

EXECUTIVE SUMMARY

Nebraska's Youth Rehabilitation and Treatment Centers – or YRTCs – serve youth ages fourteen to nineteen in the state's juvenile justice system. The YRTCs are under the jurisdiction of the Department of Health and Human Services. The Youth Rehabilitation and Treatment Center in Geneva has served girls since 1891 and the Youth Rehabilitation and Treatment Center in Kearney has served boys since 1881.

In early August a crisis arose at the Youth Rehabilitation and Treatment Center in Geneva (YRTC-Geneva). In response, the HHS Committee spent the next six months trying to understand what occurred and working towards solutions for the future. The HHS Committee's work included:

- Three public hearings in Geneva, Kearney, and Lincoln;
- Multiple tours of both YRTCs in Geneva and Kearney and tours of other facilities treating juveniles;
- Numerous interviews with not only the girls affected but parents, current and former staff, and community members;
- Regular collaboration with the Office of the Inspector General for Child Welfare and the Ombudsman's Office; and
- Weekly, at times daily, contact with the Department of Health and Human Services (DHHS), specifically CEO Dannette Smith.

This report is the product of these last many months of work. It is intended to do the following: provide an understanding of the history and current role of the YRTCs; identify the issues that arose, specifically at YRTC-Geneva, in the summer and fall of 2019; and make recommendations for next steps as the Legislature, the Department of Health and Human Services, and other stakeholders work together on a path forward. The report includes:

A History of the YRTCs (pages 1-3):

The YRTCs have a long history in Nebraska. What is now YRTC-Kearney was originally created in 1879 and what is now YRTC-Geneva was created in 1891. The names of the facilities have changed over the years as has the mission. In 1994, the YRTCs were placed under direction of the newly created Office of Juvenile Services with the goal of increasing programming, including mental health and substance abuse treatment, as well as job training. In 1997, the Office of Juvenile Services was moved from the Department of Corrections to Department of Health and Human Services.

An Overview of the Statutory Framework (pages 4-7):

This section provides a summary of the standards that must be met to commit a juvenile to a YRTC. A youth may not be placed at a YRTC unless all other levels of probation and community-based services have been exhausted. In addition, a juvenile under the age of fourteen may not be placed at a YRTC. This section also describes how a youth may be discharged from a YRTC and the programs and services that OJS is required to provide to a youth at the YRTC.

YRTC Population at a Glance (pages 8-14):

This section provides data on the population being served at the YRTCs. It includes information about admissions and how many youth have been served at the YRTCs since 2008. The charts on pages 9 and 10 show a decrease in the YRTC populations since 2013. Data is also provided on racial disparities in the population at the YRTCs; the home county of the youth placed at the YRTCs; the offenses that lead to commitment of a juvenile to a YRTC; and the significant proportion of YRTC youth who have also experienced child abuse and neglect.

A Summary of Past Reports on the YRTCs (pages 15-17):

Nebraska's juvenile justice system, and the Youth Rehabilitation and Treatment Centers in particular, have been studied several times over the years. This section gives a brief overview of the findings of the two most recent studies: the Nebraska Juvenile Correctional Facilities Master Plan Update from 2007 and the Nebraska Children's Commission, Juvenile Services (OJS) Committee, Phase I Strategic Recommendations from 2013. Highlighted in this summary are the often similar recommendations for improvements to the YRTCs, such as creating a community-based continuum of care and improving programming at the YRTCs.

A Detailed Timeline of Events (pages 18-34):

This section provides a detailed and documented timeline of events since the issues arose at YRTC-Geneva. It includes:

- A summary of the actions taken in the immediate aftermath of the crisis, including moving all the girls at YRTC-Geneva to YRTC-Kearney;
- A summary of the visits to the facilities by the HHS Committee members and others, including photos;
- Communications from the HHS Committee to the Legislature with ongoing updates on the situation;
- Communications to and from DHHS's CEO Smith and members of the Legislature and others; and

- Communications to and from the Department of Administrative Services and members of the Legislature.

A Brief Summary of the Conditions at YRTC-Geneva (pages 35-36):

Several senators visited YRTC-Geneva the week the issues at YRTC-Geneva reached a crisis point. The senators toured each cottage (or living area), the school, and the cafeteria. This section provides a summary of the conditions as they found them, including major unfinished repairs, significant water damage along with a resulting musty smell, holes in the walls between rooms large enough for the girls to fit through, broken walls with the sharp mesh exposed from the plaster and lathe, and a broken fire safety system. This section also summarizes some of the conversations the senators had with the girls.

Common Themes Regarding the Challenges at the YRTCs (pages 37-40):

Over the course of three public hearings held by the HHS Committee and numerous conversations between members of the HHS Committee and youth, parents, staff, and community members, certain themes emerged about the key issues that preceded the crisis at YRTC-Geneva. Specifically, there were challenges related to facilities maintenance, staffing, and programming. This section provides a summary of those concerns. In addition, this section notes other challenges that have arisen as a result of the transfer of the girls to YRTC-Kearney, including concerns about the transfers themselves, the difficulties of providing the girls with an education in an appropriate space and for the necessary number of hours, and the effect on the Geneva community.

HHS Committee Recommendations (pages 44-48):

The product of the HHS Committee's six months of work is a list of legislative recommendations – both short and long term – that would begin to address the challenges facing the YRTCs and help the state better serve the youth in its care. The recommendations are as follows:

1. Require DHHS to have a long-term plan for the YRTCs
2. Create enabling legislation for the YRTCs
3. Create a special committee for ongoing oversight of the YRTCs
4. Allow for use of a county detention facility in the event of an emergency at the YRTCs
5. Put YRTC schools under the jurisdiction of the Nebraska Department of Education
6. Require a cost study and needs assessment for an inpatient residential adolescent psychiatric unit

7. Discontinue Department of Administrative Services maintenance of 24-hour residential facilities that are under the jurisdiction of DHHS
8. Require capital improvements at the YRTCs
9. Require an annual facilities review by the Ombudsman
10. Give the Office of Inspector General for Child Welfare notice of Prison Rape Elimination Act violations at the YRTCs
11. Give the Office of Inspector General of Child Welfare quarterly reports of grievances
12. Require DHHS to create a policy regarding the use of mechanical restraint, including shackling, and when it may be used at the YRTCs
13. Require DHHS to create a policy on transporting youth to, from, and between the YRTCs
14. Require notice to the juvenile courts and appropriate parties of movement of youth including between YRTCs