



February 23, 2024

To: Chairperson Wayne and Members of the Judiciary Committee

From: Juliet Summers, Executive Director for Voices for Children in Nebraska

RE: Support for LB 1157 to require hearings regarding juveniles in detention in certain counties

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Our justice system should hold youth accountable for their actions, in developmentally appropriate ways that keep them on the path to a healthy, secure, fulfilling life. Nebraska has made great strides as a state in right-sizing our youth justice system, keeping more kids in diversion, safely at home, or in appropriate treatment or placement. One place where we still see opportunity for growth is to maintain a profound urgency around moving youth out of detention swiftly when they have been incarcerated. Voices for Children in Nebraska supports LB 1157 because it would foster that urgency by requiring in person hearings every two weeks when a child has been detained on a motion to revoke probation or due to lack of an appropriate alternative placement.

We come in support of the bill for the reasons I have stated, but I would like to articulate two additional proposals based on related Nebraska law and best practice. I apologize because I have not had the opportunity to connect with Senator McKinney on them, but I hope they are helpful and do not undermine our general support for the bill:

First, as introduced, LB 1157 only applies to Douglas County. I have attached a table from our 2023 Kids Count in Nebraska report sharing data provided by our four detention facilities in Nebraska – two secure facilities, one staff secure, and one that has both secure and staff secure wings. As you can see, more youth are detained in the Douglas County Youth Center and for longer average lengths of stay than other state facilities, but we would contend that the protection provided in LB 1157 should be offered to youth regardless of their location.

Recognizing that bringing a young person in person from detention to a courtroom in greater Nebraska may be costly, keeping youth detained is also costly; every night a young person spends in detention costs taxpayers hundreds of dollars. As an attorney, I know that even when everyone is doing the best they can, things pile up and get busy. Having a court hearing on the calendar forces everyone to prioritize and expedite that case for the child lingering in detention. That is true regardless of what part of the state you reside in.

Second, LB 1157 concedes that youth are lingering in detention for lack of an alternative placement – which may be the reality of what is happening on the ground in Douglas County, but is in fact against state law. *Neb. Rev. Stat. 43-251.01(iii)(E)* is clear that detention may not be used due to lack of alternative available facilities with the very limited exception of an emergency situation occurring at a YRTC. Under current law, youth in Douglas County should not be in detention for one day due to lack of alternative placement, much less fourteen. In writing in this protection, we worry it could be read as conflicting and muddy the clear intent and language of 43-251.01.

Given those two caveats, overall, we appreciate the urgency LB 1157 would create for attorneys, probation officers, judges and case professionals to move cases more swiftly when youth are detained on motions to revoke probation in Douglas County.

I'd like to thank Senator McKinney for his tireless advocacy for youth in his community and the state of Nebraska, and as always, would like to also thank the Committee for your time and attention. I'd be happy to answer any questions.

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

Source: Individual detention centers.