



NEBRASKA
2023 TITLE II
3 YEAR PLAN

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

The following overview of juvenile justice and delinquency prevention system is summarized from “*The Three-Year Plan Juvenile Justice System Structure and Process-Final*” created by the University of Nebraska at Omaha Juvenile Justice Institute, included as Attachment B, unless otherwise noted.

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.

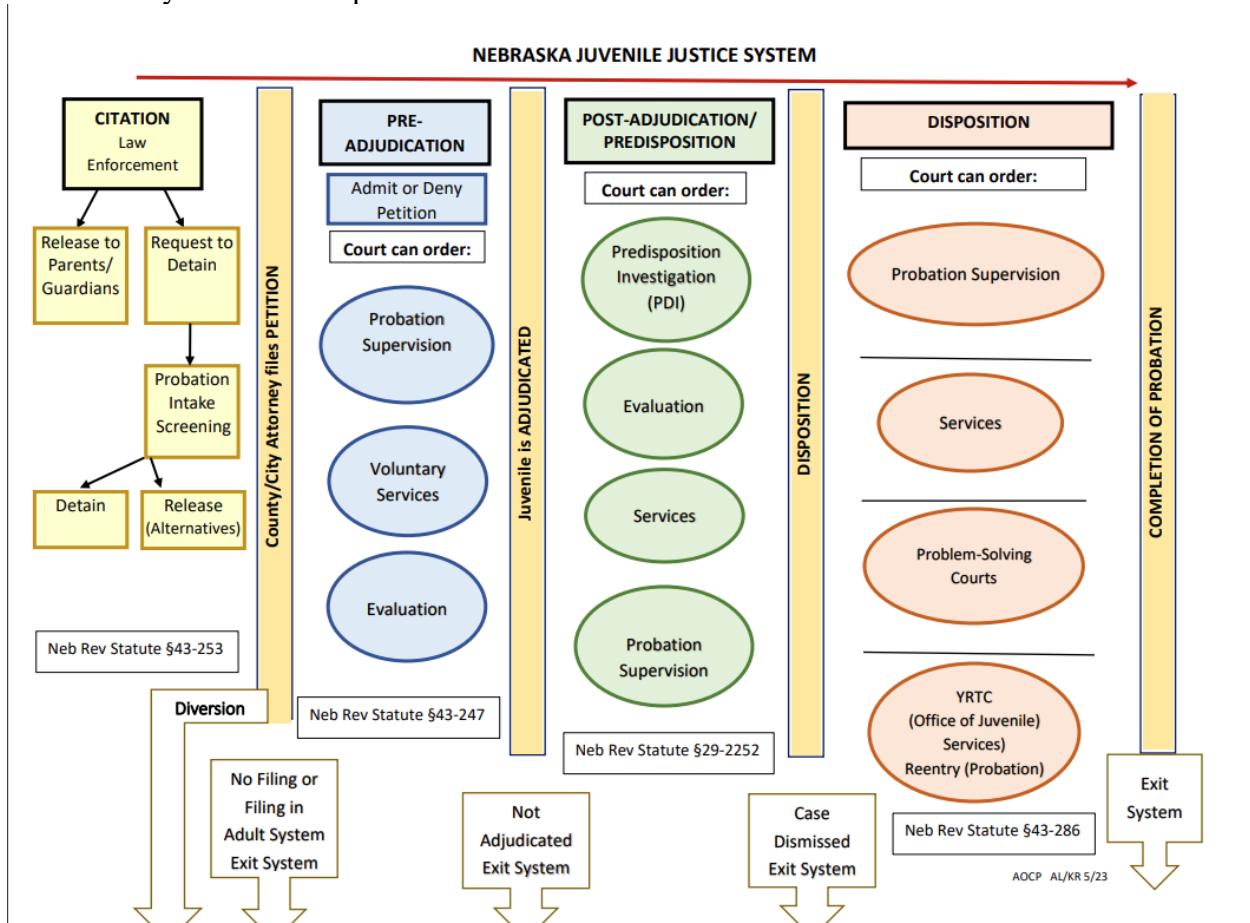
Youth having contact in the child welfare and juvenile justice systems are identified as crossover youth. The Division of Children and Family Services and the AOCP have worked collaboratively on state policy that encourages the efficiency and effectiveness of serving youth in both systems at the same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



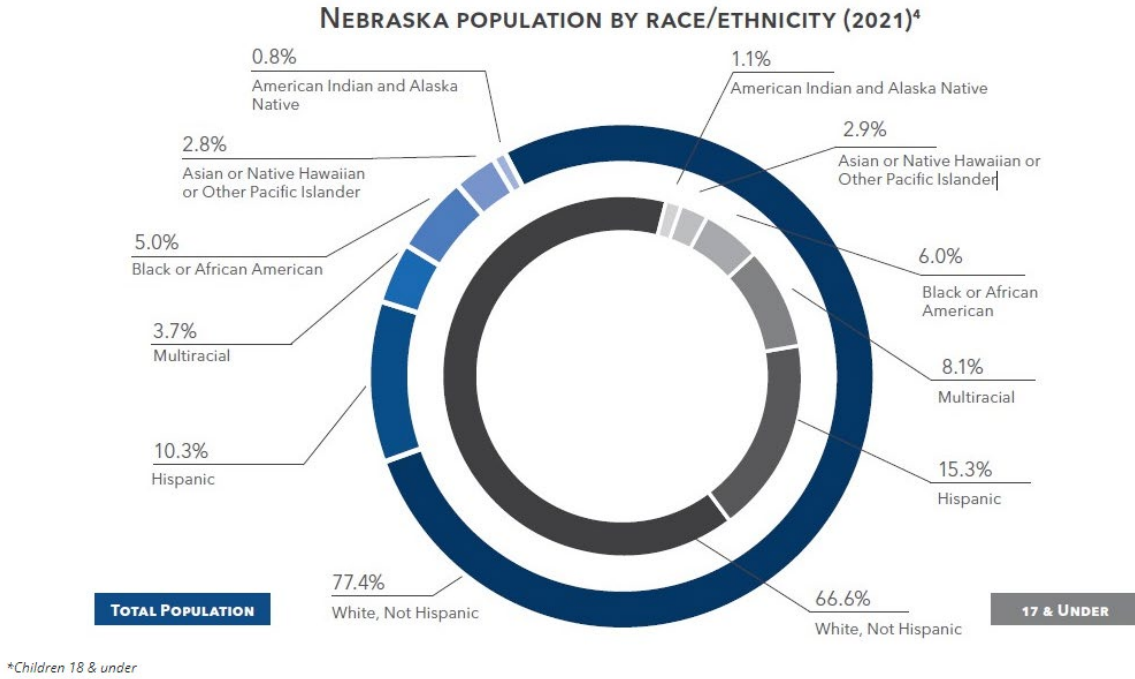
(Retrieved from <https://dhhs.ne.gov/SiteAssets/ReimagineWellBeingAssets/Nebraska%20Juvenile%20Justice%20System%20Map.pdf>, created by Administrative Office of Courts and Probation):

Statistical Summaries of Several Key Decision Points:

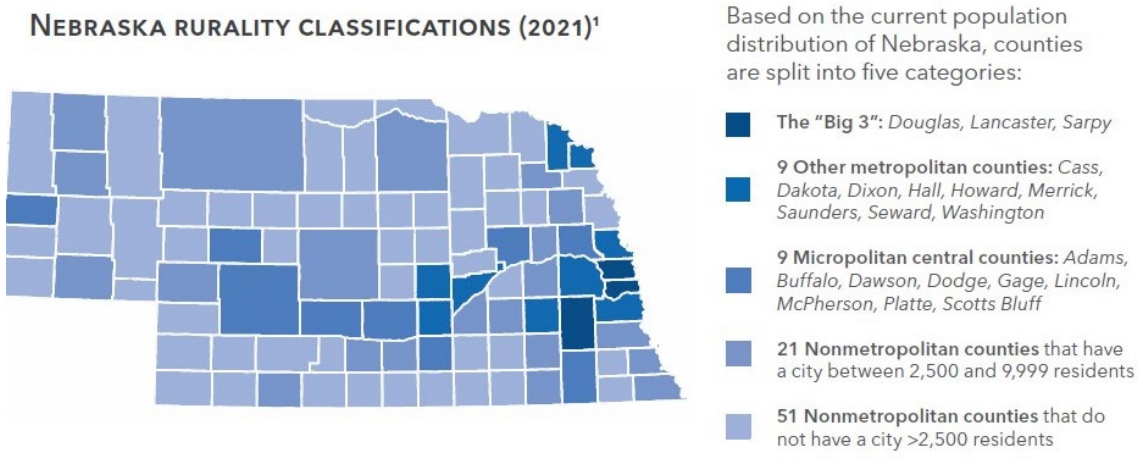
Attachment C is a full Three-Year Crime Analysis, created by The University of Nebraska at Omaha, Juvenile Justice Institute.

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) ⁴	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.

(Three-Year Crime Analysis Final, The University of Nebraska at Omaha, Juvenile Justice Institute; Chronic Absenteeism in Nebraska by Race and Ethnicity Report, The University of Nebraska at Omaha, Juvenile Justice Institute).

	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

(Data from the Nebraska Department of Education was compiled and analyzed by the UNO Juvenile Justice Institute).

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 (*Three-Year Crime Analysis Final, The University of Nebraska at Omaha, Juvenile Justice Institute*).

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 %
Arrest Offense							
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 Summary Arrest Date	All Arrestee Genders	Female	Male
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 Summary Arrest Date	Female						Male					
	Under 10	10-12	13-14	15	16	17	Under 10	10-12	13-14	15	16	17
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 from Nebraska Crime Commission)

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. *(Diversion data from Nebraska Crime Commission).*

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. *(Juvenile Justice System Statistical Annual Report 2022; Juvenile Justice System Statistical Annual Report 2019, Nebraska Judicial Branch).*

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. (*Juvenile Justice System Statistical Annual Report 2022; Juvenile Justice System Statistical Annual Report 2019, Nebraska Judicial Branch*).

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. (*Juvenile Justice System Statistical Annual Report 2022; Juvenile Justice System Statistical Annual Report 2019, Nebraska Judicial Branch*).

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. (*Juvenile Justice System Statistical Annual Report 2022; Juvenile Justice System Statistical Annual Report 2019, Nebraska Judicial Branch*). See chart below from *Nebraska Judicial Branch, Juvenile Justice System Statistical Annual Report 2022*.

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%

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.

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)	
	#	%	#	%	#	%	#	%
GENDER								
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%
RACE/ETHNICITY								
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%
AGE**								
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%
TIMES DETAINED								
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%
TOTAL COUNT	212		302		467		91	
SECURE ADMISSIONS	212		136		467		0	
STAFF SECURE ADMISSIONS	0		166		0		91	
AVERAGE DAYS DETAINED	30.2 DAYS		23.0 DAYS		33.4 DAYS		27 DAYS	

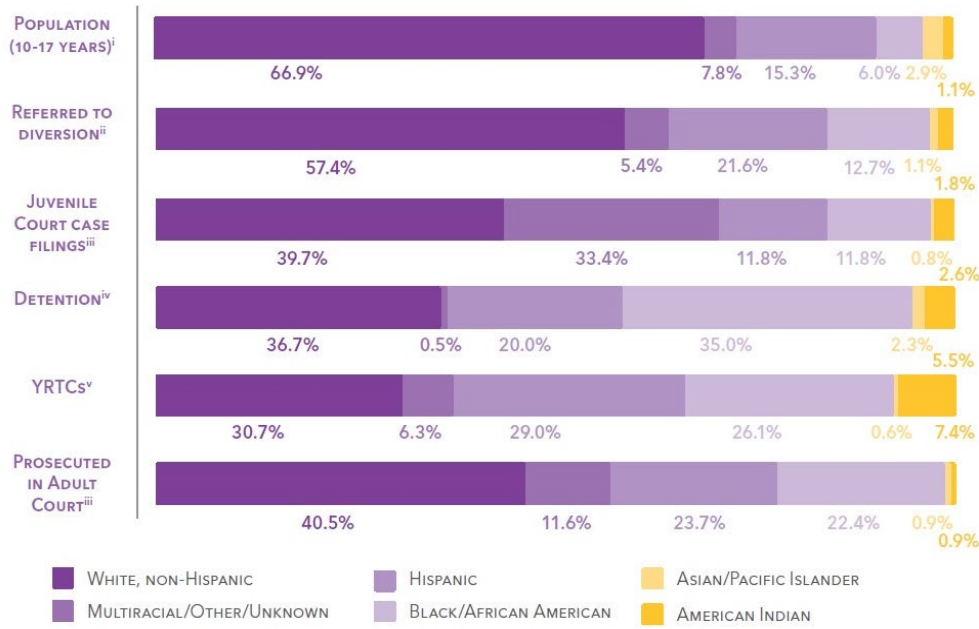
YOUTH HELD IN JUVENILE DETENTION FACILITIES* (2020)¹

	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
GENDER								
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%
RACE/ETHNICITY								
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%
AGE**								
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%
TIMES DETAINED								
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%
TOTAL COUNT								
	148		194		513		91	
SECURE ADMISSIONS								
	148		119		513		–	
STAFF SECURE ADMISSIONS								
	–		75		–		91	
AVERAGE DAYS DETAINED								
	31.6 DAYS		34 DAYS		45 DAYS		27 DAYS	

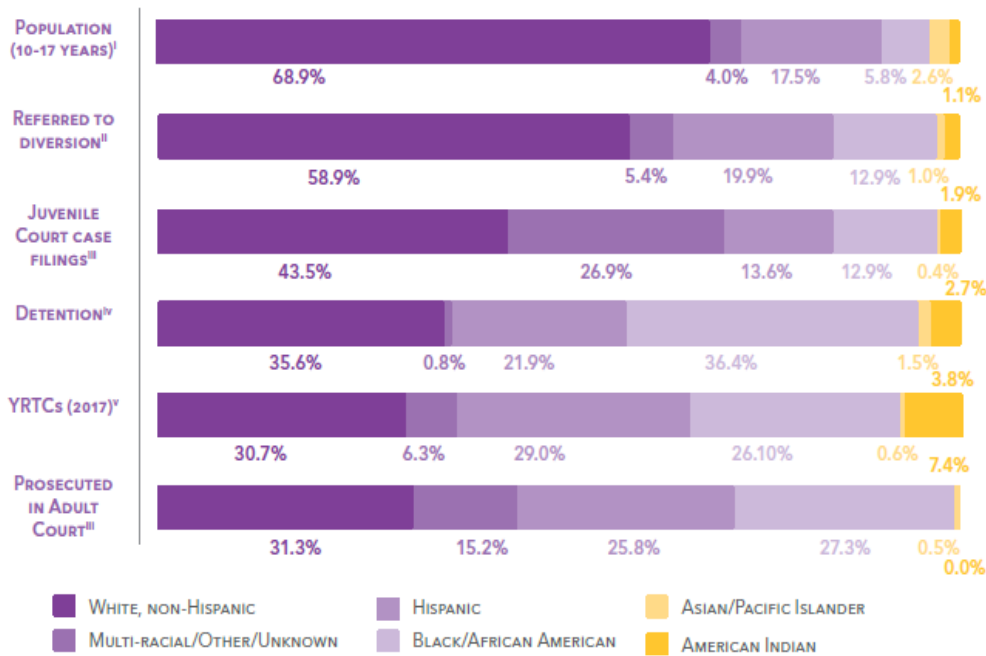
(All Voices for Children Kids Count data and charts retrieved from <https://kidscountynebraska.com/>).

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 JJDPa 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.