

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Appropriations Committee March 06, 2019

**STINNER:** Good afternoon and welcome to the Appropriations Committee hearing. My name is John Stinner. I'm from Gering and represent the 48 Legislative District. I serve as Chair of this committee. I'd like to start off by having members do self-introductions, starting with Senator Erdman.

**ERDMAN:** Steve Erdman, District 47, ten counties in the Panhandle.

**McDONNELL:** Mike McDonnell, LD5, south Omaha.

**CLEMENTS:** Rob Clements, District 2, Cass County and part of Sarpy and Otoe.

**STINNER:** John Stinner, District 48, all of Scotts Bluff County.

**BOLZ:** Kate Bolz, District 29.

**WISHART:** Anna Wishart, District 27 in west Lincoln.

**VARGAS:** Tony Vargas, District 7, downtown and south Omaha.

**STINNER:** We have other members who will be joining us. Some of them are in hearing rooms and presenting bills elsewhere. Assisting the committee today is Brittany Bohlmeier, our committee clerk. Our page today is Cadet Fowler. He is studying film studies at the University of Nebraska-Lincoln. Also assisting the committee is Doug Nichols, who is our legislative analyst. On the cabinet to your right you will find cream testifier sheets. If you are planning to testifying today, please fill out a cream sign-in sheet and hand it to our page when you come up to testify. If you will not be testifying at the microphone but want to go on record as having a position on a bill being heard today, there is a white sign-in sheet on the cabinet where you may leave your name and other pertinent information. This sign-in sheet will become exhibits in the permanent record at the end of today's hearing. To better facilitate today's proceedings, I ask that you abide by the following procedures. Please silence or turn off your cell phones. Order of testimony will be introducer, proponents, opponents, neutral, and closing. When we hear testimony regarding agencies, you will first hear from the representative of the agencies. Then we will hear testimony from anybody who wishes to speak on behalf of the agency's budget. We ask that you first spell your first and last name for the record before you testify. Be concise. It is my request that you limit your testimony to five minutes. Written materials will be distributed to committee members as exhibits only

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when testimony is being offered. Hand them to the page for distribution to the committee and staff when you come to the-- up to testify. We need 12 copies. If you have written testimony but do not have 12 copies, please raise your hand now so the page can make copies for you. With that, we will begin today's hearing with LB174. Senator Bolz.

**BOLZ:** Good afternoon, Committee. I am Senator Bolz, that's K-a-t-e B-o-l-z, and I'm here to introduce LB174. I want to talk this afternoon about violent crime in our communities and what the Legislature can do to take actionable steps to start breaking down the cycle of violence. LB174 builds on the successful infrastructure of Nebraska's existing Office of Violence Prevention which empowers local municipalities, nonprofits, and police departments to create their own solutions to the unique causes of violence in their communities. I don't need to tell you that violent crime and gun crime is all too common. Violent crime increased 8.6 percent in Nebraska and 2017, and homicide is the leading cause of death for Nebraskans in their 20s. I looked at this policy idea for a while and filed an LR this summer, and that was inspired in part by a shooting in my own neighborhood. A young man, a father of five, was shot in my College View neighborhood last spring. And I didn't know him personally, but I run past his memorial on my morning runs and think about him and his family frequently. Nebraska's Office of Violence Prevention is a division of the Crime Commission, which was established in 2009, and for the past decade has demonstrated success in providing grants to evidence-based programs targeted at preventing gang and gun violence. Each year the Office of Violence Prevention conducts a competitive grant process and awards \$350,000 to Nebraska programs that have a documented history of success or promise in reducing violent crime. Grant recipients must develop performance measures and annually file a program evaluation that reviews the program's measurable results. In 2017, nine organizations received funding for a variety of violence prevention programs. LB174 would increase the Office of Violence Prevention provoke-- appropriation to \$1 million and roughly double the grants available to Nebraska communities. We've also amended the bill to put forward an additional \$475,000 to create an Office of Violence Prevention Center at UNMC, and I'll have Cadet hand out that amendment, if you would. It would provide a state match for private funds to create a center-- go ahead, there you go, thank you-- to create a center to enhance Nebraska's statewide violence prevention efforts through increased data analysis and evaluation capacity. After doing some-- some work in the media on this bill, UNMC approached me

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and provided this idea as a way to add value to the way that we are thinking about violence prevention initiatives in our state. The Office of Violence Prevention's grant structure facilitates local control and it provides robust accountability and data requirements to ensure funds are used effectively. This afternoon you'll hear directly how these funds are being put to work by local municipalities, police departments, and nonprofits. These organizations all do so through different methods. For example, The Village Basketball Alliance provide programming to nearly 100 kids every Monday night. By providing a safe environment, they have shown to increase pro social behaviors and decrease the acceptance of violence among participants. Currently the Office of Violence Prevention is less than .2 of a percent of Department of Corrections' budget. In fact, the cost of the entire grant disbursement from the Office of Violence Prevention is about the same as the cost of one inmate that has a ten-year sentence at NSP. And as a multiyear member of this committee, I know that we have invested tens of millions of dollars in the Department of Correctional Services during my time on the committee. The overall budget for the Department of Correctional Services is \$200-- over \$215 million. And I think in some circumstances an ounce of prevention can be worth a pound of cure. I think it's time for us to start thinking about preventing violence, not just funding the results of violent activities and gun activities. I also think it's important to talk about the human cost of violence. A young person who grows up without a parent, the senseless death of a spouse, each violent incident has reverberations in our communities. And I think we're all impacted by the headlines that we see, including one in our own state, of circumstances of mass violence. And we all think, what could we done and-- what could we do; how could we have prevented that? And I think funding the Office of Violence Prevention is one response to violent crime in our communities, to gun and gang violence that we can all get behind. So with that, I'll answer any questions you have. And I-- I know that there are many testifiers today. I just ask for the committee's patience. It's an issue that is very personal and very important to a lot of people.

**STINNER:** Thank you. Questions? Senator Hilkemann.

**HILKEMANN:** Senator, I-- you said that you're going to set up like a-- you're going-- the university is going to do some data collection. Is this going to be UNL or like UNMC or who's going to be doing the data collection?

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**BOLZ:** Yeah. So the amendment proposes-- so that the bill as introduced would-- would have simply added additional funding to our existing Office of Violence Prevention. The amendment proposed actually was brought to us by the University of Nebraska Medical Center. And the idea is that we could create a Center for Violence Prevention at UNMC in partnership with their School of Public Health, building on some of the best practices that you'll hear about this afternoon,--

**HILKEMANN:** Uh-huh.

**BOLZ:** --but really identifying which practices decrease risk factors, which practices increase preventative factors, how can we analyze what really moves the dial, and how can we cede out those programs that are most effective to other communities that need them. So I think we're using academic expertise to make a difference.

**HILKEMANN:** Were there also-- would you anticipate if we have a strong research or data [RECORDER MALFUNCTION] violent crimes? Do you see that as being a possibility?

**BOLZ:** I don't think that the intention of UNMC is related to solving crimes that have already occurred. I think the goal is to work with communities and use the data elements that we can identify, you know, things like drug-- the drug trade and how much is happening in terms of drug activity and gang activity, putting some of that data and information together and then building interventions that best influence those factors that are unique to individual communities and best prevent young people from getting involved in violent crime or best stop violent activity that's happening in communities. One of the best examples, I think, of a grantee is-- and I think they'll be testifying today-- is the gang prevention specialist through the Lincoln Police Department. The Omaha Police Department also uses some of these funds to do a metro-wide data project to better understand where violent activity is happening. I'm sorry I'm talking too much, but those are some of the examples of things that can be done to move the dial and prevent violence.

**HILKEMANN:** And, Senator, aren't there other universities that have done similar type of programs and-- and collected this data for-- that you're-- are you aware of other?

**BOLZ:** That-- that is a great question and I'm-- I'm not-- I'm afraid I don't have a specific answer to you. I do know that the University of Nebraska Medical Center, when they brought me this idea, when they

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brought me the amendment idea, they had a full proposal put together and they're going to speak to that today. So that might be a question you want to ask some of the UNMC folks.

**HILKEMANN:** OK. Thanks so much.

**BOLZ:** Yeah. Thank you.

**STINNER:** Senator Erdman.

**ERDMAN:** Thank you, Senator Stinner. Senator Bolz, does the amendment become the bill then? Is that what your intent is?

**BOLZ:** If-- if the-- I think it is written, yes, that it is both. The-- I think the amendment is inclusive of both the-- I passed it out to you. I'm sorry, Senator. I think it's both inclusive of the request for additional, yes, the additional \$50,000 and the UNMC project.

**ERDMAN:** OK. The other-- the other question I had was on line 22, on the bottom, it says the General Fund for the University of Nebraska for the purpose of developing a collaborative Center for Violence. Tell me, what exactly does that mean?

**BOLZ:** If-- if you wouldn't mind, Senator, would you ask Dr. Evans, who's gonna present this afternoon, some of those questions? I-- I can tell you, but I think she'll do a much better job of giving you the evidence-based models and the foundation for why they're proposing what they're proposing.

**ERDMAN:** Then I might have a question you may be able to answer. Where we going to get the million bucks or more?

**BOLZ:** Uh-huh. I-- it's a fair question. I think we're all balancing priorities in this, in this committee. One of the things that I think it's time for us to talk about is the fact that year over year over year we are investing millions and millions of more dollars in our Department of Correctional Services. And it's time for us to invest some money-- invest some money on the front end instead of the back end. During my time here we've invested \$72 million in the-- the new facility that connects the Lincoln Correctional Center and Diagnostic and Evaluation Center. We've got a proposal in front of us that's \$49 million for a high-security facility. I could go on. My-- my point is simply that I think it's time for us to invest in prevention as well.

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**STINNER:** Additional questions? This is a grant program, \$350,000. There was nine competitive bids that were granted, right? Is that what it says here?

**BOLZ:** There were nine programs--

**STINNER:** Nine organizations.

**BOLZ:** --funded. They regularly get over a million dollars' worth of applications every year.

**STINNER:** You anticipated my question, is are they oversubscribed. Now are the organizations geographically dispersed throughout the state?

**BOLZ:** Somewhat. The statute as implemented focuses on areas of high gang and gun violence. So areas that are fortunate enough not to have a lot of violent activity, there aren't grant programs there. They are more concentrated in Omaha and Lincoln. But there-- there have been grant programs in other areas over time. Lexington is one place where there's more crime and violent activity than you would expect and they-- they have received some grant funds.

**STINNER:** I'm afraid to say Scottsbluff is right there with them. Additional questions? Seeing none, thank you.

**BOLZ:** Thank you.

**STINNER:** We will now hear from proponents. Are there any proponents? Afternoon.

**JEFF SORENSEN:** Good afternoon. Good afternoon, Senator Stinner and members of the Appropriations Committee. My name is Jeff Sorensen, that's Jeff, J-e-f-f, Sorensen, S-o-r-e-n-s-e-n. I'm a sergeant with the Lincoln Police Department and the supervisor of the department's gang unit. I have supervised the gang unit for the past five years and I'm responsible for coordinating and implementing the strategy for addressing gang violence in Lincoln, Nebraska. This strategy includes suppression efforts, gang education and awareness, and our gang prevention program, Operation Tipping Point. I'm here today on behalf of the Lincoln Police Department to testify in support of LB174. The Lincoln Police Department supports this bill which would increase state grant funds available through the Office of Violence Prevention. The Lincoln Police Department, in partnership with Lancaster County, has utilized funding through the Office of Violence Prevention to establish our gang prevention program, Operation Tipping Point. These

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funds have allowed the Lincoln Police Department to maintain a full-time civilian gang outreach prevention coordinator who works directly with the Lincoln Police Department gang unit. The implementation of the gang outreach prevention coordinator has been instrumental in the overall effectiveness of the Lincoln Police Department's gang strategy, which includes the prevention of youth from joining gangs. Gangs and gang members are not solely a law enforcement issue. Poverty, lack of opportunities, poor academic performance, and individual safety concerns are just a few of the individual issues that can lead to our youth towards gang affiliation. The gang outreach prevention coordinator, among other things, has been a catalyst for bringing law enforcement officers together with the community partners to work together towards reducing the impacts these issues have on our youth. The gang outreach prevention coordinator has enhanced the Lincoln Police Department's approach to community policing. On a daily basis, the gang outreach prevention coordinator works directly with youth which have been referred to the program by police officers, Lincoln Public Schools, and numerous other community partners. The gang outreach prevention coordinator works individually and in group settings to build rapport with the youth and their families in order to promote the value of community resources being offered. Many times the youth have already participated in different programs, however, have failed to engage in the programs or have been kicked out for various behavior reasons. This relationship building and mentorship have proven successful and extremely valuable in building trust with youth, leading to greater participation in the various programs offered. Greater participation in the various programs works to insulate the youth from the negative push and pull factors leading to gang association. Utilizing community resources, the gang prevention-- the gang outreach prevention coordinator works with youth and their families to develop an individualized plan for that youth. The gang outreach prevention coordinator will then meet with the individual on a weekly to monthly basis to ensure the youth is engaged in the services offered. The gang outreach prevention coordinator ensures that each person has access to many different programs and resources needed in order to give the youth every opportunity to be successful academically, athletically, and socially. Addressing gangs and gang activity within a community continues to be a multifaceted community issue. Addressing only one facet or symptom of gang activity at a time will without a doubt fail. Operation Tipping Point-- the Operation Tipping Point Program serves as one of the most valuable components to the Lincoln Police Department's gang strategy by working to bring community service-- services and

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opportunities to those at risk for gang involvement. The program's efforts work to reduce the total number of youth impacted by gang activity at an early age and works to disrupt the influence of gangs on those already involved. The reduction of youth gang involvement and the reduction of duration a youth is affiliated with a gang has proven to directly influence or reduce the level of violent gang crimes a community experienced. For those above reasons, the Lincoln Police Department supports LB174. I'd be happy to answer any questions you have.

**STINNER:** Questions? Senator Wishart.

**WISHART:** First of all, Jeff, thank you so much for being here today and for the work you do.

**JEFF SORENSEN:** Thank you.

**WISHART:** And my husband was LPD for five years and so I-- I remember talking to him about-- about this issue and about the work you're doing. Can you-- can you give us an idea what the age of kids you're seeing more really vulnerable to-- to entering that pipeline?

**JEFF SORENSEN:** Yes, ma'am. So initially with the program we-- we looked at 11 to 15,--

**WISHART:** Uh-huh.

**JEFF SORENSEN:** --which still stays or still remains our-- our main target area age. Unfortunately, we have also seen that age kind of decrease and our-- our outreach coordinator has-- has been in elementary schools over the past. [RECORDER MALFUNCTION] So we're with elementary probably getting down into the-- the 10-, 11-year-old range.

**WISHART:** And can you walk us through? I mean what does that look like on an individual level? How are these kids being pulled into these gangs? I mean, just from-- and I know it's different in different circumstances, but I mean, what does that look like?

**JEFF SORENSEN:** Yeah. So every individual is going to have their own unique set of circumstances that makes that gang attracted or attractive to them. A lot of it could be issues at home, lack of engagement with school, the poor grades, poor-- poor attendance. So we're now, again, we're now becoming engaged with the school. The individual safety issues have been a historical issue for-- or issue



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that we have to address as far as gangs or individuals looking to the gangs for protection. So a lot-- a whole host of other issues and, again, that aren't necessarily going to be a law enforcement or criminal issue, it becomes a community issue where we-- we all need to partner together.

**WISHART:** So if we were to-- if money wasn't an issue and we were to-- to truly give you an investment that you feel could actually-- I mean the work you do is fantastic but could actually reach all the kids that we need to reach in Lincoln, because I do worry that we're seeing an increase in-- in activity, what would that look like? What-- what would you need from us in terms of investment and-- and, you know, what would that look like, your pie in the sky?

**JEFF SORENSEN:** So we have-- we have one individual that's full-time doing it now.

**WISHART:** Yeah.

**JEFF SORENSEN:** And with the amount of students and schools that we have here in Lincoln, we would have to increase the individuals doing that by quite a bit in order to provide the actual time that they need to dedicate to those students in those schools. It's not just a yearly issue. You have different transitional periods in any youth's life. Some of those big ones are gonna be going from elementary school to middle school, and middle school to high school. We would need the resources to be able to help follow those students through those transitional periods to continue to provide or set them up with-- with those other resources.

**WISHART:** And, OK, and one last-- one last question. Can you kind of paint a picture for us of, I mean, when you're talking a kid as young as, you know, 10 years old being pulled into a gang, can you talk to us about when they arrive at 18, you know, just what their life has been like, so we have a better understanding of it's not just prevention versus money? It's also I mean the-- the terrible things that can happen to somebody when they're young and happen in their formative years. Can you give us a picture of what that looks like?

**JEFF SORENSEN:** Yeah. So from age 10 to 18 you could probably expect somebody to experience a lot of trauma in their life, whether that's emotionally or physically. That trauma is then going to have an impact. And I think there's probably going to be some-- some people that will speak more to that here today. But that-- that leads to the

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potential for some of that, that gang influence. We have seen here in Lincoln that or we've had groups that form up as neighborhood friends, school associations that form into a gang. And unfortunately, fortunately and unfortunately, that gang is no longer around because unfortunately those individuals have become so involved in such serious stuff that they have been incarcerated for a substantial amount of time, whereas if we were able to get to them maybe on the front end of that, like Senator Bolz said, maybe we are reducing some of those that we are continue-- putting into the criminal justice system.

**WISHART:** Yeah. Well, thank you again. Just hearing from just even the limited stories that I have heard, you know, kids being really forced, because of the gang structure, to do things that will haunt them for the rest of their lives, and so anything we can do to prevent that from happening is a huge win for the state. So thank you.

**JEFF SORENSEN:** I appreciate it. Thank you.

**STINNER:** Additional questions? Lincoln would not be some city I'd pick out to have gang problems. Do you have statistics or numbers on how many gangs you have and--

**JEFF SORENSEN:** Yes, sir. So we used a statistic, we probably have about 35 active local gangs, local. We probably have an additional 30 that are here in Lincoln that have originated from another city, another jurisdiction, but they have a substantial influence on not only our youth but the crimes that are being committed here in Lincoln. Currently we have approximately 1,250 gang members and associates that are-- that are active, not obviously all at once. It fluctuates from the level of activity. So we-- we do have a number of active gangs.

**STINNER:** OK. Thank you. Additional questions? Seeing none, thank you.

**JEFF SORENSEN:** Thank you very much for your time.

**STINNER:** Afternoon.

**CHARITY EVANS:** Good afternoon. Chairperson Stinner, members of the committee, again good afternoon. I'm Dr. Charity Evans, it's C-h-a-r-i-t-y E-v-a-n-s, trauma surgeon at the University of Nebraska Medical Center, Nebraska Medicine, and also director of Dusk to Dawn, a hospital-base-- based youth violence prevention program. While today

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I do not speak for the University of Nebraska Medical Center or Nebraska Medicine, I'm here today speaking as an individual in support of LB174. I would like to first share with you all a day in my world. It's a Wednesday afternoon. My pager goes off reporting a 20-year-old male is being transported with multiple gunshot wounds to the chest and abdomen. As I walk to the trauma bay, I think about all the things I've learned: securing an airway, giving blood products, incision needed to enter the chest or the abdomen. But as the patient is moved onto our gurney, his heart has already stopped. I quickly make an incision, opening his chest, and manually squeezed his heart while the trauma team transfuses many units of blood. Despite most valiant efforts, his heart will not restart. The injuries are too severe. I hold his heart and my hand as the time of death is called. Sometimes the devastation caused by violence is too much for even the best trained. The more difficult part begins as I tell his mother that her child is dead. He is no longer a patient or, to us, a guy with a gunshot wound. He is a son, a brother, and a father to a young child. And this event has forever changed our world. Violence affects all ages and races in the U.S. but has a disproportionate impact on young adults, as you've already heard, males and racial ethnic minorities. According to the Nebraska Crime Commission, Nebraska endured 44 homicides in 2017. The Centers for Disease Control estimate that for every homicide there are at least 40 documented nonfatal violent injuries. The nonfatal effects of injury include disability, decreased quality of life, and economic consequences for both the individual and society. In 2018 Douglas County endured 2,595 violent crimes. And while this number is highest in Omaha, this problem is not limited to Omaha. Lancaster County experienced 1,017 violent crimes, Sarpy County 107, Gage County 76, and Lincoln County 71. I've included these numbers for your review. Violence is not inevitable and much of it can be prevented through comprehensive public health approach that keeps families and our communities safe. The Office of Violence Prevention in the Nebraska Crime Commission strives to aid in the statewide reduction of violent crime. This is achieved by providing city and community-based organizations with support to carry out primary prevention. This includes identifying risk and protective factors that guard against violence; developing, implementing, and evaluating interventions to reduce risk factors; and institutionalizing evidence-based prevention strategies. LB174 proposes a much needed increase in the overall budget for the Office of Violence Prevention. Each year the Office of Violence Prevention provides grant funds to prevention programs which allows these programs to enter our communities and do the hard work of mitigating risk factors and

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promoting protective factors through community engagement, mental health resources, and case management. The research has shown that in a city of 100,000 each new nonprofit community organization leads to a 1.2 percent drop in homicide rate, a 1 percent reduction in the violent crime rate, and a .7 percent reduction in property crime rate. This is profound and can only be accomplished with support from the Office of Violence Prevention. A key component to reducing violence is the use of evidence-based programming. This requires surveillance to track violence and the collection and analysis of data to assess the impact of grant-funded interventions. The epidemiologists, physicians, and public health experts at the University of Nebraska are uniquely positioned to provide this service in collaboration with the local police departments, schools, and community-based organizations. The mission of a proposed collaborative Center for Violence Prevention and Intervention at the University of Nebraska is to provide that technical assistance to community-based partners, and this will include grant writing, data collection and analysis. The center will support evaluation of evidence-based practices allowing the University of Nebraska to report back to the state annually the types of violence prevention programs in Nebraska and the effect they are having on violence across the state. Recall again that 20-year-old who was shot multiple times and died in our trauma bay. His mother also asked me if she could see him one last time and the answer is, no, I'm sorry, you can't because there are strict rules surrounding a person who dies in a violent death and the police have to take him first. For me, this is probably the hardest thing that I have to do, and those parents' faces stay forever imprinted in my mind and are what fuel me to advocate for violence reduction. Violence is not inevitable. It should not be normalized. The cycle of violence in Nebraska can be interrupted by primary prevention. And providing additional grant dollars to centralize data collection and analysis allows these community-based programs to elevate their work, helping to keep Nebraskan families and communities safe. Among the most difficult priority questions that you will have to make this legislative session, I really thank you for making violence prevention one of them. Thank you for the opportunity to appear in front of you today.

**STINNER:** Thank you.

**CHARITY EVANS:** Absolutely.

**STINNER:** Questions? Seeing none, thank you. Good afternoon.

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**REGINA COSTELLO:** Good afternoon, Chair Stinner and members of Appropriations Committee. My name is Regina Costello, R-e-g-i-n-a C-o-s-t-e-l-l-o, and I am director of community support services for Boys Town South Omaha. I appear today in support of LB174. My role is to oversee the programs that Boys Town provides at sou-- at our south Omaha location. Our south Omaha office opened in 2014 so that Boys Town could integrate our staff and services into the community and forge a close partnership with Omaha Public Schools, and specifically South High School. Our goal is to provide life-changing care to families who are struggling with their children's behavior. In 2018 Boys Town South Omaha served 2-- 271 families and impacted a total 849 children. Many of the families we work with recognized their children needed help but were told they are unable to receive services unless their child had a law violation. The Office of Violence Prevention grant allows Boys Town to intervene at the earliest signs of family distress to provide parent education and family consulting before a law violation occurs. Our ultimate goal is to keep families together and keep children at home, in school, and out of trouble. The need is great in communities across Nebraska and Boys Town fully supports the efforts of the Office of Violence Prevention in funding effective programs to reduce the occurrence of violence. In particular, funding and research in programs that support families should be a focus of future violence prevention efforts. I would like to thank Senator Bolz for supporting this bill and the committee for consider-- considering LB174. I will be-- I will be glad to answer any questions you have.

**STINNER:** Thank you. Additional questions? Senator Dorn.

**DORN:** You have in here 271 families you served. Are they referred to you or how-- how do you--

**REGINA COSTELLO:** So one of our things that we do, we have a very close partnership with South High School. So a lot of the times families will go to South High School and they'll be like, you know, I don't know what to do with my son. And then they refer him to us. We're across the street so sometimes we're able to meet them at the school or the families are welcome to walk in to our office.

**STINNER:** Thank you. Additional questions? Senator Vargas.

**VARGAS:** Less of a question. I just want to thank you for coming. You and I have had experience working together and I've seen some of the

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examples of the programs Boys Town has done on violence prevention in South Omaha.

**REGINA COSTELLO:** Thank you.

**STINNER:** Thank you. Questions? Seeing none, thank you. Afternoon.

**RAQUEL SALINAS:** Good afternoon. Chairperson Stinner and members of this committee, good afternoon. I am Raquel Salinas, R-a-q-u-e-l S-a-l-i-n-a-s. I have a son. His name is Roberto Gonzalez. First of all, I would like to thank God for this committee, Dr. Charity Evans, and Dusk to Dawn for giving me the opportunity to be here today. I would like to take you to the most horrible day of my entire life. And I'm still hoping that it's a nightmare, that I need to wake up, but it's not. January 22, 2015, I got up, made a phone call to my sister in Christ, which I've been doing for more than a decade. I started my day in prayer to God. I dropped my daughter off at school and began to drive to work. With just a few customers, something caught my eye. As I looked up, I see on the television on the lobby breaking news, a reporter is live, reporting of a shooting that happened in south Omaha on 24th and P. My heart rate begins to race and my hands sweat hearing that a young man had been shot and was taken to the hospital in critical condition. As I put my head down, thinking of my son who lives nearby, a phone call comes into the office. Before my thoughts stop, right after I said in my mind, I hope this young man makes it alive, the voice of my manager wakes me up from my thoughts and yells, Raquel, phone call. As I get up and get on the phone, it into my hands, on the other line I hear my hysterical daughter calling and yelling, Mom, Mom, Mom. I dropped the phone and the phone rang again. It's my older daughter yelling on the line, telling me, Roberto has been shot. Roberto has been shot. My whole body goes numb and I try to talk but as tears fall down from my eyes I tried to comfort her as I gather my thoughts. She is very distraught. And I-- I ask, where is he at? I'm sorry.

**WISHART:** It's OK, take your time.

**RAQUEL SALINAS:** She begins to beg, please hurry, Mom, please hurry, Mom, they won't let us see him. As I explained to my boss that my son was shot, I assured them that I was all right to drive. I don't know how I made it. By God's grace, I did. I remember people honking at me as I prayed in my head, please, Lord, let him be OK, let him be OK. We can deal with the gunshot to the leg or even the arm. So as soon as I parked, I ran as fast as I could to the nurses' station and I

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explained to them that my son was Roberto Gonzalez, the young man that had been shot. They were-- I was there. They escorted me to the lobby, knowing I was just a few steps away from him. I made it to the waiting area and most of my family and friends were crying uncontrollably. I saw two detectives in and out, interrogating two of my son's friends, not paying much attention to them. The detectives went in and asked whose Roberto parents were. As I got up, my knees tried to give. With my husband help, I get up. They put us in a small room. All I remember was the detectives asking, please describe your son to us. As I remember in this difficult time, when they start asking about birthmarks and tattoos, I started getting so sick to my stomach I thought I was gonna throw up. As I excused myself to the bathroom, I fell on my knees and I said one more prayer to God. As I'm walking back, everything felt so numbed. I sat down and I spoke back, please, stop asking so many questions. All I really want is to see my son. Could you please help me with that? As one of the detectives held my hand, he says your son is no longer with us. I fell to my knees and I began to shout as loud as I could. With so much pain in my heart, I felt that my heart was breaking in a million pieces. I didn't have to tell anybody. Everybody knew that my son was gone. I was still in denial. I waited to hear news from the doctor, praying that the detectives identified the wrong person. As he walked in the waiting room, all eyes were on him. The doctor explained that my son didn't suffer and he went peacefully. I still denied it in my heart and I asked to see my son one last time, and of course the answer was no. I know I'm not the only one that has lost a son, but to me he was more precious than gold. Roberto is and always will be a piece of my heart. Roberto loved unconditionally and he had the most goofy laugh. He made many mistakes but no one on this earth should ever try to play God. With so much sorrow, I'm still trying to move forward in life. There isn't a second that I don't think about him. He's always the first and the last person in my mind. I'm here to tell you that I started to heal with the program Dusk to Dawn. The hospital-based youth violence prevention program at the University of Nebraska Medical Center together partners with the Omaha Police Department, Boys and Girls Club of the Midlands, and YouTurn. We use Roberto's life to reach other youth at risk for violence. Programs like Dusk to Dawn on are made possible through the grant. That's why LB174 it's so important. I've been asked to share my son's story so other mothers, fathers, brothers, or sisters don't have to go what we're going through. With your voice and recognition that we need to stand strong together for

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our country and community, we can make a difference in this world.  
Thank you for the opportunity for being here today.

**STINNER:** Thank you. And we're all sorry for your loss. Questions?

**RAQUEL SALINAS:** Thank you. I'm sorry. It just brings back memories.

\_\_\_\_\_ : It's OK.

**STINNER:** Questions? Thank you.

**FLOPATEER HABIB:** Good afternoon, Chairperson and members of the Appropriations Committee. My name is Flopateer Habib, F-l-o-p-a-t-e-e-r H-a-b-i-b. I'm a student at Waverly High School just outside of Lincoln. I'm here today in order to help represent some of the students and youth in Nebraska and in Waverly in voicing our support for LB174. As students growing up in a very unpredictable and hazardous time, we are taught that school is a place where hostile and violent behavior is likely to occur. Nothing at all guarantees that the horrible tragedies that we hear about in the headlines won't happen to us in the future. We are taught that our response to violence should be focused around defense tactics, as well as corrections. Gearing up and preparing for the worst is important, however, it is inherently clear to me that the key in solving violence lies in prevention. It's about time that we do more in order to stand up to violence in schools and in our youth communities. This bill is a common-sense, nonpartisan approach to solving violence in Nebraska communities. The Office of Violence Prevention is an asset that we cannot take for granted. Since its establishment it has helped offer youth employment opportunities in high-crime areas, as well as gun and gang violence reduction tactics in the communities in Nebraska that need it the most. It invests in result producing programs that are fundamental to our communities. The Office of Violence Prevention in Nebraska is doing its best with the resources it's given. But it's been about a decade too long since it's received an annual appropriations increase. Usually the OVP receives grant requests totaling over three times the amount they are able to provide. This bill is a smart investment that students know will increase safety in our schools and our communities. We should advocate for violence prevention rather than wait for a tragedy to occur in one of our schools. Thank you.

**STINNER:** Thank you. Questions? Seeing none, thank you.



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**FLOPATEER HABIB:** Thank you.

**STINNER:** Additional proponents. Good afternoon.

**CECELIA CREIGHTON:** Good afternoon. My name is Cecelia Creighton, C-e-c-e-l-i-a C-r-e-i-g-h-t-o-n, not affiliated with the university. I would just like to thank you, Senator Stinner, Steiner [PHONETICALLY]--

**STINNER:** Stinner.

**CECELIA CREIGHTON:** --Stinner, thank you, and other members of the Appropriations Committee. It really is exciting for me today to come and share with you YouTurn. YouTurn is a fairly new organization, but as we've heard from many today talking about the factors of violence and-- and what they do to our loved ones, and I send my condolences again to the mom that lost her-- her child there, but YouTurn was established in 2016. We're actually expanding upon the work that's been provided in the community 20-plus years ago, knowing from a former organization that became national recognition, the MAD DADS. These were some concerned African-American dads in the north Omaha community that in the late '90s were concerned when the drugs came into our cities and the gangs came into our cities, that they wanted to reclaim their sons back and their neighborhoods. And as a result of that with YouTurn coming on board, just expanding upon the services, what we have done is something very unique in trying to address violence, as we deem violence truly as a health condition. Looking at the many past experiences of our young people, experience with trauma, many of their continued norms as they would be from products of their environment. So again, YouTurn has adopted a model of care call through Cure Violence. A founder of that model of care for violence prevention was a Dr. Gary Slutkin out of Chicago research. He was an infectious disease doc that came up with this model to do research in seeing what was happening with the conditions of violence. I again like to give my support to LB174. I haven't had the opportunity to meet Senator Kate Bolz, but I thank her for her introduction of this legislation to expand upon dollars coming into the community, primarily to communities that are on the ground doing the work which our-- our team is doing. Just a little background here of some of the data: We have been recipients, through the Office of Violence Prevention for the last two years, and recipients of our total annual budget now of \$1 million, \$1.1 million, of \$22,594 from the Office of Violence Prevention of the work that we're doing in the community. Our premise is again, as I shared with you, that violence is contagious

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and we employ a public health approach to fight this disease of violence. The hallmark of our program is that we have violence interrupt-- interrupters who actively work to mediate conflicts and prevent retaliatory violence between those who are at the highest risk to commit and become the victims of gun violence. Street outreach workers that we have on board with us are deemed as critical messengers in that they were former members themselves of the street groups, allowing them to speak to those individuals with credibility and understanding. Our YouTurn staff were not only doing the street outreach work. Where-- we go where the need is. We have currently memorandums of understanding with the Omaha Police Department, with the Omaha public school systems, and with Nebraska Medicine, and with CHI Health, as we, our team, is deployed when calls come to us from the gang unit from OPD when shooting incidents occur within our target area. And again partnering with others through Project Harmon-- Harmony, PromiseShip, some of these groups are groups that have foster parents that have those children that have been involved with gangs and different type of juvenile justice, through the juvenile justice system. And so again, these dollars would be very helpful for us to expand upon our program. We have a-- a-- a-- a few and mighty team of 2.5 FTE in our school outreach program, and 4 FTE members for our street outreach. We do street canvassing in the neighborhoods again that have the highest risk for shootings and incidents. And we are truly data driven with what we do. We use a system called Civicore that we track all of our activity with those individuals. Even though we work with Nebraska office of youth probation, our program is primarily voluntary. We want those individuals to come to us willingly for some lifestyle changes. And so what we intend to do, those strategies of prevention and intervention, we're trying to reach those individuals for a mind-set change. We're trying to get to the root cause of what's happening with these continuing violent behaviors that are being distributed. And so once again, the dollars would be very helpful. Again, we're just a few, small mighty team, trying to reach out in primarily the north Omaha community, about 50,000-plus population there. But as you can see, there's a very few amount of folk that can do the work. So this would really help us, depending on, not for sure of the allocation of the funds that will come to the community-based organizations, but I am truly hopeful that we look at some methodology to bring those dollars based on the number of participants that we serve. I am always driven to-- to look at base grant level fundings that will help us on a continuous base-- basis. Currently our funding to us is [INAUDIBLE]--

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**STINNER:** Ms. Creighton, the red light is on. If you could conclude, that would be great.

**CECELIA CREIGHTON:** Thank you.

**STINNER:** Go ahead, finish your sentence and thought.

**CECELIA CREIGHTON:** Oh, OK. Yeah, and so those dollars coming to us primarily from our local foundations now in to us, so.

**STINNER:** Thank you. Questions? Seeing none, thank you. Are there any additional proponents? Any opponents? Seeing none, anybody in the neutral capacity? Seeing none, Senator Bolz.

**BOLZ:** I'll be brief. Senator Erdman, I'm not sure you fully got the answer to your question. Dr. Evans, who testified as the coauthor of the summary sheet that was passed out, the only thing that I'll point out regarding concept paper is that the request through the appropriations process is a portion of the overall cost. The University of Nebraska Medical Center does expect philanthropic donation support and grant support. The only other thing I wanted to share is that the annual appropriation to the Department of Correctional Services is \$215 million, to Probation is \$125 million, Parole is \$7.5 million, and the Crime Commission is \$12.13 million, for a total of \$359 million. This bill represents .004 percent of that investment. So with that, I appreciate your consideration.

**STINNER:** I do have two questions. One of them: Have you compared the amount of money that we as a state contribute to this type of program versus other states?

**BOLZ:** It's-- that's a great question. I know that there are other offices similar to ours. I'll find that information for you.

**STINNER:** OK. If you could do that. Also, there's a cash fund call Violence Prevention Cash Fund and it was really set up, I think, to capture donations, bequests, and other contributions. So it has 80-- \$81,000. It's-- somebody needs to pursue some contributions and bequests and the like of that. So I just wanted to put that on the record.

**BOLZ:** Perhaps that's an opportunity for UNM-- UNMC to leverage some matching funds.

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**STINNER:** OK.

**BOLZ:** Thank you.

**STINNER:** Any additional questions?

**BOLZ:** Appreciate it.

**STINNER:** Seeing none, we do have letters of support from Jennifer Brinkman, Lancaster County Board of Commissioners; Nick, I'm gonna say, Juliano, Children and Family Coalition of Nebraska; Cecelia Creighton, YouTurn; Ernest White, YouTurn; Cliff Robertson, CHI Health; Ali Khan; and Jeff Bliemeister, Chief of Police, Lincoln Police Department. And on that, we now conclude the hearing on the LB174. We will open the hearing on LB446, Senator McDonnell.

**McDONNELL:** Good afternoon, Chairman Stinner and members of the committee. My name is--

**STINNER:** Mike, could you just hold off.

**McDONNELL:** OK.

**STINNER:** We'll try to get people in and out. Otherwise, it will interfere with-- go ahead.

**McDONNELL:** My name is Mike McDonnell, M-c-D-o-n-n-e-l-l, and I represent Legislative District 5, south Omaha. LB446 proposes to assist in funding the county jail reinvestment fund, which was established pursuant to LB605 in 2015. As many members of this committee may recall, LB605 was a comprehensive criminal justice reinvestment bill passed with the assistance of the Council of State Governments, CSG. The goal of LB605 was to alleviate state prison overcrowding without compromising public safety or increasing the amount of inmates in our county jails. Throughout the legislative process our friends in county government warned us that LB605 would actually spike our county jail populations. Those relevant provisions included custodial sanctions for violating parole and changes to sentencing guidelines. In response to the county concerns, the Legislature adopted AM1530 to establish the County Justice Reinvestment Grant Program in the event of a spike in county jail populations. Based on the floor transcript, it is clear the Legislature did not believe our Nebraska counties. The bill's sponsor and supporters were adamant that the county jails would not see an increase. Unfortunately, the counties were right. Douglas County alone

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has seen a jail population increase in their average daily population from 1,044 in 2015 to 1,274 in 2018. As the graph I handed out indicates, Douglas County worked extremely hard through a variety of strategic plans over the years to reduce the county average daily population. What's disturbing about the graph is the virtual spike in population after 2015. LB446 would provide counties with an appropriation of \$1 million to the County Justice Reinvestment Grant Program to alleviate county jail populations with a focus on mental health. This would serve as a critical resource for our counties to help alleviate their overcrowded system. As a member of this committee, I fully understand the current state of our budget and the difficult decisions we are facing throughout the days ahead. Having said that, I don't view this appropriation request as a handout to the counties. There is an absolute incentive here for the Nebraska-- state of Nebraska, given our current prison population problem, to start diverting many of these cases into the community corrections program, our behavioral health program, thereby ending the cycle of these citizens in our criminal justice system. I believe LB446 would require the counties to invest in those systems and eliminate some of their county jail overcrowding, which unfortunately I think the Nebraska Legislature is part-- partly to blame. I believe an investment in these programs will help the state as a whole and it will divert new inmates to our state population, thereby allowing our county jails to get a reprieve from the unintended spike. There's four subject matter experts that will be testifying behind me to talk about some of the issues that have occurred since we passed LB605 and some of the things they have worked on to try to alleviate the overcrowding in county jails.

**STINNER:** Thank you. Questions? Senator Wishart.

**WISHART:** Senator, thank you so much for bringing this bill. I'm going to just throw this question out here. I-- I acknowledge it's probably going to be answered by somebody else, but I wanted to throw it out now to see. I mean maybe there isn't somebody here who can answer this and it's something we address later, but, you know, in the years I've worked here in the Legislature something that's always occurred to me is that I don't think we utilize work release opportunities enough. It doesn't make sense to me that when somebody is going through the criminal justice system, if they are deemed minimum enough security, that they wouldn't get up, like everybody else does, and go to work and pay for part of their stay and pay their taxes and pay for their healthcare and their child support and actually work on integrating

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themselves back into the community through a work release experience. In the past we have talked to the Department of Corrections and we thought we'd have more of a positive conversation, since Director Frakes comes from a state where they utilized more dispersed work release opportunities, had talked with them about actually working with the county jails to see if there was a way, if there were openings that-- that we could do with some of the more minimum security people within our corrections system, a work release experience so that actually they would be paying into the county jails for their stay. Is this something that you've talked about at all with this bill and with some of the discussions with the counties?

**McDONNELL:** And my answer doesn't have very much to do with LB446, but I'd like to. This weekend there was a police officer that has worked on some of these, these bills with me and their concerns, but their assignment was there was a stabbing the night before and they were looking for the person that was the suspect of the stabbing. And they thought possibly they were laying low in some of the hotels and so part of his job on Saturday was to go to those hotels. And he was amazed at how many of the hotels that were vacant. And he called me to discuss-- and, by the way, I believe they caught the person. But he called me to discuss the idea of what you're bringing up. Is there a way for the state, in a partnership with the county, to look at some of these hotels that are sitting vacant to use them as possibly a reentry path but for someone that's going to go to work every day--

**WISHART:** Yes.

**McDONNELL:** --and report back to that hotel, you know, basically taking some of the pressure off the county jails and the state. So--

**WISHART:** OK.

**McDONNELL:** --just it's interesting you bring that up, because that was a discussion I had had this-- this weekend.

**WISHART:** Because the difference is \$36,000 per person versus \$11,000 at most for-- to house somebody in a work release situation, because they're paying part of their stay. So anyway, well, thank you for bringing this bill and, yeah, thank you.

**STINNER:** Additional questions? Senator Erdman.

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**ERDMAN:** Thank you, Chairman Stinner. Senator McDonnell, have you-- have they looked at other counties besides Douglas, any others?

**McDONNELL:** The only data I have is on-- on Douglas. I know there's a part of the fiscal note with Lancaster saying that they would go from, I believe, \$75,000. It would double pretty much what they've been able to collect before with this bill. But I do not have it broke down by all counties but I'll get that for you.

**ERDMAN:** OK.

**STINNER:** Well, I'm-- I'm just sitting here because we've have allocated in the Legislature and are going to continue I think 250 a year. And I've spent time in Scotts Bluff enough and I've talked to them about this grant program, but apparently nobody else in the state knows about it because we still have money left in the grant program. Douglas-- Douglas County applied and received a \$105,000 grant, and this is 2017, and \$43,000 to Sarpy. Obviously, we have allocated \$494,000, \$500,000 to this program '18, '19, '20, '21. So I need to find out from somebody to do some research why this grant money is not going out. Is it not being requested? Do we not have a problem other places? Should we allocate it all to Douglas and Sarpy?

**McDONNELL:** And possibly the programming with the--

**STINNER:** I don't-- I don't have an answer for this. I'm just noting what has happened and the fact is we do have more money in the program but it-- and it is available, but it's not being used, so. And LB605, I think your observations, your chart is-- is correct. We were told LB605 would have nominal increase in-- in terms of county jails. I think it's putting more pressure on counties than what we had anticipated. So I-- I think you're probably right on. But the reality of the situation is perplexing and I just need to have some answers, if that's OK. I just wanted to put that on the record, so. Additional questions? Seeing none, thank you.

**KIM ETHERTON:** Good afternoon.

**STINNER:** Good afternoon.

**KIM ETHERTON:** Good afternoon, Senator Stinner and members of the Appropriations Committee. My name is Kim Etherton, K-i-m E-t-h-e-r-t-o-n. I am a licensed mental health practitioner and director of Lancaster County Community Corrections. My agency works

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closely with all the intercepts of the local criminal justice system here in Lincoln and Lancaster County by administering programs that provides alternatives to incarceration. I would like to thank Senator McDonnell for introducing LB446. In 2017, when the County Justice Reinvestment Grant Program was initiated, my department partnered with the Lancaster County Department of Corrections and applied for grant funding to implement a program which targets sentenced young adults between the ages of 18 and 25 who've been diagnosed with a mental health and a substance use disorder. The program offers supervision under house arrest while providing wraparound services to address behavioral health needs, housing, education, and employment. The reinvestment funding made it possible to design a program that provides the kind of support and structure that is conducive to long-term success. These grant funding opportunities align with the national Stepping Up Initiative that has a goal of reducing the number of mentally ill in our jails and prisons across the United States. Your continued support of this grant program will encourage jurisdictions across the state to design evidence-based programming to address the behavioral health problems that keep individuals cycling through the criminal justice system. It will also permit expansion of Lancaster County's young adult sentence conversion program to target additional populations, specifically the growing female populations that we see in our jail. I'd be happy to answer any questions.

**STINNER:** Thank you. Questions? Senator Wishart.

**WISHART:** Thank you so much for being here, Kim. I-- I served on the LB296 Task Force for Mental Health and when we were touring some of the mental health facilities in the state, one thing we noticed, and I'm just interested if this is-- if you're aware of this, is that the insurance providers, the managed care providers for this specific population of people with schizophrenia and bipolar, would-- would often-- would some-- more than-- it was concerning how much it happened where they would stop paying for a certain type of medication that that person was on that had allowed them to stabilize, and then that person would become violent and kind of spiral. Have you seen this happen?

**KIM ETHERTON:** Well-- well, yes. My agency does a lot of work with mental health diversion programming. And anytime there's an interruption in medication or services or programming that's keeping them stable, it's concerning. And it does happen. We-- we have another issue that we struggle with and Lancaster County is making sure we



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have enough medication management services for that population because a-- a number of them don't have insurance to cover the cost of that. So it happens. It happens a lot. Sometimes they have a formulary that they have to use when they're, you know, deciding what they're going to reimburse for and what they're not. So it-- it is unfortunate and it does happen and it's avoidable.

**WISHART:** I'd imagine the costs, when the-- the costs would outweigh the savings in terms of somebody going down spiraling, who is otherwise stable and--

**KIM EHERTON:** Absolutely.

**WISHART:** --managing to live somewhat independently.

**KIM EHERTON:** Absolutely. I mean when you look at the cost of-- of the sys-- of this entire system intervention, you start with law enforcement contact and then crisis stabilization, if that's available, or if it's some kind of a criminal offense taking place because of the behavior then you're lodging someone in jail and then there's the court costs that are associated with-- with the case and attorneys. The County Attorney's Office, Public Defender's Office, all of those agencies are involved. And if we would have just had that, that medication available or the service available for them to access, most-- much of that could have been avoided.

**WISHART:** OK. Thank you.

**STINNER:** Additional questions? Senator Dorn.

**DORN:** Thank you. Chairman Stinner. Kim, thank you for being here.

**KIM EHERTON:** Sure.

**DORN:** Any idea how much Lancaster County is receiving from this grant?

**KIM EHERTON:** Our grant received \$74,000. We actually did submit a grant for more than that, but we were given a percentage of the funding that was available. So we applied for more. We have \$74,000.

**DORN:** I guess that leads into my second question. You received a percentage and we have, you said we had funds left at the end. I--

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**STINNER:** That's the puzzling thing. I don't-- I don't have answers for that.

**DORN:** It doesn't add, yeah, it doesn't add up to me either. If-- and I don't-- I don't know how they allocated it or what the-- the qualifications were or--

**STINNER:** My understanding was there was no limitation on Douglas County taking it all the money, if that was the application.

**KIM ETHERTON:** Well, Lancaster County would have taken all of it.  
[LAUGHTER]

**STINNER:** I-- all I can do is report the facts and say it's puzzling to me. So maybe they were anticipating some-- some grants? I-- I have no idea.

**KIM ETHERTON:** I think-- I think our-- the amount that we were granted was based on a percentage that they had from some data that they'd collected. I can't speak intelligently about how they did that.

**DORN:** But I mean you-- you-- you didn't have to come back and give a report that you had done this and this and this, and then that was the amount you-- I mean this was a grant that was granted--

**KIM ETHERTON:** It's a grant appli--

**DORN:** --more on the front end then.

**KIM ETHERTON:** Right. Absolutely. Yeah.

**STINNER:** Additional questions? Seeing none, thank you.

**KIM ETHERTON:** Thanks.

**STINNER:** Good afternoon.

**VICKI MACA:** Good afternoon. Good afternoon, Chairman Stinner and members of the Appropriations Committee. My name is Vicki Maca, V-i-c-k-i M-a-c-a. I'm a licensed clinical social worker and the director of Criminal Justice and Behavioral Health Initiatives with Region 6 Behavioral Healthcare. And I'm here to testify in support of LB446. The Region 6 geographical area includes Cass, Dodge, Douglas, Sarpy, and Washington Counties. My work is focused on working with the counties to implement Stepping Up, which is a national initiative

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designed to assist counties with reducing the number of people in jail that have a mental illness. The Stepping Up Initiative was developed in 2015 and is led by the National Association of Counties, the Council of State Governments Justice Center, and the American Psychiatric Association Foundation. LB446 would appropriate \$1 million to the County Justice Reinvestment Grant Program within the Nebraska Crime Commission in order to alleviate jail populations through programs and services. In the Douglas County Jail, approximately 60 percent of the inmates have been diagnosed with a mental illness, and of those approximately 30 percent have been diagnosed with a serious mental illness. The percentage of people diagnosed with mental illnesses is very similar for individuals incarcerated in Sarpy County. The timing for this appropriation could not be better. On April 17 Nebraska NACo and Janssen Pharmaceuticals will be sponsoring the first annual Nebraska Stepping Up Summit. This summit will provide judges, elected state and county officials, law enforcement, and other key stakeholders with an overview of the resources available to counties and a description of the innovative and data-driven strategies that other communities have found to be effective with reducing their jail populations. Many of these strategies pay special attention to individuals with a mental illness who have been charged with a low-level, nonviolent misdemeanor offense. The research shows that detaining low-risk defendants, regardless of their mental health status, even just for a few days, is strongly correlated with higher rates of new criminal activity, both during the pretrial period and years after case disposition. In the Region 6 area regular discussions are occurring with professionals from the criminal justice and behavioral health systems. These meetings are focused on developing strategies to accomplish the Stepping Up four key measures, which are reducing the number of people with a mental illness booked into jail, shorten their lengths of stay, increase their connections to treatment after they leave jail, and lower rates of recidivism. Some of the strategies or services that we have identified include expanding Mobile Crisis Response models, which provide law enforcement access to trained mental health clinicians 24/7, trained triage clinicians located at the jail to screen individuals before they are even booked into jail, and to develop a crisis stabilization center which would provide law enforcement with alternatives to jail and hospital emergency departments and provide those in crisis with immediate assistance. These types of services have proven to be effective and would have a significant impact on reducing jail populations, especially for those with a mental illness. The funding associated with LB446 is critically important and will provide counties with the

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opportunity to accurately identify individuals with a mental illness, divert them from the criminal justice system, and put them on a path of recovery. And I'm happy to answer any questions that you may have.

**STINNER:** Thank you. Questions? Senator Erdman.

**ERDMAN:** Thank-- thank you, Senator Stinner. Thank you for coming. You made a comment that 60 percent of those inmates have mental illness and then 30 percent of those have serious mental illness.

**VICKI MACA:** Right.

**ERDMAN:** Are the 30 percent included in the 60?

**VICKI MACA:** Yes, they are.

**ERDMAN:** OK. Thank you.

**STINNER:** Tell-- tell me what this Step Up-- is this a-- a federal initiative and is the federal government helping you or is this-- ?

**VICKI MACA:** No. It's a national initiative. It's a framework,--

**STINNER:** OK.

**VICKI MACA:** --sponsored by NACo and the other two organizations that I-- that I mentioned. There isn't necessarily funding that goes along with Stepping Up to counties but an enormous amount of resources, technical assistance, webinars. They do pay for some travel to conferences where you're-- I was just in D.C. over the weekend learning about strategies that counties have-- have implemented that have really reduced their jail population. So it's a-- it's a framework, kind of a recipe book for counties to use.

**STINNER:** So would a county then incur additional costs to comply with this or is this something that they can just repurpose the resources that they have?

**VICKI MACA:** Well, you would need funds to implement some of the strategies for sure.

**STINNER:** OK.

**VICKI MACA:** Uh-huh. There's-- there's no doubt you would need some dollars.

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**STINNER:** I'd like to see what a typical county incurs in terms of additional cost, if that's all right.

**VICKI MACA:** Yes, and-- and it would really depend on what the county chose to do.

**STINNER:** Right.

**VICKI MACA:** Uh-huh.

**STINNER:** Well, any additional questions? Seeing none, thank you.

**VICKI MACA:** You're welcome. Thank you.

**DEB SCHORR:** Good afternoon. Chairperson Stinner and members of the Appro-- Appropriations Committee, my name is Deb Schorr, D-e-b S-c-h-o-r-r. I'm a member of the Lancaster County Board of Commissioners and I'm here to testify on behalf of the Lancaster County Board in favor of LB446. You've heard the testimony of Kim Etherton, Lancaster County's director of Community Corrections. She described how we have effectively utilized funding from the County Justice Reinvestment Grant Program to reduce the county jail's population by focusing on behavioral health needs of our inmates. I would like to add the following points. The number of persons in our jail who suffer from mental illness is a serious problem. In 2018 the Lancaster County Corrections Department received 42 court orders to place individuals at the Lincoln Regional Center. Additionally, since May of 2018, 1,891 individuals have generated 2,482 referrals to the Corrections Department team of mental health professionals. Increased funding for the County Justice Reinvestment Grant Program would help us create and expand programs designed to keep those with mental health issues out of the justice system. As you may be aware, correctional facilities are the largest provider of behavioral health services in the country. Stepping Up is an initiative of the National Association of County Officials, NACo, which is easily confused with the Nebraska Association of County Officials, NACO, is intended to reduce the number of people with mental illness in our jails and prisons across the United States. Lancaster County is a strong supporter of this initiative and, as mentioned earlier by Vicki, on April 27 [SIC] we'll be partnering with the Nebraska Association of County Officials to host the first wide Stepping Up Summit here in Lincoln. County officials, law enforcement, jail administrators, county attorneys, public offenders, Probation Administration, behavioral health providers, along with judicial, executive, and

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legislative branch representatives will gather to hear from national experts on this issue and share best practice programs. By working together we hope to find effective solutions for reducing the number of people suffering with mental illness in our jails, and the passage of LB446 can provide funding to help make these solutions a reality. And if I could address one of your questions earlier,--

**STINNER:** Yes, please.

**DEB SCHORR:** --Senator Stinner, we hope, in bringing counties from across the state here to Lincoln to share best practices and to interact with each other, to learn what programs work best in their jurisdictions, then they could then access funds from this grant program to institute those new programs.

**STINNER:** OK. Very good.

**DEB SCHORR:** So that is certainly the intention of Lancaster County and Nebraska NACo sponsoring this Stepping Up Summit.

**STINNER:** Thank you. Any questions? Senator Dorn.

**DORN:** Oh, thank you, Chairman Stinner. Thank you, Deb, for coming. I-- mine isn't so much a question, I guess, as a comment. And I don't know who-- who is the ultimate determiner or the allocator of these funds in the state. But maybe you could have that person attend the conference, too, so that next year could be-- have a better opportunity to allocate all of them.

**DEB SCHORR:** Well, and I know that NACo will address this later, but anecdotally part of the difficulty is the data collection required to submit your grant application. That's one of the things that we hope to pre-- present as information on that. And you can count on it. We'll make sure.

**DORN:** OK.

**STINNER:** Well, we're going to have the Crime Commission in today, so it'd be time to ask. Senator Bolz.

**BOLZ:** Commissioner Schorr, can you connect the dots for me, if there are dots to connect, between these funds and the potential of keeping more county safe keepers out of the Department of Correctional Services Diagnostic and Evaluation Center? If there's a possibility to

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use these funds to house those safe keepers in the jails and relieve some pressure on D&E, that certainly persuades me.

**DEB SCHORR:** I don't feel that I'm prepared to connect those dots for you at this time, but I certainly will follow-up with you tomorrow.

**BOLZ:** OK. That-- that would be great. If additional capacity at the county jail prevents someone from having to be transferred into state custody, I think that's a very persuasive argument for additional dollars.

**DEB SCHORR:** OK. I understand.

**STINNER:** Additional questions? Senator Erdman.

**ERDMAN:** Thank you, Senator Stinner. Thank you, Commissioner, for coming. At some point in time we need to find somebody that's interested in reducing jail reimbursement. We, years ago as a state, provided jail reimbursement. And shortly after I became a county commissioner, that went away. And I'm sure you're quite aware your county doesn't get anything, neither does ours or any other counties. I asked our county attorney, shortly after I took over, have we ever had a person sit in our jail who broken county law. And he said, not that I know of. Every law they've broken is a state law. But we pay for that and at some point time we have to understand what these mandates are doing to the counties. So we may find a senator, maybe, that's interested in helping with some of that.

**DEB SCHORR:** Well, and I certainly agree with you. And when you look at jail populations and the winning-- many ways to reduce those numbers, it takes a very-- the approach can be down many different paths. And so it's working with the state. It's working with behavioral health providers. It's working with different demographic groups to see what we can do to reduce those numbers to reduce that drain on, you know, municipalities and on counties and on the state.

**ERDMAN:** Thank you.

**STINNER:** One of our big limitations is going to be mental health professionals or the lack of mental health professionals in rural Nebraska. We continue to run up against that work force problem. So with that, is there any additional questions?

**DEB SCHORR:** And we--

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**STINNER:** Seeing none,--

**DEB SCHORR:** --we'll be addressing that as well at the Stepping Up Initiative, talking about telehealth and the ways that technology can assist in that.

**STINNER:** Very good. Thank you.

**ELAINE MENZEL:** Chairman Stinner and members of the Appropriations Committee, for the record, my name is Elaine Menzel, E-l-a-i-n-e M-e-n-z-e-l, here on behalf of the Nebraska Association of County Officials, NACO. I, first of all, want to express a great deal of appreciation to Senator McDonnell for introducing this legislation on behalf of counties, but also previously to the Appropriations Committee for recognizing, in conjunction with LB605, that we would potentially have some concerns related to the jail populations increasing. It is our hope that you will be able to find in the budget, which certainly we recognize the issues that you'll be facing as you sift through the priorities and-- and various requests of the committee in these upcoming weeks, but hopefully you'll-- you're able to support this legislation as moved forward. My-- a lot of my testimony was going to be repetitive certainly of the prior testifiers and that's not my goal to repeat what that testimony was. But hopefully I could potentially address some of the questions which I've heard at this point and, if not, certainly please feel free to ask me at the end of my discussion. Senator Stinner, I believe you had asked why are counties not applying for this. As Commissioner Schorr indicated, I don't have a specific answer but I have heard along the way that the requirements within the regulations and those types of things and the data that-- which the regulations are certainly based upon the statute that governs this pot of money, but it's that they're complicated in-- in terms of, you know, how do you show that the population has increased as a result of LB605. Another inquiry was why are we at this point only, based upon a report from the Crime Commission in 2017, I believe, seeing that three or four counties that, I believe it was Dakota, possibly Sarpy, Douglas, and Lancaster, I'm not positive on that, but why are we only seeing those. Again, it's not based upon a competitive grant. Rather, it's formula-based in terms of the populations of the jail governs how much they would be eligible for requesting. I'm drawing a blank on the other questions. Senator Erdman, we'd certainly be glad to work with you if you were willing to introduce legislation of the-- of what you are interested



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in. Certainly, I'll open myself up to any other questions you may have.

**STINNER:** OK. Senator Wishart.

**WISHART:** Do we have statewide, but at the county level, mental health courts in the state?

**ELAINE MENZEL:** No, we currently do not.

**WISHART:** Would, you know, would it make more sense strategically, and maybe we do both, but would it make more sense to do a pretty significant investment in mental health court-- courts, maybe at the expense of-- of doing-- of not doing this?

**ELAINE MENZEL:** I certainly don't have the answer to that. I will put a plug in for the Stepping Up Summit that Commissioner Schorr referred to. One of the keynote speakers, I had heard information about his program that he has in Miami. And what it is, is a mental health diversion type program--

**WISHART:** Yeah.

**ELAINE MENZEL:** --through his court. And because of that, they've been able to close some of the state-funded facilities for corrections, and so the ripple effect or, you know, the front-- investment on the front end versus the deep end portion, so.

**WISHART:** Yeah, I just wonder if we're even thinking like strategically enough with these dollars and also sort of visionary enough for actually how we could relieve the burden on counties in a way that, you know, sometimes grant programs, it's just never enough. And the administrative overhead to actually apply and then follow through on everything means that those dollars are not dollars that are spent directly on-- on services. And as we're seeing, this has not really-- this hasn't worked in terms of relieving the issue for counties.

**ELAINE MENZEL:** Well, and I must say that we would be very willing to be a participant in--

**WISHART:** Yeah.

**ELAINE MENZEL:** --any type of dialogue associated with that.

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**WISHART:** Yeah.

**ELAINE MENZEL:** --as would certainly the communities and counties that have been forward at this time I would suspect.

**WISHART:** OK. Thank you.

**STINNER:** Additional questions? Senator Dorn.

**DORN:** Again, it gets back to some of my others I guess. Maybe you-- so this grant then, it was on based on the total population around the state and then--

**ELAINE MENZEL:** I believe it's the jail population and then--

**DORN:** For all--

**ELAINE MENZEL:** --and then--

**DORN:** --the counties, I mean?

**ELAINE MENZEL:** --per capita. Yeah. I mean,--

**DORN:** Oh, per capita. OK. So it's-- yeah, it's--

**ELAINE MENZEL:** --it-- it's per capita for the county.

**DORN:** Well, it's back to a question I had earlier then. We could possibly use up all the grant?

**WISHART:** Yes.

**ELAINE MENZEL:** I-- OK.

**DORN:** Do you know what I mean?

**ELAINE MENZEL:** I-- not-- not-- not one county. Rather, it's based upon--

**DORN:** [INAUDIBLE] but a series of counties,--

**ELAINE MENZEL:** Yes.

**DORN:** --because there are certain counties in the states that don't have, I call it, the resources to apply for this type of grant.

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**ELAINE MENZEL:** Yeah.

**DORN:** They wouldn't have-- I mean Lancaster, Sarpy, and all them do. So and my question was if, well, I don't know what the total number of all the county inmates are but then are we leaving a segment of it over here that-- never gonna be used? I don't-- I don't know those questions. I'm just asking those questions--

**ELAINE MENZEL:** If I recall correctly, and certainly this is-- I've not got the information in front of me in terms of the rules and regulations that apply to both of the brands that I'm going to compare, but I believe that it's similar to the community-based aid funding portion. And what happens with the way that the community-based aid, and you don't have the comparable enhancement-based component for the community based juvenile justice aid as you do the county-- I forget the name of this one, this one that we're talking about for the jails. You don't have that enhancement-based and so, therefore, you have-- you have a pot of money that could be remaining.

**DORN:** That was my question. I mean is it designed so that we'll never? I don't know. And that's just something we'll--

**STINNER:** Well, and excuse me. If I'm wrong on this you can correct me. But I was under the understanding that LB605 set a base. When we passed LB605 the jail population was X.

**ELAINE MENZEL:** Up 500,000, if I remember.

**STINNER:** OK.

**ELAINE MENZEL:** Or it-- or-- OK.

**STINNER:** So that set a base. Anything increases in that base was a qualification to get funding. And based on the total that they continue to keep, yeah, you could do a pro rata. But one place-- Douglas County, Lancaster County-- could get all of the money.

**ELAINE MENZEL:** OK. I-- and I just-- I just vary--

**STINNER:** And that-- that I need to get. I-- I've got to, well, we'll have an opportunity to get that.

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**ELAINE MENZEL:** And I'll gladly send you the regulations if you would like me to do so.

**STINNER:** Yeah. Well, I-- I'm somewhat familiar with it and I thought I had it committed to memory.

**ELAINE MENZEL:** And-- and I admit I was just quick-like looking on my--

**STINNER:** Yeah.

**ELAINE MENZEL:** --phone, so I very well could be remembering incorrectly, so.

**STINNER:** Well, now-- and what the reg says versus, and I actually worked through some of the numbers so that--

**ELAINE MENZEL:** Sure.

**STINNER:** --that the idea was, OK, we have this population at the county level. LB605 comes in. And here's where the population is going to be and that's what we need to put away. And I think that the LB605 people actually did the calculation for us, saying that it's going to be kind of immaterial but we're gonna give you-- put \$500,000 away and it'll be more than adequate to cover it. That was-- that was my understanding. I was involved in the conversation--

**ELAINE MENZEL:** Sure.

**STINNER:** --and the calculation. So I-- I think that's right.

**ELAINE MENZEL:** Well, I apologize for misspeaking if I have done so.

**STINNER:** Well, no. I've got-- I'm just trying to clarify the fact that there was a baseline that was set and it's the increase or the incremental increase in-- in jail population that makes you qualify for those dollars. Then, of course, you have to go through the application process. And if there's several applications then they'll do a pro rata based on that, but.

**ELAINE MENZEL:** And maybe that's where I'm getting the pro rata part in terms of it. So I apologize.

**STINNER:** Oh, no, I'm apologetic, too, because of my understanding and what has truly happened, you know,--

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**ELAINE MENZEL:** I-- I do think there is a--

**STINNER:** --doesn't make much sense.

**ELAINE MENZEL:** I do know--

**STINNER:** But I agree with you that every time we do a grant application, they're too, too complex.

**ELAINE MENZEL:** And I do know there's a report out there that indicated that they-- they believe that it potentially shows the jail population is increasing. With that said, that was only three applicants. Therefore, it's not a fair basis, really, of--

**STINNER:** Yeah.

**ELAINE MENZEL:** --representative amount, so.

**STINNER:** Well, we-- we need, all of us, need to re-- rethink and see how this is working and why it isn't going, the dollars that we thought needed to go out. They need to go out.

**ELAINE MENZEL:** Well, we're always receptive to receiving the appropriate amount, certainly, to full-- more fairly or fully fund.

**STINNER:** Yeah. Well, more is always better, so.

**ELAINE MENZEL:** Well, yeah, we have enough things it would easily be spent on and efficiently and effectively, I believe.

**STINNER:** I-- I will say this, that the stumbling block very well could be the fact that the counties don't have the res-- the personnel and the resources there in order to support the-- the application, so.

**ELAINE MENZEL:** The-- the documentation I know.

**STINNER:** Yeah.

**ELAINE MENZEL:** I believe that's why.

**STINNER:** I mean we don't have mental health people.

**ELAINE MENZEL:** Yeah. And-- and I, I mean like I said, my basis for making that statement is primarily anecdotal but I've heard that from more than one or two sources, so.

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**STINNER:** Yeah. OK.

**ELAINE MENZEL:** Thank you.

**STINNER:** Thank-- thank you for your information and input. Afternoon.

**DON KELLY:** Good afternoon, Chairman Stinner and members of the Appropriations Committee. My name is Don Kelly, D-o-n K-e-l-l-y. I'm the chairman of the Sarpy County Board of Commissioners. Sarpy County appears before you today in support of LB446, and we want to thank Senator McDonnell for introducing this bill and continuing the conversation regarding the impact of criminal justice reform efforts at the state level on county budgets at the local level. Criminal justice reform is a noble goal, particularly in a state like Nebraska where we face challenges such as prison overcrowding and poor employee retention. According to a study released in 2012, the United States spends more than \$63 billion a year in incarceration costs. What's more, while Americans represent approximately 5 percent of the world's population, incarcerated Americans make up one-quarter of the world's prisoners. Our current approach to criminal justice is expensive and it's ineffective and it's often putting people with significant mental illness behind bars. In Sarpy County, for example, the percentage of prisoners and inmates taking psychotropic drugs-- drugs has been as high as 60 percent. I support the intent of LB605 to safely reduce reliance on incarceration, because there must be a better way to address societal changes with mental health, substance abuse, and more. However, beginning with the passage of Juvenile Justice Reform in LB464 and LB561, Sarpy County has seen an increase in costs associated with the implementation of justice reforms at the state level. LB605 is no different. The Legislature originally set aside \$500,000 for reimbursement for costs incurred by counties as a result of this bill, a reimbursement fund operated by the Crime Commission. LB605 required the commission to establish criteria for a county in order to qualify for reimbursement through a demonstration by counties that increased jail costs were a direct result of LB605. When our lobbyist went back and reviewed the transcripts from the committee hearings and floor debate on LB605, the sentiment of most senators at the time was that the counties would not see an increase in jails' costs as a direct result of LB605. They cited previous work conducted by the Council of State Governments in other states that purported that no other state that had worked with the CSG had seen an increase in county jail costs. Unfortunately, that has not been Sarpy County's experience. Since the bill's passage, Sarpy County has seen a

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significant increase in county jail costs as a result of LB605 and using definitions and criteria established by the Crime Commission, Sarpy County has incurred a total cost of \$241,368 and only received \$68,160 in aid from the Crime Commission. Now we understand that Sarpy County is just 1 of 93 counties in the state, and there's only so much pie in terms of LB605 funds to go around. This is why the Sarpy County Board of Commissioners support LB446 because it increases the amount of funds available at a time when it is much needed. In Sarpy County our jail costs are rising, and we are seeing more and more individuals coming into our criminal justice system with untreated mental health needs. Our jail has become a stopgap measure that repeatedly churns people with mental illness in and out of the system. I'm very excited about the possibility for Sarpy County Crisis Stabilization Center and our Sarpy County Board and other partners are currently exploring. This Crisis Stabilization Center will help reduce recidivism, connect people to the services they actually need, and allow our law enforcement to focus on actual crimin-- criminal behavior, making Sarpy County safer. This collaborative project already has earned the support of our county attorney, our public defender, our-- our sheriff, and Region 6 Administrator Patti Jurjevich. Like our counterparts at the state, Sarpy County wants to create meaningful criminal health or criminal justice reform to reduce recidivism, lower crime rates, and safely reduce costly measures, like incarceration, where appropriate. The Sarpy County Crisis Stabilization stations-- Stabilization Center can help us do that, but we also need your help. If we continue to experience increased county jail costs as a result of LB605, with a lack of reimbursement for these increased costs, it will make innovative approaches such as the Crisis Stabilization Center more difficult to achieve. For these reasons, we respectfully request that you include additional funding for LB605 costs in the state budget. Thank you for your consideration, and I'm happy to answer any of your questions.

**BOLZ:** Thank you. Any questions for this testifier? Go ahead, Senator Clements.

**CLEMENTS:** Thank you, Commissioner Kelly. Could you explain more what the Sarpy County Crisis Stabilization Center proposal is?

**DON KELLY:** Well, we're proposing with partners, Region 6 and hopefully others, to build a center that will divert people out of the criminal justice center into mental health stabilization to receive that-- the immediate help they need and follow-on care. Unfortunately, the Sarpy

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County Jail is the largest mental health facility in our county. And I'm sure it's like that across the state, especially in the larger counties where people in crisis, who really need psychiatric help, are being diverted into emergency departments in hospitals and jails because there's no place else to take them. So the-- the concept that we've come up with in conjunction with our partners will be a first of its kind in Nebraska. We've already made a \$1 million investment in it to purchase the land and-- and we're moving forward because we think this is very important support and services that our citizens need. And it will-- it will save us millions of dollars in the long run because we'll be able to divert people out of our jails. It's very costly to be in jail. Our-- our-- our direct costs to house an inmate is about \$110 a day and it's increasing every year. The Crime Commission, when we apply for grants for LB605 funds, they fund us at about \$60 per, per inmate. So even though that reimbursement is much appreciated, it only covers half of our costs. And so we think this additional dollars added into-- into the money that the Crime Commission dispenses for LB605 costs will be helpful, certainly for Sarpy County and I-- and I'm certain it will be as well for other counties that apply for those funds.

**CLEMENTS:** This Center, would that be a residential place for people to stay?

**DON KELLY:** No, it's a short-term crisis stabilization center. So the concept is somebody is in crisis, they're diverted from the jail, brought to this center. They can be detained involuntarily and also be a place where we can bring, you know, emergency protective custody orders and people like that, stabilize them for 24 to 72 hours, and then connect them to follow-on psychiatric care that will help them with their situation.

**CLEMENTS:** Thank you.

**DON KELLY:** And it's just for adults currently. We have a youth issue, too, everybody does, but we're-- we're taking one bite of this sandwich at the time and we're starting with adults.

**CLEMENTS:** OK.

**BOLZ:** Senator Erdman.

**ERDMAN:** Thank you, Senator Bolz. This is not related to the-- to the discussion here today but your comment provoked a thought when you



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said when our lobbyist went back and reviewed. You guys have a lobbyist?

**DON KELLY:** Yes, we do.

**ERDMAN:** How long have you had that, if you know?

**DON KELLY:** A lobbyist? I-- I-- as long as I've been on the board and I've been on the board six years.

**ERDMAN:** And so that lobbyist is paid with tax dollars?

**DON KELLY:** That lobbyist is paid with tax dollars.

**ERDMAN:** It's kind of peculiar to me. From where I come from, I don't know of any counties that have lobbyists. But it-- it's peculiar to me that we have people or organizations who use tax dollars to ask us for more tax dollars. That's not a question; that's a statement. But those things are peculiar to me. I-- I just find it kind of strange how things work here in Lincoln. And maybe that's why we don't get any money back. We just send it down here; we don't get any back, but. And you have more than one?

**DON KELLY:** We have one company that represents us.

**ERDMAN:** Is it a fair question to ask how much that cost?

**DON KELLY:** You can ask me anything you want, Senator,--

**ERDMAN:** You don't have to answer.

**DON KELLY:** --and I'll answer it if I-- if I know it. I don't know it but I-- it's-- it's in the-- it's in the vicinity of \$50,000--

**ERDMAN:** OK.

**DON KELLY:** --a year, would be my estimate.

**ERDMAN:** Thank you.

**DON KELLY:** Any other questions?

**BOLZ:** I do have one question. Your-- your comments reference the additional jail population being directly connected LB605; that certainly the increase, per Senator McDonnell's chart, is correlated with the timing. Can you explain to me how specifically you can

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connect the dots between that population increase and LB605 versus just an increase in drug use or an increase in crime?

**DON KELLY:** Well, I-- I can't specifically answer your question because I'm not an expert on LB605. I can get that answer for you. But at my layman level of knowledge, I would say that certainly some of the sentencing-- sentencing changes that LB605 created with regards to incarceration lengths of less than a year, no longer go to a state-- state system. They come down to the county. Violators of parole for certain classes of crime come into the county. So I think there are some very specific metrics that the Crime Commission has laid out that we must-- that we must address to actually validate that these costs are above and beyond and caused by LB605. And so we go through that. It's just basically a checklist that we have to cross off every-- every requirement to qualify for the funds.

**BOLZ:** Those are helpful examples. And if the information is available, I'd be interested in it.

**DON KELLY:** Thank you.

**BOLZ:** Thank you. Any further questions from the committee? OK. Thank you, Commissioner.

**DON KELLY:** Thank you. Appreciate what you guys do. Thank you very much.

**ERDMAN:** Thank you.

**BOLZ:** Further proponents? Any additional proponents? Any opponents? Testifiers in a neutral capacity. Senator McDonnell.

**McDONNELL:** Thank you, Senator Bolz. In 2015, except for Senator Bolz, Senator Stinner, and Senator Hilkemann, none of us were here. So reading some of the-- the transcripts, talking to senators that were part of LB605, the intent, because the concern of the counties was, coming here and saying to the senators, we're very concerned this is going to be an unfunded mandate on the counties, and that's what's going to-- how this is going to end up. And there was-- there was concern. So at that point, reading the transcripts, the senator said, well, we're going to make sure we do everything-- we-- we don't think you're right but we're gonna make sure that we-- we hold you harmless, that we have a grant process to offset that. And I believe that was their true intent. I believe it still-- it should be our-- our

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position today to make sure that we are not going to put those counties in a position to where, because of something that we did, it-- it put the burden on them. But also I think where we're also kind of missing with-- with this bill today is we also want to concentrate on those people with the mental health issues. And we think that could help tremendously for that individual, but also at the county level and at the state level that will be helpful to all of us. I think Senator Erdman's question about the other counties, we should have it broke down by all 93 counties and exactly what the impact has been. And as Senator Bolz said, how are we-- how are we measuring that? How we measuring exactly the impact? Because if you look at Douglas County and the chart, roughly you're looking at between 2015 and 2018 it went up by 20 percent. I mean something caused that. I'm not absolutely going to say that there's-- there's not other-- other factors, but we do believe that LB605 had some impact on that. So what-- what we're trying to do is to make sure that, again, the counties are not harmed as was the intent with the senators that were here in 2015, and also at the same time that we kind of start refocusing a little bit on the mental health aspect of people that are being incarcerated.

**STINNER:** Any questions? Seeing none, thank you.

**McDONNELL:** Thank you.

**STINNER:** And that concludes our hearing on LB446. We will now open with our hearing on LB703. How many testifiers do you have?

**VARGAS:** We'll wait until everyone leaves the room, then we'll see. There you go.

**STINNER:** Good afternoon, Senator Vargas.

**VARGAS:** Good afternoon, Chairman Steiner [PHONETICALLY], sorry, Stinner. Sorry, no, I'm just kidding. [LAUGHTER] Gotcha. Members the Appropriations Committee, my name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I represent District 7, the communities of downtown and south Omaha in Nebraska Legislature. My hope is to make this introduction pretty short. LB703 appropriates funds to the Crime Commission to aid in supporting alternatives to juvenile detention. For those of you that were in the Legislature last year, you may remember the passage of LB670, which was an omnibus bill out of Judiciary. And to give a little color, I currently serve as the cochair of the Juvenile Detentions Alternative Initiative, which is an initiative that states have engaged with counties and-- and entities and are taking ownership

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over what they can do at a state level to ensure that we're-- we're placing fewer juveniles in detention and doing everything we can to-- to not only steward law and policy but program supports well. And so this is in collaboration with the Annie E. Casey Foundation. I'm cochair with Director Corey Steel in Probation. And so LB670 was an omnibus bill that came out of Judiciary. One of my bills was General File it was LB1112. It was amended on the floor. Came out of Judiciary Committee unanimous. And this bill aligns and harmonizes state law with national best practices by ensuring that youth who pose little or no threat to public safety are not placed in juvenile detention facilities. The bill also required focus to be put instead on creating community-based alternatives. I'll be honest in saying that this made us a bit of a leader in-- in trying to ensure that fewer juveniles are detained for unnecessary reasons. I think what we heard, just the tenor of the conversation today is, let's find ways to make sure that we are spending less in the long term not investing in resources or things that are going to sort of hamper us. And we're seeing that in-- in-- in just general, you know, detaining, not just of adults but we're seeing that with juveniles as well. So in working with stakeholders on implementation of the provisions of LB670 over the past several months, one of the issues of funding has arisen. LB703 seeks to help bridge the funding gap for communities, specifically looking at municipalities, that are developing alternatives to juvenile detention through this one-time appropriation. And to give a little bit more information, so the community-based aid program this would go to, in LB1112, when we-- when we first wrote it and it passed, we provided a little bit of provision that stated that anybody that is an aid recipient to community-based juvenile program can convert an existing juvenile detention facility or other existing structure for the use of an alternative to detention. Essentially, what we didn't want to happen is as soon as we start to see lower numbers of juveniles in detention that then we then have facilities that have more space, that we then don't try to go and fill them because we have the space, as just because we have them. And instead, we figure out ways that we can then convert some of those facilities into more appropriate alternatives to detention. And this funding specifically provides some more resources to be able to do that. I want to thank the committee for this. And for those that were here in the past year, this is something that we've been working on for about a year and a half and are still working on it. But I'm happy to say that this is law and now we're just thinking about making sure that the on-ramp to it is as successful as possible with the members of

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this committee supporting the resources for it. With that, welcome to answer any questions.

**STINNER:** Thank you, Senator Vargas. Any questions? Senator Hilkemann.

**HILKEMANN:** So this, is this, this is not an entirely new program.

**VARGAS:** No, existing program.

**STINNER:** Additional questions? Senator Erdman.

**ERDMAN:** Thank you, Senator Stinner. Senator Vargas, is this distributed across the whole state or it's just having to do with the eastern part of the state, or you know what-- ?

**VARGAS:** The entire state, counties-- counties, municipalities can apply.

**ERDMAN:** OK. You-- you've seen the fiscal note?

**VARGAS:** Two point five million dollars.

**ERDMAN:** And did you see what Lancaster County, the part about Lancaster County?

**VARGAS:** I don't have the fiscal note in front of me, but can make sure to reference it.

**ERDMAN:** My question is why did they do that, take [INAUDIBLE].

**VARGAS:** I don't know and I'd have to find out more information for that. But the way that this program has operated in the past is people apply and it's a program and counties get a certain ability then contribute a match to it. And it's not a necessarily a guarantee, but I will-- I will figure out exactly why that's the case.

**ERDMAN:** In the bill they've already figured out that's how much Lancaster County is going to get.

**VARGAS:** Well, they're probably basing that off of previous data then.

**ERDMAN:** It's kind of peculiar.

**VARGAS:** I'll look into it for you.

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**ERDMAN:** Did you get this fiscal note before you came today?

**VARGAS:** Yeah.

**ERDMAN:** They have been coming quite late. Would you agree with that?

**VARGAS:** They do come in at the time that they come in.

**ERDMAN:** OK.

**STINNER:** Senator Wishart.

**WISHART:** Does-- do you know if PACE Omaha utilizes these funds at all?

**VARGAS:** I don't believe they do. These funds specifically are for counties, really,--

**WISHART:** Yes.

**VARGAS:** --honestly to utilize them. And it's probably like a second piece of-- there's going to need to be at some point in the future. This is not just me saying this. I think this is for the body and for us, for anybody that comes in next. If we want to continue to reduce numbers of individuals incarcerated and if we want to also reduce juvenile numbers of those that are incarcerated, then also contained, we're going to need to invest in programs that I think, what we've heard today, reduce violence, programs that reduce, you know, reduce mental health needs in the long term. And this also includes programs that are going to help provide different pathways for youth that are not saying let's put them in a, basically, in a jail. So that's going to be a separate thing. So separate, you know, separate programs like that, that are not, you know, public entities, would also need to then have more resources.

**WISHART:** Yes. Do you think that-- so I am-- I am somewhat familiar with this program just because one of the counties and Sidney, Sidney, Nebraska, utilized it for their after-school programs--

**VARGAS:** Uh-huh.

**WISHART:** --and have seen some of the best success rates out of any of these funds being used in, you know, in having kids engaged in positive activities out of school instead of getting into trouble. But one of the-- one of the things I think we just need to think about again with a grant program, and we heard this from the last time, is

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that anytime you're requiring sort of the application process, the grant process, all of that, those dollars, some of those dollars go to administrative overhead that could otherwise go directly toward services. So I think just recognizing, you know, how burdensome is it, what are all the reporting requirements, and making sure that what we're doing isn't-- isn't-- is getting dollars into providing services as much as possible.

**VARGAS:** Yeah. I'm going to follow up and send you Title 75 Committee-based Juvenile Services Aid Program, which provides basically, if you want to get in the weeds. which I love for us to get in the weeds for-- for you to get more educated, how the whole program operates.

**WISHART:** Yeah.

**VARGAS:** And will give you everything from, you know, eligibility requirements, review process which will answer some more of those questions, but not specific to outside programs, outside of, you know, public entities.

**WISHART:** OK.

**STINNER:** Senator Clements.

**CLEMENTS:** Thank you, Senator Vargas. What is the amount of funding that this program gets currently?

**VARGAS:** Let me see. I'll have to check the exact amount, so I'll have to get back to you on that.

**CLEMENTS:** OK.

**DORN:** Send-- send that to all of us.

**VARGAS:** Yeah, I'll send it all to you, along with the report for how the program is run.

**STINNER:** Any more questions? Seeing none, thank you. Good afternoon.

**SARA HOYLE:** Good afternoon, Senator Stinner and members of the Appropriations Committee. My name is Sara Hoyle, S-a-r-a H-o-y-l-e, and I am here on behalf of the Lancaster County Board of Commissioners to testify in support of LB703. I'm the director of the Human Services for the City of Lincoln and Lancaster County. The Human Services

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Department serves as the backbone agency for city and county juvenile services, including the planning for and administration of Community-based Juvenile Services Aid. Lancaster County currently receives \$817,330-- or, sorry, \$817,655 in Community-based Juvenile Services Aid, which provides funding for about 20 different programs in our community. Last year alone over 1,800 youth were provided direct services through this funding, and approximately 1,200 youth were diverted out of the formal system. Since implementation, just over 100 youth were supervised in the community instead of in our detention center. Lancaster County has a Juvenile Detention Alternatives Initiative Collaborative consisting of juvenile justice stakeholders, advocates, and service providers. This collaborative develops our comprehensive plan and ensures our community is adhering to our goals identified in our plan. Specifically, our Community-based Juvenile Services Aid dollars fund direct services for screening and assessment, diversion, alternatives to detention, family supports, behavioral health, truancy prevention, and intervention programs. All our programs are research-based and participate in an ongoing evaluation through the juvenile justice institute. The services and programs we support with this funding address community needs which are identified through a data-driven process. The Lincoln-Lancaster County community is fortunate to have Vital Signs, which is produced through our Public Policy Center at the University of Nebraska at Lincoln. Vital Signs serves as a barometer of our community. To more effectively analyze individual level data, we recently entered into a contract with UNL to evaluate juvenile justice system point data. From this data we are able to establish goals and objectives on how to meet the needs of our youth and families and then identify services to meet those needs. Community-based juvenile service aid funds our school-based diversion program established to prevent the classroom to court-- courtroom pathway where African-American youth were disproportionately entering our juvenile justice system. Lancaster County worked with Georgetown University in the development of Project RESTORE. This program has become a national model with staff presenting at conferences in Denver, Baltimore, and Cleveland. The use of restorative justice principles is key in RESTORE and all of our programming in our community. Innovative approaches have been developed to infuse restorative circles and mediations both in the classroom and in our programming. Community-based Juvenile Services Aid funding allows for us to fund girls circles for our refugee youth and their families. A youth leadership program that strives to help youth find their strengths and build on them is available through the Malone Center. Close to all of the males and females attending this



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program are African-American youth. A similar program through El Centro de las Americas called Joven Noble works with our diversion program and Operation Tipping Point, which you heard about before. They focus on a strength-based approach when diverting kids out of our system. The truancy diversion program where the judges and our county attorney visit with youth and their family after school hours in their school is made possible through this funding. Both school-based treatment and in-home therapy allow our families to benefit from treatment based on the family's schedule. Social clubs where police and our youth engage in activities as a team are part of strengthening our youth. All of these programs are available because of Community-based Juvenile Services Aid. Lancaster County has a long history of recognizing every youth has potential if given the right opportunity. The county and city contribute approximately a million dollars annually to youth programming. Investing in our youth through braided funding from the county, city, and Community-based Juvenile Services Aid makes our community strong. Our new venture with these funds is investing in the collaborative services that will offer crisis response and de-escalation and short-term care with aftercare support services for youth and their families. Unfortunately, unfortunately, last year there was a decrease in funding available through Community-based Juvenile Services Aid. This cut resulted in the elimination of a program for middle-school-aged children. The proposed increase in Community-based Juvenile Services Aid through this legislation is essential and key to maintain and build on programs and addressing needs of youth in our community. Additionally, a staffing cost and operational cost increase over the years, a system should be in place to routinely evaluate the amount of funding needed to sustain programs due to inflation and population increases. I would be happy to answer any questions.

**STINNER:** Questions? Senator Bolz.

**BOLZ:** Can you explain how you arrived to the amount in your fiscal note?

**SARA HOYLE:** Absolutely. So community aid is based on a formula. And if you take the percentage off it, right now the formula is about 10 percent of it goes to the Juvenile Justice Institute and the Crime Commission to administer these funds, so we took 10 percent off of the additional amount. And then we estimated, based upon our population that we currently have of kids ages 10 through 17 in Lancaster County, we based it off the current formula being used, so.

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**BOLZ:** Thank you.

**SARA HOYLE:** Uh-huh.

**STINNER:** Additional questions? Seeing none, thank you.

**SARA HOYLE:** OK. Thank you.

**ELAINE MENZEL:** Chairman Stinner and members of the committee,--

**STINNER:** Good afternoon.

**ELAINE MENZEL:** --for the record, my name is Elaine Menzel, E-l-a-i-n-e M-e-n-z-e-l, here on behalf of the Nebraska Association of County Officials, and we are in support of LB703 and would encourage your support as well, again, recognizing your fiscal issues but certainly hope that you will see the merits of this legislation. We would like to express our appreciation to Senator Vargas for bringing this to your attention this year, but we would also like to bring our appreciation to you as the Appropriations Committee and to the Legislature as a whole for its past support of this program. I-- this program was established in 2001 and initially it went to just counties. And then, as a result of LB561 in 2015, I believe, it was expanded to tribes as well, so that's where you get the terminology "communities." So in fiscal year-- or let's see, I was going to tell you that it served about 71 counties and two Indian tribes and two-- in 2017 with a funding of \$6.3 million. We would like to appreciate-- express appreciation to the committee for not taking as much of a cut in the aid program as was initially proposed, and that will be reflected in discussions you might have later with the Crime Commission. So we appreciate your preliminary budget at this point. In 2018 and 2019 there's approximately \$780,000 allocated towards alternatives to detention. And such things are juvenile detention evening reporting centers, house arrest, tracking, family crisis response, and temporary shelter replacement. So LB703 would allow further investment in the youth of tomorrow and, at the same time, ensure that they are adequately, adequately supervised. Alternatives to detention are currently used throughout the state. An additional infusion of dollars would allow more counties to use options to deal with juvenile issues within their communities. Thank you for your time, and I would certainly answer any questions. This is a program that is used throughout the state. I think one of the things that it's important to highlight, there are regions such as the Panhandle and around the Hastings area that essentially is made up of about nine

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counties working together to collectively, most efficiently utilize their resources to do that. And then also there's about nine counties around Madison and a couple of places with another multiprogram of about four counties in pockets of the state. So I'd certainly answer any questions if you have any.

**STINNER:** Questions? Senator Dorn.

**DORN:** One quick one. Go-- go back over those numbers you had, 70-some counties and how many dollars?

**ELAINE MENZEL:** Seventy-one counties--

**DORN:** Seventy-one.

**ELAINE MENZEL:** --and two tribes in--

**STINNER:** Six point eight.

**DORN:** Six point--

**ELAINE MENZEL:** --6.048.

**STINNER:** OK. Go on.

**DORN:** Thank you.

**ELAINE MENZEL:** Or that's what-- that's what's in the preliminary budget. And then it had been a little bit more in past years, 6.3.

**DORN:** Yeah, you had-- you had 6.3.

**ELAINE MENZEL:** And part of that, as Sara indicated, was potentially for the administration and as well as the evaluation by the Juvenile Justice Institute, which that's beneficial to the community to see that it's well.

**DORN:** Outstanding.

**ELAINE MENZEL:** Yes.

**DORN:** Used efficiently.

**ELAINE MENZEL:** There you go.

**DORN:** Thank you, Elaine.

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**ELAINE MENZEL:** Thank you. Thank you. Thank you for your time.

**STINNER:** Thank you.

**JULIET SUMMERS:** Good afternoon, Chairman Stinner and members of the committee. My name is Juliet Summers, J-u-l-i-e-t S-u-m-m-e-r-s. I'm here on behalf of Voices for Children in Nebraska to express my strong support for both LB703 and the Community-based Juvenile Services Aid Fund. An investment in kids is an investment in Nebraska's future. We strongly support the Legislature's investment in our state's youth through this fund and we would urge you to advance LB703 and incorporate this additional appropriation into your final budget package. This fund is one of the most forward-thinking uses of our state revenue, targeted to avoid greater costs down the line from incarceration and recidivism. Through it, Nebraska communities can plan and provide for the unique needs of their youth in an effective way to keep them out of detention and the court system whenever possible. The aid is distributed to counties and groups of counties and tribes through a formula based on the number of juvenile residents. And it prioritizes programs and services that divert youth from the juvenile justice system, reduce the population of youth in juvenile detention, and assist in transitioning youth from out-of-home placements. So just a note of clarification, the county or group of counties or tribe or groups of tribes and counties apply for the funding, but they can use it, they can sub-grant it to private programs and nonprofits such as PACE that do the direct service work with youth. But they have to create a three-year comprehensive juvenile services plan of what their identified needs are in their community to, you know, in order to address juvenile criminal behavior. And then, based on that plan and those gaps of what they see, then they apply year by year to meet those gaps. Notably our juvenile arrest rate and detention admissions have dropped dramatically in recent years. The total number of youth admitted to detention centers in 2017 was just over 1,600, all the way down from nearly 4,000 in 2011. This fund is not alone by itself responsible for the drop, but it is a vital piece of the puzzle. It's Nebraska's investment in communities to cover up-front costs that prevent greater fiscal impacts down the line. Successful completion of diversion is far less expensive than even the shortest, most efficient court case. And since overuse of detention is linked to increased recidivism in juvenile and adult systems, investing in alternatives to detention to keep kids and communities safe is crucial to our bottom line. I-- I think I'll also testify regarding the Agency 78 budget. But as long as

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I'm speaking out about this fund, I do want to also thank you for your initial report putting a little more money back into this fund than was recommended in the agency budget. Recognizing it is a difficult fiscal climate, I hope you'll consider incorporating this bill to increase the pot of funding or, at the least, not implementing the sort of overall 4 percent cut to this fund, because we know that getting our system response right for youth in juvenile justice pays dividends down the line in reduced recidivism. And as we all know, we're edging closer to a crisis in our adult correctional system, so every dollar we spend in diverting youth away from criminal behavior and into positive community supports is a dollar we're not going to regret. I thank Senator Vargas for all of his time and commitments to Nebraska youth, and this committee for your time and consideration. And I would be happy to answer any questions if I can.

**STINNER:** I hope you're aware that there's no detention center in western Nebraska.

**JULIET SUMMERS:** I am.

**STINNER:** Our kids have to be transported to Madison, Omaha, Lincoln. So some of that-- and actually our small towns are limited funds. A lot-- a lot of young kids aren't even being arrested, so.

**JULIET SUMMERS:** Yeah, and-- and absolutely. And I think the Panhandle Partnership is a great example of--

**STINNER:** Panhandle Partnership [INAUDIBLE].

**JULIET SUMMERS:** Yeah, of counties coming together to apply for use of this funding. Because even though Scottsbluff used to have a detention facility for youth, fewer and fewer youth were-- were being placed there, is my understanding, every year, and in part based on some of the great community programming that they were offering instead. So to whatever extent we can invest in those community supports and that-- that programming and services we can reduce detention costs but also, gosh, you know, the cost to the county of transportation, but also the cost to that youth and family of being eight hours away. It's tough.

**STINNER:** Additional questions? Seeing none, thank you.

**JULIET SUMMERS:** Thank you.

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**STINNER:** Any additional proponents? Seeing none, any opponents? Seeing none, anybody in the neutral capacity? Seeing none, Senator Vargas, would you like to close at quarter to 4:00?

**VARGAS:** Try to get the numbers down. Members, I just want to thank you. And want to clarify one thing. I think we heard the numbers of how much is allocated to this program. I'm allocating-- suggesting to allocate funds to this program as it exists. Last year in statute we changed the provisions to allow this fund to be used for some other alternatives. So while you heard examples of funds that will go to programmatic services but are going to the counties, counties are also eligible to utilize these funds for one-time reasons that might provide for one of these all-- these detention facilities to be then be retrofitted or changed to then become an alternative. And that was something that we heard from different county and elected officials of something that we-- would be a worthwhile venture. And so we included that, changed that in statute. It provided a new potential repurposing of what can be used in these funds. So I'm adding more to these funds, specifically to avoid what you just said, Chairman Stinner. So I want to thank you and see if you have any more questions.

**STINNER:** Any questions? Seeing none, thank you very much.

**VARGAS:** Thank you, everybody.

**STINNER:** And that concludes our hearing on LB703. We will now open the hearing on Agency 78, Commission on Law Enforcement and Criminal Justice. Good afternoon.