

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**Health and Human Services Committee October 2, 2019**

**HOWARD:** [RECORDER MALFUNCTION] of the Health and Human Services Committee. I'd like to invite the members of the Committee to introduce themselves, starting on my right with Senator Murman.

**MURMAN:** Senator Dave Murman, District 38, seven counties south of Hastings and Kearney. And if you take Highway 41 west here to the dead end through the Meat Animal Research Center, if you could go two more miles cross-country, you'd run right into my farm.

**WALZ:** So that-- I think he's inviting you all to lunch.

**ARCH:** But don't do that. [LAUGHTER]

**WALZ:** Barbecue after this or something, right? I'm Senator Lynne Walz and I represent District 15, which is all of Dodge County.

**ARCH:** Senator John Arch, Papillion, La Vista, and Sarpy County.

**WILLIAMS:** Matt Williams, from Gothenburg, I represent Legislative District 36, Dawson, Custer, and the north portion of Buffalo Counties.

**CAVANAUGH:** Senator Machaela Cavanaugh, District 6, west-central Omaha. And if you want directions to my house, come see me afterwards.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**BRANDT:** I'm Senator Tom Brandt, Legislative District 32, Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster County.

[APPLAUSE]

**HOWARD:** He's a hometown favorite.

**BRANDT:** [LAUGH] Yeah.

**HOWARD:** All right. Also assisting the committee is our legal counsel, Jennifer Carter, and our committee clerk, Sherry Shaffer, down at the end. And we have-- we have two folks who are helping us page. Pages help us get the papers all distributed. So we've got Sarah [PHONETIC]. Raise your hand. So if you come up and testify and you have a piece paper-- or Josh [PHONETIC], he's also offered to help. Those are legislative staff, so if you have something that you want the committee to have in hand during your testimony, pass it to Sarah or Josh and they'll hand it out to us, OK? A few notes about our policies and procedures. Please turn off or silence your cell phones. This afternoon we'll be hearing two interim studies, but we'll be hearing them concurrently. Gosh, that cell phone thing, everybody moved. And we'll be taking them together. On the table off to the side of the room down there, you'll find blue testifier sheets. If you're planning to testify today, please fill out one and hand it to Sherry-- Sherry, down there. This will help us keep an accurate record of the hearing, OK? And our pages will help grab your blue sheets, too, if you forget.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Health and Human Services Committee October 2, 2019

Rough Draft

Any handouts submitted by testifiers will also be included as part of the record as exhibits. We would ask if you do have any handouts, that you bring ten copies and you hand them to a page or you hand them to Sherry. If you do not have ten copies but you do want a letter to be accepted for the record, we'll take your one copy and we'll make copies for the committee when we come back. Oh, mood lighting, all right. [LAUGHTER] So each testifier, we will be using a five-minute clock. Each testifier will have five minutes to testify. Since we don't have the light system like we use in the Legislature, we're going to-- we're going to get creative today. That's my friend Camdyn down there. He works for Senator Brandt. If you see a yellow flag go up, that means you have one minute left to testify; if you see a red, that means you have no more minutes left to testify. OK? And we have got-- our committee counsel has a backup just in case you can't see Camdyn or something like that. When you do come up to testify, please begin by stating your name and spelling it into the-- clearly into the record. That helps us keep an accurate record, as well, so we're just trying to make sure that there's a lot of-- there's a-- a robust record for today. Each interim study hearing begins with the introducer's opening statement. Because we'll be hearing these interim studies concurrently, we've asked Senator Quick and Senator Lowe to go first and second together. After the opening, we'll take testimony, and we do have to invited testimony that we'll start with first; and then I know DHHS CEO Smith would like to go last. After the opening,

Rough Draft

we'll take testimony. Just a reminder that the interim study hearings for the Legislature work a little bit different than what you usually see. Testimony is not grouped by supporters or opponents. What you'll be seeing today is this is an informational session, and so testimony will just be taken in turn, the next person up to the mike; we'll go one at a time. And we-- we-- we're not looking for opposition or support testimony. We're looking to gather information about your experiences here with the YRTC. We do have a very strict no-prop policy in this committee for a variety of historical reasons. And with that, we'll begin today's hearing with LR200 and invite Senator Quick to give us his opening statement. Good afternoon, Senator.

**QUICK:** Yes. Good afternoon, Chairwoman Howard and members of the Health and Human Services Committee. My name is Dan Quick, D-a-n Q-u-i-c-k., and I represent District 35 in Grand Island. I'd like to start off by thanking the committee-- committee for coming out to Geneva and thank all of those who are coming to testify and share their experiences with us. I've introduced LR200 to examine the programming offered at the Youth Rehabilitation and Treatment Centers in Kearney and Geneva, and to ensure that we're providing programming that will best benefit the young people in their care [INAUDIBLE] productive lives. I think it's important that we hear-- that we are here focusing on YRTCs and the youth that they serve. I also think it's important to remember that we're talking about children, not

Rough Draft

inmates, children whose brains-- brains and decision-making skills are not fully developed, who may have been raised in-- who may have been raised in unstable homes and exposed to trauma and may not have the same set of decision-making skills as children raised in stable homes, so we should focus on the treatment rehabilitation aspect of their care. My main-- my main reason for bringing this study is to address a broad range of issues that have happened at our YRTC-- YRTC facilities in Kearney and the issues that-- that have recently come to light in Geneva. I [INAUDIBLE] became involved after hearing about staff assaults in Kearney at the Kearney YRTC and wanting to find a way to address the concerns I had for staff safety. What I discovered was a broad range of problems not only with staffing concerns but also concerns about safety and programming needs for our youth placed at these facilities. To learn more about the YRTCs, I talked with staff. That was in [INAUDIBLE] office, the Inspector General for Child Welfare, YRTC-- YRTC administration, judges, probation, legislators, and nonprofits for youth advocacy. I also set up a tour through the Inspector General's Office at the YRTC facility in Kearney and attended the interim study held in Kearney last year. The issue I see as most important to address are, first and foremost, the rehabilitation and programming and aftercare for these juveniles held in any detention facility; addressing the fact that we have several juveniles from YRTCs in their county jails; addressing assaults by juveniles on other juveniles and staff; addressing staffing ratios,

Rough Draft

mandatory shifts, and safety for our citizens who live near these facilities. I believe these issues can be-- can begin to be addressed by providing adequate-- adequate programming for these youth, along with mental health staff [INAUDIBLE] mental health staff. We have heard reports that some youth at the YRTC in Geneva were only seeing a licensed mental health practitioner once every three months. We have also heard that facilities are short-staffed, that they are bringing in staffers from-- from other facilities who don't have the training necessary to provide adequate programming or mental health services to these children. We've all read the news articles talking about the lack of programming and the lack of structure at the YRTC in Geneva. We can't give up on these kids because it's hard or because it's expensive. I preached to this committee-- committee before about prevention, and this is a clear example. Prevention also means reaching our children early and to help them prevent-- to help prevent trauma and bad outcomes. If we can help these youth by giving them the tools to live successful lives, we will benefit our entire state and save money in the long run. We shouldn't give up on these youth because of decisions they-- they have made, but help them with treatment and rehabilitation. I am of the belief that more evidence-based programming and mental health treatment for these youth at these centers will increase the safety for both staff and youth, as well as decrease the instances of youth leaving the facility. I have brought this study because we should be prioritizing funding for this

Rough Draft

evidence-- evidence-based programs and providing mental health treatment and transitional-- transitional supports. This requires staff who are trained to implement this type of programming. It requires staff ratios that best serve the safety and well-being of not only the youth but the staff who work there. These programs will help reduce recidivism rates and best equip these youth for productive futures. I urge the committee to carefully consider what we learn today and how we should move forward with the best interest of our youth in mind. I'll be happy to answer any questions.

**HOWARD:** Thank you. Are there questions? Seeing none, thank you, Senator Quick. Senator Lowe.

**LOWE:** Thank you, Chairwoman Howard and members of the Health and Human Services Committee. My name is Jon Lowe; that's J-o-h-n L-o-w-e, and I'm the state senator from District 37, Kearney, Gibbon, Shelton, southeast half of Buffalo County. Thank you for taking time today to discuss the ways to improve these facilities run by DHHS. This interim study looks at Beatrice State Developmental Center, the Lincoln Regional Center, Youth Rehabilitation Center-- Treatment Centers in Geneva and Kearney. Thank you also to Senator Quick for agreeing to combine our two interim studies in order to best look at-- for solutions for these facilities. This is the second time I've presented an interim study in Geneva dealing with YRTC. The first was in August of 2018, and at that hearing I-- was designed to look at the safety

Rough Draft

concerns for the residents, staff, and the neighbors of our facilities. That hearing led me to bring two pieces of legislation this last year. I hope that this year's hearing will also yield concrete proposals. I wanted to update the committee on some numbers detailing staff vacancies and staff retention rates. Given our location today, I'll focus on Geneva, Beatrice, and Lincoln-- Lincoln Regional Centers. According to DHHS, as of September 18, YRTC Geneva had a staff turnover rate of 29.6 percent in 2018 and 30.5 percent in 2019. YRTC-- YRTC-Geneva is budgeted for 99.9 FTEs but currently have a vacancy of roughly 31 spots. The Lincoln Regional Center is budgeted for 567.63 FTEs, with 107 vacancies; in other words, 18.9 percent of the jobs have not been filled. Beatrice State Developmental Center is budgeted for 40-- 412.8 FTEs with 80 of them being vacant. This comes to similar, 19.4 percent. These numbers were all provided to me in mid-September, so they could be of slightly out of date. While all three of these vacancy numbers are of some concern, one of the greatest concern to me are the numbers around YRTC-Geneva. Being short-staffed by almost one-third of your staff size can only lead to overwhelming challenges and complications for the staff. It seems to me as if all of Nebraska is going through this at this time. We're all short-staffed, no matter whether you're running a government agency or you're running McDonald's or a Williams. But we must look at what we're doing here. We're trying to rehabilitate these young men and women and it's vitally important that we do that, we fill these



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

positions and make our facilities whole once again. Thank you very much.

**HOWARD:** Thank you, Senator Lowe.

**LOWE:** Any questions?

**HOWARD:** Are there questions?

**LOWE:** Oh, sorry.

**HOWARD:** All right, seeing none, thank you. We do have to invited testifiers that we'd like to start us off with. But by a show of hands, how many folks here are wishing to testify? That's not too many. All right. All right. Mayor Camera would you like to start us off.

**ERIC KAMLER:** Thank you very much, Chairwoman Howard. Members of the committee, dignitaries, committee and legislative staff, DHHS, and DAS team members, visitors, and fellow Genevans, good afternoon. Thank you very much for being here. I am Eric Kamler; that's E-r-i-c K-a-m-l-e-r. I am the mayor of Geneva. And on behalf of our community, welcome to our humble and proud hometown. Speaking on behalf of all Genevans, we are thankful you've taken the time to be here today; invited my staff and I to join you for the tour of the facility this morning; and listened to the stories of so many about the impact of the Youth Rehabilitation and Treatment Center here in Geneva and what

Rough Draft

it's had on its employees, the people of our community, and the young girls [INAUDIBLE] help here over the past many decades. As we are well aware of, however, in recent months and years, several major problems have occurred that has changed the reputation of our facility from the well-respected center for help and behavioral treatment it once was. While everyone here today and many in our community want to rightfully find an answer to the question of what happened, a greater desire exists to find an answer to the question of how can we fix it and move forward. Geneva wholeheartedly welcomes the YRTC here. There are countless stories that many of you have heard already and will hear today about the quality of life and life lessons this town has and can provide for the young girls in need of behavioral health. From volunteering across Geneva as referees at our youth soccer games or working concessions at our theater just down the street, the residents of YRTC have grown to be welcome and known across our community. In many conversations with past employees of the YRTC, and current ones, this unique, small-town environment is one that has provided young girls staying here with an opportunity to build the needed relationships to get their lives back in the right direction that at many times they never got being raised in their homes. Leading up to today's hearing, I've had several productive meetings and conversations and built a very positive relationship with both Department of Administrative Services staff and Director Jason Jackson and Department of Health and Human Services CEO Dannette Smith and her

Rough Draft

staff. The city of Geneva has offered and continues to provide our full support to both of these departments in finding a resolution of getting the facility back on-line through repairs and upgrades that YRTC is in need of, along with doing all we can to recruit and fill the positions that are desperately needed at the center. There is no doubt that we have the work force and the people right here in Geneva and the surrounding communities to not only continue the operation of the YRTC but, given the right tools and opportunity, rebuild the center back into the pride of our community that it once was. We're all one team on this and all of us are wanting what is best for the young people that YRTC has been known for helping over the past century and the YRTC team members here in Geneva. And as mayor, I will wholeheartedly continue to work with DAS and DHHS leadership and everyone here today on this committee to serve as the liaison to bringing the YRTC back home. Thank you all once again for your time and being here today, and I'm happy to take any questions at this time.

**HOWARD:** Thank you. Are there questions?

**ERIC KAMLER:** Senator?

**HOWARD:** Who-- who do I start with? Senator Brandt, we'll have you start.

**BRANDT:** All right. Thank you, Chairwoman Howard. Thank you, Mayor Kamler. Geneva is probably really unique in that it's probably the

Rough Draft

smallest town in the state that has a 24-hour facility. You spoke about a few things that integrate the girls into the community. I know I was invited. They had a horse program that somebody from the community provided. Unfortunately, I couldn't make the graduation from that. Do you have any other examples of-- of how these girls integrate into a community? Because I-- I don't think this is something that happens in Omaha.

**ERIC KAMLER:** Right.

**BRANDT:** I think people need to hear and get on the record what-- what a town like this can do.

**ERIC KAMLER:** I mentioned-- I mentioned two examples there firsthand with the-- with involvement of our parks and rec program with-- whether it's refereeing at a soccer game, they-- they're involved in the community in that department. They've volunteered several times at our-- at our local theater here, serving concessions, working concessions at different events. They've been involved volunteering at our senior center here in the community. Whether it was just simply picking up plates after an event, it's-- it's sort of a chance for them to interact and grow back into being a part of society. And I-- I think over the last century, our community has welcomed them with open arms on several of those examples. There's-- there's too many to count and a lot of people in this room have been a part of that over the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

last several years, and they could probably do a better job telling that story than I can. But there's certainly a lot of examples like that here in our-- our small-town culture that we can provide.

**BRANDT:** Right. Thank you.

**ERIC KAMLER:** Thank you, Senator.

**HOWARD:** Senator Cavanaugh.

**CAVANAUGH:** Thank you. Thank you, Mayor Kamler. And thank you for welcoming our committee to Geneva today.

**ERIC KAMLER:** Thank you very much for being here.

**CAVANAUGH:** Enjoying it so far. So you mentioned that the-- working with the Department of Health and Human Services and DAS on addressing the biggest problems. What, from the community's point of view, is the biggest problem facing the community when-- in regards to YRTC-Geneva?

**ERIC KAMLER:** I think, as far as when I talk to former employees, it's-- well, we've heard, from especially my conversations with the CEO, programming and what-- what exactly is the mission for some of these girls and what-- what kind of-- what kind of treatment that they need. And from what I've been hearing quite a bit from past employees, is that the clientele has changed substantially in the last decade and that has played a role in the facilities and how it was treated, how it has been treated, not by the staff but by the residents there. And

Rough Draft

that, I think, as we saw on the tour this morning, has led to a lot of the issues with the facility. And I don't believe that it's ever been neglect by the staff, but a lot of it just simply the facility being built for a different era, for a different clientele. And I think that that's mostly what I've, frankly, been hearing on-- largely from past employees of YRTC.

**CAVANAUGH:** I have just a follow-up.

**HOWARD:** Sure.

**CAVANAUGH:** So Senator Lowe had give-- read to us the sort of numbers on work force challenges, and we heard about that earlier today over lunch, and you-- but you made a statement that the work force here exists. Are there opportunities that you see for the state, for us to work with the community to recruit and retain that work force?

**ERIC KAMLER:** Certainly. We've hosted-- cohosted with DHHS a job fair, and I think more need to be held. I think there's more that can be done there. In addition to that, I think, again, it goes back to the programming in terms of how the staff can-- whether it simply, be frank, defend themselves in circumstances, whether there is something that needs to be done different as far as those policies go, that's something for DHHS and this committee to determine.

**CAVANAUGH:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**HOWARD:** Senator Williams.

**WILLIAMS:** Thank you, Senator Howard. And thank you, Mayor, for not only being here and being on the tour but your commitment. And thank you to the residents of Geneva for your continued commitment, for over 100 years, to house this facility. One of the things that you've talked about were the outreach to the community, the refereeing soccer, working at the theater and the senior center. I understand that many of those activities have been curtailed over the last number of years--

**ERIC KAMLER:** Right.

**WILLIAMS:** --I would assume partly due to the change in-- in residents. Can-- can you assure our committee and your community that you still have that community willingness to engage these residents?

**ERIC KAMLER:** I believe so and I believe that the communication needs to improve. That's just part of what had happened over the last few years. When you mention the curtailing of involvement, I think over the past few years it just sort of dried up, to be frank, and I think that if-- if there-- if it's communicated and they're well strategized in the community, we're still very, very open as a city, as citizens, as a community, to welcome them back and essentially learn to rehabilitate themselves. So I think that would be a-- I think that's an important part that we can definitely assure the committee of that.

**WILLIAMS:** And also you talked about the-- the work force, and that's something that we as a Legislature, and especially those of us from rural areas have, have dealt with for some period of time. Can you talk in-- in specifics about the availability of the professional work force that is needed for a facility like YRTC-Geneva.

**ERIC KAMLER:** Well, as far as numbers go, and I knew we-- Kyle, my-- my city administrator here behind me, we talked about trying to gather up some of those numbers. I don't have specific--

**WILLIAMS:** You knew that question was coming, didn't you?

**ERIC KAMLER:** I knew that-- I knew it was coming. We actually talked about it just yesterday here. I apologize. I don't have specific numbers, but those are things that I can certainly provide to the committee. But we-- we are a growing town. We've got several new projects going on here, whether it's a new housing development; our kindergarten is now adding a third-- a third K-3 class, so we're-- we're growing with families and they're all going to need jobs, and whether the jobs are here already, that's-- I think they're available. They're at YRTC; they're available in other industries here. But we definitely have the opportunity to fulfill what YRTC needs. There's no doubt in my mind on that.

**WILLIAMS:** Thank you.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**HOWARD:** Other questions? Senator Arch.

**ARCH:** Thank you. Thank-- thank you for coming. I-- I have a question regarding your connection to the community. Do you-- do you have suggestions as to where the facility or DHHS, where is that connection to the community? Is that your office? Is that-- the community is-- is broad.

**ERIC KAMLER:** Right.

**ARCH:** So is there a-- what's your suggestions for improving that communication?

**ERIC KAMLER:** Well, it just started actually a few weeks ago when our city administrator here received a call from YRTC staff about what are some volunteer opportunities we can do. That actually was a refresh-- a refreshing phone call to get. That was obviously before the facility was-- was temporarily shut down here. I-- I frankly-- I guess I-- I think that having the community be more involved at the center would be a big part of that discussion. I think it would make people feel more comfortable as interacting with YRTC residents. I think that would be a big part of it, and just simply integration. So there's a-- there's a lot that can be done. I don't know if it would necessarily be right through City Hall. It's more of an organic approach and that's sort of how it's been for the-- the last several decades here in this community. So I know it wasn't exactly-- it's more of a

Rough Draft

broad-based answer, but it's really, honestly-- before things dried up, I guess, as far as the involvement, it was very organic and somebody would just call, whether it was through a church or a local community organization: Hey, what-- what can our girls do? That was what it-- what it had been for a lot of years.

**ARCH:** Thank you.

**HOWARD:** Senator Murman.

**MURMAN:** Again, I want to thank you for being here, Mayor Kamler. I was just at a meeting last night. It was very similar to this. It was in Blue Hill to keep the long-term care center open in Blue Hill--

**ERIC KAMLER:** Sure.

**MURMAN:** --and very similar situation, I think, to the way it is here. I just want to reinforce how important it is to these facilities to have the support of the community in the facility, for the facility. And the number of people that have shown up here today I think just reinforces--

**ERIC KAMLER:** I was just going to comment on that we have a full room here, and we were worried about seating and I think that worry was-- was rightfully justified because we're about 80 seats in here, and that's a very good turnout here.

**MURMAN:** Sure. It's very important to the facility to have that, that community support, and it's demonstrated here today, as you said. Just one question on-- you mentioned that in recent years the residents at the facility weren't as active in the community as they had been in the past. Do you think the acuity of the-- the girls there has something to do with that, and if so, any ideas on maybe how you could work together to solve that problem?

**ERIC KAMLER:** I believe so. And just in my communication with former staff, that is the case, and it's the fear of some of the-- I believe some of the staff that if they're too open in the public here, something might go wrong. So I think that's been a very-- a very touchy subject and why I think we've seen some involvement in the community pull back in the last several years here. I think stronger supervision is going to be a big part of that and I think, as we heard this morning from the CEO of DHHS, programming, whether it's some sort of new-- new method or something that will-- will help-- help the girls be more prepared to be in public. So I think that's a really-- a really important part of their reintegration back into the communities and into regular everyday life.

**MURMAN:** OK. Thank you very much.

**ERIC KAMLER:** Thank you, Senator.

Rough Draft

**HOWARD:** Any other questions? Well, I just want to give you a personal thanks because when everything was going on, I was able to talk to the-- your mayor and really the only reason why we're here: two-- two names: Mayor Kamler and Senator Brandt, because they invited us and they helped with the logistics, and so give them a high five before they leave today. All right.

**ERIC KAMLER:** Thank you, again, to the committee and-- and also all of the-- all of the community members from Geneva here as well. Again, it's a-- it's a testament to how important this is to our community and it's-- it's a part of us. So I look forward to hearing the rest of the testimony from everybody here today and the discussion from the committee and the ongoing discussion with all of you and also DHHS and DAS, so thank you all very much again.

**HOWARD:** Thank you, Mayor. All right. Our next invited testimony is the sheriff. Good afternoon.

**WILLIAM BURGESS:** Good afternoon, Senator Howard, Committee of the HHS. My name is William Burgess, B-u-r-g-e-s-s. I'm the Fillmore County Sheriff, and I've been so since 1981. And I served on the YRTC Advisory Board for about 20 years and worked closely with the staff out there over that period of time. And Senator Nancy Thompson, she was very instrumental in getting that new-- is it LaFlesche? Is that-- am I saying it right?

**HOWARD:** Yeah.

**WILLIAM BURGESS:** And I worked with Senator Thompson quite a bit on that, and we used to have positive peer pressure, is how the YRTC operated. And it seems like we've got negative peer pressure going on right now. We've got a completely different set of people out there, young ladies, and a lot of them are very violent-- and very violent. And I think that this needs to stay at YRTC, but I think the state needs to build a-- basically a juvenile prison or detention facility to take care of the ones that aren't-- you know, because there's just a small handful that are creating problems for the rest of the kids. You know, the rest, probably 75 percent of the kids out there, you know, go to school, they try to do good, try to get-- work their way out. And then you've got some of them that create such negative pressure on the other kids that you've got a whole mess; they're all negative then. They don't want to go to school; they want to run. And of course, I think we've needed to have a fence. I wasn't invited to, or didn't know about, the meeting a year or so ago when you were discussing things; otherwise, I'd have been there. But the county attorney and I didn't know about it, so I apologize for-- for not being informed of that, but we certainly would have been there. The YRTC is very important to me because it's kind of been there all along. I've been 25 years on the advisory board out there when I first started. I've since gotten busy with other things. We've got good

Rough Draft

board-- or advisory members out there. We used to go out like once a month, have dinner with the kids. You walk in. You just pick one, ask who you can go down and sit-- sit down and have a nice conversation with, and good-- good communications. I don't know if they're still doing that but-- and the people that have been assaulted have come and talked to me. They said, hey, you know, they're so violent out there. And it used to be they were under the Department of Corrections, the YRTC was, and if a girl out there assaulted someone, she was charged with a felony; and the district judge would send her to NCCW up in York, and that was a good deterrent for the rest of them. And we've got that towards them more because under Health and Human Services, and then, what, three years ago, when the juvenile thing kind of switched over to say to the county where you can't file as an adult; they have to file as a juvenile and fight, tooth and nail, to try to get it up to a felony. Senator Brandt and I have discussed things and he had some great ideas and that is if a person is-- one of the kids or-- assault someone, have the Legislature make it to be a felony that they assault a YRTC staff member. And I said, where have you been all this time? You know, that's a great idea. But if they're charged with a felony, it's in-- a felony in juvenile court, the ultimate sentence is back to YRTC. So it's-- we're kind of fighting ourselves, I think, and I think we need to figure out a way to-- but the majority of kids that are sent here are manageable kids. But when you put in that 25 percent-- I'm just using a percentage. I don't know. But you put them

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

bad apples in with the good ones, the other ones are going to spoil.

So any questions?

**HOWARD:** Sure.

**WILLIAM BURGESS:** My time is just about up.

**HOWARD:** Thank you. Are there any questions? Senator Walz.

**WALZ:** I have a question. Hi. Thank you. Thank you, Senator, Chairman Howard. And thanks for coming today. I am-- I'm really curious about the advisory board. Thank you for serving on that for so many years. What was the purpose of the advisory board, and what kind of decisions did they make regarding the facility?

**WILLIAM BURGESS:** Well, I'll tell you, you're going to have a person testify that knows so much about it and he's still on it-- that's right behind me--

**WALZ:** OK.

**WILLIAM BURGESS:** --that he could kind of take it on from where I left off. But if the kids would have a concern, we'd take it to the administration. And if it was some piddly thing that could be changed, a lot of times, the administration would change it. And the kids had a lot of respect for that advisory board because of, hey, somebody is listening and we can get some things done, so.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**WALZ:** OK. Thank you.

**HOWARD:** Senator Arch.

**ARCH:** Thank you. Are-- are you often called to the YRTC as-- as the sheriff department, your deputies?

**WILLIAM BURGESS:** Yes, we-- we get called. There's a lot more people running away. And what kind of tilted this whole-- whole, when it's-- excuse me-- erupted, we get called on a couple runaways. We picked them up. They put them in the locker out at-- out at YRTC, which is their detention in-- in the facility. And then the next night, we were running after the same one. I'm going, what, you know, overnight, and you-- you get them out and you let them run again? And we were wondering what-- what the thing was going on. And then the State Patrol come out and investigated. The State Patrol investigates most of the crime out there because it's a state institution. So I quit about 20 years ago saying, hey, go ahead and investigate, we will take care of any disturbance out there, we'll solve or settle it down. But the State Patrol comes in to investigate, so some of these assaults that have happened, the State Patrol came in and investigated. Well, they brought a young lady into us that they arrested on-- on the assaults, and we put her in our jail. They sent a 48-hour affidavit to the-- to the court and the found "take her back out to YRTC." They said it's a misdemeanor and the most you could get is YRTC; now



Rough Draft

they're going to have to learn to take care of them. They said, Sheriff, it's not your duty to take care of these kids in your county jails; it's the state's responsibility to take care of these kids. And the same one, like three days later, was causing a disturbance and the YRTC staff out there talked to the Patrol. They said, you need to revoke her bond. And so this Trooper brings her down and he said, we can't take her; we can't revoke bonds; you signed an SP authorization that you wanted her held, so they did, so we took her to NCW up in York for safekeeping. They said in the 48-hour affidavit, the judge says, Sheriff, take her back to YRTC, because that's going to be the ultimate-- so I think you need to figure out a facility for the-- for the the good-- you know, the-- the ones that are manageable that can be good in society and the ones that really need attention. That's just my opinion.

**HOWARD:** Do you have a follow-up?

**ARCH:** Yeah, a follow-up question, because what-- what Senator Brandt apparently had a conversation, the-- the ability to charge the youth as an adult, that seems to be the-- a key, in other words; otherwise, the YRTC becomes the-- the place where the-- where the youth is then-- is then sent, and it becomes a revolving door.

**WILLIAM BURGESS:** Right.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**ARCH:** You charging as a youth-- I mean, charging as an adult, is that-- is-- is that the issue that then allows the judge to have other-- other discretion?

**WILLIAM BURGESS:** If you can keep him an adult, charge as an adult and keep them in adult court and let the district judge-- after their trial, if they're found guilty, you know, if the district judge feels they should-- looking at all their background and presentence investigation, feels that they need to go to NCW, then send them there, because back when it was under the Department of Corrections, Judge Cody [PHONETIC] -- I don't know if any of you know him, but Judge Cody, he sent a lot of girls to NCW. And we've got to keep control of it. But now these kids, they know the ultimate sentence for me is coming back out to YRTC, so I can do whatever I want as long as I don't-- [INAUDIBLE] real, real severe, life-threatening injuries to these people, if I just break their jaw or, you know, beat them up going right back out there, so if they-- the kids don't have any incentive to-- to be good, I guess they won't be.

**HOWARD:** Are there are other questions? Senator Murman.

**MURMAN:** Thank you for your testimony, Sheriff. It seems like, to me, that a lot of the problem with the few, like you say, that are the worst that are out there, that are bad examples and difficult to manage, much more difficult to manage than the others, is that, you

Rough Draft

know, we have limits on how long, as you mentioned, they could be in solitary confinement, and there is-- you know, it's great to talk about we need more program-- programming, we need a better facility, but there has to be some more incentive, like you're talking about, maybe to send them to another facility that can more handle that type of a situation, because the girls can re-- refuse to go to programming and there's really nothing we can do about it.

**WILLIAM BURGESS:** Right.

**MURMAN:** Or they're very limited in what they can be in solitary confinement, so there's nothing we can do there either.

**WILLIAM BURGESS:** Well, the-- Douglas County Corrections, juvenile corrections up there, I don't know if any of you have been out there, I mean, it looks like a prison. You know, it's got fence around it; it's got concertina wire. You pull in, all-electric gate, just like a prison, just like a mini-prison. And, you know, they can seem to handle-- handle those bad kids. You know, I don't know if there's a way, if the legislation could contract with or mirror that particular facility to say, hey, you know, for these really bad kids that we can't deal with that won't go to school, that won't do any programming, that won't get along, because this facility out here is good for this community; it's good for these kids. But when you get that percentage that try to ruin it for everyone, that's the problem

Rough Draft

that needs to be taken care of. I did talk to the judge this morning and he said, you know, without-- three years ago, I think it was, when they changed it, we-- where the county attorney cannot file as an adult. They have to file as a juvenile and fight, fight, fight to try to get it to that particular level, to be a felony. And the judge says that's a tough, tough ladder to climb. He said, you're not going to get there, because we had a couple assaults out at our other youth facility. I mean, these were pretty bad assaults, but they didn't come to that level of life-threatening. You know, you've got heads busted open and blood everywhere, but you have to start at the bottom and try to work up, so. Any more questions, I'd be sure to [INAUDIBLE]

**HOWARD:** Are there any other questions?

**WILLIAM BURGESS:** All right. Thank you very much.

**HOWARD:** Seeing none, I actually have one. So I'm just a little bit curious. This is the first time our paths have crossed. August 10 was sort of the-- the disturbance that got everything going.

**WILLIAM BURGESS:** Yes.

**HOWARD:** And were you called out by folks at the YRTC? Were you called-- how did you end up there?

**WILLIAM BURGESS:** Actually, we got called by a parent needing a welfare check. Now that was strange to me.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**HOWARD:** What-- what were the circumstances or--

**WILLIAM BURGESS:** Just needed a welfare check on-- on her daughter.

**HOWARD:** OK.

**WILLIAM BURGESS:** OK? And then later on, they kind of started destroying the-- the cottage. I can't remember the name of that one. It's the one clear to the-- clear to the east. And, I mean, they were breaking water pipes; they were kicking holes. And two of my officers went out there and I think five State Patrol. When my officers told them that the Patrol was coming, because they had their hands wrapped up with-- with-- like they were going to fight, and it was-- we thought we were going to have a riot, is what we thought and--

**HOWARD:** Did you yourself go out?

**WILLIAM BURGESS:** No, I didn't.

**HOWARD:** OK.

**WILLIAM BURGESS:** But then when the five Troopers showed up, they just kind of backed off and went back to their rooms.

**HOWARD:** OK. All right. Thank you.

**WILLIAM BURGESS:** That's what tipped the scales on this whole thing.

**HOWARD:** Yeah. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**WILLIAM BURGESS:** OK.

**HOWARD:** All right. Any other questions? All right. Thank you for your testimony today. Well now open the floor to anyone else who would wish to testify.

**WILLIAM BURGESS:** Here you go, Frank.

**HOWARD:** Frank?

**FRANK HEINISCH:** I guess it's my turn. Now you'll take it.

**HOWARD:** Good afternoon.

**FRANK HEINISCH:** Good afternoon. My name is Frank Heinisch, H-e-i-n-i-s-c-h. I'm an attorney in Geneva, Nebraska, oh, practiced law about 51 years now, been in Geneva, I think, what, 46-47 years. I've been on the Geneva Advisory Board, chairman of it for, oh, at least a couple decades. I've been on the board 39 years. During that 39 years, every winter, I've eaten with the girls at least once a month; met with the administration, met with the staff, and monitored what's going on. Our major idea was, well, we wanted to be able to make life reasonable for the kids out here. That was our major priority. It's like their handbook was written in the style that a college graduate could read, but not a sixth grader could read. And so we went through the handbook and cleaned it up, and so it was language that they could understand what the rules were: whether or not you

Rough Draft

could wear jeans; when you could wear jeans; why didn't they paint the chemistry tables or maint-- maintenance issues. We would go through and inspect the facilities. I'm on the chapel board. The chapel board, right now, we have a project. We want to change the windows. The windows are outdated and need to be taken care of. We've offered we'll do it for free; we'll raise the money. All we want is permission to do it. Asked last spring; we've made repeated requests without success. But-- and the chapel board was-- or the chapel was constructed with volun-- with donations throughout the state of Nebraska. So we're very active in dealing with the kids. Our activities have changed somewhat to include more and more of the staff in the last five, eight years, where we've been concerned that the staff are-- are having a very difficult time, whether or not there's remedies for those staff members to their concerns. I get calls from staff; I've got calls from administration. I'll admit to no-- admit to-- not admit who I'm talking to, but I have a pretty heavy line of communication, being out there forever. I'm well familiar with the facilities and that. What happened, real briefly: LaFlesche is our secure facility. If you were out there, you'd notice there's only one place with a fence. That's LaFlesche, where the girls can go outdoors with a fence out there; otherwise, there's no other secure facilities with a fence. Now that doesn't mean-- the security is marvelous out there, but-- so what happened was-- is we had a sewer problem. And I don't-- I'm not-- I was out in LaFlesche, oh, probably, April, May. It's been down, I

Rough Draft

don't know, probably since January, February, where there's been no kids. The sewer problem was fairly extensive. I was in there. There's a four- or five-foot hole down the sewer pipes down there, and that's been, I think, probably February or something like that where that one pod was out of commission. OK. I thought, well, that's not pain-- too big of a thing. I heard \$80,000 to repair it. I have no idea if that's a good number or a bad number, but it was a substantial problem in the shower area where there's tile and all that good stuff. Well, then all of a sudden, they-- LaFlesche is our secure place. One of the ways of saying it is if you were to run a racecar with three wheels. We-- we lost one wheel. We lost our secure facility. OK, once we lost LaFlesche, though, the girls hit the sprinkler system up there and then that decommissioned the other side, the other pod of LaFlesche. Now what do you do with those girls? We had to put them back into the general population. The key to operating Geneva YRTC is to separate the population into appropriate groups, into cottages, and each cottage had two groups in it. OK, now you're putting the most difficult kids into the cottages that the-- we're trying to work with. Well, that created a major problem, so you want to know what really happened, it's when LaFlesche was lost, our secure facility was lost, and then we had to integrate those kids into our population. So that's the-- an easy answer. [INAUDIBLE] you've got the same problem with Kearney right now. Dickson hall is their secure facility. Dickson hall is a secure facility. We have eight of our students in Dickson hall



Rough Draft

right now in Kearney, and that's their secure facility. OK, now all of a sudden Kearney is limited on their secure facility of where they can put their young men because we've got our young women in there. Now I have no idea what the population of-- know Kearney is in the 90s, but I have no idea what their population of secure individuals is. But if their secure facility is half filled up with our young ladies, well, they're going to be having introduced into their general population the-- the real troublemakers, the problems, and you're going to come up with another mayor and wonder what happened in Kearney. And so it's not going to be a surprise to you; it's just simply if we do not have the facilities to take care of these hardened young ladies or gentlemen, then you're going to integrate them into the population and then your operation is going to turn south. What can be done? Yeah. I-- I think that Geneva worked very well in a population of 50 to 60 kids. When we had that many, we have-- we always had 15-20 kids that are really difficult. We have a lot of mental cases out there. There's no place in Nebraska to put children with mental issues. What's interesting is in the size, their hospital, that's the only rural hospital that has a mental facility in it. We have people come up from Lincoln to use our facilities in Geneva. We have professionals out there to manage, staff it. So I don't know why we've never been able to get those two sides together because we-- we have a new hospital;

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

we've got-- oops, I'm done. [LAUGHTER] I was going to tell you how to solve it, but I guess I'm done.

**HOWARD:** Senator Williams, you do the honors?

**WILLIAMS:** Yes, I'll do the honors. Thank you, Chairperson Howard. Would you tell us how to fix this? [LAUGHTER]

**FRANK HEINISCH:** As I was saying, we have-- if we have a population of 50 or 60 kids, then we have that layer of very difficult kids and we have a layer of lesser difficulties. My experiences in-- has been that you need six months, sometimes a year, for a child to understand the culture is one of care and concern, not incarceration out there. Once we get past the care and concern, we do our managing. Geneva, for decades, ranked in the top 15 percent of the country on the-- the success of how we dealt with these kids. We have a community that knows how to deal with these kids. But you have to first get to that point where they're not rebelling and they're not acting out. Once you've got past that stage and you get them into a general population where girls are really working on the program, trying to get themselves going, then it works. We've had some of those difficult kids. It's taken a year and a half or two years, but we've turned out wonderful products, but it takes time. You first of all have to segregate those kids out and you have to get them cooled off. You have to get them to understand what's going on. And then you have to start

Rough Draft

having them work on their programs. And until you get that-- get to that point, that takes-- staff, we had at one time staff that was some of the oldest seniority of any of the places in Nebraska; 20-30 years was not unusual to have staff members out there. And now, when we're integrating the worst of the worst, then you can hardly work with anybody because I'm afraid the worst just leads down to-- to additional problems. I went out to eat twice this spring and was not able to eat with the kids out there. Why? The dining hall was closed. Why? Food fight. Next week, what happened? Well, there was another food fight. LaFlesche, they-- they ate in LaFlesche. School, they went to school in LaFlesche. The LaFlesche kids were segregated until they finally got themselves understanding what the world was all about and there was going-- if they wanted to get out of there, either age out or they're going to have to wait until they started participating in the program. You know, we've got an accredited high school. That's amazing. I've handed out diplomas for over 30 years. Geneva North, Geneva North High, is what it is. I hand out diplomas probably three to four kids every-- two or three times a year. Now we've had, oh, 12 to 15 sometimes. You know what's amazing? Those kids, they're the first one in their family to have a high school degree. Think about that: in the family. And we're able to provide that. Now think of the skill teaching that it takes bring a kid-- most of these girls have not gone to school for six months to a year period here-- figure out where they are, what they need, get their credits worked out, and get them going

Rough Draft

so they can get a high school diploma or go back to their high school and finish up. It's tremendous. It's amazing what they do out there.

**WILLIAMS:** Mr. Heinisch--

**FRANK HEINISCH:** Yes, sir. Excuse me.

**WILLIAMS:** --thank you so much for-- for your long-term commitment to this and to the community. I want to ask a follow-up question on that, if I can pose it this way. You've-- you have more experience in that facility than probably anybody in here or certainly any of us sitting up here. There are those that would say the acuity level of the girls that are there today has changed so substantially that facilities like this may or may not work. That's not what I hear you saying, though, now. Do you believe that with the acuity level changing that we have seen over this time, that facilities like Geneva can still serve the purpose of rehabilitating these young women to be productive citizens?

**FRANK HEINISCH:** First, I'll give you an answer that I just discovered-- I'm active with CASA here, as well, the [INAUDIBLE] program, but-- and it was introduced to me that there is a movie, a documentary called "The Kids We Lose." I would like all the senators to write down four words, "The Kids We Lose, if you would, please. Now this is a 90-minute documentary. You Google "The Kids We Lose" and you'll-- you'll-- just-- I'm just asking you to please view it. I-- I personally have a view of incarceration: Lock them up; teach them to

Rough Draft

mind; you know, take-- take their mattress away, all that type of stuff. "The Kids We Lose" talks about preschool on up and how our just-- our system working with these kids is creating a product for our penitentiaries and our criminals, and how do we work with these kids that go so far overboard even as-- as preschoolers, and how can you turn these kids around? And-- and it's an art, not a science of-- of-- I have daughters that teach kindergarten. She said-- I said, well, how do you get kids reading in kindergarten? You can't hardly line them up. She said, by October, I have them all reading. How do you do it? Well, one, they start calling me "Mom." When I've got a relationship with those kids, then it works. And that's what you need in these places here is to develop a relationship. And when you have a staff that's not trying to lord over them and say, well, how was your day and what's going on and I'll tell you about my kids, and once you develop that relationship, you can then turn those lives. But it takes a while for the staff to be trained, to understand how to deal with it, and create the relationship. And that's really what this documentary is about, "The Kids We Lose," is that we're not dealing appropriately with these kids that have, well, other mental problems. But it-- yes, it can be worked with. It takes a lot of patience. I'll get in trouble on this one. Dan Scarborough has run this-- run it out there a long time, and Dan's a good friend. And I accused Dan of the "Scarborough" system. Oh, what is that? I said, treat the kids with kindness and to be gentle and be very appropriate with these kids, as

Rough Draft

if they're your own kids, and if you can treat them with kindness, then we can do our magic out there. And the magic then turns these kindergarteners into listening or these high school kids into reality, and then we turn them into useful citizens. And we-- we have a really high percentage. We were running 90-95 percent of the kids. I-- I testified in the last August hearing. I've testified in Lincoln a variety of times [INAUDIBLE] What was really interesting, a young lady, in one of our Judiciary hearings in Lincoln, she said, well, you know, I was a resident at YRTC, now I'm a lawyer. And I-- I think she works in the [INAUDIBLE] department. So, I mean, it's amazing once you start hearing the stories of once they-- they get it, that how to be a useful citizen, we can turn these people out. I-- I'm well familiar with the money in that \$500-, \$600-, \$700-a-day per diem. What's York, \$1,800 for the women up there, per day, the per diem? We still could save a lot of money if we can take it within a couple of years, turn the kids around, and not end up with them in York. So I think there is a place. And goodness knows, there is a small percentage of these kids that I don't know what to do with. You-- you try to-- you basically have to incarcerate them; you have to love them enough to-- to figure out, well, how in the world can you reach these kids? You know, at one time, we had 50 to 60 people in our community volunteering at YRTC. Think of that. We had people taking the kids home, taking them out on adventures. It's been marvelous. We still have people in our community that-- in contact with these kids that they worked with as they were

Rough Draft

volunteers. We-- we've got a community where we've got experienced people; we know how to do it. We-- we-- number one, we got to get the fourth wheel on that car. We cannot operate when we have these problem kids in our general population. We've got to get that so they can get into the general population to-- how they learn how to appropriately respond.

**WILLIAMS:** Thank you for working your magic.

**FRANK HEINISCH:** My magic isn't too much, but I'm sure-- I-- I think we are privileged that we have-- I had the-- the children with the worst problems brought to Geneva, and we have the opportunity to work with them. And we as a community want to continue with that and we have a long-term community advisory board. Kearney is not used to that at all. There's has not been as successful. We've kept an advisory board running for all these decades, and we hope we can do it, continue to do so. Our biggest problem now is we want to go out and visit our kids and we're-- we had a meeting last week and we were told, well, there's security problems and there's all this problem and that. So we're trying to politely work our way through our organ-- the organization that we need to. So we'd like to see what facilities the kids are, what are the kids' reaction. I always ask the kids, are you afraid? Well, I haven't had the chance to talk to them out there. Geneva, I-- I went with [INAUDIBLE] for years and they said, no, I'm not afraid, it's safe out here. But recently, oh, two or three times a year, we

Rough Draft

have a little bit of difference on that now. But so my campaign for whomever is, we sure would like to have authority to go out, visit with the kids, see the facilities, see the program that they're on. They're on a-- oh, a program that it's a point program, it's got to have some reality to it and [INAUDIBLE] Excuse me. I'm waiting on my--

**HOWARD:** Let's see if there's any questions.

**WALZ:** Senator--

**HOWARD:** Senator Walz.

**WALZ:** Yep. Thank you, Chairman Howard. Thanks for coming, and thank you for your passion and for serving on that advisory board. Advisory boards are so important because they provide another level of oversight that I think is-- is just vital. Just a quick question. I don't remember who said this, but the State Patrol does most of the investigations on incidents. Does the advisory board get a report on the number of incidents or how many times the State Patrol is there or what the reasons were that the State Patrol was there?

**FRANK HEINISCH:** During our meetings, in the past, we have had-- well, Dan has been to most of the meetings until about the last two or three years. Once Dan Scarborough started running Kearney and Geneva at the same time, that was another problem that all of a sudden he was put out way too thin when he was trying to run both facilities from Kearney. He was having management problems. But at our meetings, we



Rough Draft

would discuss whether they would have girls escaping or assaults in the-- we-- we just we're setting a record for no-- no assaults for a long, long time, and then all of a sudden, we're-- the behavioral issues, mental problems, are-- are-- are part of the problem, as well. I mean, these kids can all be-- they're just kids, just like what you have at home. I raised three daughters and then, what, six granddaughters, and they all have their problems growing up.

**WALZ:** Thank you so much.

**HOWARD:** All right. Any other questions? Senator Hansen. And I should note we've been joined by Senator Hansen. Do you want to introduce yourself, as well as ask your question?

**B. HANSEN:** Yeah. I'm Senator-- sorry for being late. I'm Senator Ben Hansen. I'm District 16, which is Washington, Burt, and Cuming counties. And I appreciate the candor and the advice, especially about how to raise a child since I have a two-and-a-half-year-old at home, daughter. [LAUGHTER] I need all the help I can get, so I appreciate that.

**FRANK HEINISCH:** Watch the movie "The Kids We Lose."

**B. HANSEN:** I'm going to have to now.

**FRANK HEINISCH:** [INAUDIBLE] aspect.

Rough Draft

**B. HANSEN:** And I think you-- in my opinion, I think you hit the nail on the head there when you talk about success of facilities like this, especially when dealing with the youth, is community involvement, especially voluntary community involvement. I think that's-- I think that's probably a big part of why this is successful. And my question is, kind of over the years, have you seen this facility go from a more rehabilitative kind of approach versus a more corrections-based approach, or has it been kind of the same throughout?

**FRANK HEINISCH:** I-- I go back so many years, 39 years. I was with Department of Corrections for a number of years and that was a different approach, but that was still some rehabilitation. Once Health and Human Services came aboard, then we were really fortunate to have all sorts of broadened expense. We were not on the tail end of the budget, as we were at Department of Corrections. Right now, it's-- it's just a reflective situation where staff have to try to figure out how to deal with it. I feel so sorry for a staff member that's assaulted, and there's all sorts of guidelines of being nice and you put them-- confine the student. And then after two or three hours, we don't have enough staff, so they bring the student out, and the student has to be with a-- that staff member has to be with that student again. And that's of course in the middle of the night or whatever. And so we have to-- we have to get things under control. We have to segregate the kids that really need to be segregated, get them

Rough Draft

out of population so that we can-- the population that we can work with that are catching on, and I'd like to have a bigger population of kids that are catching on, not just the top layer but at least one more layer down, the kids that catch on a little quicker, and then we start working with them. But we're going to have to have some incarceration. And so once you get these bad apples in with the whole crew, then you've got a-- the whole mess in incarceration rather than rehabilitation. We want rehabilitation; we don't want incarceration. We want to have productive, useful citizens come out of this facility, and we can do it.

**B. HANSEN:** Thank you. Appreciate it.

**HOWARD:** Any other questions? Oh, Senator Cavanaugh.

**CAVANAUGH:** Thank you so much. And I'd like to echo Senator Walz's comments, so thank you for your passion and your compassion and your years and years, decades of service to this community and this population of young women. That's-- it's really moving to hear you speak.

**FRANK HEINISCH:** Thank you.

**CAVANAUGH:** --so compassionately and loving about these kids. I did want to get some information from you. You seem like you might be the holder of the keys here. So you talked about sort of-- started to give us a little bit of a time line on LaFlesche, and I wanted to go back

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

to that. You-- you mentioned in February there was a sewer problem.

Could you just maybe give us a brief overview of your understanding of the time line of the deterioration of that facility, because that is that fourth wheel that we're talking about.

**FRANK HEINISCH:** Well, I'll just start with-- do I have a minute-by-minute calendar of all that? Absolutely not. I know that sometime in the winter there was a problem, in 2019, where the sewer was backing up in the-- and these girls are creative, especially in LaFlesche, and when they-- anything they could do to back up, create hassle and that.

**CAVANAUGH:** They're very smart.

**FRANK HEINISCH:** Well, they're experienced and knowledgeable well beyond my knowledge. But anyway, then there was a-- they dug the hole and figured out-- and I'm not sure. I've even been told there was a design problem in it and I'm-- I'm not sure what it is. But all I did is look [INAUDIBLE] there and the tile fell [INAUDIBLE] I don't know. I assume-- well, you guys were out today seeing the same hole probably? No?

\_\_\_\_\_ : No, it's fixed.

**HOWARD:** It's fixed?

**FRANK HEINISCH:** Oh, it's fixed. Well, celebration. [LAUGHTER] But anyway, so that, there was two pods and it took out one, and nobody was too excited about that. And construction, I don't think construction really started until a month ago, would be my-- my guess on it, on actually repairing the-- and I think that was a blunder, but I'm-- I'm going to get in trouble again. As far as-- it wasn't a problem when we still had the other pod and it had enough capacity to-- once the kids destroyed that other pod, vandalized it, they were vandalizing not only their room, it's simply like we did not have any problems before with kids climbing on the countertop, swinging on the--

**CAVANAUGH:** Do you know when that happened?

**FRANK HEINISCH:** I can't tell you. I-- I would assume that it happened sometime in probably March, but I'm not sure when that pod was under-- it could have been even early-- earlier. LaFlesche has pretty well been out of commission for at least probably-- oh, since February, March, something like that. I was--

**CAVANAUGH:** And that's around when that population was moved.

**FRANK HEINISCH:** Then they-- what else can they do?

**CAVANAUGH:** Right.

**FRANK HEINISCH:** They had to integrate that population into our general population. Then we lost-- lost the whole culture of this bad apple ruining the bushel of apples, and then it-- it was just a very difficult culture to manage. And the answer was to cut down the numbers. And of course cutting down the numbers budgetwise almost sounded good at staffing and all. But our problem was is that we just ended up with a greater hardcore layer and not that other-- under [INAUDIBLE] layer that we need to be able to start and say, hey, kids you need to graduate to this next layer, see what good things they're having to enjoy, and if you can just graduate yourself to that, and we lost that-- that layer [INAUDIBLE]

**CAVANAUGH:** Thank you.

**HOWARD:** Senator Brandt.

**BRANDT:** Thank you, Chairwoman Howard. Thank you, Frank, for your testimony. And I guess this is-- would you agree with the statement that it sort of looks like the assaults mirror the staff shortages and the maintenance issues out there; I guess the assaults would go up as staffing goes down and maintenance issues become greater?

**FRANK HEINISCH:** I'm going to answer your question a little different, but I'll give you the answer. Dr. Nash, wonderful psychologist, she was so creative, knowledgeable. She created a whole new program, fantastic woman, and I was just so pleased to have the privilege of

Rough Draft

getting to know her work. Dr. Nash had a whole point system derived where the girls could earn their way up, and they wore a different color of sweatshirt that could show success. OK. Dr. Nash got burned out. Now I-- well, that's not good phraseology, but that's what happened. She ended up having to resign for health purposes. She just had-- there were so many challenges and all. So now we have this new program created by an extremely vibrant, unique person, and she was-- it's evidence based and all the good stuff that she was doing, and she just-- she-- she couldn't continue to do her job there. It was just too much pressure and it's a real pressure cooker. So she resigned, so now we're left with a new program. We've trained initially, but it's not really been run through more than six months or eight months and we're all ref-- they're refining and working with it. And so the programming really suffered quite a bit to start with. And once we had that program, then-- then we were like, with all due respect to Kearney, like Kearney was changing programs every two to three years and the staff, by the time the staff figured out how to do it, they were into a new program because the last one didn't work, because they hadn't gotten staff. Or in the same challenge, we have new employees. It's hard for a new employee: How do you protect yourself, who are these assaulting people, when really it's how do you love these kids, how do you show compassion, and how do you convert this-- these employees into one of caring like they're their own family and their own kids? And that's where our-- our-- our problem came up with is

Rough Draft

that we have too heavy of a turnover, not enough staff experience, not enough program experience. And I understand that they've changed some of the program now and they're trying to parallel the program in Kearney and Geneva and hopefully our-- our training will overlap and they'll need to learn how to-- to work with the program, which is a points program. I was involved in Boys Town stuff decades ago, and they had a point system. It's great, but you have to be able to communicate with kids so they know it's reality that they-- these points they've earned and then they get this benefit. And you need to do benefit rather than punishment, not incarceration. Boy, if-- if you work right, you can come out and help with the roast beef supper with the senior center, and that's always fun for them, or help at the theater, marketing popcorn or whatever it is. And we used to get [INAUDIBLE] we get them up-- the kids out in the community a lot. Now there's a lot of reflection of security issues and everybody's worried. We used to-- the swimming pool out there was built for the community and for the girls. Well, all of a sudden, some lawyer said that it wasn't going to be safe to let the community out there in the swimming pool anymore, even with a lifeguard. So we lost our community going out there, and not that they integrated with the kids, but when they went back and forth, there was a-- a-- a relationship. And so we've lost some of our ability to integrate with the kids and we'd



Rough Draft

sure like get that straightened out. I'll-- if I knew that lawyer, I'd go after him.

**HOWARD:** All right. Any final questions? Senator Murman.

**MURMAN:** Yeah. I think you probably already answered this question, but you were talking about the bad apples. When there's just a few that are a really bad example for the rest of the group, I still feel there's a problem because there's no way you can force them to participate in the programming. You can only be solitary confinement for a certain amount of time. If there was another facility that they could be moved on to and still have a good programming, the good discipline whatever is necessary in a different facility, more secure and more secure facility that was built that way, for security, would that be very helpful for-- for the Geneva facility?

**FRANK HEINISCH:** Oh, of course. But as a reality, I'm a taxpayer too. And we-- we are capable of working with those difficult kids if we have facilities and people that work just with those kids and we isolate those. You know, if you've got a 15-year-old girl and you say, you're going to stay here until you get going with the program. you know, after six months or a year, she'd say, well, I'm tired, kind of tired of here, I'd like to get out in the population and see my friends and do things and get a little different commissary stuff and that. Once you get to that point, then, hey, it really does-- the

Rough Draft

girls will want to get into the general population. They will want to participate they will want to get their education. So even that will work with a 15- or 16-- when I get a-- a kid that's going to age out and she's 18 and she's been there a year and she's only got a few more months to go, there's not a whole lot we can do. And, oh, Trevor-- Trevor Spiegel, who-- who moved the kids out and that, I have a lot of respect for the guy. I think he did some difficult, good decisions. He-- I'm not sure what you can do to catch-- to get these, take care of these kids, except, he said, well, we've got these troublemakers, we're just going to let them go. They're-- they're going to age out in a few months. Well, we're going to put them on probation, send them out, and just get them out of our facility. We are having too much problem. So they got-- they decreased their population and I think it was by four. Interesting, we had two of the girls that were from early release and through our-- well, through our CASA program really, we have suitcases when kids are taken from home at night and they-- you know, their-- all their worldly possessions are put in a garbage bag and they're hauled to a-- to a foster home or hauled to a relative or something. Well, we keep suitcases and we had older kids' suitcases and we provided each of those kids from the community a suitcase so they would have some of their personal items and something more than just state-issued YRTC clothes. They were going out with just what clothes and what was on their back. So even the kids that are leaving, we have in-house programs to take care of situations. And that's our

Rough Draft

community. We-- we have our capability to take care of not only our own but take care of the kids at YRTC when-- when they-- when they have problems like that. We're willing to help them. But, yeah-- no, a facility, I agree with the sheriff. And I was county attorney, or a deputy, for 18 years. I-- I've seen a little bit, and it would sure be nice to just stick everybody in the mental health hospital or stick them all into-- Geneva YRTC is the last place for girls, and that's all right. We have the facilities We have done this for over a century. We can do it.

**MURMAN:** Yeah, I was just talking about maybe two or three or four of the worst of the worst to-- and not building another facility for them, but perhaps another youth facility to keep them temporarily and hopefully coming back to Geneva if they improve there, you know, to protect the employees at Geneva and the facilities at Geneva.

**FRANK HEINISCH:** I-- I've got eight young ladies right now in Kearney that are in Dickson hall. We would love to leave them there.

[LAUGHTER]

**HOWARD:** All right. Any other questions? Thank you for your testimony today.

**FRANK HEINISCH:** Excuse me.

**HOWARD:** Our next testifier. Good afternoon.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Health and Human Services Committee October 2, 2019

Rough Draft

**ANNE HOBBS:** Thank you for the opportunity to speak. My name is Dr. Anne Hobbs; it's A-n-n-e H-o-b-b-s. And I'm not allowed to say-- I'm not speaking on behalf of the University of Nebraska at Omaha, but everything I'll say to you is because of my work there. So I'm the director of the Juvenile Justice Institute, and I want to speak to you predominantly about some programming that we've been doing with the YRTCs for the past eight years. I've passed out a brochure to you. This UNL-- or it's a UN mentoring program-- originally was funded through a grant through Lancaster County and it's now funded through the Sherwood Foundation. And basically how it works is we match undergraduate college students to youth in the facilities. We've been doing this for about eight years. It started under Dan Scarborough and it's been enormously successful for both the youth and the students. So we've made about 200 matches and we're now in about five universities, so UNL, UNK, UNO, Doane, and Wesleyan is now asking to come on board. So how it works is the students are matched to a girl that might be coming back to that community. And that was exactly the intent was to build the long-term relationships, starting in the facility for roughly five or six months, and then following that youth back out into their community and-- and being there for them. Until the-- we're still doing this programming until the last few months. It was done at Geneva, but now my students are driving to Kearney, so my students from UNL are driving about two-and-a-half hours to-- to work a youth for about an hour, so there's lots of dedication. I have to

Rough Draft

say, in about 200 matches, we've never encountered any kind of violence towards the mentors. We now have-- we now have had just about 200 matches. Most of them have been from Geneva, about 70 under Geneva, and then 30 percent are from Kearney. And although the students-- my students graduate and the young people do leave the facilities, some of those matches have been going on for three or four years, so some of them sustain for quite a long time. The mentors generally attend things like graduation or fairs or graduation [INAUDIBLE] programs, so there has been very positive things that have happened in these facilities. I recognize that [INAUDIBLE] something that exploded and there's a big problem now, but I think we don't want to lose sight of some of the very positive things that have happened at the YRTCs. [INAUDIBLE] questions [INAUDIBLE]

**HOWARD:** Thank you. Are there questions? Senator Cavanaugh. Thank you, Chairwoman. Thank you for being here today. Just a quick question is, have you had any of the students that have been mentors, have they previously been residents of either of the facilities?

**ANNE HOBBS:** No.

**CAVANAUGH:** Maybe someday.

**ANNE HOBBS:** Yes.

**CAVANAUGH:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**HOWARD:** And-- and just for a point of clarity, you've started the program then in Kearney, and then how many sort of weeks has it been going on with the girls?

**ANNE HOBBS:** This semester? Since August--

**HOWARD:** OK.

**ANNE HOBBS:** --so since the semester started.

**HOWARD:** OK. And how many students do you have now?

**ANNE HOBBS:** There are 15 but we-- when we went to the-- when we went to Kearney, three girls were in solitary and were not allowed to be matched. So we had to match them elsewhere to a group from-- in Omaha, so.

**HOWARD:** OK, yeah. All right. Any other questions? Seeing none, thank you for your testimony today. Our next testifier. Good afternoon.

**AUBREY MANCUSO:** Good afternoon, Chairwoman Howard. Members of the committee, my name is Aubrey Mancuso, A-u-b-r-e-y M-a-n-c-u-s-o. I'm here on behalf of Voices for Children in Nebraska. We all benefit when our juvenile justice system is structured to ensure that youth receive meaningful rehabilitative opportunities and can grow [INAUDIBLE] Every investment in making the system is an opportunity to set youth up for success [INAUDIBLE] and to disrupt cycles of recidivism and incarceration that drive overcrowding in our adult systems. Our

Rough Draft

state's youth are still developing and even the most challenging among them need the right therapeutic response at the right time to meet their needs and overcome their [INAUDIBLE] The YRTC's, as they currently exist, have not been able to meet those needs. Over the years, through legislative changes and greater commitment to community-based responses, we've decreased the number of youth committed to the YRTC's. I've attached to my testimony data regarding the YRTC's from our most recent Kids Count report showing that there are 40 admissions to Geneva and 132 in at Kearney in state fiscal-- fiscal year '16-17. For less than 200 youth, we spent nearly \$20 million to operate these two facilities and yet we have not been able to guarantee that youth are safe and secure or receiving the treatment that they need to set them up for success. The conditions at Geneva that came to light earlier this year were unacceptable, and the continued escapes and attempted escapes from Kearney are disheartening, particularly in light of nearly three-quarters of a million dollars being invested in a fence to make the facility more prisonlike. Unfortunately, none of this is new. I've also shared with you a time line of just the past 30 years, drawn from new sources and historical YRTC reports, that documents a history of critical incidents, problems with programming, and inadequate attempts at reform. This list is not comprehensive, but we see patterns: inadequate staffing and lack of treatment programming; youth attempting escape or engaging in dangerous behavior, and use of

Rough Draft

inappropriate and abusive practices like solitary confinement and youth [INAUDIBLE] physical restraint. It's past time to think boldly about the future of our juvenile justice system and the children it serves. We need to look to using best practices and move away from a model that we have not be able to [INAUDIBLE] We know the types of youth-focused interventions that benefit youth and ensure that we are good stewards of taxpayer dollars. We need individualized treatment planning and case management, small youth-to-staff ratios, local interventions that can meaningfully wrap in family and communities, and responses that are strength based and honor children's unique cultural and ethnic heritages. Putting young people in prisonlike facilities far from their own communities and trying to address a highly diverse array of treatment needs is not sustainable and a poor investment. Even with the best intentions and efforts of staff and administration, which we absolutely believe we can have, you're still asking too much. We need to stop asking what to do about the YRTC's and ask how we can build an infrastructure that supports many people facing challenges and set them-- sets them up for success. We hope the Legislature and the administration will partner with communities to imagine a new way forward that allows youth to receive the help they need while remaining connected to their home and their family. Thank you to both Senator Lowe and Senator Quick for their concerns about these YRTC's and their openness to hearing from all sides of this



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

issue. And thanks to the committee for your time and commitment to  
[INAUDIBLE] and I'm happy to answer any questions.

**HOWARD:** Thank you. Are there questions? Senator Cavanaugh.

**CAVANAUGH:** Thank you. Thank you for being here today. Even though we  
do have Senator Brandt with us here today, most of us are not familiar  
with the judicial system, and I was wondering if you could just  
quickly give us an overview of what these offenses are that are listed  
here. You have status offense, weapon, probation--

**AUBREY MANCUSO:** OK, right, yeah.

**CAVANAUGH:** --public order, just so we have an idea of what our  
population--

**AUBREY MANCUSO:** So unfortunately, our attorney, Juliet Summers, could  
not be here today. But a status offense is something that is only an  
offense because of [INAUDIBLE] someone's age, so it's something that  
wouldn't necessarily be a crime if you were an adult. But something  
like truancy or use of alcohol or underage use of tobacco, those are  
all considered status offenses. Otherwise, I think, you know, these  
can be a vast array of things.

**CAVANAUGH:** Maybe public order and property-- properties-- destruction  
of property?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**AUBREY MANCUSO:** Yes, those are offenses against a property, so some sort of-- where there was some sort of damage to another individual's property.

**CAVANAUGH:** And then public order would be?

**AUBREY MANCUSO:** I believe those are [INAUDIBLE]

**CAVANAUGH:** Disorderly conduct?

**AUBREY MANCUSO:** I believe those are instances in which a young person is essentially classified as ungovernable due to something like chronic nonattendance at school or other [INAUDIBLE] I may be wrong.

**CAVANAUGH:** That's OK.

**AUBREY MANCUSO:** [INAUDIBLE]

**CAVANAUGH:** I'll follow up with your lawyer.

**AUBREY MANCUSO:** Yes.

**CAVANAUGH:** Thank you.

**HOWARD:** All right. Any other questions? All right, seeing none, thank you for your testimony today. Our next testifier. Good afternoon.

**MELISSA KLASEK:** Good afternoon. I'm Melissa Klasek, K-l-a-s-e-k. I am a citizen of Geneva. I have lived here for 20 years. I have a story to tell. I tell it every time I get a chance to. Seven years ago, in

Rough Draft

November, I had my pickup stolen by three girls. I call them inmates, but girls from YRTC. And I was a victim, and it just makes me so mad because I went and I had the sheriff come out, and the deputy, and-- and they finally caught the girls, one of them, and they said, yeah, we took her pickup. It was my farm truck, had just bought it. It was a \$10,000 pickup, had all my farm tools in it. It was a very large amount. And the one girl says, yeah, we took her pickup, then they all lawyered up and said, we're not going to tell you where we took it. Fine. But, OK, I'm out of this pickup and these tools. And so I had to wait 30 days because my insurance company says, well, your-- it may show up. OK. If it shows up, I don't want it. And it never did show up. And I didn't want the money. You know, it cost me \$3,000 for my deductible. They only paid me for half my tools. You know, that wasn't nothing. That-- I-- I understood that there's a-- but I wanted an apology from somebody. So I wrote out a letter to YRTC and I said, hey, can I just get an apology? And he said it didn't happen. It didn't happen? Yeah, it did happen. I have a police report. It did happen. No, it didn't. OK. So I guess I'm out that much money. I didn't get an apology. Nobody-- it never happened. And that's what it was. So it's been seven years. So I tell my story to everybody I can because there are-- like Frank said, there are bad apples. Sheriff Bill said the same thing. There are bad apples. Those bad apples don't need to be out there. They need to be somewhere else and I don't know-- treat them-- that's grand theft auto. And if it's-- they need

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

to be incarcerated and I-- nothing ever happened to them. They got a slap on the wrist and that's not right. Thank you.

**HOWARD:** Thank you. Are there questions? All right. Seeing none, thank you for sharing your story with us.

**MELISSA KLASEK:** Thank you.

**HOWARD:** All right. We'll take one more testifier and then we'll take a quick break. Yeah, Ms. Sherry gets it. Oh, table moves. All right.

**MARY STOFER:** Hello [INAUDIBLE]

**HOWARD:** Good afternoon.

**MARY STOFER:** My name is Mary Stofer. I am currently a private citizen in Geneva, but I was employed at YRTC-Geneva for 38 years.

**HOWARD:** Could you spell your name for the record?

**MARY STOFER:** Oh, I'm sorry. M-a-r-y S-t-o-f-e-r. I retired approximately four years ago. When I retired, I was the facility operating officer, which is basically the assistant administrator, so I have a little experience with YRTC and I have a little experience with change. I understand. I saw a lot of changes, a lot of progress, a lot of ideas come and go. And I know it can be disruptive, and I know you're going to find people who are resistant. And even though you plan for everything, you're going to miss something. And also,

Rough Draft

people are going to question what you're doing. They may not have access to all the facts that you make your decisions on, but they're going to question it. So I don't want to come here and second-guess some of the things, decisions that were made, because I understand. But I do have some questions about some of the outcomes of these decisions that were made, mainly because in all my time there, and as far as I know, the time preceding that, never was the facility closed down, never. And as I talk to people, I have a hard time understanding this because we generally, when I left, had a good reputation. We had problems, just like everyone did, but we generally felt like we were doing a good job. And two years ago, we passed our accreditation. We're accredited by the American Correctional Association with 100 percent, and that's no easy thing to do. And we were one of the first female correctional facilities, Geneva was, to be corrected in the-- to be accredited in the whole country, so we have a long history there. So what happened in two years that the-- everything kind of fell apart? And as I talked to staff who I used to work with, a couple of things, in my opinion, became apparent. One of the things was that the maintenance staff was at one point under DHHS, supervised by the facility superintendent, administrators. That was changed to the maintenance staff was supervised by the Department of Administrative Service, the Building Division. OK, so everything our maintenance staff used to do, in addition to taking care of the buildings, was they'd mow the grass; they'd move the snow; they'd take care of the

Rough Draft

cars. They would remove things-- or move things between cottages, repair appliances. So they had a lot of duties. Well, now the Building Division comes and says, we are just responsible for the buildings, that's it. So now all the grass mowing, snow moving, appliance repair, they have to contract for all of that. Doesn't make much sense. And something to look into, rumor has it that there was a disagreement between the Department of Administrative Services and DHHS that the Building Division said, we're not going to pay for those damages that the girls are doing, that's DHHS's responsibility. So there was-- there was a power struggle going on. I'm assuming that things didn't get taken care of. Frank talked about LaFlesche. OK. Another thing was the programming. We were under the My-- My Journey program while I was there. They changed to Dr. Nash's program. Wonderful. If it's better, let's do it. I'm not one to say we've always done it this way, you know, we can't change. If we've got something better, let's do it. So they changed to this programming-- program, and it's my understanding they wanted to do something different then. So what did they do? They took that program away but had nothing to put in its place, so there was no programming. Who does that? You have to have some kind of program in place. If that program that they had wasn't working, then just keep working with it, adjusting it until you've got something to take its place. OK. Now at programming, historically, there's been are we corrections or are we social services? Are we kind of punitive or are we discipline or are we the soft and fuzzy, warm? The answer is

Rough Draft

we're probably both, and it's a real fine line that we walk because it's difficult to be both of those things. Another thing, and this has always been talked about but never necessarily brought out in the open, there's been a big push-and-pull between Geneva and Kearney. They say, Kearney does it this way, Kearney doesn't do it that way, Geneva does it this way, back and forth, back and forth. And I think that it's time that we put an end to that. To a certain extent, we can be the same, but we are dealing with girls, a whole different ballgame from boys. Girls generally react differently; they have different things that are important to them; they're just different. A little-- little bit of background history, about 10-15 years ago, we went looking for a new program just for girls. We visited several out-of-state facilities. We had people come in. And what we found was there weren't a lot of programs just for girls. We had some programs out there that were supposedly for girls. But when we looked at them, they were actually boys' programs that they had adjusted a little bit and-- and then they called them girl-- for girls. So not much out there, not sure what's-- what's here now. But what we did do a lot of research on was gender-responsive programming; in fact, gender-responsive philosophy, which is how do girls enter the system. What is it-- oh, I'm sorry. [LAUGHTER]

**HOWARD:** Would you like to wrap up your final thoughts?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**MARY STOFER:** Well, I have a few. [LAUGHTER]

**HOWARD:** Very briefly, and then we'll see if there are questions from the committee.

**MARY STOFER:** OK. Gender-responsive programming means that you deal with girls and you interact with them in a way that is meaningful to them, that makes sense to them. And it's not just your social services, your counselors. This philosophy permeates your whole campuses. Your cooks, your-- your medical staff, your maintenance staff, everybody is aware of this philosophy. And so, please, if you have new programming, don't try to fit us into the Kearney mold, that Geneva and Kearney have to be the same, because we're not and we shouldn't be. Somebody has to stand up for our girls. And mental health services are lacking throughout the state and for our girls also. So I have more, but I'll quit.

**HOWARD:** Let's see if there are questions. Senator Arch.

**ARCH:** Thank you. Your-- the span of your experience is going to be very helpful with this. I-- the-- you-- you hear comments about, well, the girls have changed. What do you-- what do you say to that? How do you respond to that?

**MARY STOFER:** You know, I've been gone for four years, so I can't say how they are now. I do know we did have a couple of those. We did have assaultive girls and they destroyed property, and we did have those



Rough Draft

girls. Whether or not they're in the same number or the same severity, I'm not sure, but we did-- I mean, we did have incidents where our staff were assaulted.

**ARCH:** So-- but I mean not just in the last four years, but over the span of your-- your tenure there, did you see-- did you see-- did you see the girls change and programs change in response to that and-- and then-- I mean, society changes. And so did-- did you see programs change several times over that span or was it pretty much the same and then suddenly there's been repeated changes? How did-- how did that work?

**MARY STOFER:** No. The girls have changed. They have gotten more difficult, more, more mental health issues, so they have gotten worse. Our programming has evolved. At one-- at one time we were PPP, PPC; we went to My Journey. I'm not sure what they have now. So, yeah, we have tried to change and evolve as the girls change, as the population changed.

**ARCH:** OK. Thank you.

**HOWARD:** All right. Other questions? Senator Hansen.

**B. HANSEN:** Thank you. Thanks for coming and talking with us too. My question is a little-- want to kind of play off of Senator Arch's kind of rational questioning. But mine was a little-- tied a little more specifically to the use of prescription medications. Have you seen an

Rough Draft

increase in the use of prescription medications to deal with some of these problems as opposed to some other, you know, programming, like Senator Arch was talking about, that changes in programming, you know, evolves with society? Have you seen some of these programming changing with the use, or perhaps overuse, of prescription medications with some of these girls?

**MARY STOFER:** I-- I-- I would hope that the use of prescription drugs did not take the place of programming. I know there was an increase in the use of them, but I'm not a medical professional. I can't say if they were being overused or if the youth were overmedicated. I can't answer that question.

**B. HANSEN:** That's fine. I appreciate it. Thank you.

**HOWARD:** Senator Cavanaugh.

**CAVANAUGH:** Thank you. Thanks for being here today and for your years of service at Geneva. You mentioned about the change in maintenance from DHHS to DAS, and that's something that we have heard a little bit about. And I'm-- I'd just be curious to hear-- it sounds like in your position as an assistant administrator you might have had some dealings with, if there were significant damages made to the property when-- when it was within DHHS. How did that sort of reporting structure work and repair structure, I guess, like trying to get a sense of how-- how it was back then versus how it is now.

**MARY STOFER:** OK. I-- I'm trying to think because the maintenance department was supervised by Dan Scarborough, the administrator. Generally speaking, if something needed repair, the maintenance staff would do it; or if he had something specific-- specific that he needed/wanted repaired, he would visit with him. They would do it.

**CAVANAUGH:** Let's say like the sprinkler heads were knocked off and the water was gushing out. Could you take us through how that would have been handled?

**MARY STOFER:** Your maintenance supervisor would take the lead because he would know who to contact, which contractor would work on it. But it would be dealt with immediately. It would not have to go through DAS back to us. It was just more immediate. And when you had the supervisor there on campus, Mr. Scarborough, he had-- he had some buy-in to the facility; he knew what he wanted that facility to look like. He knew what standards we had to meet to meet our accreditation as far as building maintenance and cleanliness and repair. He knew all of that.

**CAVANAUGH:** Just a follow-up.

**HOWARD:** Sure.

**CAVANAUGH:** So from your perspective, was the-- the change, or maybe the elongated time line, more related to the shift of maintenance to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

DAS or the shift of Mr. Scarborough taking care of multiple campuses instead of just the one?

**MARY STOFER:** I think it was a shift to DAS.

**CAVANAUGH:** OK. Thank you.

**HOWARD:** Senator Brandt.

**BRANDT:** Well, you stole my thunder.

**CAVANAUGH:** I'm sorry. I do that.

**BRANDT:** Well, and I guess my question was, because we are a 24-hour facility here, and I understand what DHS is trying to do. I mean, if-- if you-- you're in an office building for the state of Nebraska and-- and you need doors replaced or something of that nature, you'll go out and you get three bids and you get the best deal you can for the taxpayer, and-- and we're all for that. But had several maintenance people call me and voice exactly what you said, and they said when DAS took over, they were told to stop fixing things. Now that may be hearsay, it may not be hearsay, but it is pretty apparent with other-- staff people that I've talked to outside of maintenance also said when DAS took over, they seemed to think things started to slide downhill at the facility. And I think probably a lot of that is they don't have a lot of 24-hour facilities, because most facilities you only work 40 hours a week. You have evenings and weekends. Your facility is 168

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

hours a week. You know, you have to schedule a time to work in there to fix some of this stuff. And I think DAS can probably do this. I just think they maybe need to adjust their-- the way that they do it. Maybe they have to have more staff there or have an engineer on site or something of that nature or change what the protocol is on bidding or-- or such. Do you have any thoughts on that?

**MARY STOFER:** Hopefully, it would get better. They need to have an understanding of the overall facility operation. We can't put a girl in a room without a light. That light has to be fixed. It's as simple as that. They have to understand how that physical plant affects our program.

**BRANDT:** OK.

**MARY STOFER:** And it has to be kept in good repair.

**BRANDT:** All right. Thank you.

**HOWARD:** Senator Arch.

**ARCH:** Another question. Thank you. I-- you didn't mention staffing in your original testimony.

**MARY STOFER:** I didn't get to it.

**ARCH:** OK. [LAUGHTER] Your-- again, your longevity, the history that you had, did you-- did you see issues always in-- in just getting

Rough Draft

qualified staff, maintaining qualified staff? Did you see that ebb and flow? Did you see that only recently? What-- what's the pattern there that you saw during your tenure?

**MARY STOFER:** Generally speaking, and I think someone mentioned this before, our employees stayed a long time. We had a very stable slate of employees. And we didn't have a lot of problems. There toward the end of my tenure, I started seeing some. And part of the problem is because of budget reasons. You try to maintain just a certain level of staff and you don't want to have a lot of staffing. But then what happens is-- I-- I was supervisor of our living unit supervisors, and every month they would do the-- the schedules. And they'd say, phew, we've got them all covered; we were able to grant some time off. And that was a good thing. Well, then the month occurred and during that month, you might have had somebody out on sick leave for a week; you might have had somebody had surgery; you might have had injury leave; bereavement leave. We also had things like PRIA, Prison Rape Elimination Act, that if an accusation was made against a staff member, they had to be removed from contact with the youth, so they were out. So you have all these things that aren't built into the schedules. When your schedules are barebones anyway, there's no fat in them, then when things like this come up, you're in real trouble. And that's when you have to start "mandatorying" staff, which is not a good thing.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**ARCH:** And turnover rates, did you see-- did you see a fairly consistent turnover rate?

**MARY STOFER:** Didn't have a lot of turnover.

**ARCH:** Even at any-- not just professionals, but at any level of employee anywhere in the organization?

**MARY STOFER:** No. No, we-- we had some really long-term employees. No. We were just very stable.

**ARCH:** OK.

**MARY STOFER:** And of course, at that time, we were the best game in town. We had good benefits.

**ARCH:** As an employer?

**MARY STOFER:** Yeah.

**ARCH:** As an employer.

**MARY STOFER:** We had good benefits.

**ARCH:** Yeah.

**MARY STOFER:** But one thing that you have to understand, your line staff, these aren't easy jobs to begin with.

**ARCH:** Right.

**MARY STOFER:** But they're working holidays; they're working evenings; they're working during Nebraska football games. [LAUGHTER] So they're missing a lot of their family life. They are missing a lot of their children's activities. So if you don't have the flexibility to grant them time off when they ask for it, then they-- they became-- become really frustrated.

**HOWARD:** Senator Walz.

**WALZ:** Thank you. Thank you for coming. I have a couple questions. First of all, did you say live-in supervisors?

**MARY STOFER:** Living unit.

**WALZ:** Oh, OK. I was like getting excited that you had live-in supervisors for a minute. Have you ever done anything like that, like any live-in type of situation, family, parent?

**MARY STOFER:** No. Well-- well, yes, but it was many, many years ago, 60, 70 years ago, and we used to have employee apartments on campus where staff weren't on duty but they actually lived on campus.

**WALZ:** Yeah. OK. The second question is-- you talked about the programming changed two years ago and they took the programming away and did not replace it with anything. Can you kind of go through that process, who "they" is? Can you explain that a little bit more?



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**MARY STOFER:** That-- that occurred when I was retired already, so I'm not really sure but I'm sure there's people you can speak to that would know all of what happened.

**WALZ:** OK. Thanks.

**HOWARD:** Any other questions? Seeing none, thank you for your testimony today. All right. The committee is going to take a ten-- a ten-minute break, and we'll actually reconvene at 3:30.

[BREAK]

**HOWARD:** The committee will reconvene. Is there anyone else wishing to testify on LR200 or LR103?

**JILL SCHMIDT:** I need a blue sheet.

**HOWARD:** You do need a blue sheet. They should be just up there if you'd like to testify. Good afternoon.

**JILL SCHMIDT:** Good afternoon. My name is Jill Schmidt and I am the director of the Chamber of Commerce here in Geneva, and we'd like to welcome you all to Geneva.

**HOWARD:** Thank you.

**JILL SCHMIDT:** I think some of this is first time for some of you guys. My last name is spelled S-c-h-m-i-d-t.

**HOWARD:** OK.

**JILL SCHMIDT:** And I think what I want to touch on more than anything is I'm hearing the people ahead of me that have testified is the volunteers that come into our community and the impact that they've had on all of our organizations. I'm also a business owner here in town and chair of a lot of the events, like our coat drive, our Christmas store, things like that, and we rely on the YRTC youth a lot to help us. I have two teenage daughters and they can literally call some of the YRTC girls by name because we work alongside with them a lot. And I think the misconception is that we just walk out there to YRTC, we grab a girl, and they come and help us. And that's really not the process that we go through to get that going. We have different activities within our community that we call out to YRTC. We speak to some of the administration out there, and we go through a process of getting those come on board with us to do our activities. And they're always accompanied by staff out there, by administration. There's usually about a-- I'm going to guess a seven to one ratio, seven youth to one adult that they bring out to help us. And then we also have rules and regulations that we need to follow as the organizations, like we can't take pictures of the youth while they're helping us, we can't interview them, things like that, that we have to follow. We have to provide them with a secure place to work for us, like at the Christmas store they wrap gifts for us. And I distinctly remember about

Rough Draft

three years ago, one of the girls telling us that it was nice to work on the other side of the soup kitchen for once, and she had grown up in homeless Omaha and had only seen soup kitchens, had only seen organizations that brought them in gifts and stuff like that. And she said it was so meaningful for her and added a sense of maturity and self-confidence to her when she actually got to help some kids within our community. And we see these girls at our basketball games. Our basketball teams know some of the girls by name. They work right alongside with our team. They-- our girls mentor to them. I've also been involved with some of the girls out there that have become young mothers while at our facility out there. And so I've been out there through my job, through the hospital, providing some car seats, some education on our WIC immunization programs, just to make sure that when they leave here, that they know all the rules and regulations of having a small child. So I-- our community will-- will miss them, to-- to be honest with you. We are going to be wrapping coats for our coat drive here shortly with our Rotary Club. We're going to do 160 coats. Our YRTC girls aren't there this year and we're in a little struggle-- we have a little struggle with them in our community. We as families have the opportunity to bring those girls into our home, take them to church with us. Our-- now our church here in town has done family night where the girls come in and we play games with them, some of the things that the girls aren't accustomed to or weren't raised around, and so we would provide a meal for them. We would just literally sit

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

down and make them feel like they were part of the family. And to watch those girls grow on things that you and I take advantage of every day is amazing. So I just wanted to clarify to you that the volunteers in our community that the YRTC girls and staff provide are very, very needed. So I would like to take questions.

**HOWARD:** Thank you. Are there questions? Seeing none, thank you--

**JILL SCHMIDT:** Thank you [INAUDIBLE]

**HOWARD:** --for your testimony today. Our next testifier.

\_\_\_\_\_: Jill, thank you.

**BETTE MATTOX:** Hi.

**HOWARD:** Good afternoon.

**BETTE MATTOX:** I wasn't planning to testify. I don't even have notes. My name is Bette Mattox, B-e-t-t-e M-a-t-t-o-x. I retired from the YRTC about a month ago. I had been employed there 32 out of 40 years. I took a break when I was raising my kids. The thing I want to touch upon that hasn't been talked about today that I think is key in the-- the problems that we've seen at the YRTC is that some key positions have been left vacant. The position that Mary Stofer held, the facility operating officer, was left vacant. Our training coordinator position was left vacant. Cottage supervisors, the living units we talked about earlier, used to each have a supervisor that was

Rough Draft

responsible for supervising the cottage staff within that unit. Those positions weren't eliminated; they were just-- well, they were-- they were changed. The people were given different duties that held those jobs, and so there were no longer supervisors in each living unit. Those three things, I think, have been very destabilizing for the facility. Other jobs had to-- other people had to absorb those jobs into their own duties. Those needs didn't go away. So we had someone trying to take on the additional full-time position of being a training coordinator. The-- the work that Ms. Stofer had been doing, that position was filled for a while. That woman was made to oversee Whitehall, also, in Lincoln. She was spread extremely thin and she resigned. A lot of staff members were pushed to the limits trying to absorb these extra job duties, and training probably wasn't as good as it could have been. Most of our new hires were cottage staff. They weren't getting the training they could have been getting. They were put into units where there was no supervisor. People who had worked there less than a year were trying to train them and nobody knew what was going on, to tell you the truth. So that was quite destabilizing.

**HOWARD:** Thank you. Are there questions? Senator Brandt.

**BRANDT:** Thank you, Chairwoman Howard. Thank you, Bette, for all your years of service out there. I had a nice conversation with a staff person last night and they indicated the same thing on the cottage supervisors. One of the things that-- in listening to some of the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

people that worked out there, I talked to a young lady that had worked out there less than six weeks and she was lost. She did-- she didn't know, with the staff turnover and stuff, what her next step was; she felt, you know, a little overwhelmed. And this staffer who I talked to last night has been there a number of years, indicated that the cottage supervisors were the person in charge of that building and they made sure that the new people knew what they were doing all the time. And that sounds sort of like a critical key maybe that that needs to go back. Would that be a fair statement?

**BETTE MATTOX:** Yes.

**BRANDT:** OK. That's all I've got. Thank you.

**HOWARD:** Senator Cavanaugh.

**CAVANAUGH:** Thank you. Thank you for coming up here and sharing your thoughts with us. You retired a month ago.

**BETTE MATTOX:** Yes.

**CAVANAUGH:** What was your position?

**BETTE MATTOX:** I was a case manager. that was-- I was in that position for 25 years. The name changed three times, but the job did not change. So a youth case manager is what it's called now.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**CAVANAUGH:** OK. And you said that there were three sort of key positions that have been vacant. And you might not be able to answer this, but we'll try anyway. Is it your understanding that they've-- they're vacant because they're just not able to find people? Are they-- are they actively recruiting for those positions or are they vacant because they're not pursuing?

**BETTE MATTOX:** I-- my understanding is they're not pursuing.

**CAVANAUGH:** OK.

**BETTE MATTOX:** But I could be wrong.

**CAVANAUGH:** Thank you.

**HOWARD:** Thank you. Other questions? Senator Walz.

**WALZ:** Thank you. I'm just curious why. Do you know why those positions were-- do you have any--

**BETTE MATTOX:** Don't make me be cynical. [LAUGHTER]

**BETTE MATTOX:** Usually, when you pull away the layers, it's about money.

**WALZ:** Uh-huh.

**HOWARD:** Other questions? So I'm going to ask you a couple of questions about your job because my mom was a case manager for the state and so

Rough Draft

I'm just very curious about what case management looked like at the YRTC's, and then sort of if that was the sole focus of your job throughout your tenure. So can you tell me what case management looked like at the YRTC's at-- in Geneva.

**BETTE MATTOX:** OK. We were sort of the go-to person for that girl if parents had questions, if other staff members on campus had questions. Technically, we should have known that girl's case pretty well, inside and out. We also ran groups, evidence-based groups, aggression [INAUDIBLE] training and [INAUDIBLE] training. Every day, Monday through Friday, we ran groups and were on various meetings, committees to review progress each month on each girl and-- and that kind of thing. Family team meetings really involve probation, parents, attorneys, any other interested parties. Monthly meetings would be run by us.

**HOWARD:** And then-- so you mentioned that there were sort of these vacant positions, and then sort of staffing was maybe a little more challenging. So were you always able to sort of be a case manager every day or were you--

**BETTE MATTOX:** No. No. I was-- the case managers were called upon to help fill cottage shifts as well.

**HOWARD:** And what's a-- what's a cottage shift? What does that mean?



**BETTE MATTOX:** The living unit supervision, the direct-car supervision--

**HOWARD:** OK.

**BETTE MATTOX:** --where we had the greatest turnover, the most vacancies.

**HOWARD:** OK. And what did a cottage-- like what is-- what is that? Were you doing programming inside of a cottage or--

**BETTE MATTOX:** Well, we were basically just supervising the girls in the-- getting-- getting them up, getting them ready for-- you know, if they were going to school that day, going to school, just basic supervision of the girls, taking them to meals, helping supervise rec periods, that kind of thing.

**HOWARD:** OK. Thank you. Other questions? Senator Murman.

**MURMAN:** Thank you for testifying. Sorry I don't remember how many years you've been there, but I was just wondering, do you have any idea about what the staff-to-patient ratio is and how much that's changed over the years?. I realize programming has changed, acuity of the girls has changed, but any ideas on that?

**BETTE MATTOX:** Well, I think any-- on any given day, if you'd walk into a living unit, the staffing ratio would be what it should be. And that's within current standards with the Prison Rape Elimination Act,

Rough Draft

so there's one staff per youth. We always managed to cover somehow, but sometimes it would [INAUDIBLE] Probably back to the very old days, before all that, we had a few-- the-- it was more youth to staff. We would have one staff monitor eight. And I'm going way back. I started-- started as a cottage [INAUDIBLE] out there and we would have one staff on duty for maybe 12 girls [INAUDIBLE] for part of the shift and then we'd [INAUDIBLE]

**MURMAN:** One staff to 12, did you say? I didn't--

**BETTE MATTOX:** We're more now.

**MURMAN:** OK. Thank you.

**BETTE MATTOX:** But that goes back a very long time, yeah.

**MURMAN:** Uh-huh.

**HOWARD:** Other questions? Do you want to speak to-- Ms. Stofer talked about programming and the programming shifts, remembering back my notes. So she-- she talked about how they had My Journey and then Dr. Nash's program, and then what-- what sort of happened to programming after Dr. Nash's program or what was the program after that?

**BETTE MATTOX:** It continued. There was concerns about consistency of how the girls were stored. When we talk about programming with scoring levels, that was just a way really for-- for the girls and everyone else to track daily progress. They would get a printout every day with

Rough Draft

their scores for-- well, it was a ten-point scale and after certain number of outstanding days, so forth, they would move up a level and that kind of thing. We continued with that, and then late June that was eliminated, I think with the goal in mind that we would go to a five-point scale, similar to what we had been doing but in line with Kearney. But no one had been trained and we didn't know what it was and didn't have it and didn't use it.

**HOWARD:** So late June this year--

**BETTE MATTOX:** Yes.

**HOWARD:** That's-- so then there were-- so then you just stopped scoring altogether?

**BETTE MATTOX:** Yes.

**HOWARD:** OK. All right. Any other questions? Seeing none, thank you for your testimony today. Our next testifier. Yeah, just move those chairs.

**JACKI WILKINS:** My name is Jacki Wilkins, J-a-c-k-i W-i-l-k-i-n-s, and I run the horse program for the girls at YRTC. We're the horse ranch just on the north side of town, just on the end of "R" Street, and I think we-- I've always kind of felt we were kind fo destined to work with YRTC, and I think it's pretty cool that we're so close to each other. And we have an indoor arena, so we can work in any kind of

Rough Draft

weather and we don't have to cancel for anything. And so I don't know.

Is anybody-- is everybody familiar with the program at all or-- no?

OK. OK. I will have to explain it then. I do feel our program is

fairly unique. There are more and more, I think, animal therapies out

there and therapeutic programs with the animals. Ours is unique in

that I actually teach the girls how to train a horse, so they're--

they're not just necessarily out there brushing them and riding them

and stuff like that; they're not broke horses. They're actually

working with horses that are young and have never been worked with

before. So when I start the program, we actually start with some

classroom work and I first teach the girls equine psychology. I teach

them how to think like a horse, how to communicate with a horse, how

to train a horse, and then-- and safety aspects and different stuff

like that. And then we go into-- each girl is assigned a yearling and

throughout the whole program, they work specifically with that

yearling. So they get a chance to bond just with that animal. They--

you know, they can just bond with that animal. And then at the end of

the program, we put on a public demonstration and the girls come out.

A big part of the program that we do throughout the entire time is we

work on life lessons. After every session, the girls have a notebook

and they're to write down what did I learn today on this horse and

from the session, or whatever. And it could be what did I learn about

myself, what did I learn with communicating with people in my life,

what-- whatever it might be. So our program, our public demonstration,

Rough Draft

the girls get up and they talk on the microphone and they explain to everybody their life lessons, what they struggled with, what they-- you know, their big "aha" moments or their proud moments. And it's a very special time for them. They-- they invite friends and family and share their accomplishments. It is really cool. And what I love about animals-- I'm sure a lot of people realize this-- is a lot of times girls tend to be defensive or if they've been hurt a lot, they can be a little bit more closed off to people. But they get around animals and animals have this peace about them where they just really open up to them. And I can tell you several stories about results that I've seen, and it is pretty amazing. And a lot of these girls obviously have never even been around a horse or even been near a horse. And to take a girl, like a city girl that's never even touched a horse, and make them a horse trainer and what they've accomplished, it-- it is a beautiful thing to see and be a part of. Just wanted to throw that out there. Is there any questions [INAUDIBLE]

**HOWARD:** Senator Cavanaugh.

**CAVANAUGH:** Thank you for coming.

**JACKI WILKINS:** Yeah.

**CAVANAUGH:** First of all, I want to come learn how to be a horse trainer. [LAUGHTER] I am a city girl, but I love horses. This is such a cool program. How long have you been doing it with the YRTC?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**JACKI WILKINS:** Seven years.

**CAVANAUGH:** Seven years, OK.

**JACKI WILKINS:** [INAUDIBLE] seven years.

**CAVANAUGH:** And I imagine that these young ladies get very emotionally attached to the horses.

**JACKI WILKINS:** They do.

**CAVANAUGH:** Do you ever have alumni of the program come back and visit?

**JACKI WILKINS:** Yes. Yes, we do. Yep.

**CAVANAUGH:** Well, that's wonderful.

**JACKI WILKINS:** Some of the girls will keep in contact with me and I'll tell them how their horse is doing and what-- what their horse is doing. And, you know, sometimes they come back and they'll stay with me.

**CAVANAUGH:** Wow, that's really cool. Thank you.

**JACKI WILKINS:** Yep. Yep.

**HOWARD:** Senator Brandt.

**BRANDT:** Thank you, Chairwoman Howard. How many girls have gone through this program so far?

Rough Draft

**JACKI WILKINS:** We always start with six. I-- I would love to take more, but we only have the facilities for six. My classroom is small enough, by the time we get staff and everybody in there, that's how many people it will hold. And then in our indoor arena, by the time you're working and lunching around six head of horses, we-- we pretty much take up the whole space. So as much as I would love to take more, we always just do six. The-- to be honest, not all the girls always finish. Some-- most of the time, they do. Last year, I think we had five finish; the year before that, I think it was six. And-- but most of the time, we-- well, some-- I shouldn't say most of the time. Sometimes we have a girl or two who will quit. The program is challenging. And I tell the girls when I start, they will get frustrated; you're going to be working in the heat; you're going to be working in the cold; you're going to be working when there's-- flies and bugs bite you; you're going to be working when your horse is not doing what you want it to do; and-- and how to deal with those emotions and those frustrations. And we can't force the girls to come out, so I do, once in a while, have girls quit. But most of the time, most of them really love it and stick with it to the end, so six girls through the seven years.

**BRANDT:** So is this a program you came up with by yourself or this is a national program that you heard about somewhere, or how did you come up-- come up with this?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**JACKI WILKINS:** Yes, I came up with it. My husband and I, we-- we raise and train horses for a living. So horses is our world. We're always training and--and we train for clients as well. I kind of stole this idea from a friend. She was having people come out and work with my yearlings, and she was having them pay her to teach them groundwork and head work with the yearlings, so yes.

**BRANDT:** So you decided to do it for free?

**JACKI WILKINS:** Well, I don't do it for free. I do get paid.

**BRANDT:** OK.

**JACKI WILKINS:** Yes. [INAUDIBLE]

**BRANDT:** All right. Thank you.

**JACKI WILKINS:** [INAUDIBLE]

**HOWARD:** And what's the length of the program?

**JACKI WILKINS:** The program goes for three months--

**HOWARD:** Three months.

**JACKI WILKINS:** --three solid months, and they come out on average three, four times a month, and the sessions are an hour and a half.

**PAM HARMS:** A week, not a month.



**JACKI WILKINS:** Oh, yeah, sorry, a week. And this is Pam. She has done the program with me for five years now; she's-- she's a volunteer.

**HOWARD:** Other questions? Seeing none, thank you for your testimony today and your work. That's wonderful. Our next testifier.

**PAM HARMS:** Me.

**HOWARD:** All right.

**PAM HARMS:** He was Pam Harms, P-a-m H-a-r-m-s. I did not plan on saying anything today, but the spirit moved me. I've heard a lot of good stuff today that I absolutely agreed with. My background with YRTC is basically mentor, and I've been doing it for seven years with the girls and six-- this will be my sixth year with the equine program with Jacki. And the cool thing about it is with the mentoring, you asked if the girls got attached to the horses or got to see the horses again after the program is over or what have you. If it's-- I-- of the six girls that I've mentored, five of them have been from the equine program and I-- after the equine program is over, which I really, really like because we a bond already formed. And that is one of the privileges that they get if they're doing well and allowed to be off-campus visits, I get to take them to the ranch. And they get to see the colts and work with their colts or love on their colts, whatever, you know, whatever the case may be. And another big thing they like to do, I'm a-- I'm a "Jazzerciser" and they like to go to

Rough Draft

Jazzercise with me here in Geneva. Obviously, all that's gone now because the girls aren't here, so my prayers are they will come back because I miss them tremendously, one of the girls that I was mentoring. And she will be not-- I don't know if Geneva YRTC is going to come back or not, but if they do, it's not to be while she's still under the YRTC program, so, you know, what-- but that doesn't mean that in the future we-- we can't have the equine program next year, you know, if the YRTC girls aren't here, and I can't mentor the girls from the YRTC program if they're not here. But my perspective is more from the girls' perspective, rather than any staff or administration, per se, though I certainly have gotten to know a lot of them in some regard and have worked with some of them off and on. And you can get very conflicting information from depending on who you talk with, so I don't claim to be an expert on any of that. I do know that they're tremendously understaffed and the staff that are there are overworked. I don't know why they're-- I've been told it's because of budget restrictions. I've also been told that there just isn't the employee pool out there. And I don't know if it's because of the pay and the privileges not being competitive. I don't have the answer to that. I could see where maybe it could be some of both. The-- the biggest problem I see with working with the last couple of girls is there have been, like Frank said, like your sheriff said, there was a-- there was a small group of violent girls that with LaFlesche not being operable, and what the girls told me was the reason the system was plugged up is

Rough Draft

because they put their feminine products down there. Like they said, these girls are manipulative; they're "ingenuitive." If they want to cause problems, they'll cause problems. And when they're put into the general population, then a lot of these girls are older, the ones that were causing the issues, and they influence the younger ones by intimidation. They don't have to actually be the ones acting out. They just get it started and then the younger ones or the first-timers are the ones then that get-- you know, that get thrown out there and get in-- into trouble for it, so. But you've got hormones; you've got age, teenage girls; you've got a lot of lesbianism. They all think they're lesbians, 50 percent of them out there, so they want a dating relationship while they're in the YRTC. And then you get bad drama with this girlfriend who's trying to steal that girlfriend and it's-- it's just drama waiting to happen. And so then you get a couple of instigators going in there that are living with these girls, day in and day out, because they don't have their own area. There's just bound to be problems, and a lot of the maintenance problems are caused by the girls themselves. When you start pulling sprinkler systems, you damage big pieces of cottages in-- in a very short period of time. There's definitely not enough therapy or therapists going on out there. There isn't a girl out there that doesn't have mental health issues. You can't say, well, those with mental health issues we have put over here, because you don't have anybody out there. I just wanted to share one more quick thing. I took my girl to the Geneva pool three

Rough Draft

times this summer, once with just me, two times with another girl. Each time that we went, I thought they would love the water, they would love to swim, they would love to be off campus and enjoy the sunshine and just to get out of there, which they do. But do you know what the girl did when she was just with me? And I thought, I'm just an old boring lady and who wants to go swimming with me, is she just putting up with me? So I was allowed to take a couple of other girls two other times. They did the same thing. They found a quiet, shady spot with a lawn chair, laid back, and said, is it okay if we take a nap? And for the hour to two that we were there for those three times, that's what those girls did. They took a nap. And it was eyeopening to me and I'm going, I don't understand this, how can this be? They're like, it is so crazy at night. There are girls screaming, banging on our doors, our-- our walls, and out of control that they can't sleep. And they're on sleeping meds, so they're that situation day and night. The-- the anxiety is a big thing, obviously, and depression probably with every girl out there. And, yes, my red card is there. [LAUGHTER] You can't live like that 24/7 and not have some blowback, so that's it.

**HOWARD:** Thank you. Are there questions? Senator Walz.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**WALZ:** Hi. Thank you. You know, you brought a different perspective that we haven't really talked too much about, and that was-- that's the girls that live there.

**PAM HARMS:** Well, but you do have to realize, I'm not naive enough-- took me a while to-- to figure this out, but they do lie and they do manipulate and you do get half-truths, so it can be very difficult to know what actually did, you know, step by step, go on. But if you bother to investigate a little further, you will get the truth eventually. And communication is a big problem out there between staff. Me, as an outsider coming in, I can get told so many different things by so many different people and it can be frustrating. But all in all, I mean, the girls give so much more back to me and purpose for my life than what I could ever give to them. And if-- if they're not here, we can't mentor them, so. Any more questions?

**HOWARD:** Any other questions? Seeing none, thank you for your testimony.

**PAM HARMS:** Thank you.

**HOWARD:** All right, our next testifier. Is there anyone else wishing to testify? All right. Seeing none, our last testimony will be with CEO Dannette Smith, and we will not time her, so, Camdyn, you are-- you are free.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

\_\_\_\_\_ : I was warned.

**DANNETTE SMITH:** You've been retired.

**HOWARD:** Thank you [INAUDIBLE] Good afternoon.

**DANNETTE SMITH:** Good afternoon, Senator Howard and members of the Health and Human Services Committee. And thank you so much for not timing me because I have a lot of thanks that I want to share. I've only been here a short eight months, but this eight months has been exhilarating. At the same time that it's been exhilarating, it's been exhausting. And so with that being said, I feel like I have a lot of people that I need to thank just for their willingness to hear me out and take my call, so if you'd just indulge me. I've had the pleasure and honor to work with the mayor, Mayor Eric Kamler, and also the city administrator, and I really appreciate them for willing to hear me out and listen to the work that we're trying to do within DHHS. I can't say enough about Senator Brandt, Senator Lowe, Senator Quick, for being willing to accept my calls, hear my weekly updates, and understand where we're trying to take the YRTC facility. And then finally, I have to thank my staff that are here in the audience. I'm appreciative of their long hours. Many of them have worked overtime for me. Many of them, when I visited the campus, have been in tears because they want to make sure that they're able to take care of the girls, yet I recognize that many of them, by taking care of the girls,

Rough Draft

they're not taking care of their own families, and I wanted to be able to acknowledge that today. So my name is Dannette R. Smith, D-a-n-n-e-t-t-e, middle initial "R," Smith, and I am the chief executive officer for the Department of Health and Human Services. I am here to testify on LR200 and to provide an update on programming at the Youth Rehabilitation and Treatment Center in Geneva on behalf of the department. As you are aware, the female youth were relocated to the youth-- to-- I'm just going to say the YRTC, because everybody knows that, in Kearney, August 19, 2019, after conditions on the Geneva campus were deemed insufficient. Vandalism incidences at the cottage in early August, coupled with existing program and staffing, created a critical situation. The move to Kearney was needed to ensure the safety and well-being of the youth, but not only the youth, the staff. Teammates from Geneva accompanied the youth to Kearney, including direct-care staff, case managers, teachers, mental health staff, and food service staff. The females remain today, as they are in Kearney, separated from the males. Some youth have very high acuity of behavioral health needs that have resulted in poor critical thinking, self-harming behavior, harming behavior to others, along with significant anger management issues. This type of symptom-related behavior, sometimes criminogenic behavior, requires diverse modalities of treatment and support. Challenges related to recruitment of staff, training of staff, and just overall maintaining staff impacted and compromised the program for the female youth at Geneva. There were

Rough Draft

signs that programming should be more robust, and clinical support, as well as day-to-day program operations, which should have included clinical services, recreational services, individual treatment, and behavioral modification programming. But it was clear this was not occurring due to staffing levels and a lack of appropriate clinical staff to support the programming. You see, my litmus test for the last 25 years has been, if it is not good enough for Danielle [PHONETIC] and Emerald [PHONETIC] -- those are my daughters-- then it is not good enough for the youth that I serve. At no time did I abrogate my responsibility. At no time did my staff abrogate their responsibility. Our responsibility is the care of the youth in Geneva. The decision was made and it was a tough one for me to make. This also includes difficult-- difficult ones. Many considerations were made, but what I want you to hear today: that those considerations were made at the best interest of the children, the families, and the staff. The department's goal is to ensure an environment that is safe and supportive and gives youth the opportunity to thrive as they move into adulthood. A critical component is creating a continuum of care that serves their diverse needs, and one of the things I was so excited to hear about today was about how Mr. Frank stated how important relationships are, how important community is, because for a program like the YRTC, or any program that we would administer throughout the state, without relationships, without community buy-in and support, you really have nothing. And so that's a key component to any program



Rough Draft

that we develop moving forward. Currently there are 20 female youth at Kearney on that campus, and I want to highlight some of the progress we've made as we enhance care and programming as well-- and as we expand resources for capacity. The youth are adjusting to life in Kearney quite well, and we are pleased to see continued improvement and increased participation in educational offerings. They're attending school, attending group sessions, and all have an assigned mental health therapist. Several youth were recognized recently for school activity participation. For the young ladies that we serve, going to school every day is a big chore, and for them to be participatory, participatory in their own care speaks about the quality, the care, and where they're beginning to develop, and we want to see that more. Additionally, they are increasingly becoming more engaged in recreational blocks and their educational offerings. For example, if a youth attends classes, participates in recreational activities, and completes homework all week, a special activity occurs for them. Parents continue to be involved and visitation continues to occur. We have implemented a new, more youth-focused process for developing a master treatment program, which means not only are we allowing children to participate in the levels of program, but we're looking at the whole child and we're looking at how we're bringing the family to bear to be able to support that plan. The youth and his or her family help lead the discussion related to treatment. Everyone involved in the treatment is around the table, including case

Rough Draft

managers, therapists, healthcare providers, probation officers, and teachers. This collaborative approach is what is needed and it engages everybody in the treatment; and most importantly, it empowers the youth and their families. The center in Kearney also switched to a new program model called the Phase model. This began in May at Kearney. The Phase model provides consistent structure, support, and clear boundaries for behavior. Youth are scored daily, as you've heard today, in their interactions with peers, staff, and their compliance with their treatment program. The scores dictate the youth-- the youth's movement through the program and also what incentives they will earn. The goal of the Phase model is to reshape behavior. The youth are adjusting well to the Phase model out at Kearney. So one of the additional things that the department has done is we've contracted with Boys Town to provide additional therapy and medication management support for the youth. The psychotherapy is provided by a licensed independent mental health practitioner from Boys Town and the medication management via telehealth by Boys Town certified child and adolescent psychiatrist. And by the way, Boys Town was out two weeks ago to see the girls and to look at what therapy could look like for them so that we were providing the best care. Boys Town mental health services began on September 12, 2019, and medication management on September 13, 2019. This is an additional support to supplement the services at the YRTC-Kearney mental health department. Eight youth have been served through this contract, and I will be looking at

Rough Draft

opportunities to expand that contract for those young men that we may be having some high acuity with, and so that program will be expanded. Relocating to Kearney has provided an opportunity for us to consolidate resources so we're able to offer more consistent programming to the youth, the female youth. They continue to participate in evidence-based programming, including Moral Reconciliation Therapy, MRT, and aggression replacement training, ART. All of these, these two modes of treatment, have to do with cognitive and behavioral functioning, and so that's why we're using it and helping the young women with critical thinking and their relationships with others. We add two additional ART groups in early September for the female youth. The AR groups, which occur three times per week, have proven effective in allowing the youth to continue to work toward their program goals and adjust to the Phase model. Youth who have substance abuse issues are also participating in Adolescent Community Reinforcement Approach with our mental health staff. This program has been identified as a best practice through the Substance Abuse Mental Health Services Administration and now can be offered consistently to the girls. We continue our efforts to strength-- to strengthen programming at Kearney. The ability to strengthen programming is driven by the ability to recruit and maintain staff. The Department of Human Resources team and the YRTC leadership held a career fair on both campuses on September 21, 2019. There were a total of 12 interviews for direct-care positions, 3 at the Geneva campus and 9 at the Kearney

Rough Draft

campus; 10 offers were made, 6 were accepted, and 2 are pending.

Recruitment remains a challenge and we are actively seeking potential solutions. As we move forward, I will continue to personally provide you with updates to the HH-- to the HHS Committee and key stakeholders, including the executive branch, the judicial branch, the Office of the Inspector General and the State Ombudsman's Office. I appreciate the support you have provided to me during my short term. So I've received a couple of questions about what's next: Are you ready to move the program back to Geneva? Will the program stay in Kearney? And so here's what I've been sharing today, that the department is looking at all options for the best treatment and care of the girls who are in our care. We now have another option with the LaFlesche and we want to take all of our building and facilities into perspective. But what is most important to us is that we offer a very defined and specific program for the girls and boys that we're going to serve. We have to make sure that we have adequate staffing levels to be able to care for them in the most appropriate way, where the programming is consistent, that we don't have start and stops to programming, but we have programs, we have leadership, we have staff, we have clinical staff that can support the girls consistently; and then finally, that we have the opportunity that when it's time for them to go back to their community, we make a solid transition back with the hope that we don't see them back at the YRTC. If we do, we want them coming back as a staff member, as a volunteer, but certainly

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

not as part of the program. Again, I thank you for your attention and your support. during my tenure here, and I'm available to answer any questions.

**HOWARD:** Thank you. And you mentioned that LaFlesche, we-- you have another option now with LaFlesche. Do you want to describe some of the upgrades that have happened in LaFlesche?

**DANNETTE SMITH:** Sure, I can do that. So the building is-- when I first went to LaFlesche, we had cabinets in each of the pods, refrigerators, washers and dryers. Those have been kind of destroyed. Those are all out. The building is repainted; the rooms are repainted. We have new flooring on the floor, a different type of tile that is very sturdy. And so the-- both pods look very well. And one final thank-you, and I have to say this. I don't know you, Sheriff, but you've been on speed dial to my phone, and so I just wanted to say thank you for your support.

**WILLIAM BURGESS:** Thank you also.

**HOWARD:** All right. Are there questions? Senator Arch.

**ARCH:** I have a question, couple-- a couple of questions, actually. And-- and thank you, and thank you for the deliberate process that you're engaged in here to resolve these issues. First question is, do you have a way for youth to report? In other words, do they have the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

ability to report concerns? What's-- what's the process for reporting for the youth?

**DANNETTE SMITH:** The process that I'm aware of, and I may have to also defer to staff, but when there is a concern, I know that oftentimes our staff will fill out a PREA report if they have some concerns, but they also call the hotline if they have concerns.

**ARCH:** The youth have the ability--

**DANNETTE SMITH:** To do that.

**ARCH:** --to call direct--

**DANNETTE SMITH:** That's right.

**ARCH:** --and not go through staff to--

**DANNETTE SMITH:** No, they call directly, yes.

**ARCH:** --to report. OK. And I noticed that in your-- in your testimony you talked about youth-- engaging the youth in their-- in their treatment program itself and identifying the plan of-- of treatment. In all of this process, were-- were youth interviewed as to their perspective on what happened and-- and did they-- did they lose their-- did their-- did they lose their feeling of-- of being safe and-- I mean, how much-- how much interviewing of youth do you think

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

was involved in your analysis of the changes and the issues that we face then at the YRTC?

**DANNETTE SMITH:** Oh, I know that staff talked with the girls. We asked when we made the plan to get them to a safe place. And so I can't speak to whether there were actual interviews. I think, quite honestly, Senator Arch, what was in the back of my mind was to get them someplace--

**ARCH:** At that-- at that time.

**DANNETTE SMITH:** That's right.

**ARCH:** Yeah.

**DANNETTE SMITH:** --get them someplace safe, because I felt that the environment was not. And then I did not have the staff enough to make them safe but also to keep my staff safe. So I'll be honest. I don't believe that we did any interviews. That happened after they got situated at Kearney, but while we were going through the process--

**ARCH:** Yeah.

**DANNETTE SMITH:** --I cannot recollect that that was done.

**ARCH:** Thank you.

**HOWARD:** Senator Walz.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**WALZ:** I just want to follow up. So since then, there have been interviews, so-- is that what you said?

**DANNETTE SMITH:** Oh, yes. Oh, yes.

**WALZ:** OK. All right.

**DANNETTE SMITH:** Oh, yes. I would venture to say the girls are probably tired of my staff. OK? There's a lot of interaction.

**WALZ:** Did you find any common themes or anything that the girls had to say that was a common--

**DANNETTE SMITH:** Well, it-- sure. I think there's a couple of things, and I also want to suggest we heard it from the parents. We heard communication amongst staff, staff not being clear about what the expectations were. We heard that girls being concerned about the environment, and as you've heard today, that there was a cadre of a small group of girls that were keeping things going and couldn't seem to contain them. The third thing we heard was that there's some girls that really wanted to work their program; they just couldn't because they kind of got enthralled into the drama that was happening. The fourth thing that we heard was that girls wanted treatment. They really wanted to see their therapist. And to be quite frank with you, we had a therapist who was commuting-- commuting between Kearney and Geneva to see, at that time, 28 girls. There's no way that's possible. There's no way. So, you know, there were some indications that



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

programming wasn't well. I think we wanted to take into consideration the girls' feelings, but it was obvious to me as the leader that something had to be done and it had to be done right away, and that to go on any longer I was going to have an issue out there, something more significant than just this.

**WALZ:** Um-hum. Thank you.

**DANNETTE SMITH:** Um-hum.

**HOWARD:** Senator Murman.

**MURMAN:** Yes. If I remember correctly, I think there were 32 girls when-- or something close to that--

**DANNETTE SMITH:** It was 28 when they moved.

**MURMAN:** --when they first started.

**DANNETTE SMITH:** Yeah.

**MURMAN:** So now there's 20 in Kearney.

**DANNETTE SMITH:** Yes.

**MURMAN:** And I know four or so have graduated.

**DANNETTE SMITH:** Yeah.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**MURMAN:** Were there not about four or so that were moved to a more secure facility?

**DANNETTE SMITH:** Yes, there were four that were moved to Lancaster. They were girls from Lancaster, and so there were four girls that were moved there.

**MURMAN:** And possibly some of them more acute or more problematic girls?

**DANNETTE SMITH:** Yes, some; some, but that wasn't the total reason. We just thought that it would be easier for us to do programming with them. They were from Lancaster County. It would be easier for the parents to be able to see them, as well-- as well as do a little bit more programming.

**MURMAN:** OK. And I'm going to ask you the same question I think I asked some of the others. Would it be beneficial to have a-- another facility that-- I'm not talking about building another facility--

**DANNETTE SMITH:** Yes, sir.

**MURMAN:** --but another facility that is available to us to move the more acute or problematic girls to a more security-- secure facility and still have the programming and the education, everything that's available to them, the services that are available here in Geneva or wherever they are?

Transcript Prepared by Clerk of the Legislature Transcribers Office

Health and Human Services Committee October 2, 2019

Rough Draft

**DANNETTE SMITH:** I think, whenever possible, we want to be able to provide the best services to the girls under our care. But what I would say to you is girls with strong acuity that has behavioral health issues, significant trauma, probably needs a lot more attention than what we can offer where we are right now. And I think that we want to think about what does that program look like throughout the state. Geneva is one place; Kearney is one place. There could be a multitude of places where we would serve those type of children. But also those children that we consider low risk but they are placed at YRTC, what does the programming look like? And again, I want to make sure that one of the things that we consider is that we consider the development of the program, less the building. The program has to come first before the building.

**MURMAN:** Thank you.

**HOWARD:** I just-- Senator Walz.

**WALZ:** Thank you. Thanks. One more quick question. Since they've been in Kearney, have you guys-- is there a sense of community, like there is here, and community involvement in the program?

**DANNETTE SMITH:** So we are just starting that process. I don't think that it's nearly as community and engaged as Geneva, has been my observation, and certainly my staff could speak more to that than I can. I know that we're starting to do a lot of outreach. One of the

Rough Draft

things that we're doing out there is we're developing a relationship with the Department of Labor. There was a meeting two weeks ago from some of the builders and folks in construction to teach some of our young men trade. And so that's going to begin to happen out there at Kearney. But again, as many programs as we can bring into the facility, the better the children will be, way better, the more programs. That gives them a skill. And that's what we need to really be focusing on, is what kind of skill can they get while they're with us.

**HOWARD:** Senator Arch.

**ARCH:** I-- I have-- I have a couple more-- couple more questions. One is, did I understand you just in-- just a few minutes ago, you-- did you say that-- that this is really-- that this has-- that the issue in Geneva has opened up a broader discussion of really how to better care for our youth in-- at this level of care--

**DANNETTE SMITH:** Yes, sir.

**ARCH:** --not just Geneva?

**DANNETTE SMITH:** Yes.

**ARCH:** OK.

**DANNETTE SMITH:** And I'd like to give an example of it--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**ARCH:** Sure, please.

**DANNETTE SMITH:** --if that's OK.

**ARCH:** Please.

**DANNETTE SMITH:** Back in January, we had a group of key stakeholders get together. I had some concerns way back when I first got here about the treatment and care of the youth at Kearney and Geneva. And so there were about 31 key stakeholders that met with me to begin to talk about what does care look like, are we correctional, are we behavioral health, what are we, because that's not clear. I think it's a way broader conversation than just this community. I think it's a state [INAUDIBLE] conversation about what we want to do with the children that come to our attention from the judicial bench.

**ARCH:** So then my-- then my follow-up question is then-- I think everybody in the room is going to want to ask this question. So when are you going to have your plan? All right? So is it going to be-- do you-- do you envision that you will have a master plan to address these issues, that you're going to address the issue in Geneva? How-- how do you go about-- this is a large-- this is a large issue, and-- and multifaceted. I-- as I was listening to the testimony today, I was thinking this could easily be a case study in a public administration course, because it's so many pieces to the-- to the puzzle here that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

have to be solved. Do you wait for a master plan? Do you implement as you go along? How-- how will you tackle such a complicated issue?

**DANNETTE SMITH:** So here's my thinking for right now. As I shared before, I'm wanting to do some framing of the problem and where our most immediate steps and some interim steps need to be. I think there's a larger conversation or a larger discussion and a larger planning process about what our go-forward plan needs to be. But I think that my charge right now is to deal with the immediate and also with some interim steps. And so that's what I'm defining and that's what I'm bringing--

**ARCH:** OK.

**DANNETTE SMITH:** --with the thought that there be bigger discussions talking about the long range.

**ARCH:** Thank you.

**HOWARD:** Other questions?

**BRANDT:** Yeah, right here. He's been--

**HOWARD:** Oh, sorry. Senator Hansen.

**B. HANSEN:** I'm patient.

**HOWARD:** You're all the way down there.

Rough Draft

**B. HANSEN:** Yep, that's fine. It's what I get for showing up late, right? Thank you, CEO Smith, for coming here, first of all, and testifying not in front of us but in front of everybody else here.

**DANNETTE SMITH:** Thank you.

**B. HANSEN:** I appreciate your willingness to open lines of communication with us and with the community. On a-- just a personal opinion, I think you are-- you are-- you have a unique opportunity with the town here who have bought in, I think, to the facility, and who are willing to volunteer their time. And I personally would like to see it stay here. That's just personal opinion of mine. My question is-- you talk about Medicaid manage-- medication management, and I had to-- I posed this question to someone else earlier who didn't really have the answer to it. And so I appreciate you bringing that up because it seems like there's a little bit of a reoccurring theme, when we talk about facilities such as this and other things, that youth come out of facilities like this with multiple medications from multiple doctors trying to solve a problem, instead of it being more of a-- you mean talk about psychotherapy. Instead of just medicating the problem, we're actually helping the girls rehabilitate their problems. And so you said you're working with Boys Town right now on a con-- contract basis. Do you see that going forward? I know you talked about that a little bit. Now do you see that more as a permanent kind of plan to-- to use the facility or to have maybe somebody on staff at

Rough Draft

Geneva or to have control or Geneva and Kearney to help control medication management?

**DANNETTE SMITH:** So let me talk about the Boys Town piece for right now. Right now, Boys Town is thrilled to be with us and I'm over thrilled to have them with us because it's going to give us consistency in how we see the girls and boys doing, because I want to expand it to the boys. As you know, or you may not know, I purposely hired an executive medical officer, Dr. Janine Fromm, who's a psychiatrist, who is helping me look at developing a behavioral health continuum for all of our programs and throughout our programs, which would include the YRTC. We are looking at where I can afford it and where I may have to do some contracting to have psychiatrists come in and do regular-- regular medication management. I have always been concerned in my career about the amount of medication that are given to young people. I'm not crazy about it. I want young people to learn how to manage their behavior, but I recognize that sometimes physiologically they can't. And so I think it requires us to manage that medication, and whenever possible, if we can get them off, we should. But I leave that to the physicians to make that determination. So what you hear me saying is I'm taking medication to the next level, medication management, by having a psychiatrist on staff who's going to help me build a program where we're actually looking at how we treat kids from a behavioral health standpoint, both in the community



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

and in our 24-hour facilities, including the YRTC. That's why Dr. Fromm is here.

**B. HANSEN:** OK. I appreciate it. I was-- I was kind of leading into that same thing.

**DANNETTE SMITH:** Yes.

**B. HANSEN:** So it's nice to have an overarching philosophy about where we're kind of trying to go and our end goal is, so I appreciate you saying it. Thank you.

**HOWARD:** I just want to clarify. So you have a psychiatrist on staff. You're referring to Dr. Fromm, not a psychiatrist located at the YRTC.

**DANNETTE SMITH:** Not yet.

**HOWARD:** OK, perfect. I just wanted to clarify. All right. Senator Brandt.

**BRANDT:** Thank you, Chairwoman Howard. Thank you very much for coming to the town of Geneva. It means a lot. I don't think you guys realize how big of a department she runs. How many employees do you have?

**DANNETTE SMITH:** 4,800.

**ARCH:** And she's here today. OK. A question on costs: We're transporting staff every day back and forth to Kearney; we're paying overtime for that; we have transportation cost. And I know out at

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

Kearney we've added some private security with the escapes of both the boys and the girls. How much more is this costing the state. Do you have any idea?

**DANNETTE SMITH:** I don't right now.

**BRANDT:** OK.

**DANNETTE SMITH:** I don't have those figures, but I certainly would be willing to share them.

**BRANDT:** OK. And then I guess I'm very pleased to see you had a recruitment effort here in Geneva. But out here, we're willing to travel. And you know that when you look at the addresses of the staff you have out there, you have people from Deschler, and maybe even Kansas, is that you could probably recruit in different pods around here and pick up some-- pick up some more bodies. And I'm sure DAS is in charge of-- of that, that they can do that. And I guess one final question: How many females can Kearney actually handle today?

**DANNETTE SMITH:** Well, right now-- when we transported out there, it was about 28, and I would tell you that that's about as far as we could go.

**BRANDT:** OK.

**DANNETTE SMITH:** OK? We were pushing the lever with the 28 that we had out there.

**BRANDT:** OK.

**DANNETTE SMITH:** OK? I would suggest that we probably could not go too much further.

**BRANDT:** OK. So, I mean, if we had a surge and surged up to 40 placements or something, we'd have to look at-- at something. All right. Thank you very much.

**HOWARD:** Senator Cavanaugh.

**CAVANAUGH:** Thank you so much, CEO Smith, for being here today and going on the tour with us. This has been a-- 4,800 employees, that's quite a time away from-- from a lot of your other work. First of all, I just want to really thank you and your staff and-- and you acknowledge your staff. They've really been working very hard. This has been a challenging situation for everyone, especially the-- the youth that we're dealing with. And I appreciate your diligence and your oversight on this because it is critically important. And I had a couple of questions that kind of came up from things that you were talking about but that we've heard from others today.

**DANNETTE SMITH:** Sure.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**CAVANAUGH:** So one is you talked about this Phase model.

**DANNETTE SMITH:** Yes.

**CAVANAUGH:** And when I went out to Kearney, I heard some about that as well.

**DANNETTE SMITH:** Yes.

**CAVANAUGH:** But one of our testifiers today talked about being gender responsive. Is that something that's been considered as you're rolling out the Phase model?

**DANNETTE SMITH:** We have, but for right now we are just with the Phase model. What I hope, as we progress, that we really look at good modes of treatment, how we do behavioral modification, whether our Phase program will stay in-- in place. Right now we're having good success, but yes, we would be looking at some gender specifics.

**CAVANAUGH:** OK. And I kind of have been writing down, and Senator Arch really spoke to my heart when he talked about public administration case study because I kind of approach it from that-- that perspective, and one thing-- your testimony today has been very helpful, but one thing that I'm kind of searching for, and you've probably heard in questions, is sort of a time line of events and mapping out how we got to where we were in August. And I assume that's part of what your--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

you and your department are doing. Is that something that we as a committee can expect to get a ro-- a more full report on?

**DANNETTE SMITH:** Oh, absolutely.

**CAVANAUGH:** Because it sounds like we've heard some really interesting things about-- and I know you've said this before and in all of this that this is a confluence of events. And it seems like some of these singular things could have been fixable, but we got them all at the same time and that made it very challenging. And one, I know we heard earlier from DAS, the Department of Administrative Services, was the communication with the maintenance. And that seems like that might have been sort of a starting point of deterioration. Is that something that the department is-- the two departments are prioritizing, finding--

**DANNETTE SMITH:** I think we are. I think there's a lot of lessons learned here.

**CAVANAUGH:** Yeah.

**DANNETTE SMITH:** OK? And that's how I see it.

**CAVANAUGH:** Sure.

**DANNETTE SMITH:** And as I've said before, it's unfortunately been the perfect storm: programming, girls, and facilities, and it all went "kaboosh" at the same time. And so lessons learned is that maintenance

Rough Draft

and programming have to be side by side. That's how I functioned in my career in the past, and it's worked very well for me. And so I know that I have the commitment of Jason Jackson and certainly Doug, in the back, and his team to begin to look at what does "teaming" begin to look like when programming and maintenance are talking together, side by side. I'm hoping that we're going to come to a day that when one of you asks, tell me about the programming, that my maintenance person will say, let me tell you about the programming because I know it as good as my program staff, but I can speak to you about programming from the facilities; here's what we're doing to make sure that that program stays on foot for 24 hours. And so we'll get there.

**CAVANAUGH:** Thank-- thank. That's great to hear that that's a priority. One of the other things that we've heard today is about staffing and training. And I mean security is-- is an issue but there seems to be a challenge with the training of the staff and adequate training of the staff, and I don't know if we heard it so much today, but at other points in the last couple of weeks that that's a big concern. And I-- I really appreciate the priority of the safety of the children and the programming, but is that something that is actively being addressed is making sure--

**DANNETTE SMITH:** Yes, it is.

**CAVANAUGH:** --that the train is adequately staffed or the-- the--

**DANNETTE SMITH:** yes.

**CAVANAUGH:** --the staff is adequately--

**DANNETTE SMITH:** I think that we have a training program that's done over a four-week period. There's some classroom; there's some on-site observation; and then there's what they call OJT. I think my staff would agree with you-- on the-- on-the-job training-- would agree with you-- at least this is how I feel, I want that training to be way more robust than it is right now--

**CAVANAUGH:** Sure.

**DANNETTE SMITH:** --OK, for the types of young people that we serve.

**CAVANAUGH:** Is the OJT-- when does that start-- what-- at in the  
[INAUDIBLE]

**DANNETTE SMITH:** I think that starts like maybe the third week--

**CAVANAUGH:** OK.

**DANNETTE SMITH:** --of employment.

**CAVANAUGH:** At what--

**DANNETTE SMITH:** But I think one of the things that we're learning through this is that we're going to need more intensive training, and I think that it all has to be linked with a little bit of clinical

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

understanding. At the same time I say that, we're also needing to train our staff to be aware of what their presence means to a child that has had significant trauma, because sometimes the way we interact may not be the way that youth engages that feedback, and so there are some places where we can embellish it.

**CAVANAUGH:** One more, I'm sorry.

**HOWARD:** Sure.

**CAVANAUGH:** I have quite a few. And one of the-- I swear this will be the last thing. Private security, so I know that the fence was installed, I don't know, maybe 12 weeks ago now out at Kearney, and you had youth escape from that facility, and then you hired private security and we've still had youth escaping. Is there an evaluation as to whether or not that contract with the private security is-- is worthwhile or-- or--

**DANNETTE SMITH:** I think we're evaluating that now. And what I would say to you is that the private security is not allowed to touch the kids.

**CAVANAUGH:** OK.

**DANNETTE SMITH:** So if they see them leaving, they can just notify, but they are not allowed to touch the children.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**CAVANAUGH:** And do they notify you--

**DANNETTE SMITH:** Yes.

**CAVANAUGH:** --or do they notify the police?

**DANNETTE SMITH:** No, they will notify the staff, the supervisor on duty.

**CAVANAUGH:** Thank you. Thank you so much.

**HOWARD:** Other questions? Senator Hansen.

**B. HANSEN:** Just one more really brief question. Sorry. Are there any other states that you're looking at to model programming facilities after, as we're kind of going through this update, you know?

**DANNETTE SMITH:** So-- yes. So in our tour of looking at Geneva maybe about three or four weeks ago, we had a couple of people here who have done some architectural work in a couple of states: Denver, Colorado; Columbus, Ohio; L.A. County; and I think also Nevada. But one of the things that they said to us was, get your programming in place first and then we can come back and build what you need, if that's what you're requesting. So, yes, there are some models out there that we're looking at. The second thing that we're doing is, based off a small group that I had in July that met with me, we're also looking to have a teleconference with some national experts that do this work all the time. The teleconference was supposed to be today at 2:00, so I had to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

cancel that and get that rescheduled. So, yes, we are seeking consultation from other states and other people who have done the work.

**B. HANSEN:** Thank you. Appreciate it.

**HOWARD:** Other questions? Just one more. As-- so one of the things that we heard from a testifier was that some of the staffing structure-- so we have the cottage supervisors and then we no longer had that position. So as you consider sort of a new program or re-envision the YRTC's, are you really analyzing, as well, the staffing structure, not just can we get staff, can we train them, but what does that structure look like so that it's appropriate for the needs of the youth?

**DANNETTE SMITH:** Yes, we are. It's not so many the number of staff but also the qualifications for that staff and what does that training need to look like. So when I think about training our staff, we're probably going to make a lot of our staff hybrids, where they have way more skills and ability to serve the kids that we have right now.

**HOWARD:** Good.

**DANNETTE SMITH:** So it would be the staffing pattern and skills

[INAUDIBLE]

**HOWARD:** All right. Thank you. All right. Any final questions? Senator Arch.

Rough Draft

**ARCH:** I'm sorry I-- I just wanted to make a comment, and that is I-- I very much appreciate your strategic thinking on this-- on this fundamental core issue of who are we, right? You know, rehabilitation, treatment, and I think-- and I think as you wrestle with that question, as you look at other states and how they've-- how they've resolved that question, many of these pieces could fall into place. But until that question is answered, I think we're-- we're going to wrestle with this for a long time.

**DANNETTE SMITH:** And so, Senator Arch, that's why I feel like I'm responsible for immediate and interim, but that's a deeper question about who are we.

**ARCH:** Right.

**DANNETTE SMITH:** And I think that's the community [INAUDIBLE]

**ARCH:** Thank you.

**HOWARD:** Senator Murman.

**MURMAN:** I've got just one more quick question also.

\_\_\_\_\_: Everyone has one more. [LAUGHTER]

\_\_\_\_\_: I don't.

**MURMAN:** I know you mentioned the looking into the future on--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

**DANNETTE SMITH:** Yes, Senator.

**MURMAN:** --what we're talking about, you know, doing with facilities and programming and so forth. Just in looking in the future, do you see the number of patients increasing, decreasing, staying the same, boys and girls?

**DANNETTE SMITH:** Well, hypothetically, if I were to go by some of the stats from juvenile probation, we probably would see a decrease in the number of kids who are at a moderate or low risk. But we would be left, which I think is the responsibility of government, to address the higher acuity young people. I think we may see that go up because those kids who are moderate to low risk would seek services in the community. And from the Juvenile Probation standpoint, they're feeling like they're already starting to do that. Nebraska has done great work in being able to bring its numbers down. I think what we have to make sure is that when kids leave our programming, that we have a trail of support that's following them home.

**MURMAN:** OK. Thank you.

**HOWARD:** All right. Any last questions? Well, just on behalf of the committee, I want to thank you for coming in--

**DANNETTE SMITH:** Thank you.

**HOWARD:** --thank you for the tour today, thank you for the candid conversation over lunch, and thank you for testifying today. I think it's-- it's really good for us to hear from you.

**DANNETTE SMITH:** Thank you for having me today. Thank all of you.

**HOWARD:** Thank you. All right, Senator Quick, Senator Lowe, you guys are welcome to close, and you can thumb wrestle for who goes first.

**QUICK:** Thank you, Chairwoman Howard, and thank you, Health and Human Services Committee. I also want to thank all the testifiers, and I think we had-- we heard a lot of great testimony today, and I think it will be beneficial for all of us senators to-- to try to address that issue. You know, one thing that did come out, that I-- I think it does take a village. It does take a lot of us working together, whether it's coming into the communities [INAUDIBLE] organizations to the state to whoever, but it does take all of us working together to try and address some of these issues. And, you know, one of the things, as-- I know as a parent, my kids, you know, they're-- and my grandchildren, and I'm sure all of you that have children understand this, but there's a lot of trust they put in us as parents to take care of them [INAUDIBLE] and having that stability of a-- of a home is really important. And I think a lot of the kids that come to our YRTCs have never had that. They have never had that. They have trust issues because of-- of the trauma that they face and they have issues with--

Rough Draft

they've never had that stability in their home. And so I think sometimes when we see some of these kids act out, maybe there is a change in the program, and they recognize that right away. You know, that trust issue comes out of them. That's-- they see that there is a change and-- and they're going, it's just going the way we thought it was going to go, and they start acting out. So I think we have to recognize that in some of these kids, you know, it's-- it's a learned behavior for them. Some of them come from a lot of backgrounds, whether it was trauma or whether it what they saw some other people in their family do or experience in their neighborhoods and their communities. So we have to address some of those issues with what we've got coming up. Now I will tell you that, you know, I had, I think, LB226 last year, and so that is out there. If-- if that's something that we need more funding, I did ask for more funds for programming and staffing concerns. And I also talked about, in my opening on that, for LB226, the fact that we have like a Dickson hall, or the LaFlesche unit here, that-- where you could make that maybe a more super unit. We know-- I think most of them know, the kids that are coming into the facilities, what those needs, what their behavioral health needs are, and if some kids that come in need higher behavioral health needs, they go right to that facility. Maybe they're already doing that. I don't know, but I think that's something we could address to make those-- those facilities-- really address those facilities, if we're going to look at facilities, too, so that we can

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Health and Human Services Committee October 2, 2019  
Rough Draft

provide more care for those-- the most needs, the kids who need the most care. And so I just leave it at that, but I want to thank you all and thank all the testifiers.

**HOWARD:** Thank you. Are there questions for Senator Quick? Seeing none, thank you, Senator Quick. Senator Lowe, would you like to close?

**LOWE:** Briefly. We've been sitting a long time today. Chairwoman Howard and the Health and Human Services Committee, thank you very much for coming to Geneva and then again to Kearney tomorrow. We're going to do this all over again in Kearney tomorrow afternoon. Thank you to the town of Geneva and those that have traveled in. The numbers are very powerful. I really appreciate that. This last year, I had LB484 which would have made it a felony to strike a staff member. It did not make it out of the Judiciary Committee. I want-- I want the staff members to feel safe. I want them to work 30 years at our Youth Treatment Centers. As a child, my father took me to YRTC-Kearney to show me that I did not want to go there. He took my brothers and he brought my sister to Geneva. That's a very responsible thing to do. It made us all think about the way we ought to lead our lives. A few years ago, I was with my son at an event in Omaha and I was talking to the-- the waiter who was waiting on us. And he was full of tattoos and he-- I said-- we started a conversation and I said I was from Kearney. He says, well, I spent some time in Kearney. He had been to YRTC-Kearney. He said it changed his life. He said it put him on-- on the straight

Rough Draft

and narrow path. He was "leaded" down a bad path, and he now has a child that he's very proud of and-- and he's helping that child grow properly. So YRTCs can be very beneficial to-- to the youth and to the cities where we were at. I believe we're on the right track. I believe they're going to make the YRTCs better. I believe we're going to make these youth, these young men and women, because a lot of them have lost their youth before they were young, and now they're no longer but they're young men and women just because of what they are and how they got there. So let's work together. I think that's the most important part, to work together, as Dan Quick and I did bring our two LRs together, and make this a better place and to make Geneva and Kearney a great place for the last place for some of these youth. Thank you very much.

**HOWARD:** Thank you, Senator. Are there any questions for Senator Lowe? Seeing none, thank you, Senator Lowe. This will close the hearing for LR200 and LR103. And just a personal thanks on behalf of the committee to the community of Geneva for welcoming us and being so attentive today. Thank you so much.