



NEBRASKA  
2023 TITLE II  
3 YEAR PLAN

DRAFT

NEBRASKA

Good Life. Great Service.

---

COMMISSION ON LAW ENFORCEMENT  
AND CRIMINAL JUSTICE

## Introduction

Nebraska has not participated in the Title II Part B Formula Grant Program since FY 2017. Nebraska is seeking to come back into participation with the program with this FY 2023 request. Nebraska intends to fulfill the compliance of the Title II Formula Grant ((11) deinstitutionalization of status offenders; (12) separation of juveniles from adults in secure facilities; (13) removal of juveniles from adult jails and lockups; (14) effective system of monitoring; (15) Racial and Ethnic Disparities (R/ED) as follows:

**Year 1:** The Nebraska Crime Commission (DSA) plans to hire a position with the grant funds to be the compliance monitor. During year one, the TBD compliance monitor, the Jail Standards division, and members of the Juvenile Programs and Interventions division (who will share the responsibilities of the Juvenile Justice Specialist) will work to create the State Compliance Monitoring Manual (CMM) and the Compliance Monitoring Universe.

The Nebraska Crime Commission will then work with the same team of individuals to determine a Compliance Data Collection Plan for each of the core requirements. During this process, Nebraska will work with the SAG and internal Nebraska Crime Commission staff to determine the best way to meet the R/ED core requirement. Part of the evaluation will be to determine what data we have available at the Nebraska Crime Commission, what MOUs or data sharing agreements might need to be in place with other agencies, and where an R/ED Coordinator would fit in. The Nebraska Crime Commission will plan to hire an R/ED Coordinator using Title II grant funds during year one.

The Nebraska Crime Commission and Chair of the SAG will work with the Governor's Office to fill any vacancies on the SAG. The SAG has had issues with recruiting and maintaining young adult members appointed before the age of 28. This has been the main barrier for

membership of the SAG that complies with the Title II requirements. One area being explored is the use of SAG allocation funds to contract with the Nebraska Children and Families Foundation to work through their Project Everlast program or other young adult program to recruit and mentor individuals that might be interested in applying to be on the SAG. The program staff would accompany the youth to the meetings and pay them for their time to attend and be engaged with the SAG activities. Another barrier with getting youth engagement has been our inability to pay the youth for their time to be on the SAG and attend meetings. All other members are part of the SAG as their employment and are being paid on work time to attend the meetings. This is not the case for our young adults who are having to take time off from work and find childcare. We are hopeful there can be a solution to this barrier in year 1 or year 2.

The Nebraska Crime Commission will be asking the Governor to include a deficit request to come up with match funds for P & A. At this time, the Nebraska Crime Commission does not have funds to match for P & A and therefore cannot hire a new Juvenile Justice Specialist until after July 1, 2024, at the earliest. The Nebraska Crime Commission will split the Juvenile Justice Specialist duties between existing staff until we can obtain P & A funds to hire for this position.

The existing Nebraska Crime Commission staff (at this time Amy Hoffman and Erin Wasserburger) will complete the Juvenile Justice Specialist Training by the end of year one. The TBD Compliance Monitor will complete the Compliance Monitoring Training by the end of year 1. When a Juvenile Justice Specialist is hired, that person will also complete the Compliance Monitoring Training once hired.

**Year 2:** With the completion of the State Compliance Monitoring Manual and the Compliance Monitoring Universe, the TBD Compliance Monitor will begin putting policies and processes into place to prepare the facilities for inspection in year 3. The Training Policy Certification will

also be completed. The TBD Juvenile Justice Specialist will complete the Juvenile Justice Specialist training, Compliance Monitoring training, and DOJ financial and grant management trainings.

In year 2, the Nebraska Crime Commission, SAG and R/ED Coordinator will begin outlining the R/ED plan, including data collection and determining where Nebraska has gaps in the data. Collaboration will begin to determine what relationships, MOUS, and data sharing agreements are necessary to begin collecting and reporting during year 3.

**Year 3:** In year three, Nebraska plans to have all processes in place to begin compliance data collection and facility inspections in order to submit compliance data, along with the required Compliance Monitoring Data Certification and the Compliance Plans and Resources Certification. An R/ED plan will also be submitted. A policy will be developed to require individuals who work with juveniles and adult inmates to have training and certification to work with juveniles so that the Training Certification form can be completed.

### Required Elements of the Title II Formula Grant 3 Year Plan

Attachment A, *33 State Requirements*, addresses all 33 statutory elements of the state plan under 34 U.S.C. § 111333(a), including the four core requirements (34 U.S.C. §§ 11133(a)(11), (12), (13), and (15)), the establishment of an effective system of monitoring (34 U.S.C. § 11133(a)(14)), and the SAG membership criteria (34 U.S.C. §§ 11133(a)(3)). The document details the requirements that have been met, and how the state intends to fulfill those elements that are not yet met within three years of the award date.

## Analysis of Juvenile Delinquency Problems (Youth Crime) and Needs

Overview of juvenile justice and delinquency prevention system:

### **Attachment B details Nebraska's Juvenile Justice Process.**

The juvenile justice system in Nebraska is interconnected. State and local governments support the infrastructure of the juvenile justice system and provide some direct services to youth. These governmental entities also utilize a combination of local, state, federal, and philanthropic funding to contract for treatment and non-treatment youth services.

**Law Enforcement:** Law enforcement officers encounter juveniles in a variety of situations including investigations of abuse/neglect, emergency mental health placements, street contact, in/out of state runaway youth, and arrest. Law enforcement may release a youth, issue a citation, or take a youth into custody if they are considering a request for detention. Law enforcement officers also have contact with youth during court or other transportation situations. In Nebraska, youth are not technically arrested, rather taken into temporary custody by law enforcement. The statewide probation system has authority and responsibility for juveniles who enter the system. When a youth is taken into temporary custody by law enforcement, probation is who does the screening to determine if a youth needs to be placed in detention, released on a detention alternative, or released with no intervention.

**Prosecution/County attorney:** All citations are sent to county attorneys who are elected officials in each county. Nebraska has 93 counties. There are also city attorneys who may prosecute city ordinance violations. County attorneys then review the citation to make the determination if the youth should be referred to diversion.

**Diversion:** Nebraska statute gives county and city attorneys the discretion to create and operate juvenile diversion programs. The county attorney has the discretion to refer a citation to

diversion, file on the citation, or no file. Not all counties in Nebraska operate a juvenile diversion program.

**Probation:** Probation in Nebraska is a statewide system housed within the Administrative Office of the Courts and Probation (AOCP). The Juvenile Services Division is responsible for “statewide administration of juvenile intake, investigations, supervision, and services for youth and families impacting community safety, habilitation, and behavior change” (State of Nebraska Judicial Branch, 2021c). The AOCP also houses a Rehabilitative Services Unit to support adult and juvenile behavioral health. This unit provides oversight of registered service providers for probation, behavioral health training for probation staff, and collaborates on statewide behavioral health policy. Probation in Nebraska is a state and county partnership. The AOCP supports personnel for 14 probation districts statewide which align with District Court Judicial Districts. Each local district has a chief probation officer who works with the county(s) they serve to support local office infrastructure. By statute, probation is responsible for intake assessment. Law enforcement contact probation for this assessment when they have taken a youth into custody and a decision is needed to determine whether the youth should go to secure detention, an alternative placement, or can be released pending court.

**Detention:** There are four juvenile detention centers in Nebraska. Three of the centers have “secure” detention, one is only “staff secure.” A Juvenile Detention facility in Nebraska is defined by Nebraska Revised Statute §83-4,125(2) as: “[A]n institution operated by a political subdivision or political subdivisions for the secure detention and treatment of persons younger than eighteen years of age, including persons under the jurisdiction of a juvenile court, who are serving a sentence pursuant to a conviction in a county or district court or who are detained while waiting disposition of charges against them. Juvenile detention facility does not include any

institution operated by the department.” The Department of Corrections operates the youth facility, a minimum, medium, and maximum-security facility for males up to the age of 21 years old who have been adjudicated as adults.

**Courts:** Nebraska’s court system includes the Supreme Court, Court of Appeals, District Courts (general jurisdiction), County Courts (limited jurisdiction), and other courts created by the legislature such as Separate Juvenile Courts and Workers Compensation. Judges are appointed by the governor and subsequently elected every six years, with the exception of the Supreme Court and Court of Appeals which are lifetime appointments. Each county has a county court, which has original jurisdiction over probate, guardianship, conservatorship, adoption, and eminent domain issues. These courts also process many misdemeanor cases. The county court oversees juvenile matters in the absence of a designated juvenile court. District courts are trial courts of general jurisdiction, which are responsible for processing felony, civil, and some misdemeanor cases. Separate juvenile courts are responsible for handling neglected, dependent, and delinquent children. Additionally, these courts share concurrent jurisdiction with district courts matters pertaining to the care, support, custody or control of mentally deficient children younger than 18. The jurisdiction of juvenile courts is established in Nebraska Revised Statute 43-247 (2016). Broadly, for delinquency juvenile courts in Nebraska have jurisdiction over any juvenile who has committed an act, when they were 11 years of age or older, that would constitute as a felony, misdemeanor, or any other law violation, except for some traffic violations. Additionally, juveniles with life circumstances (e.g., homelessness, lack parental care) are subject to the jurisdiction of juvenile courts for child welfare purposes.

**Department of Health and Human Services/Division of Children and Family Services:** The Department of Health and Human Services provides a variety of children, family, adult, and

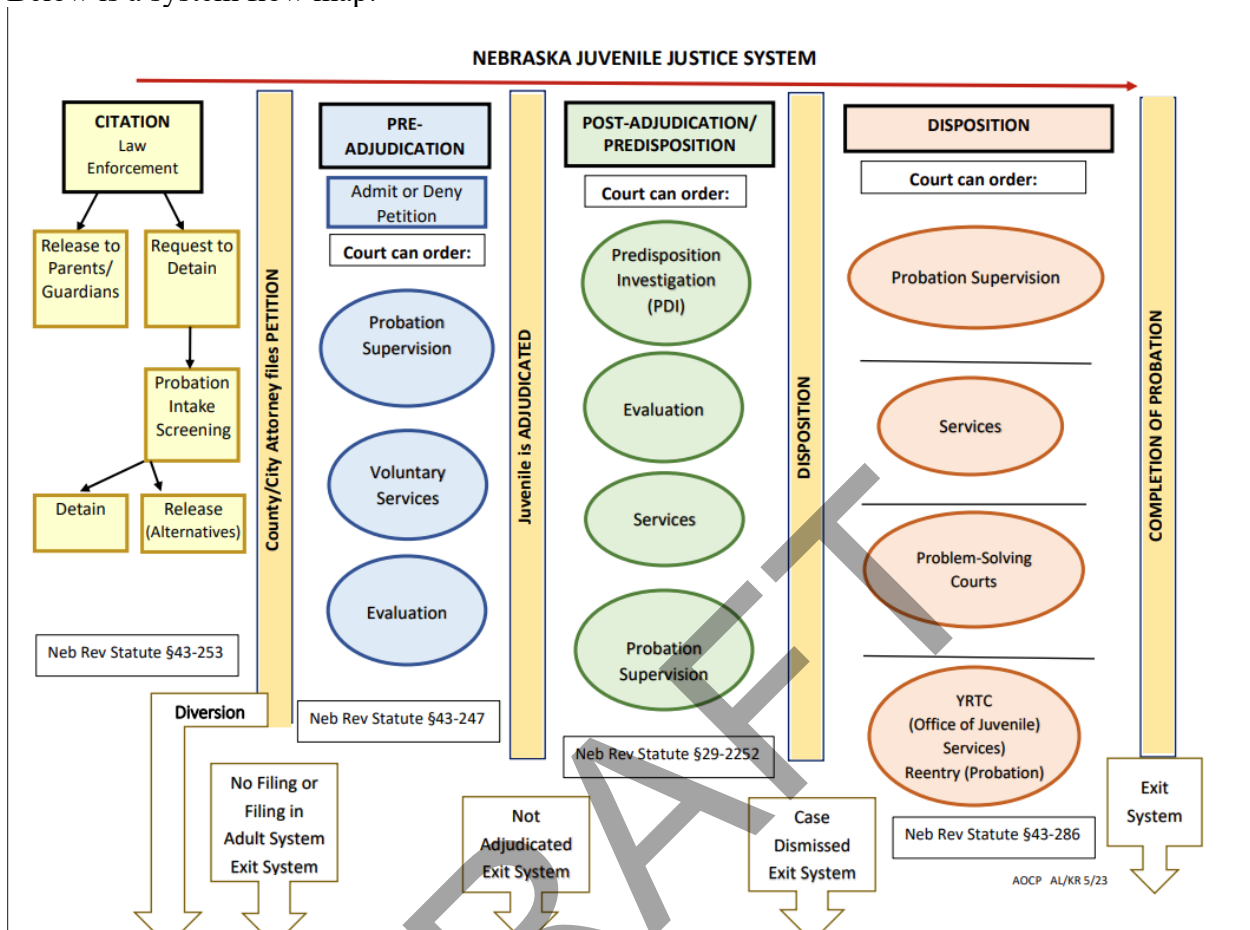
behavioral health services. The Protection and Safety Division provides and supports prevention programs, child and adult protective services, foster care and independent living, adoption, domestic violence services, safety and treatment services, and education support.

Youth having contact in the child welfare and juvenile justice systems are identified as crossover youth. The Division of Children and Family Services and the AOCF have worked collaboratively on state policy that encourages the efficiency and effectiveness of serving youth in both systems at the same time.

The Division of Children and Family Services/Office of Juvenile Services also oversees the administration of three Youth Rehabilitation and Treatment Centers (YRTC) in: Kearney (for boys), Hastings (for girls), and Lincoln (for high behavior needs). The mission of the YRTCs is to provide individualized supervision, care, accountability, and treatment in a manner consistent with public safety to those youth in its care. Youth between 14 and 19 years that have been adjudicated as delinquent and committed to the Office of Juvenile Services' custody may be placed at (YRTC).

While at YRTC youth attend school, participate in cognitive behavioral programming, counseling, and positive youth development activities. Facility staff, probation officers, youth, and their families begin the process of re-entry planning very early in their stay at the facility. Youth are discharged from the facility and work with the probation re-entry team to assist with their transition. Many youth return home, while others may enter a foster placement or other community based option. The Division also operates the Whitehall Psychiatric Residential and Treatment Facility (PRTF) in Lincoln that works with teen males who have engaged in sexual offenses.

Below is a system flow map:

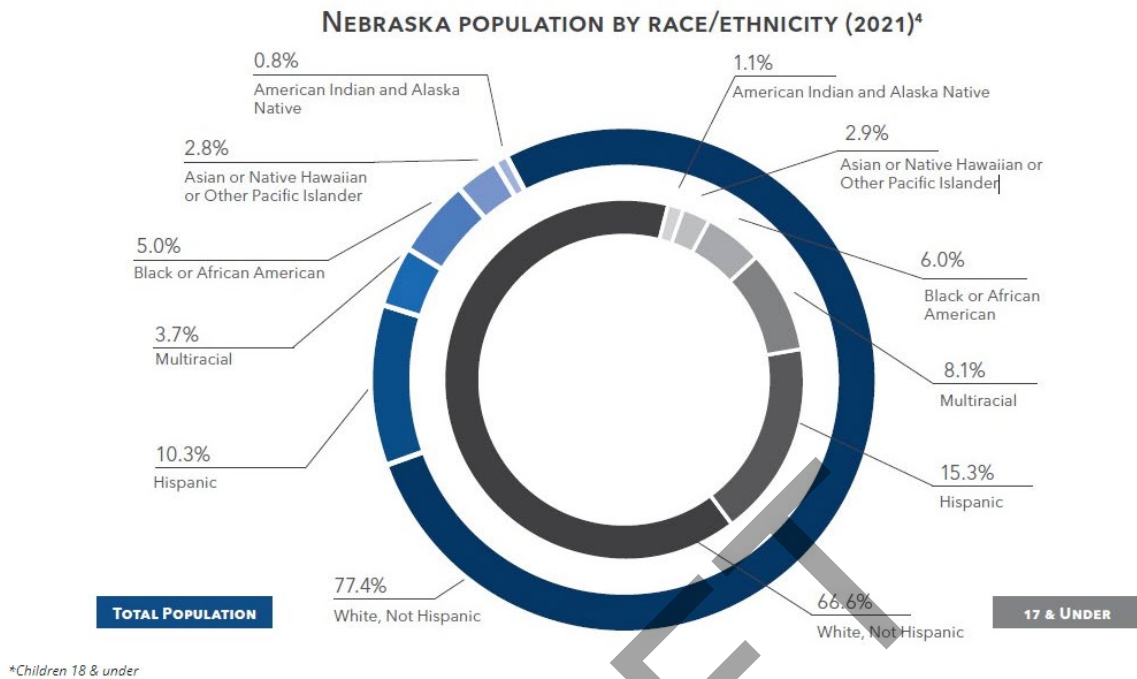


(Retrieved from <https://dhhs.ne.gov/SiteAssets/ReimagineWellBeingAssets/Nebraska%20Juvenile%20Justice%20System%20Map.pdf>):

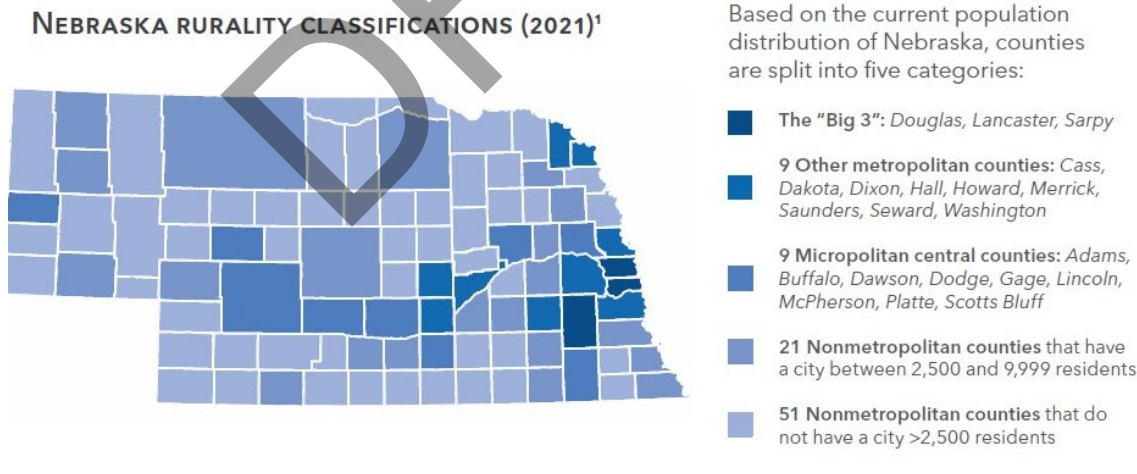
Statistical Summaries of Several Key Decision Points:

**Attachment C is a full three-year crime analysis.**

Population: 1,963,554 people including 509,790 children 18 and under lived in Nebraska in 2021. 22.6% of Nebraskans were of color in 2021 (*U.S. Census Bureau*). This is expected to increase to 38% by 2050 (*Center for Public Affairs Research, UNO, Nebraska County population Projections: 2010 to 2050*). Population by Race/Ethnicity for total population and youth is depicted below (*Nebraska Voices for Children Kids Count 2022*).



Nebraska counties are split into five categories. See graphic below (*Nebraska Voices for Children Kids Count 2022*). 56.5% of children 17 and under live in one of the “Big 3” counties.



28.5% of Nebraska kids were living in a single parent household (15.8% single female, 4.6% single male) in 2021, an increase from 13% in 1980 (*Nebraska Voices for Children Kids Count 2022, U.S. Census Bureau*). 47.8% of children living in single parent households are in poverty.

59,447 Nebraska children were living in poverty in 2021, 30,124 of which were in extreme poverty (*Nebraska Voices for Children Kids Count 2022*). The Nebraska poverty rate has fallen from 15.5% in 2010 to 12.1% in 2021. But when breaking it down by race and ethnicity, there are obvious differences among the nearly 60,000 Nebraska kids currently living in poverty. (*Nebraska Voices for Children Kids Count 2022, U.S. Census Bureau*).

NEBRASKA POVERTY RATES BY RACE AND ETHNICITY (2021) <sup>4</sup>	CHILD POVERTY RATE (17 AND UNDER)	OVERALL POVERTY RATE
American Indian or Alaska Native	26.6%	23.0%
Asian or Pacific Islander	14.2%	12.3%
Black or African American	28.8%	22.4%
Hispanic	22.1%	18.0%
Multiracial	18.5%	17.0%
White, Non-Hispanic	7.3%	8.0%

**i. Chronic School Absenteeism:** In Nebraska, truancy from school is a status offense for which the juvenile court can have jurisdiction, placing youth on juvenile probation for truancy from school. Statewide, students of color (i.e., Black or African American, Hispanic, American Indian or Alaska Native, Two or More Races) were more likely to be chronically absent compared to White students. Specifically, American Indian, or Alaska Native students were more than three times (3.18) chronically absent compared to White youth, with rates for Black or African American students at 2.53, Hispanic students at 1.79, and those identifying as two or more races at 1.67 times more likely to be absent compared to White youth. Asian students were chronically absent at 4/5ths the rate of White students; all other students of color were chronically absent

more often than White students. The table below depicts chronic absenteeism by Race/Ethnicity.

	Black or African American	Hispanic	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaska Native	Two or More Races
Nebraska	↑ 2.53	↑ 1.79	↓ 0.80		↑ 3.18	↑ 1.67

**ii. Arrests:** Arrests in Nebraska are defined as incidents where youth were warned and released without any further action as well as incidents where youth were taken into custody or issued a citation or summons. The following data reflects these events. The arrest data reported in this report reflects only the most serious offense involved in the arrest. While a youth may be arrested for three offenses, only the most serious offense is reported.

Arrest Offense for Youth: Youth arrests increased in Nebraska by 6.25% from 2021 to 2022.

Arrests decreased significantly during the COVID pandemic, but are not back up to the pre-pandemic arrest rates.

Summary Arrest Date	2017	2018	2019	2020	2021	2022	2021 - 2022 Growth %
<b>Arrest Offense</b>							
Total	9,783	9,006	8,947	6,689	4,947	5,256	6.25
Murder and Nonnegligent Manslaughter	2	8	2	4	3	1	-66.67
Manslaughter by Negligence	1	0	0				
Rape Total	51	50	53	41	20	26	30.00
Robbery Total	99	140	130	95	29	15	-48.28
Aggravated Assault Total	81	66	63	76	74	82	10.81
Burglary Total	152	102	96	103	73	35	-52.05
Larceny-Theft Total	2,113	1,568	1,597	971	430	588	36.74
Motor Vehicle Theft Total	152	160	183	147	98	126	28.57
Other Assaults	1,540	1,539	1,661	1,164	1,104	1,231	11.50
Arson	22	37	25	21	18	37	105.56
Forgery and Counterfeiting	8	5	2	5	1	2	100.00
Fraud	96	80	75	67	43	43	0.00
Embezzlement	8	10	8	11	9	6	-33.33

Stolen Property; Buying, Receiving, Possessing	107	111	131	109	18	27	50.00
Vandalism	604	536	645	507	478	476	-0.42
Weapons; Carrying, Possessing, etc.	104	100	120	94	38	52	36.84
Prostitution	1	0	0				
Prostitution Total for Summary	1	0	0	0			
Sex Offenses (Except Rape and Prostitution)	78	82	71	48	49	25	-48.98
Drug Violations - Sale/Manufacturing	95	80	59	50	35	35	0.00
Drug Violations - Possession	1,338	1,254	1,107	841	665	748	12.48
NIBRS Unable to Classify	3	3	8	1	11	7	-36.36
Offenses Against Family and Children	142	200	189	285	308	342	11.04
Driving Under the Influence	74	81	63	78	63	70	11.11
Liquor Laws	706	651	576	500	367	356	-3.00
Drunkenness		1	0				
Disorderly Conduct	418	439	420	195	101	115	13.86
All Other Offenses (Except Traffic)	1,308	1,349	1,371	1,135	817	757	-7.34
Curfew and Loitering Law Violations	168	129	104	112	95	54	-43.16
Runaways	311	225	188	29			

Age of Youth Arrested: Fifteen year-olds had the greatest increase in arrests at 23.69% from 2021 to 2022. Females under 10 also had a 33.33% increase.

Arrestee Age	Under 18	Under 10	10-12	13-14	15	16	17
Summary Arrest Date							
2017	9,783	55	617	2,096	1,917	2,366	2,732
2018	9,006	28	518	1,893	1,779	2,239	2,549
2019	8,947	21	541	2,043	1,785	2,318	2,239
2020	6,690	15	360	1,564	1,201	1,684	1,866
2021	4,952	23	379	1,287	878	1,175	1,210
2022	5,259	21	418	1,329	1,086	1,223	1,182
2021 - 2022 Growth %	6.20	-8.70	10.29	3.26	23.69	4.09	-2.31

Gender of Youth Arrested:

Arrestee Gender	All Arrestee Genders	Female	Male
Summary Arrest Date			
2017	70,356	20,627	49,729
2018	71,897	20,895	51,002

2019	66,883	19,901	46,982
2020	53,201	15,449	37,752
2021	40,557	11,405	29,152
2022	40,439	11,507	28,932
2021 - 2022 Growth %	-0.29	0.89	-0.75

Arrestee Gender Arrestee Age	Female						Male					
	Under 10	10-12	13-14	15	16	17	Under 10	10-12	13-14	15	16	17
Summary Arrest Date												
2017	9	178	743	684	798	885	46	439	1,353	1,233	1,568	1,847
2018	6	134	693	632	707	790	22	384	1,200	1,147	1,532	1,759
2019	2	177	719	592	789	753	19	364	1,324	1,193	1,529	1,486
2020	5	108	580	398	542	591	10	252	984	803	1,142	1,275
2021	3	139	492	319	375	409	20	240	795	559	800	801
2022	4	117	472	347	416	385	17	301	857	739	807	797
2021 - 2022 Growth %	33.33	-15.83	-4.07	8.78	10.93	-5.87	-15.00	25.42	7.80	32.20	0.88	-0.50

Race of Youth Arrested: Arrests increased for White youth, Black youth, and Native Hawaiian or Other Pacific Islander.

Arrestee Race	White	'Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander
2017	7,247	2,139	243	64	5
2018	6,600	2,062	217	67	3
2019	6,289	2,287	221	67	0
2020	4,927	1,480	186	39	3
2021	3,925	745	154	43	2
2022	4,047	932	133	41	11

Ethnicity of Youth Arrested:

Arrestee Ethnicity	Hispanic or Latino	Not Hispanic or Latino
2021	977	3,131
2020	1,078	3,337
2022	1,112	3,364
2019	1,285	4,553
2018	1,449	4,877
2017	1,477	5,341

**Arrest Data Barriers:** Barriers to the arrest data are not all law enforcement agencies are reporting data and/or are in compliance with National Incident Based Reporting System (NIBRS). Most notably, the Omaha Police Department, which has approximately 60% of the arrest data, may be missing in full or in part. Additionally, it cannot be determined which race Hispanic youth identify with or how youth of Hispanic origin align within racial categories, as race and ethnicity is not treated as mutually exclusive in these data. White youth were most frequently arrested, followed by Black or African American, American Indian, or Alaska Native, Asian, and then Native Hawaiian or Other Pacific Islander youth. The majority of youth arrested in 2017-2022 did not identify as Hispanic or Latino. NIBRS data allow the examination of the intersection of some variables. These data indicate that males aged 16 and males aged 17 comprise the largest groups of arrestees across all years. Male youth aged 15 and male youth aged 13-14 make up a smaller, but substantial portion of youth who were arrested in the state.

**iii. Diversion:** The number of counties offering a juvenile diversion program has increased from 73 in 2017 to 87 counties and one Indian Tribe in 2021. From 2017 to 2021, referrals to diversion decreased from 4,164 to 3,529. In 2021, White youth comprised 57% of the referrals to diversion.

**iv. Court Filings:** Out of the 4,026 juvenile petitions filed statewide, there are 3,018 (72%) adjudications in 2022. This is an increase in petitions from 3,910 in 2019.

**v. Case Transfers:** In juvenile court there were 44 motions to transfer to adult court in 2022, and 4 cases transferred to adult court. Adult court had 105 motions to transfer to juvenile court filed, and 89 transfers to juvenile court in the year. This represents a decrease from 60 motions and 9 transfers from juvenile court to adult court in 2019; and 117 motions and 96 transfers from adult court to juvenile court.

**vi. Juveniles Prosecuted in Adult Criminal Court:** There were 220 cases of juveniles prosecuted in adult court in 2022. This is a slight increase from 204 cases in 2019. Although the race/ethnicity of the youth is unknown for a number of cases, when compared to their representation in Nebraska, white youth are underrepresented; American Indian, black, or Hispanic youth are overrepresented; and Asian/pacific islander youth appear to be represented proportionally.

**vii. Probation:** There were 2,358 youth placed on probation in 2022. This is a very slight decrease from 2,393 in 2019. The chart below shows the age, gender, race and ethnicity of youth placed on probation in 2022.

According to the Nebraska Judicial Branch Juvenile Justice System Statistical Annual Report 2022, 1,309 youth placed on probation scored low/moderate low risk on the YLS/CMI, 1,014 scored high on the YLS/CMI, and 35 did not have an assessment. Low risk youth entering the juvenile justice system and being placed on probation is one area of concern that would be a priority for the SAG.

Juvenile Probation Activity Statewide											
Demographic	Cohort	Placed on Probation		Out-of-home Placement		Motions to Revoke		Probation Revoked		Satisfactory Release	
		# of Youth	% of Total	# of Youth	% of Total	# of Youth	% of Total	# of Youth	% of Total	# of Youth	% of Total
Age Group	11-13	237	10%	45	8%	38	5%	5	4%	64	4%
	14-15	792	34%	184	34%	226	28%	26	19%	285	20%
	16	594	25%	131	24%	211	26%	31	22%	282	20%
	17	573	24%	140	26%	207	26%	35	25%	416	29%
	18	162	7%	42	8%	124	15%	42	30%	377	26%
Sex	Female	766	32%	163	30%	250	31%	34	24%	471	33%
	Male	1,592	68%	379	70%	556	69%	105	76%	953	67%
Race	Am. Indian	123	5%	49	9%	53	7%	5	4%	75	5%
	Asian/P.I.	36	2%	13	2%	15	2%	3	2%	15	1%
	Black	424	18%	149	27%	146	18%	33	24%	191	13%
	White	1,410	60%	258	48%	479	59%	73	53%	934	66%
	Other	365	15%	73	13%	113	14%	25	18%	209	15%
Ethnicity	Hispanic	673	29%	120	22%	235	29%	46	33%	370	26%
	Not Hispanic	1,685	71%	422	78%	571	71%	93	67%	1,054	74%
Total Youth		2,358	100%	542	100%	806	100%	139	100%	1,424	100%

**viii. Detention:** In 2021, 1,071 youth were placed in one of four juvenile detention facilities according to the Nebraska Voices for Children Kids Count Report. This is an increase from 946 in 2020 (see charts below from *Nebraska Voices for Children Kids Count 2022*).

## YOUTH HELD IN JUVENILE DETENTION FACILITIES\* (2021)

	LAMCASTER COUNTY DETENTION CENTER (LAMCASTER COUNTY)		NORTHEAST NEBRASKA JUVENILE SERVICES (MADISON COUNTY)		DOUGLAS COUNTY YOUTH CENTER (DOUGLAS COUNTY)		PATRICK J. THOMAS JUVENILE JUSTICE CENTER (SARPY COUNTY)	
	#	%	#	%	#	%	#	%
<b>GENDER</b>								
MALE	142	67.0%	199	65.9%	348	74.5%	71	78.0%
FEMALE	70	33.0%	103	34.1%	119	25.5%	20	22.0%
<b>RACE/ETHNICITY</b>								
AMERICAN INDIAN/ ALASKA NATIVE	24	11.3%	27	8.9%	3	0.6%	4	3.3%
ASIAN/PACIFIC ISLANDER	3	1.4%	2	0.7%	18	3.9%	0	0%
BLACK/AFRICAN AMERICAN	60	28.3%	28	9.3%	255	54.6%	12	10.2%
HISPANIC	36	17.0%	89	29.5%	71	15.2%	18	15.3%
OTHER	3	1.4%	0	0%	2	0.4%	11	9.3%
WHITE, NON-HISPANIC	86	40.6%	156	51.7%	118	25.3%	64	61.9%
<b>AGE**</b>								
12 & UNDER	0	0%	0	0%	7	1.5%	0	0%
13-14	26	12.3%	62	20.5%	77	16.5%	20	22.0%
15-16	98	46.2%	124	41.1%	223	47.8%	39	42.9%
17+	88	41.5%	116	38.4%	160	34.3%	32	35.2%
<b>TIMES DETAINED</b>								
1	114	73.1%	182	78.8%	364	77.9%	71	78.0%
2	29	18.6%	31	13.4%	75	16.1%	18	19.8%
3+	13	8.3%	18	7.8%	28	6.0%	2	2.2%
<b>TOTAL COUNT</b>								
	212		302		467		91	
<b>SECURE ADMISSIONS</b>								
	212		136		467		0	
<b>STAFF SECURE ADMISSIONS</b>								
	0		166		0		91	
<b>AVERAGE DAYS DETAINED</b>								
	<b>30.2 DAYS</b>		<b>23.0 DAYS</b>		<b>33.4 DAYS</b>		<b>27 DAYS</b>	

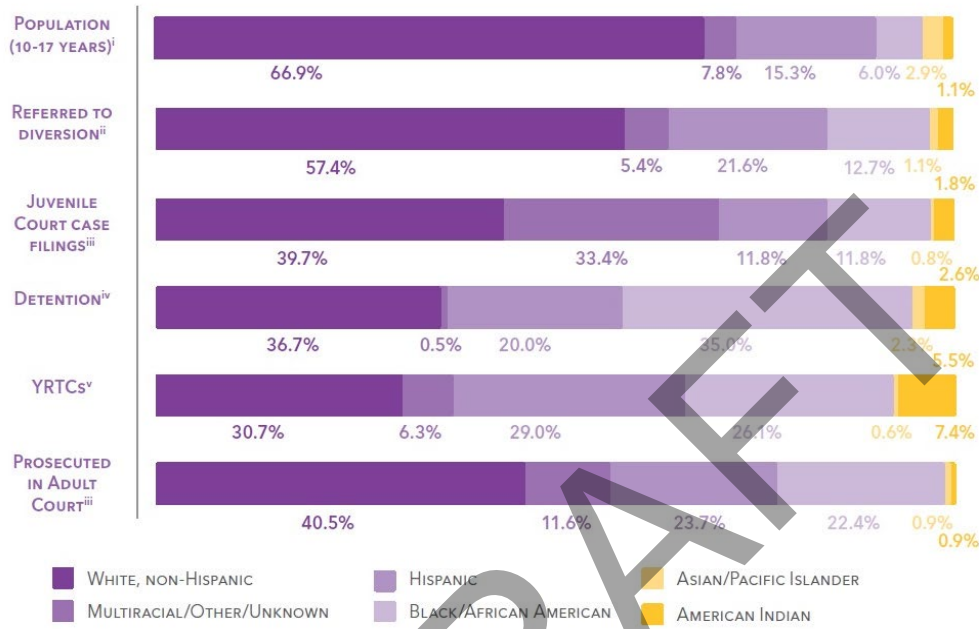
## YOUTH HELD IN JUVENILE DETENTION FACILITIES\* (2020)<sup>1</sup>

	LANCASTER COUNTY DETENTION CENTER (LANCASTER COUNTY)		NORTHEAST NEBRASKA JUVENILE SERVICES (MADISON COUNTY)		DOUGLAS COUNTY YOUTH CENTER (DOUGLAS COUNTY)		PATRICK J. THOMAS JUVENILE JUSTICE CENTER (SARPY COUNTY)	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
<b>GENDER</b>								
MALE	106	71.6%	141	72.7%	400	78.0%	69	75.8%
FEMALE	42	28.4%	53	27.3%	113	22.0%	22	24.2%
<b>RACE/ETHNICITY</b>								
AMERICAN INDIAN/ ALASKA NATIVE	9	6.1%	14	7.2%	8	1.6%	5	5.5%
ASIAN/PACIFIC ISLANDER	0	0.0%	0	0.0%	11	2.1%	3	3.3%
BLACK/AFRICAN AMERICAN	44	29.7%	16	8.2%	271	52.8%	13	14.3%
HISPANIC	30	20.3%	61	31.4%	101	19.7%	15	16.5%
OTHER	8	5.4%	0	0.0%	0	0.0%	0	0.0%
WHITE, NON-HISPANIC	57	38.5%	103	53.1%	122	23.8%	55	60.4%
<b>AGE**</b>								
12 & UNDER	0	0.0%	0	0.0%	17	3.1%	0	0.0%
13-14	23	14.1%	42	21.6%	105	18.9%	13	16.0%
15-16	66	40.5%	85	43.8%	252	45.3%	35	43.2%
17+	74	45.4%	67	34.5%	182	32.7%	33	40.7%
<b>TIMES DETAINED</b>								
1	113	76.4%	147	75.8%	380	74.1%	85	93.4%
2	21	14.2%	26	13.4%	91	17.7%	2	2.2%
3+	14	9.5%	21	10.8%	42	8.2%	4	4.4%
<b>TOTAL COUNT</b>								
	148		194		513		91	
<b>SECURE ADMISSIONS</b>								
	148		119		513		-	
<b>STAFF SECURE ADMISSIONS</b>								
	-		75		-		91	
<b>AVERAGE DAYS DETAINED</b>								
	<b>31.6 DAYS</b>		<b>34 DAYS</b>		<b>45 DAYS</b>		<b>27 DAYS</b>	

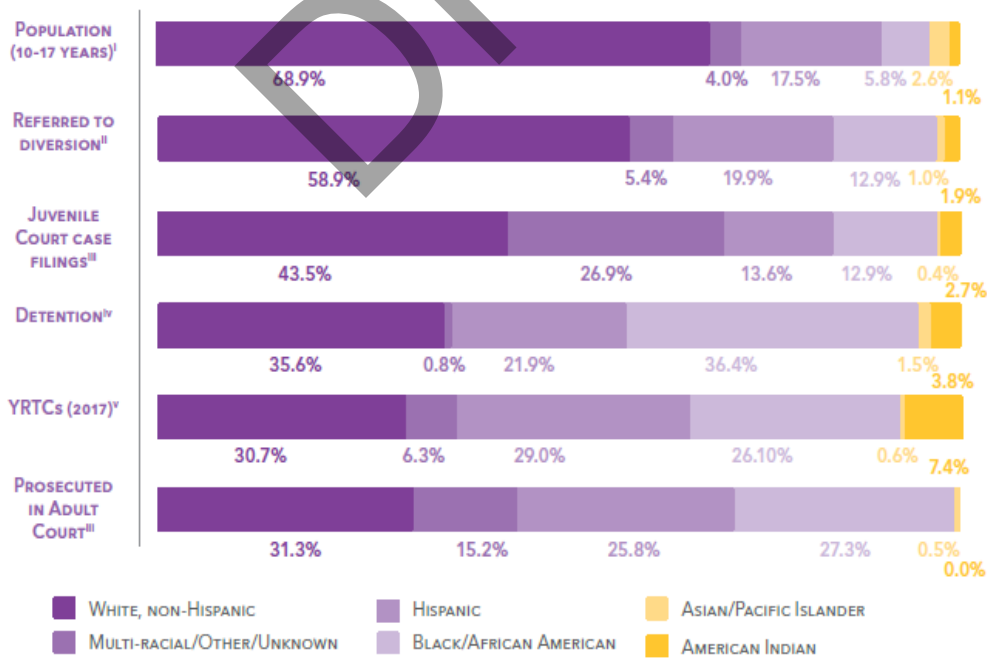
(All Voices for Children Kids Count data and charts retrieved from <https://kidscountynebraska.com/>).

As outlined by Voices for Children in the annual Kids Count Reports, non-white youth are overrepresented in the juvenile justice system in Nebraska. (See chart below from *Nebraska Voices for Children Kids Count 2022 and Nebraska Voices for Children Kids Count 2021*).

YOUTH INTERACTION WITH THE JUSTICE SYSTEM BY RACE/ETHNICITY (2021)



YOUTH INTERACTION WITH THE JUSTICE SYSTEM BY RACE/ETHNICITY (2020)



## Project Goals and Objectives & Project Design and Implementation

### Project Goals and Objectives

#### Priority 1: State Advisory Group (SAG)

**Program Goal:** The goal of the Nebraska Coalition for Juvenile Justice (NCJJ), the SAG for Nebraska, is to ensure the recommendations to the commission on the awarding of grants align with the priorities in the state plan, and to develop various recommendations for the state's juvenile justice system.

#### **Program Objectives:**

1. Members of the SAG will provide insight on juvenile justice issues in Nebraska as well as nationally.
2. Members of the SAG will use combined resources and information to make recommendations on Nebraska's juvenile justice policies, practices, and statutes.

#### Priority 2: Compliance Monitoring

**Program Goal:** The goal of Compliance Monitoring is to ensure compliance with the core requirements of Deinstitutionalization of Status Offenders (DSO), Sight and Sound Separation, Jail Removal, and Racial and Ethnic Disparities (R/ED).

#### **Program Objectives:**

1. Achieve and maintain compliance with the Deinstitutionalization of Status Offenders.
2. Achieve and maintain compliance with the Sight and Sound Separation requirement.
3. Achieve and maintain compliance with the Jail Removal requirements.
4. Achieve and maintain compliance with the Racial and Ethnic Disparities (R/ED) requirement.

#### Priority 3: Racial and Ethnic Disparities (R/ED)

**Program Goal:** The goal of the R/ED core requirement is to address the disproportionate number of youths identifying with a minority group who come into contact with the juvenile justice system by funding programs for youth and families and providing information and education to juvenile justice system stakeholders.

**Program Objectives:**

1. Identify what data is currently available and where additional data is needed.
2. Implement programming within the communities to reduce R/ED.
3. Provide education to juvenile justice stakeholders about R/ED.

*Priority 4: Juvenile Delinquency Prevention and Positive Youth Development*

**Program Goal:** The goal of Juvenile Delinquency Prevention and Positive Youth Development is to make delinquency prevention and positive youth development programs, including mental/behavioral health services, more accessible to youth within their communities.

**Program Objectives:**

1. Determine gaps in delinquency prevention, positive youth development, and mental/behavioral health services in Nebraska and help to fill those gaps
2. Identify and support existing programs in overcoming current barriers
3. Provide financial support to allow youth to participate in delinquency prevention mental/behavioral health services within their communities with priority going to those that focus on positive youth development.

**Project Design and Implementation**

*Priority 1: The State Advisory Group (SAG)*

The Nebraska Coalition for Juvenile Justice (NCJJ), the SAG for Nebraska, will:

- Review membership to confirm all vacancies are filled.

- The Chair of the SAG and the Nebraska Crime Commission will work with the Governor's Office to fill any vacancies.
- Recruit and maintain young adult members appointed before the age of 28.
  - Explore a contract with the Nebraska Children and Families Foundation for recruitment and mentoring of interested young adults.
  - Explore avenues to allow for reimbursement of time and costs for the young adults who join the SAG and attend meetings.
- Meet at least twice per year.
- Work with the Juvenile Services Committee (JSC) of the Nebraska Children's Commission and other committees focused on juvenile justice in Nebraska to align efforts.
- Participate in the creation of a three-year plan.
- Review the three-year plan annually for changes and updates if warranted.
- Monitor Nebraska's compliance with the requirements of the JJDP, reporting annually to the Governor and Legislature.
- The Grant Review Subcommittee will review grant applications and make recommendations.
- NCJJ members will review the recommendations made by the Grant Review Subcommittee.
- Submit annual recommendations to the Governor and Legislature.

Priority 2: Compliance Monitoring

To ensure compliance with the four core requirements of DSO, Jail Removal, Sight and Sound Separation, and R/ED, Nebraska will:

- Hire a Compliance Monitor employed at the Nebraska Crime Commission within the existing Jail Standards division.
- The Compliance Monitor will complete all required training once hired.
- Complete the State Compliance Monitoring Manual and identify the Compliance Monitoring Universe.
- Work with current jail standards staff at the Nebraska Crime Commission to identify any jurisdictions with potential violations.
  - Review detention logs monthly to watch for JJDP A violations.
- Monitor court orders calling for status offenders to be detained.
- Monitor secure facilities statewide in person.
- Provide training and education to detention center staff, law enforcement, judges, and county attorneys on existing statutes and other alternatives available to them.
- Complete required federal reports accurately.

Priority 3: Racial and Ethnic Disparities (R/ED)

To address R/ED among youth in the juvenile justice system, Nebraska will:

- Identify data readily available at the Nebraska Crime Commission.
  - Create MOUs and other data sharing agreements when needed with other agencies.
- Hire a R/ED Coordinator employed at the Nebraska Crime Commission.
- Gather and analyze data regarding R/ED.
- Create the Reducing Racial and Ethnic Disparities (R/ED) plan.
- Provide education to juvenile justice stakeholders about R/ED in Nebraska.
- Identify evidence-based, cultural-based, and other science-backed programs and strategies to reduce R/ED to share with communities and stakeholders.

Priority 4: Juvenile Delinquency Prevention and Positive Youth Development

A survey of the Nebraska Coalition for Juvenile Justice (NCJJ) members found that prevention is the system point that most members believe needs to be addressed, and within prevention, mental health was picked as the priority issue. Behavioral health was also the top disposition priority issue selected by the NCJJ members during the survey. To address this concern, Nebraska will:

- Support juvenile delinquency prevention, positive youth development, and mental/behavioral health services and programs for youth within their own communities when possible.
- Work with existing programs to determine current barriers they are facing and attempt to help overcome these barriers.
- Open discussion with rural program staff to identify what services in their area are still needed and what is available.
- Prioritize funding for programs that assist delinquent and at-risk youth with positive self-development if mental health services are limited or not warranted.
- Collaborate with the Department of Health and Human Services Division of Behavioral Health on locating available services and sharing resources across the state.
- Encourage multiple system points to collaborate and communicate on the needs of the youth to provide comprehensive programming.

## Compliance and Monitoring Plan

### Plan, Procedure, and timetable covering the 3-year planning cycle:

As a returning state, Nebraska does not have a current compliance and monitoring plan in place at this time. The introduction of this narrative outlines the timetable for each year to accomplish necessary processes in order to comply with the four core requirements. The Nebraska Crime Commission will work with the Jail Standards Division and Board to achieve compliance, including reviewing current data collection methods to determine if any changes are needed for the Compliance Monitor to accurately gather information relating to the four core requirements. If necessary, the Systems and Research department at the Nebraska Crime Commission would also be involved in the conversation regarding data collection, submission, and monitoring to establish if existing systems will work or if changes are needed. If updates to the existing system are required or a new system needs to be developed, this will be accomplished by the end of year two.

**Anticipated Barriers:** Anticipated barriers include the inability to hire a compliance monitor in year 1, difficulty identifying and classifying all facilities correctly for the monitoring universe, and push back from facilities to gain access and cooperation where the Nebraska Crime Commission is not already inspecting. Other barriers include access to data and court orders, cooperation with judges to change practices and share data, and the ability to change state statute to comply with the JJDPA.

### Statement of the Problem

Nebraska's juvenile justice issues include racial and ethnic disparities (R/ED), lack of services in rural areas, and status offenders, specifically truancy, being treated as a delinquent act. Compounding these issues, data systems are not currently easily shared between agencies. In order to compile the data for this narrative many resources needed to be utilized, including

annual reports posted on agency websites. As a result, data being used may not be current or the timeframe of the data may not match.

Recently a proposed bill was introduced to the state legislature which would exclude truancy from being classified as a status offense, and provided for additional funding for community-based services to help youth and families address underlying issues causing excessive absences. The proposed bill did not receive enough votes to pass into legislation. While some communities started putting programming and services in place using state grant dollars, other communities and juvenile justice stakeholders pushed back on the proposed changes. The mindset of wanting to include youth with truancy concerns in the juvenile justice system may be a barrier contributing to becoming compliant with Deinstitutionalization of Status Offenders.

Rural communities who have participated in state grant funding for several years often report that they lack services within their communities to properly serve youth, or that the closest services available are too far away to be practical. Even near the metropolitan areas in southeast Nebraska, smaller surrounding counties report available services and providers being 30-60 minutes away. This is especially true of mental health services. A few communities have brought therapists into the schools to help reduce travel time and costs for the families, but the need still overwhelms the availability, and funding to cover the therapists travel and costs is limited. Other services that are lacking in rural areas are alternatives to detention, family support, and qualified assessment services.

At the SAG's most recent meeting in July 2023, discussion surrounding R/ED highlighted that there are a number of committees and working groups working within their focus areas, i.e. JDAI, to address R/ED but they are not communicating with each other. As a

result, information is not being shared and efforts may be duplicated. It was determined at the July 2023 meeting that if Nebraska receives Title II funding, the R/ED committee will pull members from the various R/ED working groups together. Additionally, data poses a barrier to properly assess R/ED issues in Nebraska. Law enforcement agencies are required to report arrest data to the Nebraska Crime Commission, but timely reporting and format of reporting continues to be a barrier. Not all agencies are reporting. Additionally, depending on the type of law enforcement encounter, data may not be recorded (such as verbal warnings). Courts are currently not required to report race/ethnicity, so the information in this area is also limited.

DRAFT

## 33 STATE REQUIREMENTS

### NEBRASKA'S COMPLIANCE WITH THE JJDP [34 U.S.C. § 11133(A), SECTION 223(A)]

*Requirement (1): Provide a statement that the applicant for these funds is designated as the sole agency (Designated State Agency or DSA) for supervising the preparation and administration of the plan.*

The Nebraska Commission on Law Enforcement and Criminal Justice (Nebraska Crime Commission / NCC) serves as the sole designated state agency responsible for preparation and administration of the 3-year plan pursuant to executive order 95-10.

Nebraska Executive Order 95-10 states:

“The State of Nebraska Commission on Law Enforcement and Criminal justice shall be the designated agency responsible for the administration of the Juvenile Justice Delinquency Prevention Act Formula Grants Program and shall further be the agency designated to monitor and implement compliance with the requirements of the JJDP Act.”

*Requirement (2): Provide evidence that the DSA has or will have authority, by legislation, if necessary, to implement such plan in conformity with this part.*

The Nebraska Crime Commission has the authority to plan improvements in the administration of criminal justice and promote their implementation, make or encourage studies of any aspect of the administration of criminal justice, and conduct research and stimulate research by public and private agencies which shall be designed to improve the administration of criminal justice pursuant to Nebraska Revised Statute 81-1423.

*Requirement (3 A): Provide evidence that the SAG is in compliance with JJRA mandates regarding State Advisory Group composition and responsibilities.*

Executive order 95-10 also established the Nebraska Coalition for Juvenile Justice as the State Advisory Group, and that the SAG members are appointed by the Governor. The NCJJ membership and duties are governed by Nebraska Revised Statutes 43-2411 and 2412.

Nebraska's current SAG roster is attached to the Title II application. The SAG currently consists of 22 members. Less than 50% are full-time government employees, and at least 3 members have been or are currently under the jurisdiction of the juvenile justice system. At this time, only 18% of the members are individuals who were under the age of 28 at the time of initial appointment, therefore one additional youth member would ensure the one-fifth required for this element. The Nebraska SAG will focus efforts on recruiting to fulfill this requirement by the end of Year 1 of the three-year plan period.

*Requirement (3 B): Provide a statement affirming that the SAG participated in the development and review of the state/territory's juvenile justice plan prior to submission [to the supervisory board for final action].*

Nebraska affirms that the SAG participated in the development and review of the state's juvenile justice plan prior to submission. All SAG members were invited to join a subcommittee to review and provide responses for the 33 requirements. While the SAG has not had the opportunity to formally create a proper three-year plan with a crime analysis, identification of needs, and priorities, the SAG has been involved to this point. The SAG will work in Year 1 and Year 2 to update this plan.

*Requirement (3 C): Provide a statement affirming that the SAG was afforded an opportunity to review and comment, not later than 45 days after submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the state agency designated under paragraph (1).*

Nebraska affirms that the SAG will be afforded an opportunity to review and comment, not later than 45 days after submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the DSA.

*Requirement (3 D) (i): Provide a statement that the SAG advises the State agency designated under paragraph (1) and its supervisory board.*

Nebraska statute 43-2412 provides that the Nebraska Coalition for Juvenile Justice (SAG) duties include, among other things, making recommendations to the commission (DSA) on awarding of grants under the programs, and preparing at least one report annually to the Governor, the Legislature, the Office of Probation Administration, and the Office of Juvenile Services. A statutory member of the SAG includes the Executive Director or designee of the Nebraska Crime Commission (DSA) which allows for the SAG to advise the DSA during regular SAG meetings. Additionally, NRS 81-1418 states the chairperson of the Nebraska Coalition for Juvenile Justice shall be a member of the Nebraska Commission on Law Enforcement and Criminal Justice (DSA Board). Having the chairperson automatically appointed to the commission allows for the SAG to have the ability to update the DSA supervisory board at each quarterly meeting and discuss juvenile justice issues.

*Requirement (3 D) (ii): Provide a statement affirming that the SAG has and/or will "submit to the chief executive officer and the legislature of the state/territory at least every two years a report and including necessary recommendations regarding state compliance with the core requirements".*

Nebraska affirms that the recommendations regarding compliance with the requirements of 11133(a) (11), (12), and (13) will be submitted to the Chief Executive Officer and the state legislature at least every two years. The NCJJ/SAG and the JSC of the Nebraska Children's Commission currently present a joint report annually to the chief executive officer and the legislature as a thoughtful contribution to the reform of juvenile justice in Nebraska and in compliance with Neb. Rev. Stat. §§ 43-2412(1)(b) which states:

43-2412. Coalition; powers and duties.

(1) Consistent with the purposes and objectives of the Juvenile Services Act and the federal act, the coalition shall: (b) Prepare at least one report annually to the Governor, the Legislature, the

Office of Probation Administration, and the Office of Juvenile Services. The report submitted to the Legislature shall be submitted electronically;

*Requirement (3 D) (iii): Provide a statement affirming that the SAG contacts and seeks regular input from juveniles currently under the jurisdiction of the juvenile justice system.*

Currently, the SAG includes membership of youth who give input. The SAG continues to look for ways to broaden youth engagement and bolster youth membership. The SAG plans to engage youth in NCJJ meetings, including committee meetings, as well as holding focus groups with youth currently under the jurisdiction of the juvenile justice system to ensure input is received.

*Requirement (3 E) (i): Provide a statement that the SAG advises on state/territory and local supervisory or criminal justice advisory board compositions, if applicable.*

The Nebraska Coalition for Juvenile Justice (NCJJ), also known as the State Advisory Group (SAG), meets jointly with the Juvenile Services Committee (JSC) of the Nebraska Children's Commission to develop various recommendations for the state's juvenile justice system pursuant to Rev. Stat. §§ 43-2412 and 43-4203.

43-2412. Coalition; powers and duties.

(1) Consistent with the purposes and objectives of the Juvenile Services Act and the federal act, the coalition shall:

(a) Make recommendations to the commission on the awarding of grants under the Commission Grant Program to eligible applicants;

43-4203. Nebraska Children's Commission; duties; committees created; jurisdiction over committees; establish networks; organize subcommittees; conflict of interest.

(1) The Nebraska Children's Commission shall create a committee to examine the Office of Juvenile Services and the Juvenile Services Division of the Office of Probation Administration. Such committee shall review the role and effectiveness of out-of-home placements utilized in the juvenile justice system, including the youth rehabilitation and treatment centers, and make recommendations to the commission on the juvenile justice continuum of care, including what populations should be served in out-of-home placements and what treatment services should be provided at the centers in order to appropriately serve those populations. Such committee shall also review how mental and behavioral health services are provided to juveniles in residential placements and the need for such services throughout Nebraska and make recommendations to the commission relating to those systems of care in the juvenile justice system. The committee shall collaborate with the Juvenile Justice Institute at the University of Nebraska at Omaha, the Center for Health Policy at the University of Nebraska Medical Center, the behavioral health regions as established in section [71-807](#), and state and national juvenile justice experts to develop recommendations. The recommendations shall include a plan to implement a continuum of care in the juvenile justice system to meet the needs of Nebraska families, including specific recommendations for the

rehabilitation and treatment model. The recommendations shall be delivered to the commission and electronically to the Judiciary Committee of the Legislature annually by September 1.

(2) The commission shall collaborate with juvenile justice specialists of the Office of Probation Administration and county officials with respect to any county-operated practice model participating in the Crossover Youth Program of the Center for Juvenile Justice Reform at Georgetown University.

*Requirement (3 E) (ii): Provide a statement that the SAG reviews progress and accomplishments of projects funded under the state/territory's three-year plan.*

Nebraska affirms that the SAG will review progress and accomplishments of projects funded under the Nebraska three-year plan. Programs/recipients would be required to submit written quarterly reports to the NCJJ. The SAG will create a Three-Year Planning Committee which will review the progress reports, and seek input at SAG meetings to occur at least twice a year. Additionally, progress and accomplishments of projects funded under the three-year plan will be highlighted in the annual report to the Chief Executive Officer and state legislature.

*Requirement (4): Provide a statement affirming that the state/territory provided for the active consultation with and participation of units of local government or combinations thereof in the development of the state/territory plan which adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the state/territory from making grants to, or entering into contracts with, local private agencies or the advisory group.*

To be eligible for participation in either the Commission Grant Program or the Community-based Juvenile Services Aid Program, a comprehensive juvenile services plan must be developed, adopted, and submitted to the Crime. Such a plan may be developed by eligible applicants for the Commission Grant Program and by individual counties, by multiple counties, by federally recognized or state-recognized Indian tribes, or by any combination of the three for the Community-based Juvenile Services Aid Program. Comprehensive juvenile services plans, must among other things, be developed by a comprehensive community team representing juvenile justice system stakeholders pursuant to Neb. Rev. Stat. § 43-2404.01(1). Within the previously mentioned section, the position of Director of the Community-based Juvenile Services Aid Program has (f) developed and coordinated a statewide working group as a subcommittee of the SAG to assist in regular strategic planning related to supporting, funding, monitoring, and evaluating the effectiveness of plans and programs receiving funds from the Community-based Juvenile Services Aid Program. Additionally, Neb. Rev. Stat. §81-1427 provides that the Director of Juvenile Diversion within the Crime Commission shall (h) develop and coordinate a statewide working group as a subcommittee of the Nebraska Coalition for Juvenile Justice to assist in regular strategic planning related to supporting, funding, monitoring, and evaluating the effectiveness of plans and programs receiving funds from the Community-based Juvenile Services Aid Program.

During Year 1 and Year 2, the Nebraska SAG plans to finalize a State Plan that would include the participation of units of local government. Members of the SAG that contribute to the strategic planning that would develop the State plan would include local government representation from county attorney, local public defender, Judges, and regional behavioral health. While Nebraska was working on the feasibility of returning into participation with the JJDP, a contractor traveled the state to local community teams to gather feedback on priorities, gathering data from across Nebraska to be included in the state plan and assist in the identification of statewide priorities. Additionally, the SAG reviews local community plans for local priorities.

*Requirement (5): Unless waived [see OJJDP FY 2021 Title II Waiver Requirements for Pass-Through (Subawards)] to be submitted in JustGrants, provide a statement affirming that the state/territory will provide that at least 66 2/3 per centum of funds received under Title II, reduced by the percentage (if applicable) to meet 11133 (25) and funds made available to the SAG (d), to be expended through:*

- A. programs of units of local government or combinations thereof, to the extent the programs are consistent with the state plan;*
- B. programs of local private agencies consistent with the state plan but only if such requests for funding by the local private agency was requested and denied funding from any unit of local government or combination thereof;*
- C. programs of Indian Tribes that agree to attempt to comply with the core requirements (see further funding criteria in statute)*

Nebraska is seeking a waiver from Administrator Ryan regarding the 66 2/3 funding requirement so that Nebraska can focus the funds from this award on putting processes into place for the compliance and monitoring of the core requirements. Any funds remaining will be subawarded to evidence based, culturally based, or promising programs of local government, non-profit agencies that take account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents. Nebraska will work with Indian Tribes in Nebraska to provide them, at a minimum, the Indian Tribe pass through amount.

If Nebraska does not receive a waiver, Nebraska assures that at least 66 and 2/3 percent of funds, excluding funds made available to the SAG, shall be expended through programs of units of local government or combinations thereof, to the extent that such programs are consistent with the state plan; through programs of local private agencies, to the extent the programs are consistent with the state plan, only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and for programs of Indian tribes that agree to attempt to comply with the core requirements, applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age.

*Requirement (6): Provide a statement that the state/territory will provide for an equitable distribution of the assistance received under section 222 [34 U.S.C. § 11132] within the state/territory, including in rural areas.*

While we cannot control which agencies apply for Title II funds, significant outreach efforts will be made with our more rural and underserved areas. The SAG has representation from all areas of the state to represent and voice the needs of the youth in their communities. When making decisions around system improvement the SAG considers how those decisions affect communities and identifies what additional support may be needed to assist.

*Requirement (7 A): Describe the findings of your state/territory's analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the state/territory (including any geographical area in which an Indian tribe has jurisdiction). See OJJDP's "Juvenile Problem/Needs Analysis Data Elements" document for examples of data elements which are not required but may inform the development of an analysis of juvenile problems and needs.*

Nebraska will work with the SAG, possibly using some of the SAG allocation, to complete a full updated crime analysis in Year 1 or Year 2 that would inform Nebraska of the juvenile delinquency problem. Because Nebraska has not been a participating state since 2017, a recent and thorough crime analysis has not been completed. While we are able to gather data from multiple sources, at the time of this application, Nebraska did not have the infrastructure in place to complete a proper crime analysis.

*Requirement (7 A): Describe the services to be provided related to the analysis and its findings conducted above.*

Because Nebraska does not have a determination of which goals and priorities they would like to target, Nebraska and the SAG are unsure which services will be provided. When it is time to subaward grant funds to local programs, they will be chosen for funding based on alignment with the statewide priorities and identified needs. The solicitation will clearly outline the problem and prevention needs of Nebraska, as well as a clear description of the performance goals for reporting purposes.

*Requirement (7 A): Describe the manner in which funded programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) identified by the State/Territory.*

The SAG will work with the juvenile justice specialists to create a Title II solicitation to pass through and subaward grant funds that would meet the state plan priorities. The solicitation will be very narrow to only to accepting applications for programs that meet the state's priorities. The solicitation will clearly outline the state's priorities, the types of programs the sub-awards will fund, and the performance measures expected to be met.

*Requirement (7 A): Describe the state/territory's performance goals and priorities for funding.*

Nebraska's performance goals and priorities for funding as outlined in the 3-year plan are as follows:

Priority 1: State Advisory Group (SAG)

**Program Goal:** The goal of the Nebraska Coalition for Juvenile Justice (NCJJ), the SAG for Nebraska, is to ensure the recommendations to the commission on the awarding of grants align with the priorities in the state plan, and to develop various recommendations for the state's juvenile justice system.

**Program Objectives:**

1. Members of the SAG will provide insight on juvenile justice issues in Nebraska as well as nationally.
2. Members of the SAG will use combined resources and information to make recommendations on Nebraska's juvenile justice policies, practices, and statutes.

Priority 2: Compliance Monitoring

**Program Goal:** The goal of Compliance Monitoring is to ensure compliance with the core requirements of Deinstitutionalization of Status Offenders (DSO), Sight and Sound Separation, Jail Removal, and Racial and Ethnic Disparities (R/ED).

**Program Objectives:**

1. Achieve and maintain compliance with the Deinstitutionalization of Status Offenders.
2. Achieve and maintain compliance with the Sight and Sound Separation requirement.
3. Achieve and maintain compliance with the Jail Removal requirements.
4. Achieve and maintain compliance with the Racial and Ethnic Disparities (R/ED) requirement.

Priority 3: Racial and Ethnic Disparities (R/ED)

**Program Goal:** The goal of the R/ED core requirement is to address the disproportionate number of youths identifying with a minority group who come into contact with the juvenile justice system by funding programs for youth and families and providing information and education to juvenile justice system stakeholders.

**Program Objectives:**

1. Identify what data is currently available and where additional data is needed.
2. Implement programming within the communities to reduce R/ED.
3. Provide education to juvenile justice stakeholders about R/ED.

*Priority 4: Delinquency Prevention and Positive Youth Development*

**Program Goal:** The goal of Delinquency Prevention and Positive Youth Development is to make delinquency prevention services and positive youth development programs (including mental/behavioral health services) more accessible to youth within their communities.

**Program Objectives:**

1. Determine gaps in delinquency prevention and mental/behavioral health services in Nebraska and help to fill those gaps
2. Identify and support existing programs in overcoming current barriers
3. Provide financial support to allow youth to participate in delinquency prevention and mental/behavioral health services within their communities with priority going to those that focus on positive youth development.

*Requirement (7 B) (i): Describe your state/territory's analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services.*

While Nebraska does not currently have a crime analysis that would include an analysis of gender-specific services, Nebraska will include this component into a future crime analysis to be conducted in Year 1 or Year 2. Doing an informal survey of counties across Nebraska, it has been identified that there are little to know gender-specific services for the prevention and

treatment of juvenile delinquency. Lancaster County and Douglas County noted they provide a few prevention type services for girls. Douglas County potentially has a federal grant for girl specific services in their juvenile detention center. At this time, it is unclear if the probation system or child welfare system offer gender specific programming or services for the prevention and treatment of juvenile delinquency.

*Requirement (7 B) (ii): Describe the State/Territory's plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency.*

Gender specific services will likely be an identified need in the State plan, as preliminary research has not been able to identify many. While Nebraska cannot control who applies for a Title II sub-award, efforts will be made to solicit for gender specific programming.

*Requirement (7 B) (iii): Describe the state/territory's plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas.*

Nebraska is a local control state and believes that the local communities are the best places for decisions around services and treatment for the youth in their communities. The needs of localities vary greatly depending on geography, population, and diversity of population, etc.

The community-based aid program provides state allocated grant funds statewide based on juvenile population, ensuring the rural populations have access to grant funds. While their allocation is lower than metropolitan areas, there is a minimum allocation. The SAG also prioritizes rural communities when making funding decisions and recommendations for competitive state juvenile grants.

*Requirement (7 B) (iv): Describe the state/territory's plan to provide alternatives to detention for status offenders, survivors of commercial sexual exploitation, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system.*

The Nebraska SAG will need to work with Probation and DHHS systems to determine what is already in place and what type of plan needs to be established. The SAG will plan to work on incorporating this into the State plan in Year 1 and Year 2.

The following state statutes demonstrate the state's plan to ensure for alternatives to detention and community-based services:

§43-2402.02(3)(b): Funds received under the Community-based Juvenile Services Aid Program shall be used exclusively to assist the aid recipient in the implementation and operation of programs or the provision of services identified in the aid recipient's comprehensive juvenile services plan, including programs for local planning and service coordination; screening, assessment, and evaluation; diversion; alternatives to detention; family support services; treatment services; truancy prevention and intervention programs; pilot projects approved by the commission; payment of transportation costs to and from placements, evaluations, or services;

personnel when the personnel are aligned with evidence-based treatment principles, programs, or practices; contracting with other state agencies or private organizations that provide evidence-based treatment or programs; preexisting programs that are aligned with evidence-based practices or best practices; and other services that will positively impact juveniles and families in the juvenile justice system.

43-276. County attorney; city attorney; criminal charge, juvenile court petition, pretrial diversion, restorative justice, or transfer of case; determination; considerations; referral to community-based resources.

(1) The county attorney or city attorney, in making the determination whether to file a criminal charge, file a juvenile court petition, offer juvenile pretrial diversion or restorative justice, or transfer a case to or from juvenile court, and the juvenile court, county court, or district court in making the determination whether to transfer a case, shall consider: (a) The type of treatment such juvenile would most likely be amenable to; (b) whether there is evidence that the alleged offense included violence; (c) the motivation for the commission of the offense; (d) the age of the juvenile and the ages and circumstances of any others involved in the offense; (e) the previous history of the juvenile, including whether he or she had been convicted of any previous offenses or adjudicated in juvenile court; (f) the best interests of the juvenile; (g) consideration of public safety; (h) consideration of the juvenile's ability to appreciate the nature and seriousness of his or her conduct; (i) whether the best interests of the juvenile and the security of the public may require that the juvenile continue in secure detention or under supervision for a period extending beyond his or her minority and, if so, the available alternatives best suited to this purpose; (j) whether the victim or juvenile agree to participate in restorative justice; (k) whether there is a juvenile pretrial diversion program established pursuant to sections 43-260.02 to 43-260.07; (l) whether the juvenile has been convicted of or has acknowledged unauthorized use or possession of a firearm; (m) whether a juvenile court order has been issued for the juvenile pursuant to section 43-2,106.03; (n) whether the juvenile is a criminal street gang member; and (o) such other matters as the parties deem relevant to aid in the decision.

(2) Prior to filing a petition alleging that a juvenile is a juvenile as described in subdivision (3)(b) of section 43-247, the county attorney shall make reasonable efforts to refer the juvenile and family to community-based resources available to address the juvenile's behaviors, provide crisis intervention, and maintain the juvenile safely in the home. Failure to describe the efforts required by this subsection shall be a defense to adjudication.

43-260.01. Detention; factors. The need for preadjudication placement, services, or supervision and the need for detention of a juvenile and whether detention or an alternative to detention is indicated shall be subject to subdivision (5) of section 43-251.01 and shall be determined as follows: (1) The standardized juvenile detention screening instrument shall be used to evaluate the juvenile; (2) If the results indicate that detention is not required, the juvenile shall be released

without restriction or released to an alternative to detention; and (3) If the results indicate that detention is required, detention shall be pursued.

Nebraska also has the following problem solving courts:

#### Juvenile Drug Treatment Courts

A Juvenile Drug Treatment Court is a docket within juvenile courts to which selected delinquency cases, and in some instances, status offenders, are referred for handling by a designated judge. The youth referred to this docket are identified as having problems with alcohol and/or other drugs. The Juvenile Drug Treatment Court's judge maintains close oversight of each case through regular status hearings with the parties involved. The judge both leads and works as a member of a team that comprises representatives from treatment, juvenile justice, social and mental health services, school and vocational training programs, law enforcement, probation, the prosecution, and the defense. Over the course of a year or more, the team meets frequently (often weekly), determining how best to address the substance use and related problems of the youth and his or her family that have brought the youth into contact with the justice system (BJA, 2003).

#### Mental Health Courts

A Mental Health Court is a docket that is focused on those who have been diagnosed with a major mental health disorder and have become involved in the criminal justice system. In Nebraska, there is currently one Mental Health Court in operation as a pilot program, serving individuals who are high-risk and high-need and have a major mental disorder. Mental Health Courts operate under a team approach where a judge, prosecutor, defense counsel, coordinator, community supervision officer, law enforcement, treatment provider(s), and other key team members work together to design an individualized program for each participant. The goal of this court is to reintroduce the participants to treatment, housing, and other ancillary services in order to reduce recidivism and criminal justice involvement. National research has supported Mental Health Courts as effectively reducing recidivism among participants, improving mental health outcomes, and reducing the length of incarceration for participants (Mental Health America, 2009). The first pilot Nebraska Mental Health Court, the Sarpy Wellness Court, entered their first participant in February 2021.

#### Young Adult Court

Young Adult Court is a judicially supervised program that provides a sentencing alternative, for youthful offenders up to age 25, who have been charged with a felony offense and required to participate in a program of selective assessment and rehabilitative services administered by multidisciplinary agencies. Key aspects of the Young Adult Court are community supervision, substance use treatment, mental health assistance, education, employment and frequent drug testing. The goal of this 18 to 24-month program is to stabilize participant's lives by providing tools for success, thus reducing recidivism.

#### Crossover Youth Practice Model

Georgetown University's Center for Juvenile Justice Reform has developed a model that describes the specific practices that need to be in place within a jurisdiction in order to reduce the number of youth who "crossover" between the child welfare and juvenile justice systems. The Crossover Youth Practice Model (CYPM) infuses values and standards; evidence-based practices, policies and procedures; and quality assurance processes.

Nebraska has four active CYPM sites in Nebraska. Douglas and Gage Counties were implemented in 2012. Lancaster and Dodge Counties began implementation in 2015. Also in 2015, Sarpy County commenced planning discussions for incorporating the CYPM. Nebraska's Office of Probation Administration is the lead agency coordinating CYPM work throughout the state and is provided technical assistance from Georgetown University's Center for Juvenile Justice Reform.

The Courts and Probation also have the following rehabilitative services for youth and families in the juvenile justice system:

**Reentry Services:** Reentry is a process that intentionally prepares youth and families for return from youth rehabilitation and treatment centers and any other out-of-home placement back to their communities. Activities and communications prior to discharge strengthen the connection between the youth in placement with their family, home, and community. The time period when a youth returns to his/her community or leaves placement is a time of increased risk. This also represents a great opportunity to work with the family, informal supports, community partners and organizations for the benefit of the youth's future.

**Rehabilitative Services:** Nebraska Probation's Rehabilitative Services is focused on the development, in-system training and implementation of behavioral health and supportive (or non-clinical) services for our adult and youth clients within Probation or Problem-Solving Courts. These services are delivered through Probation's network of Registered Service Providers, who obtain specialized training to better understand the risk and needs of our justice populations. Nebraska Probation is committed to reducing financial barriers so identified clients are afforded the opportunity to access behavioral health and other supportive services. In 2006, Nebraska Probation began offering financial assistance (Fee for Service) to reduce financial barriers to those individuals and families where a financial barrier to service access existed and all other resources had been exhausted.

**Standardized Model for the Delivery of Substance Use Services:** Probation and Problem-Solving Court officers use behavioral health screens and risk/need assessment tools to assist in identifying needed evaluation, treatment or other supportive services that can be ordered by the Court during Pre-adjudication, investigation or supervision. Supported by a Supreme Court rule, the Standardized Model for the Delivery of Substance Use Services is used to recognize the connection between substance use and crime/delinquency and effectively address it through treatment. Rehabilitative Services is responsible for ensuring the application of the Model and its attachments by both Probation, Problem-Solving Courts and Registered Service Providers. Implemented in 2006, the Standardized Model was updated to reflect current evidenced-based practices, language and the incorporation of co-occurring disorders.

*Requirement (7 B) (v): Describe the state/territory's plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs.*

Nebraska has a statewide JDAI collaborative that works to reduce the number of youth housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs. Efforts to reduce this number include the Nebraska Youth Rehabilitation and Treatment Center (YRTC) opening another location in Lincoln, NE and Hastings, NE, plans for a new YRTC in Omaha, NE, collaborating with service providers to expand their ability to accept more youth, the opening of Radius in Omaha, NE to take probation youth needing placement, and sending youth out of state for treatment programs that just are not available in Nebraska. While these options are not ideal, the SAG will continue to advocate in annual reports to the Governor and Legislature to create additional residential treatment programs for our Nebraska youth.

Nebraska has community based services that include mental health, substance abuse, or co-occurring disorder assessment and treatment, which can prevent youth from awaiting placement in detention. Nebraska also utilizes alternatives to detention, such as trackers and electronic monitors, that are able to be grant funded by the Community-based Juvenile Services Aid program.

*Requirement (7 B) (vi): Describe the state/territory's plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement.*

The Nebraska SAG will explore a plan to engage family members in Year 1 and Year 2 in order to incorporate the plan into the State plan. The probation system and community-based providers make it a priority to engage families in the delivery of services, but continue to face barriers with families refusing to engage. Unfortunately, many parents take the position that their child is the one in trouble and should be the one doing the work. The Nebraska Crime Commission continues to provide opportunities for community-based providers to attend training sessions and hear from each other on strategies to engage youth.

The Nebraska Youth and Rehabilitation Centers include the families in their programming, including family therapy.

There are many efforts taking place statewide that the SAG can incorporate into the State plan, including the Nebraska Children and Families Foundation, Probation Youth Council, Family Organizations, etc.

*Requirement (7 B) (vii): Describe the state/territory's plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system.*

§43-2402.02(1) There is a distinct budgetary program within the commission to be known as the Community-based Juvenile Services Aid Program. Funding acquired from participation in the federal act, state General Funds, and funding acquired from other sources which may be used for

purposes consistent with the Juvenile Services Act and the federal act shall be used to aid in the establishment and provision of community-based services for juveniles who come in contact with the juvenile justice system.

#### Community Based Service Continuum in Nebraska:

Youth involved in the juvenile justice system receive services from a wide continuum of community, private and government agencies. These services are funded through an equally wide continuum of sources including grant funding, private insurance, Medicaid, local county/city funding, and/or Probation funding. The goal is to develop a network of informal and formal support in a youth's community to assist them in ongoing success after their exit from the system.

#### Non-Therapeutic Services:

Prior to adjudication, youth may receive non-therapeutic services through diversion or community programs funded through Community Based Aid grant funds from the Nebraska Crime Commission. These services could range from prevention, community service, mentoring, alternatives to detention, restorative justice, culturally specific, or other services identified in individual youth plans. Prior to adjudication, counties are responsible for payment of secure detention costs, and probation is responsible for payment of evaluations, shelter or other out of home placement costs per §43-290.01.

#### Therapeutic Services:

Youth may access a continuum of community based and residential services through licensed providers. The Nebraska Department of Health and Human Services oversees the licensing of these providers. Nebraska has a significant shortage of community based and residential therapeutic services for families and youth, particularly in rural areas. Efforts are ongoing to increase the availability of tele-health services to help bridge this gap.

The Division of Behavioral Health oversees six Behavioral Health Regions designed to provide crisis and community based behavioral health services. Crisis teams are developed at the local level and involve partnerships between local law enforcement and community providers. Diversion programs may partner with community-based providers for therapeutic interventions. The AOC maintains a network of registered service providers to serve youth on probation. These services range from community-based counseling to acute residential placements both in and out of state.

Juvenile Probation in Nebraska has to Home Based initiative Multisystemic Therapy (MST) and Boys Town In-Home Family Services (IHFS), formerly known as Ecological In-Home Family Treatment (EIHFT). Through the Juvenile Justice Home-Based Initiative, service access has increased to youth involved with juvenile probation, allowing more youth to remain in their homes and communities, and fewer youth to be placed out-of-home. Additionally, the selected programs boast outcomes alleviating issues resulting in delinquent behavior, thereby decreasing the probability of the youth returning to the juvenile justice system. Funding provided by local

foundations make it possible to establish new, and expand on current, evidence-based services for justice-involved youth.

*Requirement (7 B) (viii): Describe the State/Territory's plan to promote evidence-based and trauma-informed programs and practices.*

Nebraska community-based aid and juvenile services program for state appropriated funds to community-based services, as well as Nebraska Probation services, DHHS services, and Youth Rehabilitation Services, among others, require and prioritize the use of funds going towards evidence based and trauma informed practices. The Nebraska SAG will work with Probation and others to incorporate this requirement into the State plan during Year 1 and Year 2.

*Requirement (7 B) (ix) (I): Describe the state/territory's plan to eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correction facilities, during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others.*

Nebraska affirms that a plan is in place to eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correctional facilities, during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff of others. This can be demonstrated through the following state statutes:

- §47-1004(1) A detention facility shall not use restraints on a prisoner or detainee known to be pregnant, including during labor, delivery, or postpartum recovery or during transport to a medical facility or birthing center, unless the administrator makes an individualized determination that there are extraordinary circumstances as described in subsection (2) of this section.
- §43-281(3) A juvenile pending evaluation ordered under subsection (1) or (2) of this section shall not reside in a detention facility at the time of the evaluation or while waiting for the completed evaluation to be returned to the court unless detention of such juvenile is a matter of immediate and urgent necessity for the protection of such juvenile or the person or property of another or if it appears that such juvenile is likely to flee the jurisdiction of the court.

*Requirement (7 B) (ix) (II): Describe the state/territory's plan to eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless—*

- 1. credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or*
- 2. reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.*

Nebraska affirms that it has a plan (or has eliminated) to eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless— (1) credible, reasonable grounds exist to believe the detainee

presents an immediate and serious threat of hurting herself, staff, or others; or (2) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method. This can be demonstrated through the following state statutes:

- §47-1004(1) A detention facility shall not use restraints on a prisoner or detainee known to be pregnant, including during labor, delivery, or postpartum recovery or during transport to a medical facility or birthing center, unless the administrator makes an individualized determination that there are extraordinary circumstances as described in subsection (2) of this section.
- §43-281(3) A juvenile pending evaluation ordered under subsection (1) or (2) of this section shall not reside in a detention facility at the time of the evaluation or while waiting for the completed evaluation to be returned to the court unless detention of such juvenile is a matter of immediate and urgent necessity for the protection of such juvenile or the person or property of another or if it appears that such juvenile is likely to flee the jurisdiction of the court.

*Requirement (8): Provide a statement affirming the state/territory has met the requirement to provide for the coordination and maximum utilization of evidence-based and promising juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the state/territory.*

Nebraska affirms that this requirement is being met. Funding prioritization goes towards evidence-based programs. Communities and stakeholders receive education and instruction regarding the utilization of evidence-based strategies.

*Requirement (9): Provide a statement that not less than 75% of the total Title II funds provided to the state/territory less the amount set aside for the SAG, shall be used for, through grants or contracts with priority in funding given to entities meeting the criteria for evidence-based or promising programs detailed through (A)-(W) (“Program Areas”). Details of the amount set aside for each program area are to be provided within the Title II Program’s Grant Budget documents.*

Nebraska assures that not less than 75% of the total Title II funds provided to the state less the amount set aside for the SAG, will be used for, through grants or contracts with priority in funding given to entities meeting the criteria for evidence-based or promising programs detailed through (A)-(W) (“Program Areas”). Details of the amount set aside for each program area are provided within the Title II Program’s grant budget and budget narrative documents.

*Requirement (10): Provide a statement and description of the capacity the state/territory has for, or plans to develop, an adequate research, training, and evaluation capacity within the state/territory.*

Nebraska has the capacity to do adequate research, training and evaluation within the State. Nebraska has multiple Universities that are available to contract for research, evaluation, and

training. Nebraska also has a history of past and current collaborations with entities such as the Annie E Casey Foundation, Georgetown Center for Juvenile Justice Reform, Council for State Governments, RFK National Resource Center for Juvenile Justice. Nebraska also frequently brings national experts from organizations such as these to provide trainings and statewide conferences.

Nebraska recognizes the importance of research, evaluation, and following best practices. The Community Based Aid program in Nebraska has included within its statute a requirement for the University of Nebraska Omaha to evaluate the effectiveness of funded plans and programs.

Nebraska has developed an adequate research, training, and evaluation capacity within the state through and provides high quality data, research and evaluation. Monitoring and evaluation are carried out through on-site visits.

*Requirement (11) (A): Provide a statement affirming that the state/territory complies with the deinstitutionalization of status offenders requirement.*

Nebraska affirms that the state complies with the deinstitutionalization of status offenders requirement. Nebraska statute outlines the requirement that a status offender shall not be held in a secure area of a jail or other facility intended or used for the detention of adults, an adult correctional facility, a secure youth confinement facility operated by the Department of Corrections, a youth rehabilitation and treatment center, or a juvenile detention facility, including a wing labeled as staff secure at such facility, unless the designated staff secure portion of the facility fully complies with subdivision (5) of section 83-4,125 and the ingress and egress to the facility are restricted solely through staff supervision (§43-250(1)(c)(vi), §43-251.01(2), §43-251.01(6)).

A compliance monitoring manual will be developed in Year 1 that will outline how the state will monitor for this requirement. A Compliance Monitor will be hired in Year 1, and they will work with jail standards to collect data and report any instances of non-compliance.

*Requirement (11) (B): Provide a statement affirming that the state/territory complies with the interest of justice requirement regarding juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court.*

Nebraska statute currently does not align with Section 223(a)(11)(B), however efforts are in place to educate juvenile justice system professionals of the interest of justice requirement regarding juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court. The Compliance Monitor will collect data and report on any instances of non-compliance with this requirement and will work with jurisdictions to modify current practices to align with the interest of justice requirement.

*Requirement (12): Provide a statement affirming that the state/territory complies with the sight and sound core requirements:*

*A. Provide that juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have contact with adult inmates; and*

*B. There is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles.*

Nebraska is committed to ensuring the state complies with the sight and sound core requirements. The following state statutes demonstrate the state's commitment to sight and sound separation:

- §43-250(1)(c)(iii): Whenever a juvenile is held in a secure area of any jail or other facility intended or used for the detention of adults, there shall be no verbal, visual, or physical contact between the juvenile and any incarcerated adult and there shall be adequate staff to supervise and monitor the juvenile's activities at all times. This subdivision shall not apply to a juvenile charged with a felony as an adult in county or district court if he or she is sixteen years of age or older;
- §43-251.01(1): No juvenile shall be confined in an adult correctional facility as a disposition of the court;
- §43-251.01(3): A juvenile who is found to be a juvenile as described in subdivision (1), (2), or (4) of section 43-247 shall not be assigned or transferred to an adult correctional facility or the secure youth confinement facility operated by the Department of Correctional Services.

A compliance monitoring manual will be developed in Year 1 that will outline how the state will monitor for this requirement. A Compliance Monitor will be hired in Year 1, and they will work with jail standards to collect data and report any instances of non-compliance.

*Requirement (13): Provide a statement affirming that the state/territory provides that no juvenile will be detained or confined in any jail or lockup for adults except—*

*(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—*

- i. for processing or release;*
- ii. while awaiting transfer to a juvenile facility; or*
- iii. in which period such juveniles make a court appearance;*

*and only if such juveniles do not have sight or sound contact with adult inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and adult inmates in collocated facilities have been trained and certified to work with juveniles;*

*(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—  
in which—*

- i. such juveniles do not have sight or sound contact with adult inmates; and*
- ii. there is in effect in the State a policy that requires individuals who work with both such juveniles and adults inmates in collocated facilities have been trained and certified to work with juveniles; and  
that—*

- i. is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available.*
- ii. is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances with- in 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or*
- iii. is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel.*

Nebraska is committed to ensuring the state complies with the jail removal core requirements.

The below statute supports this element of the plan:

§43-250(1)(c)(i): When a juvenile described in subdivision (1) or (2) of section 43-247, except for a status offender, is taken into temporary custody within a metropolitan statistical area and where no juvenile detention facility is reasonably available, the juvenile may be delivered, for temporary custody not to exceed six hours, to a secure area of a jail or other facility intended or used for the detention of adults solely for the purposes of identifying the juvenile and ascertaining his or her health and well-being and for safekeeping while awaiting transport to an appropriate juvenile placement or release to a responsible party.

§43-250(1)(c)(ii): When a juvenile described in subdivision (1) or (2) of section 43-247, except for a status offender, is taken into temporary custody outside of a metropolitan statistical area and where no juvenile detention facility is reasonably available, the juvenile may be delivered, for temporary custody not to exceed twenty-four hours excluding nonjudicial days and while awaiting an initial court appearance, to a secure area of a jail or other facility intended or used for the detention of adults solely for the purposes of identifying the juvenile and ascertaining his or her health and well-being and for safekeeping while awaiting transport to an appropriate juvenile placement or release to a responsible party (Rural Exception).

A compliance monitoring manual will be developed in Year 1 that will outline how the state will monitor for this requirement, including how individuals who work with both juveniles and adult inmates will be trained and certified. A Compliance Monitor will be hired in Year 1, and they will work with jail standards to collect data and report any instances of non-compliance. In addition, the SAG will determine if there are any needed changes to state statute to ensure they are aligned with the federal requirements.

*Requirement (14): Provide a statement affirming that the state/territory provides for an effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities to ensure that the core requirements are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraphs (11) and (12), and which has enacted legislation which*

*conforms to such requirements and which contains sufficient enforcement mechanisms to ensure that such legislation will be administered effectively.*

Nebraska affirms that an effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities to ensure that the core requirements are met will be completed by Year 2.

*Requirement (15): Provide a statement affirming that the state/territory implements policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by:*

*A. establishing or designating existing coordinating bodies, composed of juvenile justice stakeholders, (including representatives of the educational system) at the State, local, or tribal levels, to advise efforts by States, units of local government, and Indian Tribes to reduce racial and ethnic disparities;*

*B. identifying and analyzing data on race and ethnicity at decision points in State, local, or tribal juvenile justice systems to determine which such points create racial and ethnic disparities among youth who come into contact with the juvenile justice system; and*

*C. developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraph (B).*

Nebraska affirms the state implements policies and practices to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system. There exists a statewide JDAI collaborative that reviews data in all of the JDAI sites at least quarterly. Additionally, Nebraska statute requires all counties to have a community plan developed and submitted to the Crime Commission (DSA) that requires the plan be based on data relevant to juvenile and family issues, including an examination of disproportionate minority contact in order to identify juvenile delinquency prevention efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system (NRS 43-2404.01(1)(b)).

A Racial and Ethnic Disparities Coordinator will be hired in Year 1, and they will begin to collect and analyze data to outline a R/ED plan for the state.

*Requirement (16): Provide an assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, ethnicity, family income, and disability.*

Nebraska assures that youth in the juvenile justice system are treated equitably on the basis of gender, race, ethnicity, family income, and disability.

*Requirement (17): Provide a statement affirming that the state/territory complies with the requirement to “provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents*

*or other extended family members when possible and appropriate, and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible”.*

Nebraska assures that consideration will be given to, and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency.

*Requirement (18): Provide a statement affirming that the state/territory complies with the requirement to “provide for procedures to be established for protecting the rights of recipients of services and for ensuring appropriate privacy with regard to records relating to such services provided to any individual under the state plan.*

Nebraska affirms there are established procedures to protect the rights of recipients receiving services and to ensure appropriate privacy with regard to records relating to such services provided to any individual under the state plan. The DSA staff agree to safeguard all confidential and restricted data/information, including juvenile records. Post award, each awardee will be required to submit a privacy certificate as required by 28 CFR 22.23(b)(7). Additionally, Nebraska law requires the sealing of juvenile records, often automatically, in 43-2,108 – 43-2,108.05.

*Requirement (19): Provide a statement affirming that:*

*A. Any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) of any currently employed employee;*

*B. Activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and*

*C. No such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved.*

Nebraska affirms that, (A) Any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) of any currently employed employee; (B) Activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and (C) No such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved.

Nebraska understands that any assistance provided under this chapter will not cause the displacement (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) of any currently employed employee; (B) activities assisted under this chapter will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and (C) no such activity that would be

inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved.

*Requirement (20): Provide a statement affirming that the state/territory meets the requirement to “provide such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under [the Formula Grants Program]”. Submit the “financial management and internal controls questionnaire” in JustGrants.*

Nebraska affirms that it meets the requirement to provide such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under the Title II Formula Grants Program. Nebraska has strong internal fiscal controls and fund accounting procedures necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title. The Financial Management and Internal Controls questionnaire has been completed and signed by the Financial Point of Contact and is attached.

*Requirement (21): Provide a statement affirming that the state/territory complies with the requirement to provide reasonable assurance that federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, tribal, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such state, local, tribal, and other non-Federal funds.*

Nebraska affirms that it complies with the requirement to provide reasonable assurance that federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, tribal, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such state, local, tribal, and other non-Federal funds.

Nebraska defines and stipulates anti-supplanting language both pre and post award. The SAG Grant Review Committee, charged with recommending funding, is highly educated on supplanting issues, and thoroughly reviews applications for appearances of supplanting. Nebraska also submits a disclosure of pending applications to OJJDP as part of its three-year plan.

*Requirement (22 A): Provide a statement that from time to time, but not less than annually, the state/territory will review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State/Territory and local needs, that it considers necessary.*

Nebraska affirms that, not less than annually, the state will review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of state and local needs, that it considers necessary.

*Requirement (22 B): Provide a statement that the state/territory, to the extent practicable, will give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based.*

Nebraska affirms that, to the extent possible, it will give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based. To the extent practicable, Nebraska will prioritize funding for programs and activities based on rigorous, systematic, and objective research that is scientifically based. Nebraska pledges to support scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents through its funding priorities in addition to its selection of programs and services.

*Requirement (22 C): Provide a statement that the state/territory will not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the state agency.*

Nebraska assures that it will not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the state agency.

*Requirement (23): Does the plan provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense:*

*A. an appropriate public agency shall be promptly notified that such status offender is held in custody for violating such order;*

*B. not later than 24 hours during which such status offender is so held, an authorized representative of such agency shall interview, in person, such status offender;*

*C. not later than 48 hours during which such status offender is so held*

*D. there are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter.*

Nebraska complies with requirements listed in (23) (A)-(D) of the JJDP Act, as state statute does not allow for the use of the VCO exception.

*Requirement (24): Provide a statement assuring “that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 2000, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services”.*

Nebraska affirms that if the state receives an amount that exceeds 105 percent of the amount received under this section in FY 2000, all such excess would be expended through or for

programs as part of a comprehensive and coordinated community system of services. Nebraska has compared the amount received in FY 2000 with the amount to be received in FY 2023, and the FY 2023 amount does not exceed 105 percent of the FY 2000 amount.

*Requirement (25): Provide a statement regarding what percentage (if any), not to exceed 5 percent, of funds received by the State/territory under section 222 (other than funds made available to the State advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units.*

Although an allowance of up to 5% is permissible, Nebraska will use 0% of Title II funds to reduce probation officer caseloads. The SAG will consider this allocation, should the need exist to reduce probation officer caseloads.

*Requirement (26): Provide a statement that the state, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court so as to provide for:*

*A. data in child abuse or neglect reports relating to juveniles entering the juvenile justice system with a prior reported history of arrest, court intake, probation and parole, juvenile detention, and corrections; and*

*B. a plan to use the data described in subparagraph (A) to provide necessary services for the treatment of such victims of child abuse or neglect.*

In Nebraska, there is a Statewide Crossover plan with Probation and DHHS; this plan established a policy between the organizations to facilitate information sharing when a dual-system youth is identified. Other resources could include the following: Court Improvement Project – Through the Eyes of the Child; Foster Care Review Office. The Nebraska SAG will work together to ensure we are adequately capturing what is happening in both systems and have a plan in place.

The Nebraska Foster Care Review Office (FCRO) is an independent state agency responsible for overseeing the safety, permanency, and well-being of children in out-of-home care in Nebraska. Through a process that includes case reviews, data collection and analysis, and accountability, we are the authoritative voice for all children and youth in out-of-home care. The FCRO submits a report, including policy recommendations, to the Legislature each quarter and culminating with a comprehensive annual report each September 1. Reports can be found on this website under Publications. Ultimately, our mission is for the recommendations we make to result in meaningful change, great outcomes, and hopeful futures for children and families.

Cases reviewed by the FCRO include children in out-of-home placement or trial home placement in the custody of Nebraska Department of Health and Human Services(DHHS), children/youth in out-of-home care under the supervision of Juvenile Probation, and the cases of young adults ages 19-21 that are enrolled in the Bridge to Independence Program.

The FCRO has 53 community-based local citizen review boards statewide. Each board consists of 5-7 trained volunteers who review 4-5 cases each month and make recommendations to courts and legal professionals about necessary actions and next steps required in each case. Local review boards reviewed over 4,300 cases in fiscal year 2020-2021.

Barriers: There are still unknown issues that need to be discovered through collaboration on what data is being shared between the multiple family serving systems.

*Requirement (27): Provide a statement assuring that juvenile offenders whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675).*

At this time, Nebraska does not receive IV-E dollars for this population of juveniles, but if that would change, Nebraska affirms this requirement will be met.

*Requirement (28): Provide a statement that the state/territory provides for the coordinated use of funds provided under this title with other Federal and State/Territory funds directed at juvenile delinquency prevention and intervention programs.*

Nebraska affirms that it provides for the coordinated use of funds provided under this title with other Federal and State/Territory funds directed at juvenile delinquency prevention and intervention programs. The Nebraska SAG already administers two state appropriated grants for juvenile delinquency prevention and intervention programs. Nebraska receiving Title II funds will be coordinated with those state funds. The TBD Juvenile Justice Specialist, when it is time to sub-award Title II Funds, will assist with the scoring and appropriateness of state general fund applications. These crossovers ensure the coordinated use of funds provided under this title with other federal and state funds directed at juvenile delinquency prevention and intervention programs.

*Requirement (29): Describe the policies, procedures, and training in effect for the staff of juvenile State/Territory correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques.*

Nebraska does have policies, procedures and training in effect to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including developing effective behavior management techniques.

Nebraska Jail Standards administrative law 83 NAC 5 includes juvenile detention center staff must be trained on many topics including (not limited to) interpersonal relations and communication skills, behavior management techniques, adolescent growth and development, counseling techniques, and recognition of the signs and symptoms of mental illness, substance abuse, and physical deficiencies.

Nebraska statute 47-1004 states a detention facility shall not use restraints on a detainee known to be pregnant, including during labor, delivery, or postpartum recovery or during transport to a medical facility or birthing center. . .

The Youth Rehabilitation and Treatment Centers are required to provide Research-based or evidence-based programming for all juveniles that includes a strong academic program and classes in health education, living skills, vocational training, behavior management and modification, money management, family and parent responsibilities, substance use awareness, physical education, job skills training, and job placement assistance; and (l) Research-based or evidence-based treatment service for behavioral impairment, severe emotional disturbance, sex offender behavior, other mental health or psychiatric disorder, drug and alcohol addiction, physical or sexual abuse, and any other treatment indicated by a juvenile's individualized treatment plan (NRS 83-102). At the YRTCs, youth can earn incentives and privileges based on positive behavior. Incentives can include group outings, special treats, or other fun on-campus activities.

Nebraska does have state statutes regarding the limitations of room confinement and the requirement to report to the Inspector General of Nebraska Child Welfare when such incidents happen in order to provide increased accountability and oversight regarding the use of room confinement of juveniles in a juvenile facility (NRS 83-4,134.01 and .02).

*Requirement (30): Describe*

*A. the evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment for juveniles who:*

- i. request a screening;*
- ii. show signs of needing a screening; or*
- iii. are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and*

*B. how the State/Territory will seek, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment.*

Nebraska affirms that the evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment for juveniles who: (i) request a screening; (ii) show signs of needing a screening; or (iii) are held for a period of more than 24 hours in a secure facility that provides for an initial screening. Nebraska seeks, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment. Youth entering the probation system are given the MAYSI-II to begin the process of determining and appropriate probation plan.

Nebraska has statutes that provide for mental health services: §43-258 – Pre-adjudication mental

and physical health evaluation; §43-277.01 – Mental health hearings and requirements; §43-407 – Evidence based services through OJS.

Nebraska has jail standards administrative law 83 NAC 11 states medical screening shall be performed on all juveniles upon admission to the facility. The screening shall include, among other things, past or present treatment or hospitalization for mental disturbance or suicidal behavior; Mental illness. Observation of behavior, including state of consciousness, mental status. Juveniles' requests for medical treatment shall be collected daily. Requests for treatment shall be reviewed by medical professionals or the designated trained employee described in 006 above to determine appropriate disposition or referred directly to the facility physician. 83 NAC 15: 007 Medical Screening. Juveniles shall be screened and observed as prescribed by Chapter 11-009 to determine if immediate medical or mental health attention is needed. 83 NAC 16: 005 Counseling Services. The facility should provide, or make available through arrangements with community agencies, a range of counseling and crisis intervention services appropriate to the needs of juveniles. Such services should be available in the following areas: substance abuse, mental health, religion, education, anger control, survival skills/independent living skills, health and welfare, sexual abuse, and family problems.

*Requirement (31): Describe how reentry planning by the State/Territory for juveniles will include:*

*A. a written case plan based on an assessment of needs that includes:*

- i. the pre-release and post-release plans for the juveniles;*
  - ii. the living arrangement to which the juveniles are to be discharged; and*
  - iii. any other plans developed for the juveniles based on an individualized assessment;*
- and*

*B. review processes.*

Nebraska probation has a re-entry team that remains highly engaged with youth while at the YRTC, assists with family team meetings, and begins developing a re-entry plan upon placement at the facility. Youth are released from YRTC back onto probation. Facility staff, probation officers, youth, and their families begin the process of re-entry planning very early in their stay at the facility. Youth are discharged from the facility and work with the probation re-entry team to assist with their transition. Many youth return home, while others may enter a foster placement or other community based option. Both probation and DHHS YRTC are represented on the Nebraska SAG.

Key Features of Reentry Include:

- Evidence-based and research driven
- Balanced approach between services provided and supervision of the youth
- Reentry officers are highly qualified, trained and experienced
- Reentry works within a highly developed case management framework

- Emphasizes community supports and multi-agency collaboration
- Family focused and youth driven

*Requirement (32): Provide a statement assuring that the agency of the State/Territory receiving funds under this title collaborates with the State/Territory educational agency receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) to develop and implement a plan to ensure that:*

- A. the student records of adjudicated juveniles, including electronic records if available, are transferred in a timely manner from the educational program in the juvenile detention or secure treatment facility to the educational or training program into which the juveniles will enroll;*
- B. the credits of adjudicated juveniles are transferred; and*
- C. adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period of time during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned.*

Nebraska affirms that this requirement is being met. Youth Rehabilitation and Treatment Centers in Nebraska are accredited schools under 92 NAC 10. Juvenile detention centers in Nebraska are interim schools under Rule 18 and do not award credit. Rule 18 program schools provide support and education services to the students so they can continue to do the work of the school district where the youth was removed. The “home” school of the youth’s residence before the youth becomes a state ward or ward of the court continues to provide the credit hours.

The Department of Education is currently collaborating with Probation, DHHS, and Courts for the sharing of data for justice involved youth. NDE has received a federal grant for this purpose. Communication is going well between the YRTC in Kearney, NE and Lincoln Public Schools and Omaha Public Schools, the two districts with the most youth placed in the YRTC.

*Requirement (33): Describe policies and procedures to:*

- A. screen for, identify, and document in State/Territory records identification of victims of domestic human trafficking or those at risk of such trafficking and*
- B. divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable.*

The Nebraska SAG will work on including this requirement in the State plan during Year 1 and Year 2. The Nebraska Attorney General’s Office (Nebraska Human Trafficking Task Force) could be a helpful contact in determining how best to describe the state’s policies and procedures. The Department of Health and Human Services partners with the Human Trafficking Task Force. The team also noted that DHHS is looking into implementing PAVE (Providing Avenues for Victim Empowerment), which is a platform that facilitates best practices and creates a single screening, assessment, and referral process for victims of trafficking.