

Nebraska Children's Commission – Juvenile Services (OJS) Committee

Twenty - Third Meeting

November 13, 2014

9:00AM-1:00PM

Country Inn and Suites, Omaha Room
5353 North 27th Street, Lincoln, NE 68521

Call to Order

Ellen Brokofsky called the meeting to order at 9:07 a.m. and noted that the Open Meetings Act information was posted in the room as required by state law.

Roll Call

Subcommittee Members present: Jeanne Brandner, Ellen Brokofsky, Nicole Brundo, Kim Culp, Barb Fitzgerald, Judge Larry Gendler, Tony Green, Kim Hawekotte, Dr. Anne Hobbs (9:11), Ron Johns, Nick Juliano, Mark Mason, Tom McBride, Jana Peterson, and Dr. Richard Wiener.

Acting as resources to the committee: Jerall Moreland and Julie Rogers.

Subcommittee Member(s) absent: Cindy Gans and Dr. Ken Zoucha.

Resource members absent: Jim Bennett, Senator Kathy Campbell, Senator Colby Coash, Liz Hruska, Doug Koebernick, Jenn Piatt, Hank Robinson, and Dan Scarborough.

Resource members present: Jerall Moreland and Julie Rogers.

Also attending: Bethany Connor and Leesa Sorensen from the Nebraska Children's Commission.

Approval of Agenda

A motion was made by Kim Hawekotte to approve the agenda as written, seconded by Jana Peterson. Voting yes: Jeanne Brandner, Ellen Brokofsky, Nicole Brundo, Kim Culp, Barb Fitzgerald, Judge Larry Gendler, Tony Green, Kim Hawekotte, Ron Johns, Nick Juliano, Mark Mason, Tom McBride, and Jana Peterson. Voting no: none. None abstained. Dr. Anne Hobbs, Cindy Gans, and Dr. Ken Zoucha were absent. Motion carried.

Approval of August 12, 2014 Minutes

A motion was made by Ron Johns to approve the minutes of the October 7, 2014, meeting, seconded by Kim Culp. Voting yes: Jeanne Brandner, Ellen Brokofsky, Nicole Brundo, Kim Culp, Barb Fitzgerald, Judge Larry Gendler, Tony Green, Dr. Anne Hobbs, Ron Johns, Mark Mason, Tom McBride, Jana Peterson, and Dr. Richard Wiener. Voting no: none. Kim Hawekotte and Nick Juliano abstained. Cindy Gans and Dr. Ken Zoucha were absent. Motion carried.

Co-chair's Report

Ellen Brokofsky and Nicole Brundo gave a co-chair's report. Ellen noted that there was one open slot from the original allotment of members. She invited Mark Mason to speak and he entered his resignation as a voting member, as he is taking a position as the Re-entry Specialist for Probation. He noted that he would like to remain on the Committee as a resource. Ellen accepted Mark's resignation. She noted that the Department of Education has an important role in the Juvenile Justice system, and a discussion of necessary representatives was had. Ellen stated that the Committee would send a letter to the Department of Education requesting representation on the committee.

Council of State Government Presentation

Jeanne Brandner introduced a presentation from the Council of State Government ("CSG"). Josh Weber, Nancy Arrigona, Elizabeth Seigle, and Nastassia Walsh discussed CSG's involvement with the State of Nebraska. CSG has started working with Nebraska and four other pilot sites. CSG representatives are holding 30 focus groups during their time in Nebraska. CSG will create a report with recommendations for both the juvenile and adult justice system in February. CSG representatives then solicited feedback and questions from the group and discussed juvenile justice in Nebraska.

Continued Co-chair's Report

Ellen resumed discussion of the Committee's membership following the CSG presentation, and proposed that a membership slot be reserved for a youth voice from Project Everlast. She noted that it may not always be the same youth, but that a youth voice is necessary on the Committee. Youth must be prepared for the meeting so that they are prepared to speak about their stories before the Committee without re-living trauma.

A motion was made by Ellen Brokofsky to establish a voting membership slot on the committee, for a youth advocate from Project Everlast, with the ability for different youths to fill the slot. Ron Johns seconded the motion. Voting yes: Jeanne Brandner, Ellen Brokofsky, Nicole Brundo, Kim Culp, Barb Fitzgerald, Judge Larry Gendler, Tony Green, Kim Hawekotte, Dr. Anne Hobbs, Ron Johns, Nick Juliano, Mark Mason, Tom McBride, Jana Peterson, Dr. Richard Wiener. Voting no: none. Cindy Gans and Dr. Ken Zoucha were absent. None abstained. Motion carried.

Juvenile Services Committee Report Priority Discussion

Ellen Brokofsky led a discussion to determine the priorities of the Juvenile Services Committee Report. The group discussed breaking into subgroups to make recommendations on specific subject areas, and decided to continue work as a group to further recommendations. The group discussed the importance of remembering that disproportionate minority contact is an issue throughout all areas of the juvenile justice system. The group decided to map the juvenile justice system by sending information on different individuals and groups within the juvenile justice system working on similar initiatives to Bethany Connor to compile the information in collaboration with Dr. Richard Wiener. The group will use the December 9, 2014 meeting to plan the rest of the years meetings to tackle the subjects of 1) Screening and Assessment tools; 2) Community based programs; 3) SPEP design; 4) YRTC Transition/Level 5 creation; and 5)

Social Racial, and Ethnic Disparities. The group will then analyze each subject through the Ideal Juvenile Justice Treatment System Matrix on page 10 of the Committee Report.

Anne Hobbs noted that Diversion's Capstone plan will have been submitted before the December 9, 2014 meeting, so that the issue of Diversion can be revisited. Christine Henningsen offered to report back to the Committee regarding Senator Krist's roundtable discussion on juvenile justice. Tony Green will report back to the Committee on a meeting with Senator Hadley regarding the Youth Rehabilitation and Treatment Center at Kearney. Ellen identified a need to become educated on the System of Care, and suggested a brief overview from a representative as an agenda item for the December meeting. Julia Tse stated that the Voices for Children Juvenile Justice advocate would be available to provide a report on the Voices for Children Race for Results Conference.

Crossover Initiative

Nick Juliano led a discussion of the Crossover Initiative. The Crossover Initiative is moving toward statewide implementation. The Sherwood Foundation has provided a grant for Dr. Spohn of the University of Nebraska at Omaha's Center for Justice Research to perform an evaluation of the implementation. Nick provided the Committee with a PowerPoint Presentation and data from the Douglas County initiative. Kim Culp provided an overview of the initiatives staff structure in Douglas County. Many members asked a number of technical questions about eligibility for the initiative, and Nick suggested having a longer discussion at the next meeting. Ellen stated that she would continue to have the Crossover Initiative as a regular item on the agenda.

Juvenile Detention Alternative Initiative

Monica Miles-Steffens led a discussion of the Juvenile Detention Alternative Initiative. She noted that Sarpy County is currently targeting youth coming in on warrants, and has found an overrepresentation of minorities. The initiative is also looking at youths who have run away, and providing community supports, working with families and probation to form a community response to runaway youth. She noted that she and other stakeholders will be traveling to St. Louis to meet with the Casey Foundation to discuss taking the JDAI initiative statewide.

Public Comment

None.

New Business

Dr. Anne Hobbs noted that the Crime Commission will be drafting its three year state strategic plan, and the Committee should provide input to the plan. She stated that there will be meetings and surveys so that Committee members may further the recommendations in the report. Ellen identified that State Strategic Plans are an important vehicle to further the recommendations and tasked Bethany with creating a document with information about the various State Strategic plans the different agencies and other entities create.

Ellen thanked Mark Mason for his services as a member of the Committee, and he expressed that he looks forward to serving as a resource to the Committee.

Next Meeting Date

The next meeting is scheduled for December 9, 2014, from nine o'clock a.m. to three o'clock p.m., location TBA.

Adjourn

A motion was made by Barb Fitzgerald to adjourn the meeting, seconded by Dr. Anne Hobbs. The meeting adjourned at 12:55 p.m.

DRAFT

Selection of State Plans of Interest to the OJS Committee

Current as of Dec. 5, 2014

Agency/Organization	Strategic Plan	Legal Authority
The Administrative Office of the Courts and Probation Nebraska Supreme Court	<u>Nebraska Judicial Branch Language Access Plan 2014</u>	Nebraska Supreme Court authorized Administrative Office of the Courts (AOC) and Interpreter Advisory Committee (IAC) to produce a Language Access Plan
The Administrative Office of the Courts/Problem Solving Courts	<u>Strategic Plan for Nebraska Problem Solving Courts (2013-2017)</u>	Approval by Nebraska Supreme Court
Nebraska Children's Commission	<u>Nebraska Children's Commission's Phase I Strategic Plan for Child Welfare and Juvenile Justice Reform</u>	LB821(2012)
Nebraska Commission on Law Enforcement and Criminal Justice (with the Consortium for Crime and Justice Research)	<u>Nebraska Strategic Plan 2012-2014</u> <u>Addendum to Strategic Plan</u>	Consortium for Crime and Justice Research at the University of Nebraska at Omaha was tasked with creating this plan for the use of Edward Byrne memorial Justice Assistant Grant (JAG) funds.
Nebraska Commission on Law Enforcement and Criminal Justice	<u>Three-year Comprehensive Juvenile Justice and Delinquency Prevention Plan 2012-2014</u>	Office of Juvenile Justice and Delinquency Prevention (OJJDP) requirement
Nebraska Department of Health and Human Services	<u>The Nebraska Substance Abuse Prevention Strategic Plan (FY13-FY17)</u>	Substance Abuse Prevention Act Block Grant (SAPABG)
Nebraska Department of Health and Human Services	<u>Nebraska State Plan for the Temporary Assistance for Needy Families Program 2013</u>	Section 402 of the Social Security Act as Amended by the Personal Responsibility and Work Opportunity Reconciliation Act

		(PRWORA), Public Law 104-193
Nebraska Department of Health and Human Services	<u>Nebraska's Children and Family Services 5 Year Plan 2009-2014</u>	Child Abuse Prevention and Treatment Act, Chaffee Foster Care Independence Program,
Health and Human Services – Division of Medicaid	<u>Medicaid State Plan</u>	Title XIX of the Social Security Act
Nebraska Department of Labor	<u>State of Nebraska Five Year Integrated Workforce Plan (FY13-FY17)</u>	Title I of the Workforce Investment Act and the Wagner-Peyser Act
Nebraska Supreme Court	<u>Nebraska Supreme Court Strategic Agenda (2013-2014)</u>	Nebraska Supreme Court

Senator Krist Legislative Roundtable

Before the Meeting, participants were asked to list their top five issues to address at the Roundtable. Individual responses are recorded in a separate document. There were many common themes:

Ranked in order of number of people who indicated this was a priority:

1. Data - Need to have reliable data systems that communicate with each other so that we can make data-informed policy and practice decisions.
2. Use of Evidence-Based Practices (Both Locally and Statewide)- This works hand in hand with the need for reliable data collection, so we can focus on assessment tools and programs that are shown to reduce recidivism. Reduce the reliance on out-of-home care. Also, there was discussion about extra support given to rural communities as they work towards implementing small scale EBPs and transportation issues.
3. JDAI- The group indicated continued need for JDAI efforts within Nebraska. There were concerns about the overuse of overrides to authorize detention and also that probation was working with JJI to validate the RAI (detention screening tool). Also, clarification that the RAI is a tool to screen in regards to the detention decision alone, there are other screening tools to be used in other decision-making processes such as diversion, case planning, etc.
4. More Oversight Needed for Youth in the Juvenile Justice System. There was a concern about lack of leadership at the Crime Commission, and need for increased oversight of youth on probation, especially those in out of home care.
5. Medical/Mental Health Issues- There was a concern about youth not having health coverage and access to necessary medication. Also a lack of availability of psychiatry services. Additionally and related to JDAI efforts, use of secure and/or staff-secure detention for youth with mental health issues.
6. Diversion- People indicated a priority was increased use of diversion/pre-filing interventions with youth. Diversion is not available in every county, may not be adequately funded and/or the youth's family may not be able to afford diversion. There was also concern voiced about a lack of consistency in decision-making process of who is referred to diversion and DMC issues. The school to prison pipeline was also brought up in this discussion.
7. Status Offenders- There is a need for specialized and pre-filing interventions for status offenses. Specifically, **runaways**, mentally-ill youth and those youth whose parents cannot control them in the home.
8. Need for Increased Family Engagement, Support and Accountability
9. Secure Detention v. Staff-Secure Detention- lack of clear regulations on what differentiates one from the other. Ie- the shackling policies of youth in staff-secure and secure detention facilities is identical. Use of seclusion, jump suits, etc.
10. Need for increased collaboration and clarification on what the proper juvenile court filing is 3(a), 3(b), 3(c) and/or delinquency. Cross-over youth. Possible blended funding for youth and families with multiple issues.
11. Lack of In-State Placements. Especially drug/alcohol treatment.

12. DMC
13. Need for continued services for youth who are aging out of the juvenile justice system.
14. YRTC- What is the role of the YRTC. Need for an interim study on who is/should be going there, what treatment options are available there and improve the re-entry collaboration process between OJS and probation. There is also a need for EB re-entry process for all out of home placements.
15. Protection of youth's due process rights. Adequate representation, etc. Also, what is the appropriate role of a GAL in juvenile justice cases.
16. Gangs in Nebraska
17. Officer Safety
18. Clarification of some funding issues, ie youth being detained on both adult and juvenile charges, transportation to detention intake, dually adjudicated youth, state wards/court wards and education costs.
19. Timeliness of Service and limitations of the voucher system.
20. Community Safety and Youth Services for the "1%" or "hard-core violent" offenders. Also, for older sex offenders.
21. Perception that juvenile court is a "free-pass", juvenile adjudications are not enhanceable offenses.
22. Conflicts between ICPC & 464. Increased federal funding, ie IV-E.

Senator Krist told the group that they would all be kept informed of juvenile justice bills that would be introduced this session. Some he is currently working on:

1. For youth who are put into detention, if they were previously on Medicaid, their Medicaid coverage would only be suspended while they are in detention, not cancelled. Upon release, Medicaid would be reinstated. (Krist)
2. Collaboration with UNMC to do 3 pilot Diagnostic & Treatment Centers within the State for youth. (Krist & Howard)
3. Working on revisions to the Community-Based Aid process. Possible additions for counties to be able to use their dollars local JDAI initiatives, to validate programs, or increased flexibility if the county is willing to work towards validation. (Krist)
4. Working with Jerry Davis of Boystown for a 1% committee to look at those most difficult cases. (Krist)
5. Expanded Jurisdiction until 21 for juvenile justice cases. The expanded jurisdiction must be by agreement of the parties and for specifically noted services, ie to finish substance abuse treatment. Models for Change examples (NJ, Maine, NC) have indicated this expanded jurisdiction does not significantly increase case load (3%) and the recidivism rate for youth who participate is extremely low (3%). Also, suggested the use of hearing officers to cover these types of hearings and other hearings that may overcrowd the court. (Krist).

6. Administrative Procedures Act- procedures for changes in within an agency (Mello)
7. Possible Expansion of oversight duties of the OIG (Krist)
8. Juveniles on the HHS Central Registry (Coash)
9. GAL: Guidelines, policies and procedures in statute (Krist)