



February 16, 2023

To: Chairperson Wayne and Members of the Judiciary Committee
From: Anahí Salazar, Policy Coordinator for Voices for Children in Nebraska
RE: Support LB 34, to create a presumption of disposition under the provisions of the juvenile code

Our state policies should ensure that youth caught up in the justice system are given the best opportunity to turn their lives around and become productive adults.

Years of research show that charging minors as adults does not reduce violence or other antisocial behavior but is more likely to encourage it. Exposing minors to criminal charges and incarceration leads to increased recidivism, increased risk of prison rape, suicide, and other dangers, and infringes on parental rights and responsibilities to hold youth accountable and support their development into law-abiding citizens.¹

You may hear people testify that the 'pendulum has swung too far' but frankly, this couldn't be farther from the truth. **Our state data shows that, consistently over time, as juvenile reforms have gone into effect, youth crime has continued to decline.** In 2010, there were 14,088 Nebraska youth under age 18 arrested for a variety of crimes. In 2021, the most recent full year for which we have data, that number dropped to 4,932 – the lowest since Voices for Children has tracked this data. Only 2.55% of those arrests were for violent offenses as defined by the Nebraska Crime Commission.² In 2013, over 2,000 Nebraska teenagers were prosecuted in adult criminal court. In 2021, that number was only 232. We trust that if a young person has committed a crime and there are grounds for arrest and prosecution, our law enforcement officials are arresting and prosecuting. So the reality is, tragic anecdotes aside, there is simply not a significant youth crime wave happening. The data tells a different story.

On the other hand, in 2021, more than a third (37%) of high school students reported they experienced poor mental health during the COVID-19 pandemic, and 44% reported they persistently felt sad or hopeless during the past year.³ The pandemic wrought a slew of traumatic experiences for our young people, including loss of loved ones, parental loss of employment, food and housing insecurity, and increasing stress leading to emotional or physical abuse. We know that there *is* a significant youth mental health crisis happening, which juvenile court dispositions are infinitely better suited to remediate than the adult Department of Corrections.

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¹ E.g. Centers for Disease Control: Morbidity and Mortality Weekly Report. *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*. Vol. 56: No. RR-9, Nov. 30, 2007. Available online: <https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>

² According to data provided by the Nebraska Commission on Law Enforcement and Criminal Justice, for the upcoming *2023 Kids Count in Nebraska Report*.

³ *New CDC data illuminate youth mental health threats during the COVID-19 pandemic*. Centers for Disease Control and Prevention: March 2022. Available at: <https://www.cdc.gov/media/releases/2022/p0331-youth-mental-health-covid-19.html>

For those youth who continue to face prosecution in adult criminal court, the sentencing court is already empowered to use alternative dispositions that are available under the juvenile code. Such dispositions include, but are not limited to: evaluations for mental health and substance use, inpatient or outpatient treatment for the same, psychiatric care, residential or foster care placement, in-state or out-of-state group care or treatment placement, or commitment to our Youth Rehabilitation and Treatment Centers. According to data by the Administrative Office of the Courts & Probation, however, in 2021 there were 143 youth sentenced to probation, 43 youth sentenced to jail, and 48 youth sentenced to prison. Notably, there are significant racial and gender disparities in those numbers: 17 of the 48 youth sentenced to prison, and 14 of the 43 youth sentenced to jail, were Black. Nearly all were boys.⁴

Adopting LB 34's presumption of starting from the rehabilitative premise of juvenile code disposition would go toward addressing these disparities, because the first premise of juvenile dispositions is that they are *individualized* to the child who is before the court. The only discretion or tailoring in a prison sentence is the number of years behind bars. With a juvenile disposition, the judge can impose individualized assessments, treatment, restitution, goals – and provide our state an opportunity, even after a criminal conviction has been handed down, to hold the young person accountable in ways that allow them to grow out of further criminal behavior.

For all these reasons, we thank Senator Dungan for bringing this bill and thank the Committee for considering this important matter. We respectfully urge you to advance LB 34.

⁴ According to data provided by the Nebraska Administrative Office of Courts and Probation for the *2023 Kids Count in Nebraska Report*.