify? Thank you for being with us. If you'd be kind enough to state your name, spell it, and then who you represent, we appreciate it. [LR377]

TOM BOSSHARDT: I'm Tom Bosshardt, T-o-m, last name B-o-s-s-h-a-r-d-t, general public. I live within a mile of YRTC. Thank you for having a hearing here today. We've had multiple hearings in Kearney over the years. We really haven't seen a whole lot of changes. We've changed administrators. We've changed things how are happening up there. But still the issue is people are still running away, still losing cars, having property damage, people are scared, talked about the staff that are worried to be there. And the thing that really caught my attention today is when the administrator brought up at least six, seven times today we have high-risk inmates. Let's face it, they're inmates. They're children but they're not children. They're here because they have exhausted all the other systems in the state. They're sent to Kearney because there's no other place to put them. After here, they go to Lincoln, to the big house, and that's your situation we have to deal with. So one, a wall has been talked about, a fence. It's a good idea. Not going to cure the problem, but you're going to keep compliant. How many of your people that you have at the institution right now are housed in Butler County Jail? Last I knew, somewhere between four and six because they broke all the rules, they can't control them up at the facility. Now do we really need those people here or should they be somewhere else? Who knows? We don't have the

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Johnnys and the Scotties that live down the street out at YRTC. They broke a lot of laws. They probably got a rap sheet that's two or three pages long. They're here because nobody else can handle them. They're sent to Kearney. Protection of the facility and of the people who are incarcerated there, protection of the staff has got to be critical, protection of the city people who live around it. I know of people who have lived in the area and they have had the runaways and caught them underneath their deck of their house. How would you feel if your wife came home and you were out of town and all of a sudden you got the police walking around your backyard looking for somebody? Doesn't make you feel real safe. We shouldn't have to have that issue in town. This facility, when it was built, it was up near the town. There wasn't anything else around it. I-80 wasn't sitting here at that point in time. It's pretty easy to get away from there via I-80 and a car ends up in Oklahoma or in Omaha. It's pretty easy for them to have one of the members of their family or gang come out here, set it up. They walk off campus and off they go. And Highway Patrol gets involved, the county sheriff gets involved, the KPD gets involved. And how many staff hours of our tax money, local money, is supporting that institution? Does it really belong under HHS? Probably not. It was under the prison system at one time. It got took out. It should go back in because they have a whole different set of rules. And as the member of the union said, if they assault a member of their staff out there, it's a misdemeanor. I don't think so. They assault somebody working out there, whether it be a staff member or a nurse or whoever, it's a felony and should be treated as a felony. And whether that resolves one of those kids from doing something? Highly unlikely. They already broke the law so many times they're in Kearney. Whether it's a misdemeanor or a felony is probably irrelevant. But the county attorney can start putting some teeth into it and he's got to spend a few extra days sitting down in solitary confinement behind the bars in our nice local county jail, might get their attention or get their buddy's attention. I got a ton of questions of which you can't answer. It would be for their administration to answer. Some have already been approached. Thank you for your time.
[LR377]

SENATOR RIEPE: See if we have some questions. How long has this been an issue for you, a concern issue (inaudible)? [LR377]

TOM BOSSHARDT: I've lived on and off in Kearney for 42 years. [LR377]

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SENATOR RIEPE: So it's been an issue? [LR377]

TOM BOSSHARDT: A long time. [LR377]

SENATOR RIEPE: Okay. Do you know if Buffalo County receives any state funding for the housing of the four to six that you described kind of on an average would be at your local county jail? [LR377]

TOM BOSSHARDT: You'd have to ask Eric Miller (phonetic) about that. [LR377]

SENATOR RIEPE: Okay. It sounds like you're...don't let me put words in your mouth. On a scale of...let me put it in a question. On a scale of one to ten, where would you be in support of a fence? [LR377]

TOM BOSSHARDT: Twelve. [LR377]

SENATOR RIEPE: Okay, I think that clarifies it. I don't know. Are there other committee members have any questions? [LR377]

TOM BOSSHARDT: Thank you. [LR377]

SENATOR RIEPE: Senator Linehan had to leave. She had another engagement, so. [LR377]

TOM BOSSHARDT: Thank you for your time. [LR377]

SENATOR RIEPE: Thank you, sir. If you'd be kind enough to state your name here, spell it, and then tell us who you represent, please. [LR377]

STAN CLOUSE: Okay. Stan Clouse, S-t-a-n C-l-o-u-s-e, and I'm presently on the Kearney City Council, as are a few of my colleagues in attendance, and I have the opportunity to wear the mayor's hat, so that's the perspective that I'm going to be discussing. But first of all, you know, you know how we had that rift from eastern Nebraska and out-state Nebraska when you made

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the comment about FFA gangs. I was thinking if Ralston and Omaha had more FFA gangs, we wouldn't be here today. [LR377]

SENATOR RIEPE: Yeah, I'm a former FFA guy, so. [LR377]

STAN CLOUSE: So anyway, I want to start off a little positive because, you know, we'll get to some of the more serious and you've heard a lot of very intense discussion. But, you know, the programs, we do have some great things that come out of there. And I've had the opportunity to attend graduations, along with Senator Lowe and Senator Hadley, so some of the program, you know, it does work. And we have the kids. They take them out and they work in the community and we have that percentage that are doing what they're supposed to do and it's positive. But it's that smaller percentage that concerns me and concerns the leadership in this community. And we've seen some improvement from the community perspective. That's kind of what I want to talk about from the community perspective, because I'm not familiar enough with what goes on with employees and the assaults that's kept within the facility. But we have, I think, from the community's perspective, seen some improvement. We've seen less people out and kids out running. We've seen...but when they do, it can be fairly significant and we...they've talked about a few of those instances. So in talking with the chief of police, and he's not here, he's only got a couple more months until he retires and so probably a good thing he's not here because he probably wouldn't be as tactful as he would if he was continuing his employment. But there are some concerns about what happens with some of these kids and the assaults and things as they (inaudible). And his comment, I've heard him say this many times. He doesn't care, and I'm going to...this is kind of crude, but he doesn't care what goes on, on the west side of 30th Avenue, his responsibility is what happens on the east side and around the perimeter because that's his responsibility to protect the citizens of Kearney. And we do get calls from concerned citizens, from homeowners. You heard from Tom Bosshardt his concerns. And business owners, they've talked about, you know, kids running and they're afraid of theft and things of that nature. So over the years you do get a lot of calls of people that are concerned about kids escaping. A few years ago we brought up the idea of a fence and I don't know how well it was received, just kind of sitting around in this discussion, said, if you don't do anything about it, city of Kearney is going to. And I Don't think it should be upon the city of Kearney to do that. But that's where this fence thing come around and I think Councilman Buschkoetter is in the audience. We've had this

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discussion. We don't necessarily agree on that and that's fine. But I think that's where some of the discussion with Mark and Trevor and things are going on out there. I know they're trying to make improvements to the program. And how well that works I can't tell you because I'm not familiar with that side of it. But we do need to protect our citizens. And I would tell you that a question that you always have to ask yourself, are we doing enough, and in a leadership role, so as a community or the Legislature or HHS, are we doing enough? Are we doing enough to protect our employees? We've heard some pretty serious testimony. Are we doing enough to protect our employees? Are we doing enough to protect our citizens? We all constantly ask that question. Are we doing enough? Have we don't everything that we can do to protect our employees and our citizens? And then thirdly, the point that I hear a lot from Chief and others, are we protecting our youth, because I will tell you that there are people in the surrounding area that have armed themselves and they will, if there's a knock on the door and they are afraid, they may shoot first and ask questions later. So don't go thinking that it's a threat, a one-way threat. And those kids, they're there. Our citizens are defending themselves. And I've heard that many different times, saying, I'm not going to put up with this anymore, if you can't keep them under your control, they're on my property, I will take control of it. So that's very real. So are we doing enough to protect those three different areas? And I think that's something we really need to have a good, serious, hard discussion on what can we do about all the areas. Is it more funding? Is it the structure? Is it the facility? What do we need to be doing? There's a whole lot of issues here that all tie that we need to be working together on and reach some solutions. So with that, I'll answer any questions. [LR377]

SENATOR RIEPE: Okay, thank you. Are there questions from the committee? [LR377]

SENATOR WILLIAMS: Thank you, Chairman Riepe. And thank you, Mayor, for being here and hosting us in your fine community. And you made mention early in your testimony about, you know, the...a large percentage of the youth that are there follow the rules and are being programmed better or having some good results. It's this smaller percentage that could cause the problems. Knowing that that's the problem, knowing that this is your community, what are your specific recommendations that you would make to solve those problems? [LR377]

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STAN CLOUSE: I think we work with the staff up there and we identify that percentage and we take a lot more stringent accountability with those...that small percentage. And if you look back through the history of names, and it was mentioned in one of the testimonies, some of the kids there, that you see their name in the World-Herald. I mean we've got people on death row at the penitentiary that were out here. So that's a small percentage. And is that percentage getting bigger? I don't know because, again, I'm not out there. But I think you need to focus on what's going on with that piece of it that isn't working. I also talk to a lot of employees. They're very proud to work out there and they feel strongly that they are making a difference in these lives. But they also recognize that there is a percentage there that maybe this isn't the place for them. And to answer another question earlier, sitting next to the sheriff, the county does not get any reimbursement (inaudible). [LR377]

SENATOR RIEPE: (Inaudible.) Okay. Let me ask you the question. On a scale of one to ten, where do you feel you're at or the community is at on a fenced facility? [LR377]

STAN CLOUSE: I think from a practical standpoint that what I hear is probably the majority of this community would like to see a fence. [LR377]

SENATOR RIEPE: Where I'm going with that a little bit, we've heard director and leadership from the facility talking about that they're receptive to a fence. It seems like the community is receptive to a fence. I'm trying to figure out who objects to a fence. [LR377]

STAN CLOUSE: Well, there are some that do. [LR377]

SENATOR RIEPE: And so it's making the definition so that it maybe doesn't look like it's (inaudible). [LR377]

STAN CLOUSE: Well, whoever objects to it is who has got to pay for it. [LR377]

SENATOR RIEPE: Well, of course. I... [LR377]

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STAN CLOUSE: So, yeah, but I would say probably the majority of the people are for it with the understanding... [LR377]

SENATOR RIEPE: This guy couldn't hear you. You can negotiate out who is going to pay for it, right? [LR377]

_____ : Fence, yes. [LR377]

STAN CLOUSE: But there is...there are those out there. And I said, you know, a council member and I disagree on that, so it's certainly not 100 percent by a long shot. [LR377]

SENATOR RIEPE: Yeah. Well, I suppose some of that comes down to the...how it fits in with the community, too,... [LR377]

STAN CLOUSE: What's it look like... [LR377]

SENATOR RIEPE: ...so that it doesn't look like it's razor-sharp (inaudible). [LR377]

STAN CLOUSE: Yeah, the aesthetics is important. [LR377]

SENATOR RIEPE: Yeah, exactly. Okay. [LR377]

STAN CLOUSE: Okay. [LR377]

SENATOR RIEPE: Are there other questions? No? Okay. [LR377]

STAN CLOUSE: Okay, thank you. [LR377]

SENATOR RIEPE: Thank you. Thank you for taking your time and being here. Welcome, sir. [LR377]

_____ MICHAEL STEADMAN: Good afternoon. [LR377]

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SENATOR RIEPE: If you'd be kind enough to state... [LR377]

MICHAEL STEADMAN: Thank you, Senator Riepe and Ms. Howard and (inaudible). [LR377]

SENATOR RIEPE: If you'd be kind enough to spell your name and... [LR377]

MICHAEL STEADMAN: Yes, sir. [LR377]

SENATOR RIEPE: ...and state it for the senator here and all the rest of us. [LR377]

MICHAEL STEADMAN: My name is Michael Steadman, S-t-e-a-d-m-a-n. I'm currently employed, for at least two more days, for the Nebraska Association of Public Employees. That's what I do for a living currently. And my office is the...in Lincoln, Nebraska, and then my second office is my car from Nebraska City to Chadron, so I cover pretty much of the state. I'm here today I guess not to vilify anybody but to offer suggestions. My past history is I was a police officer for 13 years in small communities in eastern Nebraska. Some of the arrests that I effected sent kids to Kearney, and at that time it was called "West Kearney High" by the kids that ended up there. I worked for the Department of Social Services, which morphed into HHS, for about ten years. And part of that time I worked for the Nebraska Center for Children and Youth which ran group homes and they basically handled state wards that nobody else wanted, including some of those that came back from "West Kearney High" or Nebraska City. The next piece that I have is I've been...worked in Corrections and it's already been mentioned at least one of the places I've worked. I was in Corrections for 13 years and I worked on death row at the Tecumseh State Correctional Institution special management unit there. I think, having said that, I've been as field staff...I've been the union steward since 2002 and I've been a field staff for the Nebraska Association of Public Employees since 2013, July, and I'm about to leave that position. Having said that, I said I'm not here to vilify but I'm trying to offer some suggestions. So I've seen the criminal justice system up close and personal for many years and I have indeed seen the end result of some of the alum from Kearney that have been in the prisons that I served. But I've also seen the good news. I've saw a young gentleman that I arrested sent to Kearney, not by me but by a judge, and it was for strong-arm robbery and car theft, and this gentleman, last I heard, has a wife, three children, and runs a business. Now I would never have envisioned that when I

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arrested him for about the sixth time, but he figured it out somehow. In my several conversations with the county attorney of this county, you know, he claims, and I agree--now I'm not an attorney--that you need to change the statute so that the county attorney has the ability, not the need to but the ability, to charge inmates--or delay that, I guess--kids that commit felonies with a felony charge. County attorney says, and I've also talked to the public defender of another county and he agrees, that a change in statute would at least give the county attorney the ability. One of the things that has been brought up in testimony here is if I just did a general push, should we be charged with a felony? No, I don't think so. But that's up to the wisdom and the power of the county attorney. The county attorney by statute has that ability if the statute allows to either file a felony or a misdemeanor or no felonies or no charges at all. He has that statutory right. So, Ms. Howard, I agree with you. You know, should we, should we punish these kids? [LR377]

SENATOR HOWARD: I'm so sorry, Mr. Steadman. Usually when I'm here they...I'm referred to as Senator Howard. [LR377]

MICHAEL STEADMAN: Okay. You know, I...should we punish these kids or not? And I think the statute is clear. If you do an adult behavior, you know, there needs to be adult consequences. Now within the confines of Kearney YRTC, there are internal consequences as well as external. The internal consequences can be loss of privileges, removal to another housing unit. That apparently is not working because the assaults are still taking place. The consequences of filing a felony and possibly ending up at NCYF in Omaha is not available to the county attorney should it be a serious assault like at least two people that I've worked with in May. The question Senator Williams asked was, was, can I identify, you know, like some of the folks that are involved in this, and I've given my word that I would not, so the answer would be no. [LR377]

SENATOR RIEPE: Okay, we're running close to our time. Can you kind of wrap everything up for us, please? [LR377]

MICHAEL STEADMAN: Yeah. I think my suggestion is, is a change to 28-931 and to allow that if you are a state employee and you are assaulted within the confines of either Kearney or Geneva, that the possibility of felony charges be filed. [LR377]

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SENATOR RIEPE: Okay, thank you very much. [LR377]

MICHAEL STEADMAN: I'm done. [LR377]

SENATOR RIEPE: Are there any questions from the committee? Senator. [LR377]

SENATOR HOWARD: No, Senator. [LR377]

SENATOR RIEPE: Okay. [LR377]

MICHAEL STEADMAN: Thank you. [LR377]

SENATOR RIEPE: Thank you. Thank you for being with us. If you'd be kind enough, your name, spell it, please, and who you represent. [LR377]

KAREN SHULTZ: Sure. My name is Karen, K-a-r-e-n, Shultz, S-h-u-l-t-z, and I'm the co-owner of the vehicle that was stolen in December from the escapees. There's been a lot of victim shaming associated with that which feels kind of sad because it was a night that was 20 below. My son stopped for a moment in the alley to run in and get a heater from his dad's house when this all occurred. I think there should be a reasonable expectation that you can leave a vehicle for a moment. I'll get to the rest of that at some point, I guess. We have had people like Nikko Jenkins and John Lotter here in our facility. You think about those people being unsecured and having access to you or your family, knowing what their eventual crimes have been. It's a pretty scary thing. To have people of that caliber and these kids that took our car, had the registration, so of course they had our house keys, our garage door openers, our names, our addresses. We have had a part in putting one of them in prison now based on this incident, so I have the fear of this person someday coming out and being angry. A fence could prevent all of that. The law enforcement is not allowed to respond with guns on campus. It's not a gun situation at that point but I have some concerns about how does that work in an active shooter situation now if they're having to lock their guns in vehicles. And then what...place yourself in my situation where this crime caused us financial harm. We weren't victims of a violent crime but there have been revictimization on several levels as far as our time, our mental and emotional, and especially

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financial. I was held responsible by my insurance company to pay a deductible while the state had a ward...this particular person was a ward of the state in ward custody...or state custody and yet the state refuses to take responsibility for reimbursing me any of my expenses. That's where I feel some victim shaming came in. I don't know. We'll be at the Capitol to discuss that further tomorrow with them. But if they can't do the small things, how are they going to do the big things? One thing they told me is maybe I was a little too detailed in my claim. Well, I'm a legal nurse consultant. I'm an RN. I am detailed to a fault. Sorry. I will...I know of know other rehabs where people are allowed to stay year upon year and commit crimes and continue to stay and not make progress and continue to stay. So there has to be some different avenue for these youth that aren't making progress or some, as we say, a statute change for the county attorney. What we've been essentially told is until somebody is 18 in this county, they're not charged. They're pled down and they don't end up in a correctional facility until they're at least 18. I guess in the end I would just say we're not going to fence these kids in, we'll fence them out. I want to fence them out of my community. [LR377]

SENATOR RIEPE: Okay. Thank you. Thank you for being here. Thank you for taking the time to come and to present. Are there questions from the committee? Senator (inaudible). Okay. Thank you very much. [LR377]

SHAWN EATHERTON: Good afternoon, Senators. Thank you. [LR377]

SENATOR RIEPE: Welcome. [LR377]

SHAWN EATHERTON: I'm Shawn Eatherton. I'm the Buffalo County Attorney. [LR377]

SENATOR RIEPE: Very good. [LR377]

SHAWN EATHERTON: S-h-a-w-n E-a-t-h-e-r-t-o-n. And upon hearing from Senator Lowe that the hearing would take place this afternoon, I really kind of just wanted to sit and listen to some of the things that are said before having an opportunity to come up and say a couple things because frankly most things have been covered but I do think it's important to clarify a couple of things and a time maybe counsel has dealt with this, that these issues have arisen. I've been

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practicing long enough that in '98 when we had the programmatic shift with the youth, and then when LB561 came around with the youth it's really changed kind of the game. And some laws stayed the same and they kind of contradict at times. And it hurts me sometimes when I...when people from the community come in and talk about when their, you know, when their car is stolen or if there's injuries out at the facility. But the reality is it's not that I'm choosing not to prosecute the youth that are held at the facility. I cannot prosecute them for felonies. I cannot. And if it's a misdemeanor, I can't do anything to them until they're 18. So a third-degree assault on a staff member out there, on somebody who is under the age of 18, is a Class I misdemeanor and that's going in juvenile court, period. I have no choices. And we prosecute every one of those; every one goes to court. But unless they happen to age out or hit 18 during that time, they're placed back at the YRTC because that is the highest level that we have. There's this misconception that if people, if they really act up there, they can be sent to the baby pen or the...it doesn't...it's not the way it is. The YRTC is the highest level we have. If they act up there, we can't send them to Madison. The YRTC is the highest level we have. So if, you know, utilizing the statutes that we have, coupled with the fear at the facility, the fear of our...of what happens out in the community, we all do the best we can. I have a great relationship. I mean, look, do we always get along with Trevor or Mark (inaudible)? No. Okay, but the door is always open and we're always communicating. My office is always in communication with the Department of Health and Human Services and with the YRTC. They...I really feel that they're working hard to send us--when I say send us, trying to make adult people deal with youth as adult when it's appropriate and when it rises to the level--but there's a lot of them. And I don't know if the sheriff is going to say, is going to talk or not, but there are a lot of them. We have quite a few in our jail right now, 8, 10 percent maybe, of the total number. What's our total number right now, Sheriff? [LR377]

NEIL MILLER: We're...we've come down a little bit, 3 percent. [LR377]

SHAWN EATHERTON: Three percent, that's not so bad. [LR377]

NEIL MILLER: (Inaudible.) [LR377]

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SHAWN EATHERTON: We at the times had 10 percent. If you take 80 or 90 kids at the YRTC, we at times have had 7, 8, 9 in jail. Okay, that means they are charged with something really serious because I just said I can't do anything with a misdemeanor or a low felony. They talked a couple times about 28, like 931. If that were changed, please don't run and change that, because if that were changed and they would be included...and the staff at the YRTC would be included in that particular statute, that's still a IIIA felony. I'm required to...there's a presumption of IIAs and IVs to be filed in juvenile court. That wouldn't help me. All right. And again, I'm not advocating that these become a IIA. I'm just...this is an issue that because of the statutory changes over time are a problem for all of us. And so I just wanted to point out that it's something that we're all working on but the statutory changes are a real problem when we're dealing with this particular population of youth. I'll do anything to protect those people who work out there. I'll do anything to protect our community. But I can only do what's given to me in statute. [LR377]

SENATOR RIEPE: Okay. Thank you. We appreciate you bringing that perspective to us. Are there questions? Senator Williams. [LR377]

SENATOR WILLIAMS: Thank you, Chairman Riepe. Thank you for being here and sharing your experience. We were exposed today on the tour to some rather dramatic and significant changes that have been implemented, some as recently as just August 18 when a new school year started there. So we have not been able to see that long enough to know what the final outcome change, but you've been doing your job here for a while. Have you seen some of those changes help the concerns of the community of Kearney yet? [LR377]

SHAWN EATHERTON: Yes. I've seen...I've seen... [LR377]

SENATOR WILLIAMS: Can you tell me about... [LR377]

SHAWN EATHERTON: In my time there I've seen changes that have been good and have been bad and the recent ones, yes, things like going...you know, increasing the perimeter staff, utilizing the...changing back to where they had to be...wear something that's identifiable. Those are simple things. And then in full disclosure, for many years my wife was the speech

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pathologist in the school and then she also had a master's in library science. She was the librarian there for years and she just left a few years ago. So, I mean, I believe in the programming and I believe in the safety of the people there. She didn't leave because of safety (inaudible). She left just to be around my kids more. But it's a...so I'm sorry, Senator. Yes, I have seen changes. I do think those things have helped. Do I think we're everywhere we need to be? No. Do I know that they're working on it? Yes. Doesn't change my concerns in the facility. Some of the discussions we're talking about the assaults and the...like the third-degree sexual assault of the staff member. That is real and that was brought in front of me and there's nothing I can do about it until the kid hit 18. And so those are real when I say nothing other than put them back out there. [LR377]

SENATOR WILLIAMS: So from your perspective then...and I understand specifically we're talking about some statute changes on the penalty side. And you're right. With LB605 we...the change that's being talked about doesn't help you, doesn't get you where you need to be. Beyond those kind of things, we've heard about a fence and some other things. Are there things like that that you see from your perspective that you say this would be help to this community? [LR377]

SHAWN EATHERTON: I do think a fence would be helpful. I think, does it solve all of our problems? Absolutely not. But many of our...of the youth that run are...it's an opportunistic and some are very well planned. Those are probably still going to happen, all right, I mean, regardless of...I mean that's just...but some are opportunistic. And I will echo in part what the mayor said. And I don't know who all grew up where, but I can tell you, you go to most houses in Kearney and there's a weapon, a firearm. I just would almost...and I would...it would kill me if somebody were shot in one of these circumstances or if one of our officers had. And there have been...there was one time where, to be...I'll be quite frank. We could have and should have potentially used fatal force, and that was in the last few years. Now they didn't but I will tell you from a...as a person who's done grand juries, it would have been...I mean this is real. And so I think the fence would help that dramatically because in that particular case that person would not have been out. So, yes, I do think the fence would be a big deal. [LR377]

SENATOR WILLIAMS: Thank you. [LR377]

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SENATOR RIEPE: Okay. Thank you, Senator. Any other questions? Seems not. Thank you again. Thanks you for giving us this much time. [LR377]

SHAWN EATHERTON: Thank you for your time, appreciate it. [LR377]

SENATOR RIEPE: We appreciate it. Are there additional individuals that want to present? [LR377]

JULIET SUMMERS: (Exhibit 2) Good afternoon, Chairman Riepe and members of the committee. My name is Juliet Summers, J-u-l-i-e-t S-u-m-m-e-r-s, policy coordinator for child welfare and juvenile justice at Voices for Children in Nebraska. And you asked earlier, Senator, who might oppose a fence, so I felt an obligation to come up and represent that viewpoint which might be a minority in this room. A little bit of background, as you may or may not know, I...Voices for Children is a nonprofit. We do policy advocacy around evidence-based, research-based interventions for children in our child-serving systems. Prior to my role as the policy coordinator doing this specific area of work, I was a juvenile public defender in Douglas County and so I have personally known and represented young men who have come to Kearney and come back from Kearney and I have also seen both results, young men who have gone on to success in their life, to a sealed record and moving forward with...into a positive future, and young men who the program hasn't worked for and they've come back and ended up in our correctional system. So I do have that personal knowledge as well from my professional history. What I'm here to say is--I'm going to go completely off script from what I've handed to you--is that, you know, as we're thinking about juvenile justice and where to spend our resources, juvenile justice is, you know, it's an area where sort of uniquely the right thing to do, the thing that is research based that is most likely to work, is also often the fiscally conservative thing to do, which, as we look at investments into our system, we have to look at the ultimate goal of that intervention, what the purpose is, who are we trying to serve, and ask why we are doing it, that big-picture question, and I am so grateful that Senator Lowe brought this interim study and this committee is thinking about that big question as it relates to these two facilities and their place in our juvenile justice system. So I came here specifically to focus on the fence and based on, you know, what I've been sitting and listening to, I'm not going to spend my time on just that issue. But I want to say, you know, our young men who are coming here, difficult is an understatement,

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absolutely. Do they present with a myriad of issues? Absolutely. Do they have traumatic histories that need to be addressed? Absolutely. Does building a fence resolve any of those challenges? It really doesn't. Does making certain behaviors, certain criminal behaviors on campus a felony, increasing the possible penalty change any of that? It doesn't. These proposals, they don't further the goal of rehabilitation, which is the ultimate purpose of that facility, to treat them, and it ultimately doesn't further the larger goal of producing young men who are going to go back to society better able to become productive citizens. So the problem, as I see it, that hasn't maybe been touched on so much today is how our system has set up the YRTC, has put the YRTC staff and administration in this position and the citizens of Kearney in this position. We've created this facility for young men as the only no-eject, no-reject option. That's it. And so it creates, even though we've reduced the numbers of young men who are ending up here, we don't have the very low-risk population anymore, it is still the only option that our judges are presented with when they see a young man who has been struggling through placements on probation. And so we're asking the professionals at the YRTC to take too many kids who have too many intense needs, significant needs, into a facility that we haven't funded to offer truly appropriate treatment capacity. I think you heard testimony from Mr. LaBouchardiere earlier about comparing the staff ratio at YRTC to the staff ratio of a psychiatric residential treatment facility, which some or many of these young men require that level of intervention. And the staff ratio, even though it's improved, is substantially lower than a res...than an inpatient facility. That's sort of one example. So I've been to Kearney myself numerous times and I've seen how dedicated the staff are. I do really want to speak in support of the positive cultural changes that have been made in recent years and that we do have data evidence that those things are working in terms of reduced use of solitary confinement at the same time as reduced assaults, reduced, you know, runs or escapes. And so none of what I'm saying is intended to undervalue that hard work or the heart or the risks inherent in that position, in that job of working with young people with significant needs. But what I want to call out is that as a state we've given these professionals a nearly impossible task by the way we've set up our full system. And, you know, a fence alone isn't going to solve it. It's a patch on the larger issue of how we've structured this one large-scale facility that's far from home for a lot of these kids. So thinking about the cost of a fence, which we know from a bill earlier this year is approximately \$2 million, what could we invest in, instead, to respond to the needs of kids in therapeutic ways that are going to last? We could put that money toward interventions or placements that would keep kids closer to home, reducing the number of our

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highest risk youth who are coming to YRTC. We could put it toward our woefully underfunded and under-resourced behavioral and mental health system in our state. We could put it toward increasing the pay, the salary scale, or hiring more staff to make that position more enticing to reduce turnover and get that, you know, the staff body who have the experience to work with really difficult young men. And so just the reason I'm here today is to say until we start asking this kind of big question from the systems level, we're not going to do better by the kids, the staff, or the community. A fence alone would be a poor investment for the youth, for the community, and also for the taxpayers of Nebraska, and we hope that this committee will consider alternate solutions as part of the larger picture of juvenile justice and how we can all kind of move into a better future. So thank you again for your time and consideration and to Senator Lowe for bringing this interim study. [LR377]

SENATOR RIEPE: Okay. Thank you. That's a good perspective we need to hear. Are there any questions from the senators? Senator Williams, please. [LR377]

SENATOR WILLIAMS: Thank you, Chairman Riepe, and thank you for being here and bringing your perspective and always coming with some ideas and solutions, which we appreciate. I'd like to probe a little deeper into, because we heard some comments and testimony on the sentencing issue, the not...the misdemeanor versus the felony, and you do bring a perspective of having worked on that in a different life before doing what you're doing now. I would lean towards thinking that would give the state an additional tool. Tell me why it won't. [LR377]

JULIET SUMMERS: Well, with great respect to the...I would actually echo what the county attorney said a few minutes ago, which is that... [LR377]

SENATOR WILLIAMS: I understand the LB605 issue that at least...with that, yes. [LR377]

JULIET SUMMERS: Yeah, that the age...that regardless of whether it's a misdemeanor or a felony, it's really, in Nebraska, it's based on your age whether you're going to be in the juvenile system or the adult correctional system, and that's...that is a strength of Nebraska's system, honestly, because everything we know about adolescent development, the teenage brain, the juvenile justice system is the right system for teenagers, not the adult correctional system. So in

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terms of what making something a felony would do, again, the way the teenage brain works, it's not likely to have a deterrent effect on that behavior. Teenagers, and particularly the teenagers who are at YRTC who have demonstrated a long history of impulsive and antisocial behaviors, being able to upgrade the charge from a misdemeanor to a felony does not to these young men add any kind of level of accountability that would deter that behavior. Assaults are inherently impulsive and heated and act out of the moment without great regard for the consequences. So it doesn't have that deterrent effect. And then in terms of a possible punitive effect which it would have, that's ultimately just not a function of our juvenile justice system. Our juvenile justice system is aimed at what can we put in place to really turn things, turn this youth around. And changing the legal charge from a misdemeanor to a felony ultimately, given that there's not an attendant change to anything that might be offered to that youth in terms of services or programming or placement, that would be a merely punitive action which wouldn't do much in terms of making them change their behavior or making us all safer in that regard. (Inaudible) that was a convoluted answer. [LR377]

SENATOR WILLIAMS: Thank you for those things. And I asked that specifically to get that view so that people here today can gain some understanding that there are no easy answers to the issues we're looking at. Those of us on the tour today met a young man by the name of Brandon (phonetic). Brandon has been at YRTC for 11 months. He helped guide our tour. One of the people on the tour with me today said three months ago he would never have believed that Brandon would, I'll use the term, graduate. At 2:00 this afternoon Brandon was released, headed home. He looked me in the eye and said, without this facility, without the programming, I wouldn't be getting out. So we don't fail every time. Now it's up to Brandon to make it for the rest of his life at 17 or 18 years old and what he has in front of him. But thank you for sharing your perspective. [LR377]

JULIET SUMMERS: Yeah. And I want to be clear that my statements about how we structure our system, we...absolutely we have seen successes from YRTC and I do not want to devalue that in any way. But I want to just say with such great respect and regard that being able...that staff being able to have those successes in light of the number of kids we are sending there still with so many different needs and really, really difficult backgrounds, and each one is an individual, I think those successes are truly remarkable and I want to highlight that and say that's fantastic and

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how much more we could do if we put more resources into, you know, into going that direction.
[LR377]

SENATOR RIEPE: Any other questions? Thank you so much for being here. [LR377]

JULIET SUMMERS: Thank you. [LR377]

SENATOR RIEPE: Thanks for coming all the way out. Are there additional people who want to testify or be heard? Okay. I think we have one more. [LR377]

SENATOR WILLIAMS: Neil. [LR377]

SENATOR RIEPE: Thank you, sir. If you'd be kind enough to--you know the drill by now--state your name, spell it, and tell us who you represent. [LR377]

NEIL MILLER: Thank you, Senators, for coming to Kearney for this hearing. Neil Miller, N-e-i-l M-i-l-l-e-r. I am the Buffalo County Sheriff. I, too, like the county attorney, wanted to come today and see what was said because YRTC is very impactful to Buffalo County in a number of ways. One of those is that we end up with a lot of YRTC youth in the Buffalo County Jail. I don't believe that's a proper place for them and I think that part of what we're running into here is that we are...our options of what we do become very, very limited. So instead of dealing with the few that end up being problems, we look at how can we fix everything with something that maybe takes it to the next level of more than it needs to be. We classify inmates in the Buffalo County Jail dependent...and it all tells us how they're going to react, how well they're going to get along, whether or not they have issues or they're assaultive, and we classify them away from those that are not. And that's to protect them so that we don't put someone who is very much aggressive and very, very...been involved in a lot of assaults in with someone who may not be able to take care of themselves or who has not been that way and not acted like that. So when we have 10 percent of the total people at YRTC causing 90 percent of the problems, I don't understand why we can't deal with the 10 percent. Most of those people that go out there come out of there better people and go back into society and they do okay. You know, some come back and it takes them a few times to learn the lesson, but I can tell you that we have a small group that do not and are

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not going to and are never going to learn a lesson no matter how many times you send them there or how long you keep them. And the point would be we need to do something different with them. They're the people who, like one that I had in my jail, assaulted one of my corrections officers and broke her neck. Those people are not going to change, okay? They're going to be a part of the system for the rest of their lives. None of us can fix that. So I'd ask that when you're looking at this, you look at how do we deal with those students, inmates, whatever you want to call them, that get sent there. How do we deal with the ones that can't do the program, that are assaultive, that don't do well up there and that are not going to do well up there? Is it more intense treatment in a different location? Is it some kind of a different program? I don't know but I support the fence, by the way, simply because if nothing else changes, then put the fence up. But if you can look at this thing and figure out how you're going to deal with those that are assaultive and those that are problems, then I don't know that I'm in such favor of the fence because I don't know that we should do that to everybody for 10 percent of your total population. I've had them in my jail. They are very, very troubled. They are very, very assaultive. We get...the discussion came up of does Buffalo County get any money for having them. Well, I can tell you that, no, Buffalo County does not, not for prosecuting them, not for housing them. And if I were to charge the state what the state charges us to take an inmate to a state facility--\$88 a day--my math says the state owes Buffalo County \$137,544 for 1,563 inmate days last year. Those are people who came to Buffalo County Jail. And you can say, well, but, you know, they got charged with this and so really that's...now that's the county's deal. Well, guess what? If YRTC wasn't located in Buffalo County, not one of those people would be in our jail, not one. So Buffalo County is impacted and they're impacted very heavily. We are down now to about 3 percent of the YRTC population currently in our facility. We have seen times where it has been 12 percent. And I can tell you that we are not equipped to run a jail for troubled juveniles. That is not what we are and it is not the proper place to put them. We are an adult jail. We've always been an adult jail and we staff to an adult jail. Juvenile jails take three, four times the staffing of what an adult jail does. They require more and more services than what you get in a county jail. So I just want to say today thank you for coming out. I appreciate this. We do need to see some changes happen out here. But I think that we need to look at what are the problems that are causing people to be unhappy. Who? Is it that group of kids that we maybe should be looking at doing something more intense or something different with that maybe will help them along rather than looking at

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one big picture and trying to fix it all with that. So I thank you for the opportunity to speak.
[LR377]

SENATOR RIEPE: Okay. Thank you, Sheriff. Let's see if we have any questions. Senator Howard. [LR377]

SENATOR HOWARD: Thank you, Senator Riepe, just a few clarifying points. So how...you said...how many days had you had kids in your jail last year? [LR377]

NEIL MILLER: The total number of days by all of the kids that came in are 1,563 days.
[LR377]

SENATOR HOWARD: And then is it one of those things where when you say you have 3 percent of the YRTC kids are in your jail, is it every day you have a YRTC kid in your jail?
[LR377]

NEIL MILLER: Yes, absolutely, every day. I can't tell you the last time there was not a YRTC juvenile in our facility. [LR377]

SENATOR HOWARD: How long do they usually stay? [LR377]

NEIL MILLER: That depends because sometimes they get charged and they age out and so they come to the Buffalo County Jail at 18 and then into 19 and serve their sentence there. I currently have, see, still in custody I've got one in that's been there 294 days; I've got one in that's been there 10 days; I've got the other one that's currently in custody been there 97 days. I've had them over the last year in there 200 days, 265 days, 327 days, 151 days. If you add all of those up for the last 12 months...I'm sorry, 13 months, you come up with 1,563 days that we have held someone from YRTC in the Buffalo County Jail. [LR377]

SENATOR HOWARD: What are the reasons? How do they get to your jail? [LR377]

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NEIL MILLER: When they escape and get charged with a felony, they bring them to the Buffalo County Jail sometimes. It used to be every time. [LR377]

SENATOR HOWARD: So these are just escapees or...? [LR377]

NEIL MILLER: I'm sorry? [LR377]

SENATOR HOWARD: Are...these are just escapees or...? [LR377]

NEIL MILLER: No, they're also assaults. [LR377]

SENATOR HOWARD: Okay. [LR377]

NEIL MILLER: Okay, so if they get charged with an assault or they get charged with either assault or escape, those are the two main charges that we see that they come to the jail for. And so I hear talking about, well, if we charge them with felonies or we change this to charge them with a felony, they're going to be coming to the Buffalo County Jail and I don't have the services to do something for them. So I really, if you can look and see what else there are, because I hear, well, Buffalo...YRTC is the last place in the system for juveniles. No, it's not. Buffalo County Jail and state prison are and we're in between that and we're getting impacted greatly by them being in our jail and I think that we've got to have something else for that. [LR377]

SENATOR HOWARD: Do you offer any services in jail for them? [LR377]

NEIL MILLER: We have some. I have...we try and do GED. They try and do a GED program. That's pretty difficult here as of late just because it's more difficult to get them in. There aren't as many people out there to do the GED program for us, but that's one that we try and do. We do AA and we also have religious services. I have a licensed mental health counselor in the facility 20 hours per week. But again, our world is an adult world. We deal with adults. That's what our mission in life is, dealing with adults. I hire corrections officers that come to work to want to deal with adults. And then when you get juveniles in, it changes everything and it's a different

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game with, it's a different job with juvenile, supervision of juvenile inmates or juvenile students, whatever, than it is of adults. [LR377]

SENATOR HOWARD: And then you're not able to bill Medicaid for any services you provide those kids? [LR377]

NEIL MILLER: We are not. [LR377]

SENATOR HOWARD: Okay. If they go off site, though, you can? [LR377]

NEIL MILLER: If they go off site, we get the...we pay the Medicaid rate. However, Buffalo County is paying the cost of every one of the...all the medical bills of every one of those people that come to our jail. And that's another concern we have. What if we get one of these in and we end up with some catastrophic expense on the medical? [LR377]

SENATOR HOWARD: Right. [LR377]

NEIL MILLER: We're going to be held...Buffalo County is going to be held with that bill because they were in custody of the Buffalo County Jail and is that fair to the people of Buffalo County to have that bill come to us when they were a state ward and the only reason they came to our jail was because they committed another law violation on state property? [LR377]

SENATOR HOWARD: Is there anything else I should be asking? [LR377]

NEIL MILLER: I will say this, and I think said it but if I didn't I want to make sure. I want to give credit where credit is due. Those numbers have been considerably higher than they currently are and I think it's because of some of the changes that have taken place. I've been in Buffalo County as a law officer for 40 years so I've seen YRTC change a lot over the 40-year period and I can tell you this is probably the lowest number that we've had in our jail in the 40 years that I have been here. But I think we can do better. I think we can take that number down to zero and that should be our mission. There should not be juveniles in the Buffalo County Jail because they commit crimes in a state facility. [LR377]

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SENATOR HOWARD: Thank you for visiting with us today. [LR377]

NEIL MILLER: Thank you. [LR377]

SENATOR RIEPE: Any other questions? [LR377]

NEIL MILLER: Thank you. [LR377]

SENATOR RIEPE: I would tell you I like sheriffs. My late father-in-law was the county sheriff down at Adams County. [LR377]

NEIL MILLER: His name? [LR377]

SENATOR RIEPE: Bob Anderson, years ago. [LR377]

NEIL MILLER: I knew him. [LR377]

SENATOR RIEPE: Okay. [LR377]

NEIL MILLER: Thank you. [LR377]

SENATOR RIEPE: Thank you for being here. [LR377]

SENATOR WILLIAMS: I always feel safe when I'm in Buffalo County because of (inaudible). [LR377]

SENATOR RIEPE: That's good. You have a strong fan up here, surely. Are there any other... [LR377]

SENATOR WILLIAMS: I just told the Chairman I always feel safe when I'm in Buffalo County, Neil, because of you and Dan Lynch here in Kearney, so. [LR377]

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SENATOR RIEPE: And being from further west, he drives through here quite often. Are there any other individuals that would like to testify or share their thoughts today? Are there any comments that...or letters? And, Senator Lowe, would you like to come forward and close, give us some final comments? We do have a letter. Come on up and... [LR377]

TYLER MAHOOD: (Exhibit 3) I do have a letter signed by Sherry Morrow, a Buffalo County commissioner, for the record. [LR377]

SENATOR RIEPE: Thank you. Senator Lowe, the show is yours. [LR377]

SENATOR LOWE: It's about time. (Laugh) Thank you, Chairman and senators, for arriving today. I'm glad we're not here at closing time. But I appreciate everybody from the city of Kearney and for everybody else coming out today. Senator Quick, thanks for coming over from Grand Island. And I appreciate all the staff and the teachers. Randy (phonetic), I appreciate you being here and everybody for showing up. YRTC is a big part of Kearney and Buffalo County, as you have heard. It's important because of the people that it hires to try to change these young men's minds to get them going in the right direction. We know they were not Eagle Scouts. We know they probably never had potential to become Eagle Scouts because of their upbringing and from the homes and the areas that they came from. Some of it, it's not their fault because of that. Some if it is because of them, their fault. Some of them made choices and these choices now are what they have to live with and we have a chance to change their minds. Will this, if we put up a fence, will that change their minds? Will that keep the staff safe? Some of it, yes. If you have a fenced-in area, I don't want to go into it, whether I'm out wandering around in the streets or something else. That fenced-in area may contain something that I don't want to go in there and be a part of, whether it's a dog or a mangy cat. I don't know. It's a fence. And if you see a fence, you may not want to go into it. If it is a tall fence, I know I don't want to go in there. Growing up, or living two blocks away from YRTC when my sons were young, I built a play set tall enough so that when they went, they could look over and see YRTC. And I said, schedule your lives not to ever go there. And I'm glad I have three Eagle Scouts in my family. They've done well. We need to change the minds of these young men that are there to think like an Eagle Scout, think to be a leader. We met John (phonetic) today, a young man who is now 18. He has a four-year-old son he can't wait to get out of YRTC and go see, part-time anyway. He does not

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want to go back home because that was the influence that landed him there. He never said if it was family or his friends, but he wishes to go someplace else. He has learned that he needs to be a leader. He was one of the fellows that gave us our escort and he said that he is one of the leaders up there now. So I'm very proud of him for making that change. We need to do that with the rest of them. Will a fence solve all of our problems? It might solve some. The community, the neighbors that are behind me, they will feel safer, they will be safer. There won't be as many runners. I'm not going to say a fence is going to keep all the runners away because a lot of times they run when they're not at YRTC. They run when they're out. But will a fence help? It'll free up security. Security will now be able to go around with the staff. They won't have the patrolling guys going around as much. They will be able to intermix with the youth. They will be able to accompany the youth where they should be, security. And that's what we need for the staff and for the youth up there, for the teachers. They need to feel safe. And by freeing up the security to do that, by not traveling around and going on their little carts, making sure nobody is running, that will help. We need to change the attitude of the youth so that they are not violent. They're youth. They're boys. They're slightly emotional and explosive at times. We will always have problems. I had problems with my three Eagle Scouts. There were times when I had to leave the house because I was so mad. There were times when they had to leave the house because they were so mad about a spilled cookie or something, minor problems. These kids come from major problems and so it's a little bit deeper. But what we need to do is think about security for all and I think that's what is the start of this LR377. I hope we get things accomplished quickly for all involved. Thank you for your time here in Kearney and thanks for coming out. I'm sorry we didn't get to have pizza. [LR377]

SENATOR HOWARD: I won't come back until there's pizza. [LR377]

SENATOR RIEPE: Thank you, Senator Lowe, for a strong opening and a strong closing. We appreciate very much your leadership on this particular resolution and we'll count on your leadership going forward in it as well. I also want to recognize again Senator Quick for being here. We appreciate that. I know he has a real keen interest in the YRTCs. And also I want to thank Senator Williams and Senator Howard and Senator Linehan who are here for making the extra effort. This is, quite frankly, for those of us who are in the Legislature, this is, quote unquote, our recess, so, but these are duties that we feel committed to and obligations that we

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want to fulfill and so we appreciate their being here, I certainly do, and to my staff. And I want to say a thank-you to everyone that has shown up today and given up your time and made us feel very welcome here in Kearney. With that, I will declare a full and fair hearing on LR377 and we are concluded. [LR377]