



voices for children

IN NEBRASKA

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February 5, 2014

To: Members of the Judiciary Committee

From: Sarah Forrest, Policy Coordinator – Child Welfare & Juvenile Justice

Re: Support for AM 1674/LB 464

Children and youth need to be held accountable for their actions in effective, appropriate ways that put them on the path to a successful, productive adulthood. Voices for Children in Nebraska supports AM 1674 because it makes a number of important changes that will continue this Legislature's work to reform our juvenile justice system. This amendment contains important clarifications to last year's LB 561, which set up a framework to allow more youth to access services in their communities and reduce our state's reliance on detention and incarceration. More importantly, however, it ensures that more of Nebraska's young people will be able to access the evidence-based, developmentally-appropriate services that are increasingly available in our juvenile justice system.

Every year in Nebraska, several thousand youth are processed through the adult criminal justice system. Sending youth who violate the law directly to the adult court system means that they miss the opportunity to participate in the juvenile justice system, specifically designed to identify and address the issues underlying their problematic behavior and put youth on a better path. Additionally, studies have shown that involvement in the adult court system exposes young people to lifelong consequences that limit their opportunity to succeed, and also makes them more likely to commit crimes and be involved in the criminal justice system in the future.¹

Over the past eight years, 23 states have enacted more than 40 pieces of legislation, limiting the involvement of youth and children in the adult criminal court system. These changes have occurred in large part due to a growing body of research that shows keeping youth in juvenile court is a more effective way of addressing youth crime and protecting public safety.² Kids are different than adults and treating them in a way that fails to take their developmental differences into account produces poor outcomes and ultimately higher long-term costs. A recent study in Washington State found that every time the state treated a young person like an adult it cost the state over \$70,000.³

¹ Aizer, A. & Doyle, J. (2013). *Juvenile incarceration, human capital, and future crime: Evidence from randomly-assigned judges*. National Bureau of Economic Research.

² "State Trends 2011-2013: Removing Youth from the Adult Criminal Justice System." Campaign for Youth Justice: October 2013. http://www.campaignforyouthjustice.org/documents/statetrends_final_10.10.pdf

³ "The Effectiveness of Declining Juvenile Court Jurisdiction of Youth." Washington State Institute for Public Policy: December 2013. http://www.wsipp.wa.gov/ReportFile/1544/Wsipp_The-Effectiveness-of-Declining-Juvenile-Court-Jurisdiction-of-Youth_Final-Report.pdf

It should be noted that AM 1674 has been significantly scaled back from the original version of LB 464, and is now a relatively modest proposal. It also contains some provisions made as concessions to prosecutors that other states are already rejecting as contrary to the best interests of both children and public safety. Missouri recently repealed the “once an adult, always an adult” provision now included in LB 464 allowing youth to be treated as adults if they have been convicted of any previous offenses in adult court, no matter how small.

Voices for Children recently conducted an in-depth analysis of data from JUSTICE on Nebraska youth charged in adult court in 2012. Our analysis shows that AM 1674 will have a modest, but important impact in bringing youth back to the juvenile justice system. Specifically we found:

- Around 1,200 youth who would have previously been charged in adult criminal court will have the benefit of their cases starting in juvenile court or accessing juvenile diversion services.
- Prosecutors will retain their discretion and ability to file for a transfer to adult court in the vast majority of cases. 90% of youth currently charged as adults in Nebraska were 16 years of age or older at the time of their offense. It is not yet clear how many of these cases will actually be transferred to adult court.
- Over 200 youth were sentenced to jail terms (44 days was the median length) in adult court and 185 were placed on adult probation. While some youth served their sentences in juvenile detention facilities, others served them in adult jails and lock-ups, where they are exposed to greater risk of suicide, assault, and sexual abuse.⁴ In both instances youth are not able to access the same level of developmentally appropriate programming with an emphasis on rehabilitation rather than punishment.

When youth are sent to our adult criminal court system, we make them more likely to commit crimes in the future. By changing our laws so that more Nebraska youth remain in the juvenile justice system, we can make sure young people access the services and treatment that will put them on the path to a productive, successful adulthood. Our children and communities will be safer and more prosperous when we hold youth accountable for their actions within the juvenile justice system. LB 464 and AM 1674 are essential parts of our state’s ongoing efforts to meaningfully reform the systems that serve our children while still protecting public safety. We would like to thank this committee for their continued leadership on these issues and ask for your support for this amendment and the underlying bill.

⁴“Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Prisons.” Campaign for Youth Justice: 2007.
<http://njjn.org/uploads/digital-library/Jailing%20Juveniles%20The%20Dangers%20of%20Incarcerating%20Youth%20in%20Adult%20Jails%20in%20America.pdf>

