

JUDGE REGGIE L. RYDER
SEPARATE JUVENILE COURT OF
LANCASTER COUNTY



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October 24, 2019

RE: YRTC Business Plan

Dear Sen. Howard and Sen. Williams:

This letter is in regards to the recently-announced decision of the Nebraska Department of Health and Human Services (DHHS) about the development of a Youth Rehabilitation and Treatment Center System. More specifically, the creation of the Youth Rehabilitation and Treatment Center-Lincoln (YRTC-Lincoln).

As you are aware, DHHS announced that services at this facility will be established at the Lancaster County Youth Services Center, which, per the press release from DHHS, has the capacity of 20 individual rooms divided between two separate pods, a day room, and a separate outdoor recreational space.

When the Lancaster County Youth Services Center opened, it consisted of three components: a detention center with 60 secure beds, a staff secure facility with 20 beds, and an assessment center. Over time, decisions were made by Lancaster County to eliminate the assessment center and the staff secure facility. Currently, there is only one distinct program at the Lancaster County Youth Services Center and that is secure detention services, as set forth on the Youth Services Center's website, which can be found at the following link:

<https://lancaster.ne.gov/youth/index.htm>

A few months ago, numerous issues with the YRTC-Geneva were identified and preliminary steps were taken by DHHS to attempt to address those issues. One of the steps taken was to immediately place four of those youth at the secure detention center in Lancaster County. That decision was made without any input being sought from or provided by the judges of The Separate Juvenile Court of Lancaster County, Nebraska.

As set forth in Neb. Rev. Stat. §43-408 (2)(c), "placement of a juvenile in detention shall not be considered a treatment service." That statute also states that "if a juvenile is placed in detention while awaiting placement at a youth rehabilitation and treatment center and the placement has not occurred within fourteen days, the committing court shall hold a hearing every fourteen days to review the status of the juvenile." Primarily because of those provisions in the law, court orders were entered for those four juveniles to be immediately transported back to the YRTC-Geneva. Pursuant to those orders, those juveniles were then returned to the YRTC-Geneva. Soon thereafter, DHHS made the decision to have all juveniles placed at the YRTC-Geneva transferred to the YRTC-Kearney campus.

After those juveniles were returned to the YRTC, I was generally made aware that Lancaster County was considering leasing its empty detention center pod at the Youth Services Center to the State of Nebraska for a YRTC-Lincoln campus. Two weeks ago, a Lancaster County Commissioner stated at our local Through the Eyes of the Child meeting that it was likely that this was going to happen. When I asked him for details of this arrangement, he only indicated that the State of Nebraska would be running the program and that Lancaster County would not be. He provided no additional details at the time and none have been provided since.

I have reviewed the Youth Rehabilitation and Treatment Centers Business Plan (Plan) that was unveiled on October 21, 2019. According to that Plan, “[i]n July and August of this year, a group of cross-system stakeholders met to discuss an immediate emergent need, and to design a desired future state. These meetings are noteworthy in signaling ‘system collaboration’. . . . The stakeholder group included members from the Department of Health and Human Services (DHHS), Probation and the *juvenile courts*, non-profits, and advocacy organizations, and the Legislature. The outcome of these meetings produced a vision for the YRTC.” (emphasis added)

Currently, there are only nine (9) Separate Juvenile Court Judges in the State of Nebraska. Two of them, Judge Porter and Judge Daniels, were at the initial meeting held in July as referenced in the Plan. Today, I spoke to both of them about that initial meeting. Both of them described that meeting as a broad outline and only preliminary in nature in regards to the issues with the YRTCs. They also stated that the stakeholders present were going to be reaching out to their colleagues and receiving input prior to any future meetings that they could then share with the other stakeholders. Neither Judge Porter nor Judge Daniels were able to attend the follow up meeting in August. No additional meetings were held. The next thing we know, the Business Plan was announced which claimed to include collaboration from the juvenile courts.

There is no doubt that the YRTCs need significant improvements and that we need to do everything we can to ensure better services and better outcomes for the youth who end up at that level of care. As judges, we are only able to place juveniles at the YRTC level once we find that all lower levels of care and services have been exhausted or thoroughly considered. As a result, the youth who end up at the YRTCs are without a doubt our highest risk youth and we need to do everything possible to provide them appropriate rehabilitative services.

Without having been part of the “collaboration”, it is unclear if this proposal is going to be able to do that. One of my initial questions about this is what, if any, structural changes will be made to the pod that will house the youth at YRTC-Lincoln? I personally toured that pod a few months ago when a committee I am on was pursuing a plan to have that pod completely gutted, remodeled, repurposed, and utilized as a much-needed facility for juveniles in need of intensive mental health services. That plan is now on hold because of this decision.

I see nothing in the YRTC Business Plan that says that pod will be remodeled or changed. If significant structural changes are not made, it will continue to look exactly like the detention center cells that house the juveniles who currently reside at the Lancaster County Youth Services Center, Detention Center. Secure detention is what that pod was built for, just like the other two that are currently in use.

I and many of my colleagues are more than willing to become part of a system collaboration on the issue of improving the YRTCs moving forward. Given the significance of this issue, I wanted to set the record straight that we have not been part of that collaboration up to this point in time, despite the representation by DHHS to the contrary.

Should you have any questions, feel free to contact me.

Sincerely,



Reggie L. Ryder, Judge

The Separate Juvenile Court of Lancaster County, Nebraska
President, Nebraska Separate Juvenile Court Judges Association

Submitted on behalf of:

Judge Matt Kahler Judge Linda Porter Judge Roger Heideman Judge Vernon Daniels
Judge Chad Brown Judge Larry Gendler Judge Christopher Kelley Judge Bob O'Neil

CC: The Honorable Chief Justice Michael Heavican, Nebraska Supreme Court