

Juvenile Justice Institute

State of Juvenile Justice

2014



UNIVERSITY OF
Nebraska
Omaha



INTRODUCTION

The 2014 State of Juvenile Justice Report provides a snapshot of the juvenile justice system in Nebraska, with a specific focus on the current legislative context and an examination of three key points in the system: diversion, probation, and detention.

Trends within the juvenile justice system should be analyzed against the backdrop of statewide shifts that are a result of legislative mandates. In particular, Legislative Bill 561 has altered the juvenile justice landscape. Passed in 2013, LB 561 required communities to use programs aligned with evidence-based practices or best practices, with the goal of diverting youth out of the formal system and reducing the number of youth in detention.

The new emphasis on evidence-based practices highlights a commitment to identifying programs and reforms that are truly effective. Reform efforts of this magnitude require time to allow for evaluation assessment, careful implementation of revised programming, and re-evaluation.

The Juvenile Justice Institute (JJI) is committed to following these reform efforts and conducting ongoing evaluations of Nebraska's progress. JJI is a research unit within the University of Nebraska Omaha's School of Criminology and Criminal Justice. JJI provides technical assistance and completes policy and program evaluations for state and local agencies, as well as private organizations. JJI also partners with policymakers, practitioners, and criminal justice faculty to explore the most effective and practical juvenile justice strategies and programs.

Acknowledgments

JJI would like to acknowledge the contributions of time and expertise that the following individuals made to this report. For their assistance with accessing data sources, we would like to thank the following Nebraska Crime Commission staff, who provided datasets and answered repeated questions: Cindy Kennedy, Amy Hoffman, Michael Fargen, and Michael Overton. We would also like to thank Monica Miles-Steffens, Rick Hansen, and Stacey Hamel of Nebraska Probation Administration. Thank you to the students who spent hours culling through data, especially Sara Moore, Mariah Waltemath, and William Lohman. Thank you to Sam Aspnes for assistance with document design.

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ENVIRONMENTAL CONTEXT

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Environmental factors play an important role in youth development. Healthy families, supportive communities, inspiring schools, and economic stability all work to prevent youth from entering the juvenile justice system. Unfortunately, many youth do not have these positive influences in their lives. Moreover, once youth enter the system, a multitude of factors may affect their ability to exit. Geographic location and population density can affect availability of and access to services. When services are available, other factors may deter youth from entering programs, such as high fees or a negative perception of such programs.

LEGISLATIVE CONSIDERATIONS

In May 2013, Nebraska Governor Dave Heineman signed into effect Legislative Bill 561, which was aimed at improving the state's juvenile justice system. The bill mandated that the system begin to employ evidence-based interventions with youth in the juvenile justice system. These efforts coincided with Nebraska's Three Year Comprehensive Juvenile Justice and Delinquency Prevention Plan 2012-2014, which states: "Programs in Nebraska will target at-risk youth by demonstrating that their program is data-driven and evidence-based to reduce the at-risk youth population."

DATA COLLECTION

Data is a critical first step in any evidence-based effort targeting at-risk youth. Data allows stakeholders to direct efforts toward the true needs and gaps in the system. It provides context and meaning, allowing a more thorough understanding of juvenile justice issues. It is also integral to any type of planning process, as it informs priorities and strategies, while also providing a mechanism for measuring program effectiveness.

Although demographic and census data is incredibly valuable, a quality examination of the juvenile justice system requires systemic, detailed data about both youth and program outcomes. Without such data, it is difficult to answer whether or not system efforts are reducing youth recidivism.



Good data allows you to:

- **Understand trends**
- **Identify gaps and needs**
- **Show program outcomes**
- **Demonstrate the impact of individual programs and collaborative efforts**
- **Perform continuous quality control and program improvements**

Graph image created by Fernando Vasconcelos from the Noun Project.

Judicial District	Counties	Pop. Total Ages 10-17 (2013)	% Non-White* Ages 10-17 (2013)	% HS Grad or Higher (2012)	Median Household Income (2012)	% All Ages in Poverty (2012)	% Civilian Unemploy. (2012)
1	Clay, Fillmore, Gage, Jefferson, Johnson, Nemaha, Nuckolls, Pawnee, Richardson, Saline, Thayer	8,967	13.5%	90.0%	\$42,897.00	12.8%	3.4%
2	Cass, Otoe, Sarpy	25,355	17.4%	93.4%	\$61,721.67	8.1%	3.8%
3	Lancaster	28,363	22.0%	93.6%	\$51,810.00	14.3%	4.4%
4	Douglas	58,392	36.9%	89.9%	\$53,295.00	14.0%	4.9%
5	Boone, Butler, Colfax, Hamilton, Merrick, Nance, Platte, Polk, Saunders, Seward, York	15,113	15.9%	89.5%	\$50,985.55	10.2%	3.0%
6	Burt, Cedar, Dakota, Dixon, Dodge, Thurston, Washington	12,235	28.6%	86.5%	\$48,069.29	12.8%	3.9%
7	Antelope, Cuming, Knox, Madison, Pierce, Stanton, Wayne	8,811	19.1%	91.2%	\$46,354.43	11.9%	2.7%
8	Blaine, Boyd, Brown, Cherry, Custer, Garfield, Greeley, Holt, Howard, Keya Paha, Loup, Rock, Sherman, Valley, Wheeler	5,578	6.5%	92.4%	\$41,476.00	13.0%	1.2%
9	Buffalo, Hall	11,705	31.2%	87.6%	\$49,175.50	13.6%	3.4%
10	Adams, Franklin, Harlan, Kearney, Phelps, Webster	6,012	14.0%	91.8%	\$46,325.00	11.2%	2.3%
11	Arthur, Chase, Dawson, Dundy, Frontier, Furnas, Gosper, Hayes, Hitchcock, Hooker, Keith, Lincoln, Logan, McPherson, Perkins, Red Willow, Thomas	11,638	22.4%	91.8%	\$45,877.12	10.2%	2.2%
12	Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Grant, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux	9,123	27.4%	90.5%	\$41,269.67	14.9%	3.1%
State of Nebraska		201,292	25.3%	90.4%	\$48,271.35	12.2%	3.2%

*Includes youth of Hispanic origin
Source: American Community Survey (5 year estimates, 2008-2012), United States Census Bureau & Office of Juvenile Delinquency's *Easy Access to Juvenile Populations*, 2013



DIVERSION

WHAT IS DIVERSION?

Juvenile diversion programs serve as an alternative to formal court processing. Youth in these programs are diverted away from the judicial system and into community-based services. Such programs allow youth to learn from their mistakes without being drawn into the formal system. Diversion is typically used with youth who have committed minor, often first time, offenses.

LEGISLATIVE CONSIDERATIONS

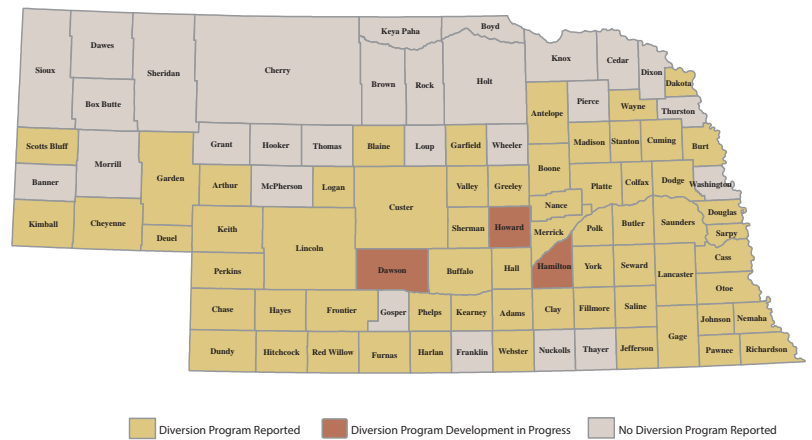
LB 561 established the position of Juvenile Diversion Program Administrator in Nebraska. The Diversion Administrator assists with the creation and maintenance of juvenile pretrial diversion programs and is an especially valuable resource to counties that are struggling to establish or maintain a diversion program.

Recently, a statewide steering committee was created to address inconsistencies in diversion referrals, requirements, programming, and success rates. The committee is tasked with developing a diversion guidebook and toolkit, with the goal of equal and consistent access to juvenile diversion across all counties.

TYPES OF OFFENSES

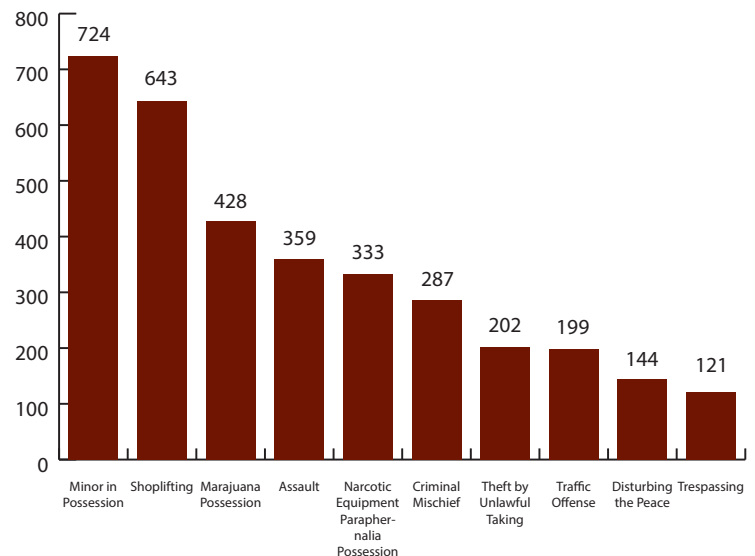
According to the Nebraska Juvenile Diversion Case Management System, Nebraska youth were referred to formal diversion programs for a total of 106 different law violation types in 2013. These violations ranged dramatically in type and severity, from truancy to more serious law offenses. However, the most common violations were minor, non-violent offenses. In fact, the top 3 violations accounted for 40% of youth in diversion in 2013 and included minor in possession, shoplifting, and marijuana possession.

DIVERSION PROGRAMS IN NEBRASKA 2014



Source: Nebraska Commission on Law Enforcement and Criminal Justice, 2014

TOP 10 JUVENILE OFFENSE TYPES REFERRED TO FORMAL DIVERSION IN NEBRASKA 2013



Source: Nebraska Juvenile Diversion Case Management System, Nebraska Commission on Law Enforcement and Criminal Justice, 2013

ENROLLMENT RATES

Diversion is a critical opportunity for youth to exit the formal court system. Unfortunately, many juveniles do not enroll in a diversion program when it is offered to them. A substantial number of youth do not specify why they choose court over diversion. Both parents and youth may choose to opt out, which could indicate that the cost of diversion programs is too high. When city or county attorneys pull a case back from diversion, this generally indicates that the prosecutor did not have adequate data or information when the case was initially referred.

SUCCESS RATES

In 2013, a total of 2,024 youth were enrolled in a diversion program in Nebraska. Of these youth, 78.1% (1,581) successfully completed the required program outcomes, 14.4% (291) failed to comply with program conditions, and 7.5% (152) had new law violations. These numbers only include youth officially enrolled in a diversion program.

JUSTICE BY GEOGRAPHY

“Nebraska is composed of 93 counties with a wide range of population and geographic variance. On one end of the spectrum lies Douglas County, with a population of over 530,000 people within 340 square miles. On the other end of the spectrum, many rural counties have a very small population spread out over a large geographic area.

The diversion programs in each of these situations are drastically different due to location, availability of resources, and local attitudes toward juvenile offenders.

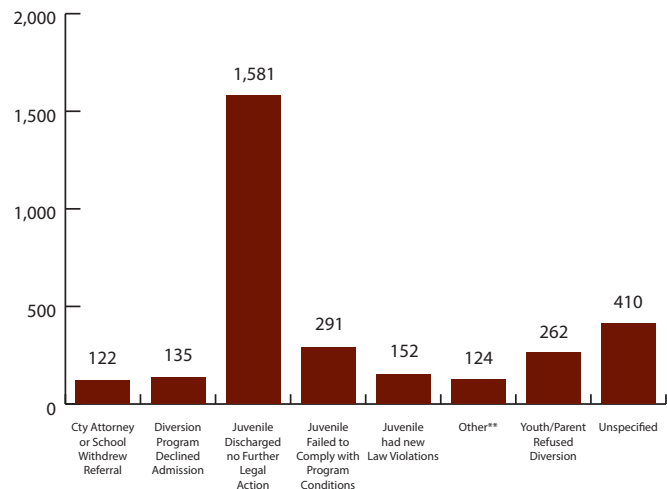
Each county, through its county attorney, has the option to implement a juvenile diversion program. Some counties, especially those with smaller populations, choose to merge their resources together and create a diversion program that serves juveniles from multiple counties. However, some counties in Nebraska have no diversion program at all.”

- Amy Hoffman, Nebraska State Diversion Coordinator, 2014

TAKEAWAYS

- Although costs vary in each county, diversion is typically an extremely cost-effective method of keeping youth out of the juvenile justice system. In a 2014 study of a rural Nebraska county, diversion costs were approximately \$544 per youth, compared to approximately \$1,128 per youth in court costs (Platte Vally Diversion, 2014).
- Early interventions are critical to a healthy juvenile justice system, as they give youth the opportunity to learn from their mistakes and be held accountable for their actions.

STATEWIDE DIVERSION PROGRAM ENROLLMENT IN NEBRASKA 2013*

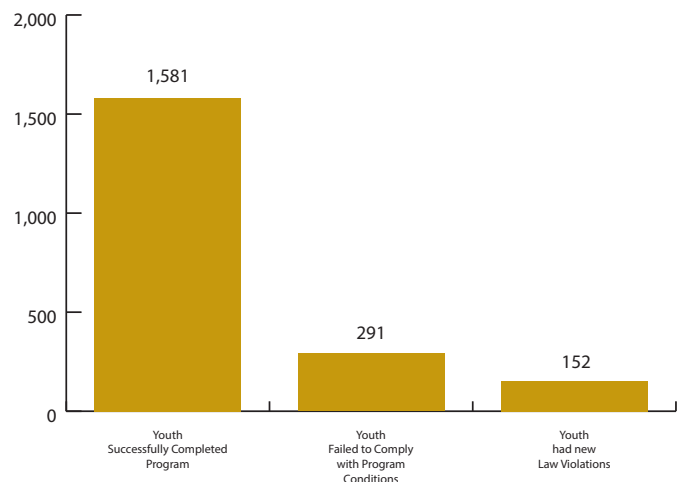


*Numbers include all youth referred to diversion, including those without an enrollment date (e.g., youth who were referred but ultimately did not enroll)

**Includes youth moved away, death, etc.

Source: Nebraska Juvenile Diversion Case Management System, Nebraska Commission on Law Enforcement and Criminal Justice, 2013

STATEWIDE DIVERSION PROGRAM OUTCOMES IN NEBRASKA 2013*



*Numbers only include youth officially enrolled in a diversion program

Source: Nebraska Juvenile Diversion Case Management System, Nebraska Commission on Law Enforcement and Criminal Justice, 2013



**In Nebraska,
formal diversion
programs are
available in
62 counties
(out of a total
of 93 counties).**

Source: Nebraska Commission on Law Enforcement and Criminal Justice, 2014



PROBATION

WHAT IS PROBATION?

The Administrative Office of Probation provides supervision and treatment services for the rehabilitation of juvenile offenders. Probation goals include engaging juveniles and their families in the court process, eliminating barriers to treatment and services, and partnering with stakeholders.

LEGISLATIVE CONSIDERATIONS

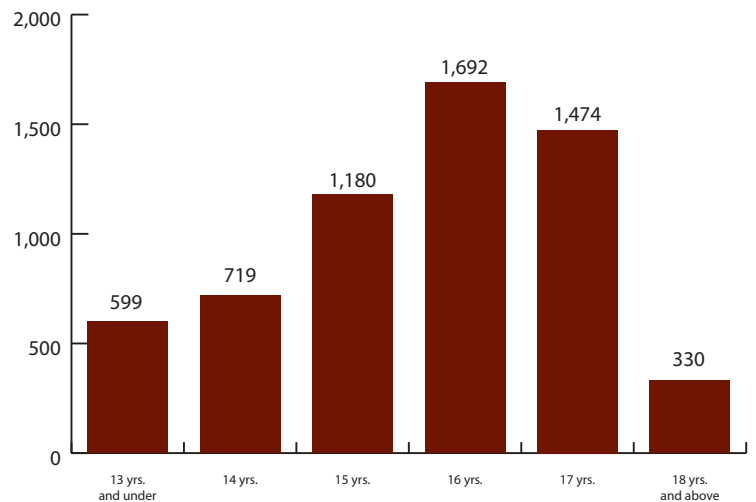
LB 561 transferred juvenile court case supervision and services to the Administrative Office of Probation. The bill was influenced by the Nebraska Juvenile Service Delivery Pilot project, which started in judicial district 4J in June 2009. The goal of the project was to serve youth in their communities and provide access to services without requiring youth to become state wards in order to access funding. In July 2012 the pilot expanded to include districts 11 and 12 and became the foundation for the eventual transfer of juvenile court services.

YOUTH SUPERVISED BY PROBATION

In 2014, the Administrative Office of Probation supervised 5,997 juveniles. The majority of supervised youth (53%) were 16-17 years old. There were more males (65%) supervised than females (35%).

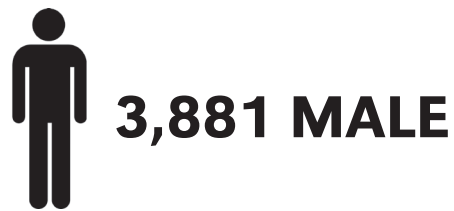
Of the youth supervised, 55% were White, 19% were Black, 22% were Other, 3% were American Indian or Alaska Native, and 1% were Asian or Pacific Islander; 22% were of Hispanic origin. (Nebraska Probation Administration, 2014)

AGE OF YOUTH SUPERVISED BY PROBATION IN NEBRASKA 2014



Source: Administrative Office of Probation, 2014

GENDER OF YOUTH SUPERVISED BY PROBATION IN NEBRASKA 2014



Source: Administrative Office of Probation, 2014

EQUITABLE TREATMENT

The Administrative Office of Probation has sought to address disproportionate minority contact among juvenile offenders by using objective criteria. In 2013, minority youth (including those of Hispanic origin) made up 25% of the Nebraska population ages 10-17. However, 47% of the youth supervised by probation in 2014 were non-white (including those of Hispanic origin). Males were slightly overrepresented in probation, as they comprised 51% of the general Nebraska population (ages 10-17) in 2013 but made up 65% of youth supervised by probation in 2014. (Administrative Office of Probation, 2014 & OJJDP Easy Access to Juvenile Populations, 2013)

TYPES OF OFFENSES

Youth are placed on probation for a wide range of offenses. The highest referred offense category is juvenile offenses, which includes truancy, uncontrollable, and endangerment to self and others. Other offenses range in severity from traffic offenses to drug- and alcohol-related offenses to assault.

LEVEL OF SUPERVISION

When a juvenile is placed on probation, his or her supervision level is determined based on a risk and needs assessment that identifies the level of services needed for the juvenile to be successful and the level of supervision necessary to refrain from reoffending.

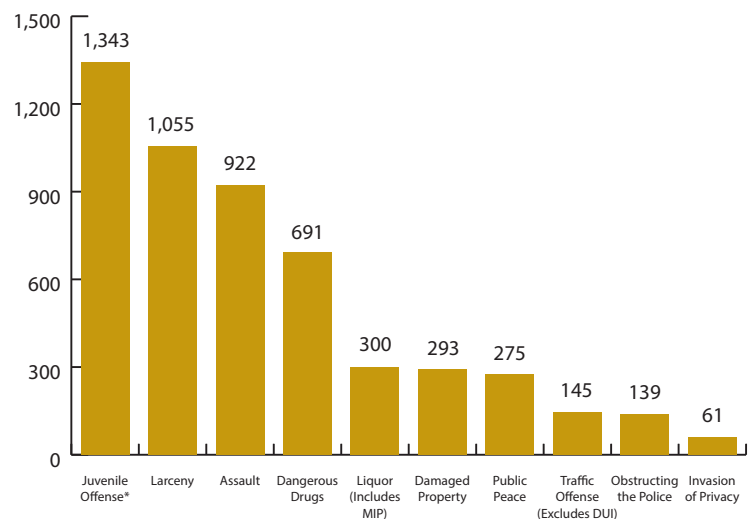
Juveniles that are determined to be high or very high risk are placed on Juvenile Community-Based Intervention (JCBI) supervision. Juveniles that are deemed moderate to low risk are placed on Juvenile Community-Based Resource (JCBR) supervision.

In 2014, 58.0% of youth supervised by probation were placed on low-risk JCBR supervision, while 37.6% were placed on high-risk JCBI supervision.

TAKEAWAYS

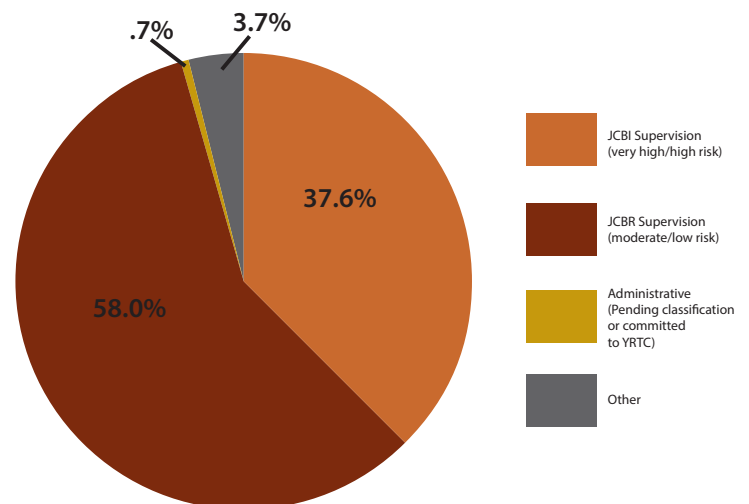
- Of the juveniles on probation, the majority are at low to moderate risk of reoffending. Many are in need of community-based services to be successful.
- Most youth on probation have committed a “juvenile offense,” such as truancy, uncontrollable, or endangerment to self or others.
- Minority juveniles are disproportionately placed on probation in Nebraska.

TOP 10 JUVENILE OFFENSES OF YOUTH SUPERVISED BY PROBATION IN NEBRASKA 2014



*Juvenile Offense includes Truancy, Uncontrollable and Endangerment to Self & Others
Source: Administrative Office of Probation, 2014

PROBATION LEVEL OF SUPERVISION IN NEBRASKA 2014



Source: Administrative Office of Probation, 2014



DETENTION

DETENTION REFORM AND JDAI

Many states are currently examining detention practices and exploring alternatives. Reform efforts often involve the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI), which was developed to safely reduce the number of youth in detention. In Nebraska, JDAI was introduced in Douglas County in 2011 and Sarpy County in 2012.

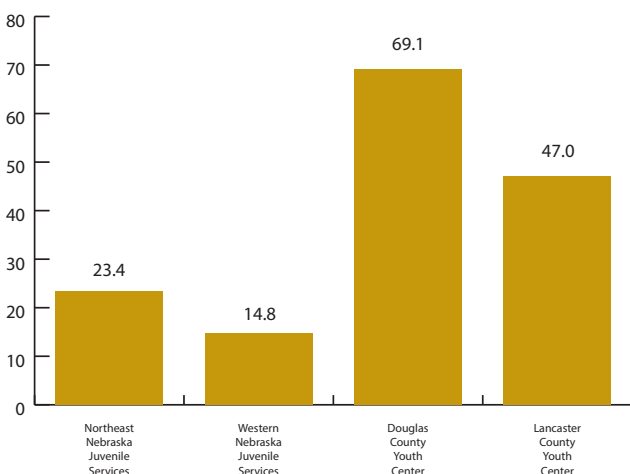
SECURE DETENTION

Secure detention is generally used to hold youth pre-adjudication, predisposition, and awaiting placement. It is also sometimes used as a sanction for violation of a valid court order. Secure detention facilities are generally operated by counties in Nebraska, including Northeast Nebraska Juvenile Services, Western Nebraska Juvenile Services, Douglas County Youth Center, and Lancaster County Youth Center.

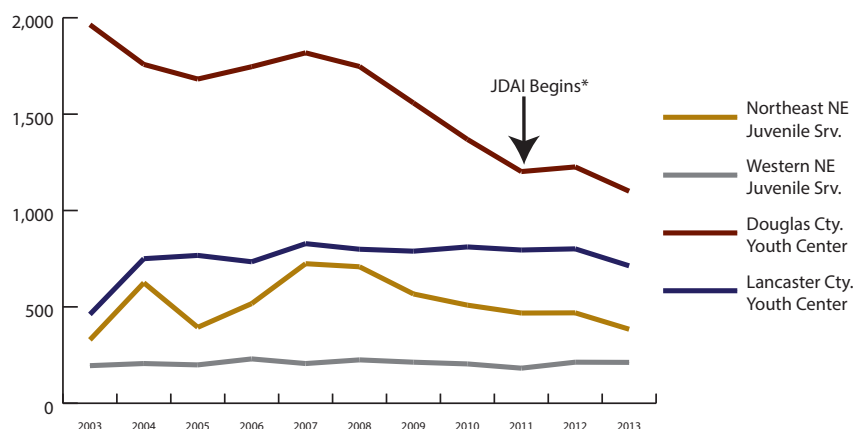
The average cost of youth detention in county-run facilities in Nebraska is \$229 per day, or \$83,585 annually. With an average length of stay of 24 days, it costs roughly \$5,496 to detain a youth. From 2003 to 2013, the overall number of Nebraska youth in county detention facilities has declined. Much of that decline has occurred in Douglas County, where particular focus was placed on creating community alternatives, examples of which include electronic monitoring, trackers, alternative schools/programming, staff secure detention, day/evening reporting, and shelter. Despite reform efforts, some jurisdictions continue to detain low-level offenders, including runaway youth (with an underlying legal charge) and youth who are difficult to place.

Nebraska has struggled with establishing a system-wide definition of “staff secure detention.” Without clear and consistent definitions, it is difficult to accurately collect and interpret data related to these types of facilities. Some detention facilities include staff secure youth in their admissions and daily population data, while others do not.

AVERAGE DAILY POPULATION IN COUNTY-RUN DETENTION FACILITIES 2013



TOTAL NUMBER OF ADMISSIONS IN COUNTY-RUN DETENTION FACILITIES 2003-2013



Source: Nebraska Commission on Law Enforcement and Criminal Justice, 2013
 Note: Some facilities include staff secure youth with average daily population data; others do not.

Source: Nebraska Commission on Law Enforcement and Criminal Justice, 2013
 *In Nebraska, JDAI has only been implemented in Douglas and Sarpy Counties.
 Note: Some facilities include staff secure youth with admissions data; others do not.

YOUTH REHABILITATION AND TREATMENT CENTERS

Post-adjudicated youth may be sent to the state-run Youth Rehabilitation and Treatment Centers (YRTC) in Kearney or Geneva; YRTC-Kearney houses males and YRTC-Geneva houses females.

For juveniles committed to a YRTC on or after July 1, 2013, Nebraska Rev. Statute §43-286 requires that the juvenile court must show all levels of probation supervision have been exhausted, all options for community-based services have been exhausted, and placement at a YRTC is a matter of immediate and urgent necessity for the protection of the juvenile or the person or property of another or it appears that the juvenile is likely to flee the jurisdiction of the court.

COST AND LENGTH OF STAY

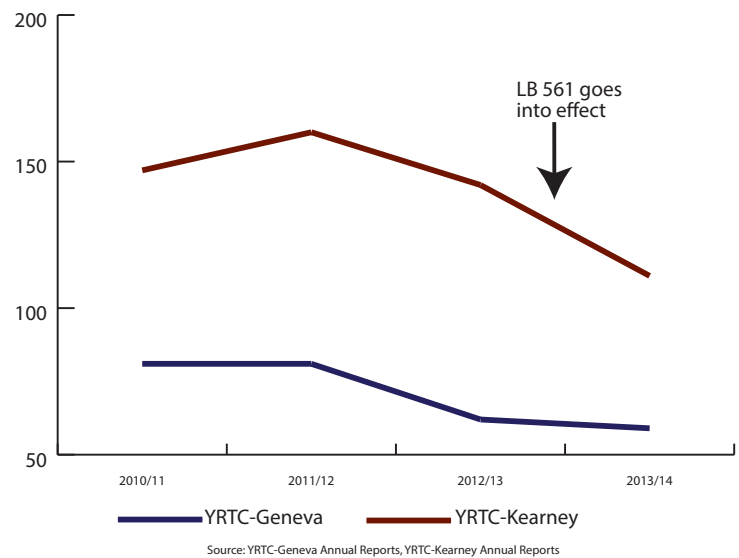
For fiscal year 2013/14, the average daily population in YRTC-Geneva was 59 youth; the total number of admissions was 89. The average daily cost of youth placement in YRTC-Geneva was \$347.55, or \$126,855.75 annually and the average length of stay was 211 days, or 7.04 months. Thus, on average it cost \$73,333 to serve a young woman committed to YRTC-Geneva in FY 2013/14.

For the same time period, the average daily population in YRTC-Kearney was 111 youth; the total number of admissions was 203. The average daily cost of youth placement in YRTC-Kearney was \$271.90, or \$99,243.50 annually and the average length of stay was 204 days, or 6.8 months. Thus, on average it cost \$55,468 to serve a young man committed to YRTC-Kearney in FY 2013/14.

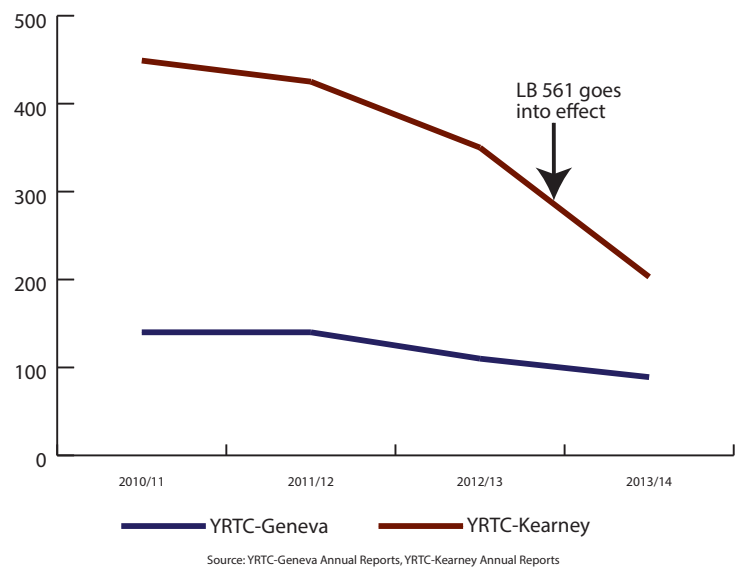
TAKEAWAYS

- Despite the relatively high quality of detention facilities and well-trained staff, research shows that detention and congregant care is costly and may not yield the best outcomes for some youth.
- There will always be some youth who require higher levels of care, including secure detention. The challenge is in ensuring that only youth who need to be in detention or a YRTC are placed in such facilities.
- For low and moderate risk youth, the state must have adequate and effective community-based programs and alternatives to detention.

AVERAGE DAILY POPULATION IN STATE-RUN YRTCS FY 2010/11-2013/14



TOTAL NUMBER OF ADMISSIONS IN STATE-RUN YRTCS FY 2010/11-2013/14



\$

Average daily cost per youth in Nebraska:

County Facilities:
\$229.25/day

State Facilities:
\$309.73/day

County Facilities Source: Administrative Office of Probation, 2014
State Facilities Source: Average of YRTC-Geneva and YRTC-Kearney average per diem costs, YRTC-Geneva 2013/14 Annual Report, YRTC-Kearney 2013/14 Annual Report

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