

LB 556 would roll back a decade of improved community safety statewide, in order to respond to 26 kids in Omaha.

CRIMINAL VERSUS JUVENILE COURT JURISDICTION: THE HISTORY AND WHAT THE DATA SHOW

A bipartisan group of Nebraska lawmakers crafted our current jurisdictional approach in 2012-2013. The law went into effect in rolling stages over the next three years:

- Keeping kids under 14 years old in juvenile court, the best court to respond to their developmental age and stage
- Allowing county attorneys the discretion whether to file the most serious felony offenses in juvenile or criminal court for youth age 14-17
- Allowing felonies and misdemeanors committed by youth age 16-17 to be transferred to criminal court when appropriate because juvenile court resources have been exhausted

SINCE THE LAW PASSED

	2013	2023
Juvenile arrests have decreased statewide	10,534	7,864
Juvenile detention admissions have decreased	2,518	1,232
The number of children prosecuted for felony offenses in Nebraska has decreased	979*	767**

*322 on juvenile probation for a felony offense and an estimated 657 charged with felony offenses in criminal court in 2013 = 979 total

**677 on juvenile probation for a felony offense and 90 charged with felony offenses in criminal court in 2023 = 767 total

Our current charging statutes were carefully crafted a decade ago to account for developmental capacity, gravity of the offense, and the ability of the juvenile court to respond to an individual youth's rehabilitative needs. They have been working to keep us all safer.

So who are these 26 kids in Omaha and why are people trying to change the law?

Certain Omaha law enforcement officials attended the Governor's press conference on LB 556 and claimed there has been a "1700% rise in violent reoffending" by minors in Omaha. According to data from the Omaha Police Department, in 2016 there were 2 "unique juveniles" charged with five or more felony offenses. That number went up to 36 in 2023, then back down to 28 in 2024: a difference of 26 children from 2016 to 2024.

It might be a 1700% rise, but only because it's such a small number of children.



All the data shared by OPD relating to juvenile crime show that juvenile crime in Omaha – like elsewhere in the state – significantly declined during the COVID-19 pandemic, rose back to pre-pandemic numbers in 2022-2023, and now are flat or decreasing again. This includes:

- Fewer juvenile arrests overall from 2023 to 2024
- Fewer juvenile felony arrests from 2023 to 2024
- Fewer homicides, including fewer homicides with youth victims from 2023 to 2024

The narrative being pushed – that there has been an explosive rise in juvenile crime – is **not supported by the data, even the very data point they are relying on.**

We should be concerned with those **26 children**, but for a city with **121,280 children** – that's actually a very, very small number.

It is evidence our laws are working – not the opposite.

Detention in locked facilities is the most dangerous place for young children, low-risk youth, and youth with mental illness.

LB 556 WOULD ENDANGER CHILDREN AND BURDEN OUR COUNTIES WITH OUTSIZED COSTS: THROWING MONEY AWAY ON A DISPROVEN AND DANGEROUS RESPONSE TO YOUTH BEHAVIOR.

Detention centers ARE NOT treatment or rehabilitative.

Detention centers ARE **locked, jaillike** facilities where young people are **restrained using hardware, transported to court in cuffs and jumpsuits**, and may even be placed in **solitary confinement** and/or **strip searched**.

These facilities:

- Place young children at risk of **sexual and physical harm**
- Worsen mental illness and are the **#1 location for suicides and suicide attempts** in juvenile justice nationally
- Expose no-risk or low-risk youth to higher-risk youth and more **dangerous relationships**
- **Decrease the likelihood of high school graduation** by interrupting a student's educational progress and connection to school and pro-social activities
- **Separate youth** from their families, churches, and other positive relationships
- Have been demonstrated to **increase**, rather than decrease, the likelihood of **recidivism** in juvenile and criminal systems
- **Cost taxpayers hundreds of dollars per night** that a youth is detained: totaling thousands to our county and state bottom lines

Because of these costs and dangers, our current detention statute reserves juvenile detention for youth who present an immediate danger to the community or who have shown they will be a flight risk to avoid court.

**If a youth is acting violently under our current law, they CAN ALREADY be detained.
If a youth runs away and misses court, they CAN ALREADY be detained.**

So what would LB 556 do to make communities safer? **It wouldn't.**

Instead, it would:

- Allow detention for youth who aren't a danger to others in the community
- Allow detention for children as young as 11
- Allow detention for children who threaten "harm to self"
- Cost taxpayers hundreds of dollars per night each child spends in detention, plus the uncalculated costs of increased recidivism, increased mental health burden, and decreased educational and vocational attainment

When children act in ways that concern us, how we respond can make the difference between a positive societal outcome or further trauma and crime.

Decades of research tell us that the overuse of detention makes communities LESS safe, not more.

In the years since our detention statute changed and detention numbers have gone down, our juvenile arrests and other metrics of youth crime have continued to decline: evidence our law is working.

**LB 556 isn't a bandaid:
it's a gunshot wound to a healing body.**