

OVERVIEW

of the Developmental Evaluation of Juvenile Justice Reform in Nebraska

Prepared for the Nebraska Court Improvement Project

Prepared by TerraLuna Collaborative

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OVERVIEW

Juvenile justice reform in the state of Nebraska aims to provide the least restrictive intervention to assist youth in rehabilitating, with the support of their family. To do this requires balancing what is best for the youth and the safety of the community. One of the many efforts in this reform is to build up the community-based, in-home services throughout the state in order to keep youth in their own homes during rehabilitation. The Juvenile Justice Home-Based Initiative – funded by the Sherwood Foundation and the William and Ruth Scott Family Foundation – provides funding to implement Multi-Systemic Therapy (MST) and/or the Boys Town Ecological In-Home Family Treatment programs by selecting and supporting agencies that will provide these in-home services. Both MST and Boys Town have their own fidelity models and require selected agencies to provide evidence of their successful utilization. However, availability of a service alone does not mean successful reform. With several stakeholders interacting with the juvenile justice system on multiple levels, a broader investigation into successful reform is necessary.

The purposes of the Developmental Evaluation of the Juvenile Justice Home-Based Initiative were to

- 1) Describe how the initiative fits into the larger picture of reform, and
- 2) Identify what system changes are needed to make the grant a successful endeavor.

To support this purpose, TerraLuna Collaborative conducted a multi-method processes that engaged stakeholders in sharing their perspectives on the Juvenile Justice Home-Based Initiative, and on the broader reform efforts.

METHODS

Adult Stakeholder Interviews & Listening Sessions

We collected data primarily through interviews and listening sessions with adult stakeholders working in the juvenile justice system. The list of stakeholders to interview was developed by our team, based on a review of documents and websites, and then vetted by the Court Improvement Project to help identify priorities and gaps. We continued to add to the stakeholder list over the course of the interviews based on recommendations for additional people we should speak with, a question asked at the conclusion of each interview. Altogether, the list of stakeholders contained 195 individuals. We did not contact 20 individuals due to missing or incorrect contact information or because they were not deemed appropriate for a formal interview. Another 35 were not interested or available to participate and 39 were unresponsive to requests. Ultimately, we were able to interview 90 stakeholders from around the state, representing a variety of perspectives. All identifying information was removed to protect interviewee's anonymity. For a full breakdown of perspectives of those interviewed, see Figures 1 and 2 below.

In addition to stakeholder interviews, we also conducted three listening sessions with approximately 25 stakeholders. Two sessions were held in Lincoln and a third was held in Omaha. Unfortunately, we were unable to hold any sessions in rural Nebraska due to scheduling and time constraints.

Figure 1: Interviews by Geography



Not pictured; 4 out-of-state interviews

Figure 2: Interviews by Perspective

Perspective	# Interviews
Academic	2
Attorney (Defense, Prosecution)	8
Child Welfare Administration (DHHS, Foster Care, etc.)	8
Education	1
Families of System-Involved Youth	0
Former System-Involved Youth	1
Funders	1
Judges	18
Juvenile Justice Administration (Courts, Probation)	10
Law Enforcement	0
Legislator	1
Oversight (Crime Commission, OIG, OJJDP)	2
Policy/Advocacy	5
Probation Implementation	23
Service Administration	9
Service Implementation	1
Tribal	2
Urban (Douglas, Sarpy, Lancaster Counties)	58
Rural (Outside of Douglas, Sarpy, Lancaster Counties)	32
TOTAL Interviews Completed	90

Note: Some interviews are listed under multiple perspectives, so total is not a sum of the numbers above

Youth Perspective: Arts-Based Evaluation

Arts-based evaluation looks for indications of emotional salience, or artistic representations of strong and meaningful emotions. We collected data for the arts-based evaluation by conducting five arts-based workshops for youth across the state in partnership with the following community organizations:

- The Hub, Lincoln
- Success Academy, Grand Island
- Nebraska Urban Indian Health Coalition, Omaha
- Latino Center of the Midlands, Omaha
- Boys Town, Omaha

The 25 young people who participated in these workshops represented members of American Indian tribes, Hispanic-identified youth, young parents, high school students, and group members in their early twenties who had prior engagement with the juvenile justice system. While the majority of the participants were boys, the workshop at Boys Town was attended by 4 girls.

The workshops took participants through a series of activities to elicit their views of the juvenile justice system, family, and home. Some workshops took place all in one setting, while others over a period of time depending on the needs of the community partner. The sessions opened with a story of the experience of a TerraLuna team-member in Nebraska's juvenile justice system, to spark conversations and help put the youth at ease. Youth were then invited to share their personal story, with a focus on their experiences in the juvenile justice system. As the youth shared their stories, a TerraLuna team member documented key words on a board. At the end, the youth could see the factors that they shared across their varied stories, which included references to drug use, foster care, trouble in school, family discord, a positive influence, feelings of lack of control, feelings of hopelessness or loneliness, and desire for change. Next, the youth were led through a word association activity to help them narrow down their thoughts about the juvenile justice system. Finally, they were given time to create art through spoken word, poetry, monologue, drawing, rap, or narrative. At the end of the sessions, the youth were invited to speak about their art/perform their art for the group.

DEVELOPMENTAL EVALUATION COMPONENTS

1. Historical: Retrospective Developmental Evaluation of Juvenile Justice Reform in Nebraska

- Narrative documenting the development of juvenile justice reform efforts in the last decade in Nebraska, to identify successful efforts, opportunities, and gaps.

2. Current: Analysis of Nebraska's Juvenile Justice System

- An analysis of Nebraska's current juvenile justice system that includes (1) identification of key factors that influence how this system does or doesn't work and (2) the perspectives of various stakeholders involved in the system including young people and (3) implications for reform efforts.
- Maps of the juvenile justice system in Nebraska including (1) actors and interactions across the system (2) journey through the system with key decision points.

3. Forward looking: Vision, Guiding Principles and Core Strategies

- Vision for Nebraska's juvenile justice system.
- Set of principles to guide successful juvenile justice reform in Nebraska towards this vision.
- Core strategies to address needs and reinforce strengths in key focus areas.
- Suggestions for how the Juvenile Justice Home-Based Initiative can support this vision.

4. What to Watch? A Learning Framework

- Overview of current measures that can inform the Initiative.
- Outcomes or indicators that stakeholders would like to see tracked more effectively (or at all).
- Discussion of what systems and key stakeholders need to be engaged with this work.

THE TEAM

Nora F. Murphy, project co-lead and evaluator, holds a PhD in Evaluation Studies from the University of Minnesota and an MA in Research Methodology from the University of Pittsburgh. In addition to her formal training, she has developed a broad set of experiences as an evaluator by working in and with schools, school districts, community organizations, non-profits, government entities and foundations. Murphy has worked both as an external consultant and as an internal evaluator as the Director of Assessment and Evaluation for the Perspectives Charter Schools in Chicago, IL and as the Coordinator for the Minnesota Evaluation Studies Institute. In 2013 she was awarded The Michael Scriven Dissertation Award for Outstanding Contribution to Evaluation Theory, Method, or Practice. She is currently President of the Board for TerraLuna Collaborative (<http://www.terralunacollaborative.com/>), the evaluation cooperative she co-founded with colleagues in 2012, and serves as the Program Chair for the Evaluation Use Topical Interest Group of the American Evaluation Association (AEA).

Charmagne E. Campbell-Patton, project co-lead and evaluator, is an evaluation consultant for TerraLuna and Director of Organizational Learning and Evaluation at Utilization-Focused Evaluation. She is committed to supporting organizations working for social justice by embedding evaluative thinking across programs and operations. Charmagne brings a decade of program design, implementation and evaluation experience to this work from across a range of fields, including youth civic engagement, education, environmental justice, youth homelessness and philanthropy. She specializes in qualitative research methods and utilization-focused developmental evaluation. She holds a BA in Political Science from Grinnell College and an MA in International Peace and Conflict Resolution from American University's School of International Service.

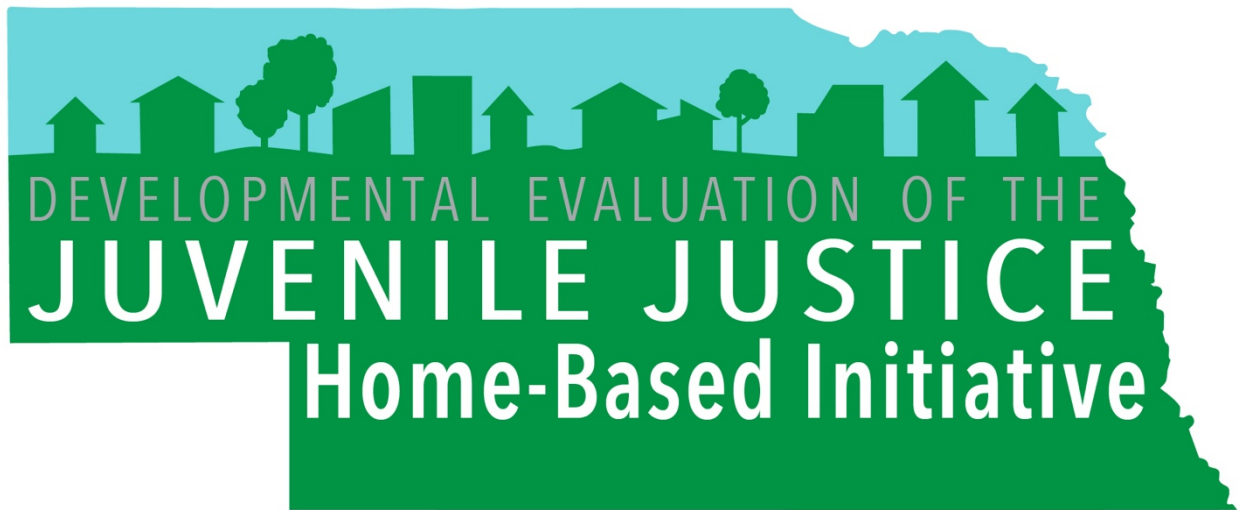
Sandra Hodges, evaluation team member, holds a PhD in Administration, Curriculum, and Instruction from the University of Nebraska at Omaha, an Education Specialist degree in Education Administration with a Superintendent's Endorsement, and a Bachelor of Science degree in Elementary Education. Her professional career includes: elementary school teacher and principal, human resources administrator, and assistant superintendent, all in the Omaha Public School District. In 2005 Hodges was selected as University of Nebraska at Omaha Distinguished Alumni, and in 2011 was awarded an Honorary Doctorate degree by Concordia University.

LaTosha Johnson, evaluation team member, is the founder of Key Integrated Support Services, a community based social service agency dedicated to empowering youth, strengthening families and building strong futures by providing the necessary tools and resources needed to provide total healing through personalized integrated support services. LaTosha was born and raised in Omaha, Nebraska, and is a graduate from the University of Nebraska-Omaha. She specializes in child, youth and family studies. LaTosha has over ten years of experience working in the education and human service field. She began working with youth early on through church, community organizations, mentoring and tutoring. She has worked as a middle school teacher, behavioral science instructor for a non-profit organization as well as a college preparatory instructor for the University of Nebraska in Lincoln. Throughout Nebraska, she has worked as a high school teacher, family support specialist and case manager for at-risk youth and families. LaTosha and her husband are parents to two children, a son and a daughter. She has continued to fulfill her lifelong passion by empowering and strengthening at risk youth in order to enhance the Nebraska community.

Sarah Sevcik, evaluation team member, earned a Master of Public Health (MPH) in community health promotion in 2009 and a Master of Education (M.Ed) in adult education in 2012, and she is currently completing a Program Evaluation Certificate at the University of Minnesota. Sarah teaches undergraduate public health courses at the University of Minnesota and the University of St. Thomas, and she is also a licensed Basic Adult Education teacher for the state of Minnesota. Sarah's interests include the study of environmental, social, and behavioral determinants of health; the intersection of build environment and community health; and holistic and systems approaches to addressing public health concerns and advancing health equity.

Aaryon Williams, the artist-in-residence, brings over 10 years of professional experience as a passionate and versatile artist. Originally from Gary, Indiana, Aaryon relocated to Omaha in 2004. Using basketball as a guide, he attended college as an Art Management major with an interdisciplinary focus on Studio Art. After college, Aaryon was offered his first contract for an international professional basketball league in Iceland. He went on to play with leagues in Mexico, Denmark, and Peru. Global adventures have allowed him to gain greater appreciation for natural detailing and discovering the complexity of fundamental art techniques when capturing realism. Today Aaryon lives in Omaha where he founded FLIYE Arts Company and Productions which focuses on his personal art brand as well as rising artists striving to develop their skills. With his father in mind, Aaryon was able to learn to never lose hope in the value of creativity. He knew that circumstances would always improve if he remained true to himself; to the trade; and to the craft of artistry. "If you can create art, you can survive." - Aaryon's father.

Aaron Olivo, evaluation team member, is a TerraLuna team member using my experience to support the movement towards more art-based evaluation. Particularly in using the arts to help young people engaged with the juvenile justice system share their experience. He is am a licensed Tattoo Artist specializing in custom designs. He donates his time and services to ex-gang members who want to get their tattoos covered and is the owner of Artist Unbound LLC a company that utilizes multiple art forms. He also work with many organizations in the pursuit of helping young people believe in themselves and giving them the tools to succeed. He is a volunteer coach at DG's Boxing Club in Omaha Nebraska.



RETROSPECTIVE DEVELOPMENTAL EVALUATION

Part 1 of the Developmental Evaluation of Juvenile Justice Reform in Nebraska

Prepared for the Nebraska Court Improvement Project

Prepared by TerraLuna Collaborative

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EXECUTIVE SUMMARY

This retrospective developmental evaluation (RDE) of juvenile justice reform in Nebraska explores past milestones and major developments in Nebraska's juvenile justice system. The RDE is intended to inform the Juvenile Justice Home-Based Initiative that is currently being piloted by the Nebraska Court Improvement Project and the Administrative Office of Probation, with funding from the Sherwood Foundation and the William and Ruth Scott Family Foundation. While the focus is on the past ten years of reform, from 2006-2016, some historical background is also provided to offer context for the more recent developments. The RDE is based on a review of documents, including research studies, reports, legislation and news articles and supplemented with information gathered during interviews and listening sessions with over 90 adult stakeholders involved in the juvenile justice system.

History of Reform

After a summary of the roots of the juvenile justice and child welfare systems dating back to the 1900s, this report highlights major milestones in juvenile justice beginning in the 1960s. It explores the implications of major US Supreme Court decisions, national and state legislation, institutional reforms and programs, and major investments and research. Beginning in the late 1970s through the late 1990s, the major trend within the criminal justice system as a whole can be characterized as "tough on crime." The result of this approach was extremely high rates of incarceration of youth and the characterization of certain youth as "superpredators." During this time, Nebraska created the Office of Juvenile Services (OJS) as a separate division of the Department of Correctional Services and its institutions for delinquent youth in Kearney and Geneva were re-named Youth Rehabilitation and Treatment Centers and placed under OJS. Subsequently in 1997, OJS was moved to the Department of Health and Human Services (DHHS). Public and private investments and research in the late 1990s and early 2000s began to turn the tide from punishment to rehabilitation. Research on the unique behavioral and mental needs of youth emerged and programs for addressing these needs became more widespread. Nebraska was not among the early adopters of these reform efforts.

Reform in the Last Decade

Since 2006, juvenile justice reform efforts have ramped up significantly as the move from punishment to rehabilitation became institutionalized more broadly. At this time, the Nebraska DHHS was responsible for abuse/neglect cases as well as high-risk juvenile offenders through OJS, while the Administrative Office of Probation was focused on community supervision of low and moderate risk youth. Early in this period, Nebraska came under fire for its low scores on key child welfare indicators and high rates of youth in detention. The state experimented with privatization of its child welfare system from 2009-2011, while at the same time implemented several efforts aimed at reducing the number of juveniles in detention. None of these reform efforts seemed to be making a dent in the problem, which led to major restructuring of the system from 2012-2014 with the passage of several major pieces of legislation - most notably

LB 561 in May 2013. These reforms transferred responsibility for all delinquent and status offending youth from the Department of Health and Human Services to the Administrative Office of Probation, leaving DHHS to focus on youth impacted by abuse and neglect. It also created the Office of the Inspector General of Child Welfare, with responsibility for independent review of the juvenile justice and child welfare systems. Most juvenile justice stakeholders seem to agree that the transition from DHHS to Probation has been a move in the right direction and the rate of juvenile detention in Nebraska has declined. Nebraska's system has also become more aligned with many of the major trends in juvenile justice reform nationally, including more investment in detention alternatives, trauma-informed care, crossover youth, bias and disproportionate minority contact, and evidence-based practices.

Lessons for Future Reform

Based on a review of historical developments and milestones in juvenile justice, we have identified the following strengths and opportunities, as well as weakness and challenges:

Strengths and Opportunities

Clear commitment to children and youth: Through interviews with key stakeholders and a review of the literature on juvenile justice and child welfare reform in Nebraska, it is clear there is a strong commitment to protecting and serving children and youth. There is also increased attention being paid to juvenile justice reform around the state from the public and from lawmakers.

Increased inclusion and transparency: There seems to be a significant increase in the commitment of stakeholders across the system to engage in transparent assessments and ongoing dialogue to ensure that reforms are having the intended impact.

Alignment with national reform efforts: Beginning with LB 800 in 2010 and ramping up in the aftermath of privatization and the passage of LB 985 and LB 561, Nebraska seems to be catching up with the national tide of reform.

Identification of guiding principles: Given the wide scope of this evaluation and the many initiatives underway, there is an opportunity to identify guiding principles that would bring coherence to this effort while allowing for variation and adaptation across the state.

Challenges and Barriers

High-stakes and short timelines: Since what many deem the “failed” experiment with privatization, reform efforts have been highly public and the stakes quite high. With the welfare of children and youth at stake, this is appropriate. Many of the juvenile justice stakeholders interviewed felt that the increased attention to reform was a very positive trend. Yet with so many of the reforms being driven by the Legislature, which has short term limits and reelections to consider, some stakeholders also suggested there is not always enough time for reforms to take hold before new reforms are passed.

Administrative barriers to effective implementation: One of the results of recent reforms and the transition of responsibility to the Administrative Office of Probation has been adapting the systems and statutes to allow for effective inter-agency coordination. This has caused some challenges and confusion with regards to service providers, payments, vouchers, etc.

Gaps between reform in urban and rural Nebraska: There appears to be frustration from attorneys and judges in Western Nebraska that they are often the last to get services or reforms. Some stakeholders have also suggested that “buy in” to some of the national research remains low among judges and prosecutors in rural areas where services are lacking and the tough on crime mentality may still be the dominant mindset in the community. While some programs have been intentionally piloted in rural districts to explore differing needs of the rural population, there is also often pressure from funders or providers to begin programs in urban areas where there are higher populations of system-involved youth. Furthermore, while statewide efforts are in place, local districts still retain some level of control over how to allocate resources to best meet their unique needs.

Staff turnover: Those working in the child welfare and juvenile justice systems have gone through countless reforms - from privatization to complete restructuring - which have impacted the workforce in myriad ways. High rates of turnover highlight the importance of training for new staff. Those who have stayed may feel traumatized by all of the changes they have experienced and require more support to be effective.

Equity and inclusion: Very little mention was made about equity across race, class, gender or other demographics in the published documentation on juvenile justice reform and stakeholders indicated that disproportionate minority contact remains an issue.

Conclusion

This retrospective developmental evaluation of Nebraska’s Juvenile Justice System reveals a reform movement that has gained significant momentum in the past five years. As the state gained national attention in the mid-2000s for high rates of detention and low scores on major child welfare initiatives, legislators and administrators tried a range of solutions to improve outcomes for children and communities. Some of those efforts, like the attempt to privatize child welfare, failed before they even got off the ground. Others, like investments in Juvenile Detention Alternatives, have shown promising results. Yet the whole picture of reform over the last decade can be characterized as bumpy and uneven. Still, it appears that the road may be getting smoother with increased transparency and coordination among agencies. Initiatives like the Juvenile Justice Home-Based Initiative have significant potential to fill some clear gaps in the system, but are also facing significant barriers, including high-stakes, short-timelines for results, workforce challenges and a significant urban and rural divide. There are also a lot of initiatives happening simultaneously, which can lead to confusion and challenges coordinating and communicating across efforts.

INTRODUCTION

This document is a retrospective developmental evaluation (RDE) of juvenile justice reform in Nebraska. An RDE is intended to identify major milestones and developments that have happened in the past to draw lessons for the future. This RDE explores past milestones and major developments in the juvenile justice and child welfare systems in Nebraska to help inform the Juvenile Justice Home-Based Initiative that is currently being piloted by the Court Improvement Project and the Administrative Office of Probation with support from the Sherwood Foundation and the William and Ruth Scott Family Foundation. While the focus is on the past ten years of reform, from 2006-2016, some historical background is also provided to offer context for the more recent developments.

This RDE is based primarily on a review of documents, including research studies, reports, legislation and news articles. Whenever possible, the perspectives of stakeholders working in the juvenile justice system are also included, based on interviews and listening sessions with over 90 stakeholders in the juvenile justice system. This RDE serves as a baseline for developments and reforms going forward, but is not fixed.

HISTORICAL BACKGROUND

The Roots of Juvenile Justice and Child Welfare in the United States

The juvenile justice system in the United States dates back to the nineteenth century, when a growing recognition that delinquent children and youth should not be treated the same as adult criminals led to the creation of houses of refuge for troubled juveniles around the United States. In Nebraska, the state established the Youth Rehabilitation and Treatment Center (YRTC) in Kearney in 1879. Two years later, the facility began treating both boys and girls. A separate girls only facility opened in 1892 in Geneva, Nebraska.

At the end of the century, the first juvenile court was established in Chicago in 1899. According to the American Bar Association, “the idea quickly caught on, and within twenty-five years, most states had set up juvenile court systems.”¹ During this period, the approach to juvenile justice was focused on rehabilitation, but did give courts the option to remove juveniles from their home and place them in detention if deemed necessary. In Nebraska, the first juvenile court was not founded until 1959 in Douglas County.²

The formal child welfare system is generally traced back to the Great Depression with the creation of the Aid to Dependent Children (ADC) program under the Social Security Act of 1935. Prior to this time, most services for children and youth, such as orphanages, were provided by

¹ American Bar Association. (n.d.). *The history of the juvenile justice system*. ABA Division for Public Education: Dialogue on Youth and Justice, p.5.

² Voices for Children in Nebraska. (2011). *Juvenile justice history 101*.

private entities and nonprofit organizations. According to social worker Douglas Falconer, many children in need were left “untouched” by these agencies. When the Depression hit, many of these organizations went out of business, leaving an even bigger gap in services for children in need.³

The development of child welfare in Nebraska mirrored the trend across the nation. According to Voices for Children, “the first efforts to provide for vulnerable children and youth in Nebraska were led by private charitable entities,” including Child Saving Institute (1892), Nebraska Children's Home Society (1893), and Boys Town (1917).⁴ In 1935, Nebraska began providing services to children under the ADC, though “there was still no coordinated and comprehensive effort to address child safety.”⁵

Major Developments in Juvenile Justice & Child Welfare: 1960-2000

Extending Children’s Rights and Protections

In the 1960s, several major decisions by the United States Supreme Court, along with significant pieces of national legislation, served to extend the rights and protections awarded to children and youth. In 1966, the US Supreme Court heard the case of *Kent v. United States*, in which a 14 year old was tried as an adult because he was seen as beyond rehabilitation. The majority ruling in *Kent* called out the shortcomings of the juvenile court, asserting that “the child receives the worst of both worlds [in juvenile courts]: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children.”⁶ The following year, another significant decision by the US Supreme Court in the case of *In re Gault* held that youth in the juvenile system had the same rights guaranteed to adults accused of crimes, including the right to due process, the right to legal counsel and the right against self-incrimination.⁷

In 1974, the Child Abuse Prevention and Treatment Act (CAPTA, Public Law 93-247) provided the first requirement for states to establish child abuse reporting procedures and investigation systems. All states established mandatory reporting legislation around this time. According to Voices for Children, “CAPTA created a significant pendulum swing toward removal of children from their families and created a significant increase in the number of children being placed in foster care.”⁸ Four years later, the Indian Child Welfare Act (ICWA, Public Law 95-608) was enacted in response to the high percentage of the Native American population that was being removed from their families and placed in foster care. ICWA required that all child welfare proceedings involving a Native American child must be heard in tribal courts if possible and that tribes have a right to intervene in state court proceedings. It established a clear priority for

³ Voices for Children in Nebraska. (2011). Child welfare’s evolution: Nationally and in Nebraska.

⁴ Ibid.

⁵ Ibid

⁶ *Kent v. United States*, 383 U.S. 541 (1966).

⁷ *In re Gault*, 387 U.S. 1, 20 (1967)

⁸ Voices for Children in Nebraska. (2011). Child welfare’s evolution: Nationally and in Nebraska.

placement of Native American children with Native American relatives and families.

From Rehabilitation to Punishment

Over the same period the rights and protections of children and youth were being enshrined in law, the national crime rate “sharply increased” and the focus on rehabilitation was called into question. In response, “the federal government and many states turned to offense-based sentencing policies and embraced more punitive measures.”⁹ New structures were put in place to address the increasing safety concerns of communities around the country.

In Nebraska, the Governor's Crime Control Commission was created in 1967 “to develop comprehensive plans and coordinate activities related to the improvement of criminal justice administration among state and local agencies.” The name was later changed to the Nebraska Commission on Law Enforcement and Criminal Justice and became an agency of state government.¹⁰ In 1971, the Nebraska Legislature passed LB 680, “which provided for administration of probation in district, county, and juvenile courts, except for the separate juvenile courts; created the Office of Probation Administration and outlined the office’s duties; created the Field Probation Service and outlined its duties as well as the procedures for discharging offenders from probation; and provided a mechanism for the supervision of offenders through the Interstate Compact.”¹¹

In 1974, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) was founded as a result of the Juvenile Justice and Delinquency Prevention (JJDP) Act.¹² Nebraska’s Governor and Legislature authorized Nebraska’s participation in the federal JJDP Formula Grant Program in 1981, though it would take nearly twenty years for the state to come into compliance with JJDP requirements in order to be eligible for funds. While Nebraska was not alone in taking time to meet all of the requirements, it was markedly behind the majority of states at the time of authorization in 1981.¹³

Superpredators

The national shift toward punishment continued through the 1980s and 1990s, during which

⁹ Lipsey, M.W. et al. (2010). *Improving the effectiveness of juvenile justice programs: A new perspective on evidence-based practice*. Center for Juvenile Justice Reform. Georgetown University: Georgetown Public Policy Institute, p.7

¹⁰ Nebraska Crime Commission. (n.d.). *Overview*. Nebraska.gov.

¹¹ State of Nebraska Judicial Branch. (2016). *History of Nebraska probation system*.

¹² Office of Juvenile Justice and Delinquency Prevention. (2002). *Juvenile justice and delinquency Prevention*. U.S. Department of Justice Programs.

¹³ United States Department of Justice. (1981) *Second Annual Report of the Justice System*, p. 23. As of 1981, only six states did not participate in JJDP (Hawaii, Nevada, North Dakota, Oklahoma, South Dakota, and Wyoming); Of the remaining states and territories, Nebraska was one of only two that did not show at least a 75% reduction in the numbers of status offenders and non-offenders held in detention; one of only four that did not show demonstrated progress in separating juveniles from adults in jails, detention facilities, and correctional facilities but only 19 of the 51 states and territories had demonstrated full compliance with the Act's separation provision.

time the “tough on crime” mentality pervaded public policy and public opinion. It became easier and more common to try juveniles as adults and the protection of due process for juveniles became more limited. In 1995, John Dilulio, professor of politics and public affairs at Princeton University, created and popularized the concept of “superpredators”, or “radically impulsive, brutally remorseless youngsters...who murder, assault, rape, rob, burglarize, deal deadly drugs, join gun-toting gangs, and create serious communal disorders.”¹⁴ This term was followed by a prediction that a new wave of violence was likely due to the increasing population of youth in the United States. These warnings in the context of the war on drugs and a general tough on crime mentality in the 1990s resulted in significant increases in youth detention. According to one stakeholder, the approach to youth picked up was more of an “interrogation or a nail them, trail them, jail them kind of philosophy.” According to the OJJDP, “the daily number of committed youth held in public and private facilities increased 28% between 1991 and 2003, with the increase far greater in private than in public facilities.”¹⁵ There was also a rise in school-resources officers, which has been linked to the creation of a school-to-prison pipeline. According to the U.S. Department of Justice, the number of school resource officers increased 38 percent between 1997 and 2007.¹⁶

Racial Disparities and Disproportionate Minority Contact

Racial disparities in the juvenile justice system were also significant during this period. In 1988, “amendments to the JJDP Act authorized OJJDP to require States participating in the program to address disproportionate minority confinement (DMC) in their State juvenile justice and delinquency prevention plans.”¹⁷ Further amendments to the JJDP Act in 1992 made DMC a “core requirement” and tied grant funds to State compliance. As DMC received more attention and research dollars, it became clear that the problem was not simply disparities in rates of confinement, but touched on all parts of the juvenile justice system. For example, in 1995 “the black juvenile arrest rate was more than double the rate for whites.”¹⁸ One stakeholder recalled, even up until 20 years ago, when conducting work around disproportionate minority contact, the court system expressed that the racial disparity rates were just numbers: “It meant nothing to them. But these numbers are our kids. They were like, no, it’s just numbers. They totally dismissed it.”

In 2002, Congress expanded the DMC core requirement from “confinement” to “contact,” but the “purpose of the core requirement remains the same: to ensure equal and fair treatment for every youth in the juvenile justice system, regardless of race and ethnicity.”¹⁹

¹⁴ Bennett, W.J., Dilulio, J.J. & Walters, J.P. (1996). *Body count: Moral poverty...and how to win America's war against crime and drugs*. New York City, NY: Simon & Schuster.

¹⁵ Office of Juvenile Justice and Delinquency Prevention. (2007). *Juvenile offenders and victims: 2006 national report*.

¹⁶ Justice Policy Institute. (2011). *Education under arrest: The case against police in schools*, p.1

¹⁷ Slowikowski, J. (2009). *Disproportionate minority contact*. Office of Juvenile Justice and Delinquency Prevention. U.S. Department of Justice.

¹⁸ Models for Change. (2006). *National statistics: System snapshot*. National Center for Juvenile Justice.

¹⁹ Slowikowski, J. (2009). *Disproportionate minority contact*. Office of Juvenile Justice and Delinquency

Major Investments and Initiatives Turn the Tide

Public Investments and Institutions

In the face of increasing rates of juvenile incarceration, the Nebraska Juvenile Services Act was created in July of 1990 with the passage of LB 663. The Act was designed to assist communities in providing programs and services that create alternatives to incarceration for juveniles in the justice system. In July of 1992, responsibility for administration of the Juvenile Services Act was transferred to the Crime Commission via LB 447.²⁰ Two years later, LB 988 created the Office of Juvenile Services (OJS) within the Department of Corrections. The director of OJS was a direct gubernatorial appointee with an independent budget. OJS “managed both children made wards of the state for law violations and Nebraska’s two youth prisons the Youth Residential Treatment Centers at Kearney and Geneva.”²¹ Then, in 1997, OJS was moved to the Department of Health and Human Services (DHHS), “ending the YRTC’s 23-year relationship with the Department of Correctional Services.”²²

In 1993, the United States Congress passed the State Court Improvement Program (CIP) as part of the Omnibus Budget Reconciliation Act (OBRA) which funded, among other things, States to conduct assessments of their judicial processes in juvenile cases and develop and implement a plan for system improvement.²³ Nebraska’s Court Improvement Project began in 1995 and was managed by the University of Nebraska-Lincoln Center on Children, Families, and the Law.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) began investing in prevention efforts through its Community Prevention Grants program in 1994. These funds, commonly referred to as Title V funds, focused on “reducing risks and enhancing protective factors to prevent youth from entering the juvenile justice system.”²⁴ According to an OJJDP report, “by the end of 1997, 477 communities in 49 States, 5 Territories, and the District of Columbia had received Community Prevention Grants program subgrants and had served more than 100,000 youth.”²⁵

Eligibility for receiving OJJDP funding was determined by compliance with the following requirements of the JJDP Act: a) removal of status and non-offenders from secure detention facilities; b) separation of adult and juvenile offenders throughout incarceration; and c) removal of juveniles from adult jails and lockups. Additionally, the state was required to collect and

Prevention. U.S. Department of Justice.

²⁰ Nebraska Coalition for Juvenile Justice. (2007). *2006 annual report to the governor and Nebraska legislature*. The Nebraska Commission on Law, p.8

²¹ Voices for Children in Nebraska. (2011, November 15). *Chapter 1: Child welfare evolution: Nationally and in Nebraska*. Health and Human Services Committee LR 37 Report.

²² Voice for Children. (2012). Issue Brief: Nebraska’s Youth Rehabilitation and Treatment Centers.

²³ Nebraska Court Improvement Project. (2015). *About*.

²⁴ Office of Juvenile Justice and Delinquency Prevention. (1998). *Title V: Community prevention grants program*. U.S. Department of Justice.

²⁵ *ibid*

analyze data to identify and address any disproportionate numbers of minority youth at specific decision points throughout the juvenile justice system.

In Nebraska, Title V funds were administered by the Nebraska Crime Commission. An evaluation of the Nebraska Title V program in 2003 found it to be “insufficient.”²⁶ Despite hiring a juvenile justice specialist in 1999 to support the program, the report found that “state officials were more focused on other juvenile justice issues such as corrections.”²⁷

In April 1998, the Nebraska Legislature passed LB 1073, which brought the state into compliance with these requirements. It also made the state eligible for the Act’s “Rural Exception,” which “allows adult jails and lockups in rural areas to securely detain juvenile criminal offenders (misdemeanants and felons) awaiting initial court appearance for up to 48 hours, excluding holidays and weekends. The juveniles must be sight and sound separated from adult detainees.”²⁸ The same year, the Nebraska Juvenile Justice Task Force was created with passage of LB 1073. The purpose of the Task Force was to determine the “future legislative and executive actions necessary to address gaps in the organization and delivery of juvenile services. The Task Force presented numerous recommendations in the “Nebraska Juvenile Justice Task Force Report” to the legislature and the Governor in December, 1998. The state also failed to offer adequate training to communities implementing programs. In 2000, the Nebraska Coalition for Juvenile Justice was established to advise on state and federal juvenile justice grant funds received by the Nebraska Crime Commission.”²⁹

According to one stakeholder, during this time the Nebraska Crime Commission was also managing the Juvenile Accountability and Incentive Block Grants (JABG), “to bring more of a restorative justice victim offender mediation model to the juvenile justice system.” This stakeholder went on to describe how, “in the 1990s, the Crime Commission, JABG, restorative justice initiative were planting the seeds. They were the same ideas, same projects that we’re doing now. We planted the seeds in Nebraska in the mid ’90s. There was interest. However, there just wasn’t, I don’t know, the political will or the individual desire of county attorneys and others to use victim offender conferencing and other restorative practices. And so here we are twenty years later and it’s like a slow growing oak tree. You plant the acorn and it takes a while before things take root and come forward.”

Private Investments

In response to the general emphasis on detention and punishment in the juvenile justice system in the 80s and early 90s, The Annie E. Casey Foundation launched the Juvenile

²⁶ National Criminal Justice Reference Service. (2006). National Evaluation of the Title V Community Prevention Grants Program—Nebraska. Chapter 4: Nebraska.

²⁷ Ibid, p.89

²⁸ Nebraska Coalition for Juvenile Justice. (2007). *2006 annual report to the governor and Nebraska legislature*. The Nebraska Commission on Law, p.7

²⁹ Nebraska Coalition for Juvenile Justice. (2014). FY 2013/2014 annual report to the governor & Nebraska legislature.

Detention Alternatives Initiative (JDAI) as a pilot project in 1993.³⁰ This initiative was one of the earliest private investments in juvenile justice reform nationally and has been implemented in 300 counties nationwide and has been shown to have significantly reduced detention rates of juveniles.

A decade later in 2004, the MacArthur Foundation launched its Models for Change as a multi-state initiative working to guide and accelerate advances to make juvenile justice systems more fair, effective, rational and developmentally appropriate. Models for Change supports a network of government and court officials, legal advocates, educators, community leaders, and families working together to ensure that kids who make mistakes are held accountable and treated fairly throughout the juvenile justice process.³¹ Nebraska was not a focus of this initiative.

In a 2008 report on the state of Juvenile Justice Reform, the National Juvenile Justice Institute called attention to the importance of these private investments in shifting the tide of reform: “The large scale investments in juvenile justice reform made by the John D. and Catherine T. MacArthur Foundation through its Models for Change project and by the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative have been instrumental in reformulating our dialogue about youth crime. Their leadership and vision in moving our country toward the more humane treatment of youth deserves all of our praise.”³²

REFORM IN THE 21ST CENTURY

From Punishment to Rehabilitation

One of the results of the investments of the 1990s and early 2000s was increased funding for research on juvenile justice. Research emerged that raised new concerns about the treatment of juveniles given new insights into adolescent brain development. According to the National Juvenile Justice Network:

“Research has consistently pointed out the problems with treating children as adults and how transfers into the adult system that were intended to decrease violence have in fact had the opposite effect. Recent advances in brain research has provided the scientific evidence for what we have always intuitively known: young people’s brains are still developing and maturing throughout adolescence, which makes them more likely to act impulsively, to take risks and to submit to peer pressure at times when emotions are running high. Young people need support from adults and opportunities for rehabilitation and redirection.”³³

³⁰ The Annie E. Casey Foundation. (2016). Juvenile detention alternatives initiative.

³¹ Models for Change. (n.d.). About. Models for change: Systems reform in juvenile justice.

³² Balck, A. (2009). *Advances in juvenile justice reform: 2007-2008*. Washington, D.C.: The National Juvenile Justice Network.

³³ Gainsborough, J. (2008). *Advances in juvenile justice reform: 2006-2007*. Washington, D.C.:

In an interview with one juvenile justice stakeholder, they emphasized the importance of distinguishing juvenile from adult court: “Juvenile court is not adult criminal court. It’s different for a reason and that’s for rehabilitation. And that’s the point and philosophy of juvenile court, not punishment.” Furthermore, Dilulio’s predicted explosion of youth violence never materialized. In fact, juvenile crime rates declined in the decade following that prediction.³⁴

In March 2005, the Supreme Court declared unconstitutional in *Roper v. Simmons* the execution of offenders under the age of 18 at the time of the offense. Nebraska had already excluded juvenile offenders from the death penalty in 1982³⁵, but this decision was a significant milestone for juvenile justice reform nationally, and evidence of the turning tide towards rehabilitation over punishment.

A 2006 report by OJJDP demonstrated that the number of youth in detention had decreased “for the first time in a generation.”³⁶ A stakeholder reported that motivational interviewing was introduced around this time as a new approach to interacting with system-involved youth. This approach emphasized interviewing youth rather than interrogating them, and was in opposition to the former “tough on crime” mentality. The same year, the National Juvenile Justice Network produced its first compilation of advances in the juvenile justice field for the preceding twelve months. While Nebraska was not mentioned, national trends showed improvements in many areas of juvenile justice including DMC: “the degree of racial disparity in the juvenile justice system declined between 1995 and 2004 at three decision points: arrest, detention, and waiver to criminal court.”³⁷ Still, DMC continued to be a significant concern in the movement for juvenile justice reform, as evidenced by the establishment of the DMC Action Network in 2007. This network, funded by the MacArthur Foundation, was intended to raise awareness and engage in advocacy around DMC nationally.

Identifying Gaps in Nebraska’s Services for Children & Youth: A Baseline

In Nebraska at the beginning of the 21st century, the Department of Health and Human Services (DHHS) was responsible for children who were made state wards, which included anyone facing abuse or neglect as well as high-risk juvenile offenders who were placed out of their homes or who needed services that were not available unless they were made state wards. The

The National Juvenile Justice Network.

³⁴ National Conference of State Legislatures. (2012). *Trends in juvenile justice state legislation. 2001-2011*; Office of Juvenile Justice and Delinquency Prevention. (2007). *Juvenile offenders and victims: 2006 national report*.

³⁵ Kelly, B. (2013). History not on the side of death penalty repeal in Nebraska. NET News.

³⁶ Office of Juvenile Justice and Delinquency Prevention. (2007). *Juvenile offenders and victims: 2006 national report*.

³⁷ Adams, B., & Puzzanchera, C. (2007). *Juvenile Justice System: A National Snapshot*. Pittsburgh, PA: National Center for Juvenile Justice.

Administrative Office of Probation was responsible for only the lower-risk youth who were not in need of services and could be safely supervised in their homes.

In 2002, the Child and Family Services Review (CFSR) conducted its first assessment of Nebraska's child welfare system – those youth who were state wards and served by the DHHS. That assessment found that the “state did not achieve substantial conformity with any of the seven safety, permanency, and well-being outcomes.” When the assessment was repeated in 2008, the state again did “not achieve substantial conformity with any of the seven CFSR outcomes....but did achieve overall ratings of Strength for the individual indicators pertaining to repeat maltreatment (item 2), foster care reentry (item 5), placing children in close proximity to their parents (item 11), and placement with siblings (item 12).”³⁸ While Nebraska was not alone in receiving low ratings on this assessment, its failure to improve on several of the ratings over that six year period sparked significant attention and calls for reform. It is important to note this assessment is focused on child welfare outcomes and did not address juvenile justice-related outcomes such as community safety and recidivism. It looked at those youth who were state wards, which included abuse/neglect cases and high-risk youth in out-of-home placement. It did not look at youth served by Probation.

In the spring of 2005, the Nebraska Legislature passed LB 193, now Nebraska Statute 43-2404.02, which transferred the administration of the County Juvenile Services Aid Program from Health and Human Services/Office of Juvenile Services to the Nebraska Crime Commission. The intent of the program was to provide resources to counties for identified needs in their comprehensive community juvenile services plans.

That same year, Nebraska Chief Justice John Hendry directed that CIP initiate a statewide implementation of best court practices based on the National Council of Juvenile and Family Court Judges (NCJFCJ) Resource Guidelines. The initiative, which grew to be named the *Through the Eyes of the Child Initiative*, was launched the following year at Nebraska's first Children's Summit focused on “Improving the Court System for Abuse/Neglect and Foster Care Children,” which was attended by over 200 stakeholders in the child welfare system.

The following year, the Nebraska Court Improvement Project released an assessment of the Nebraska court system in which they found: “across the board improvement in the overall satisfaction of survey respondents regarding all aspects of the court system.”³⁹ This assessment included both child welfare and juvenile justice cases, with a focus on abused and neglected children. Specific areas of strength included providing consistency to families with one judge hearing their case (except for in some rural jurisdictions), the quality of judges in the separate juvenile courts, the training of court staff (in all but Lancaster county), and the availability of new resources and programs such as Court Appointed Special Advocate (CASA) program and

³⁸ Nebraska Department of Health and Human Services. (2009). *2008 child and family review summary*.

³⁹ Weisz, V. (2006). Nebraska court improvement project: 2005 reassessment of court and legal system for child abuse and neglect and foster care. University of Nebraska Lincoln. Center of Children, Families and the Law, p.6

the use of Family Group Conferencing (FGC). Finally, the report found “increased local collaboration and communication between the Court and the Health and Human Services Agency across the state, and especially in the communities where there is a Separate Juvenile Court.”⁴⁰

However, the weaknesses found in the report included shortcomings in Nebraska law, which included just the minimum requirements with no penalties for non-compliance, as well as confusion over standards for the time allowed for children to be in state custody before receiving necessary services. The report also pointed out that hearings are often shorter than they should be and do not address all the critical issues. Notably, the report found that “Alternatives to out-of-home placement are presented only half the time. Placement with or visitation with siblings are presented only half the time. Placement with relatives is presented only half the time. Identification of noncustodial parent and identification of potential Indian Child Welfare Act (ICWA) status is presented only about half the time. Finally, the availability of voluntary services for parents is presented only half the time.”⁴¹ Other issues called out by the report are the failure to notify foster parents of proceedings, deficiencies in the guardian ad litem services and representation in general, long time-frames for judicial decisions and frequent constituencies, low rates of placement with relatives/kinship, and delays in permanency placements.

Also in 2006, the Nebraska Coalition for Juvenile Justice released a report in which it highlighted its major activities and accomplishments.⁴² As a useful baseline for this retrospective, the report identified trends from county assessments. According to the report, the most common needs and strategies identified in the county plans were:

- Need for short term holding options
- Need for graduated sanctions for probation & OJS youth
- Underage drinking
- Truancy
- Need for parenting support(s)
- Need for mental health services for youth and families
- Data collection/reporting issues
- Varying levels of knowledge/training about the juvenile justice system and resources available
- Increasing number of girls in the juvenile justice system
- Varying levels of system communication and collaboration

The report also identified the following as the most common strategies used by counties:

- Maintain/Enhance existing community programs
- Diversion

⁴⁰ Ibid, p.5

⁴¹ Ibid, p 6

⁴² Nebraska Coalition for Juvenile Justice. (2007). *2006 annual report to the governor and Nebraska legislature*. The Nebraska Commission on Law.

- After-school programs
- Mentoring
- Graduated Sanctions (Electronic monitoring, tracking, mediation)
- Wraparound
- Substance abuse prevention/treatment
- Mental health/day treatment
- Juvenile assessment centers/concept
- Structured youth and/or family activities

This list provides a baseline for comparison of the focus of reform efforts in the juvenile justice system ten years ago. While the language of evidence-based and home-based services is not in use at this time, the idea of “wraparound” services and treatment options lays the foundation for what would become the juvenile justice home-based service initiative ten years later.

Around this time, Nebraska was receiving national attention for having one of the highest rates of youth out of home and too many kids per capita as state wards. One of the problems with the way the data were reported in Nebraska was that DHHS was responsible for both abuse/neglect and delinquent youth. One stakeholder described the difference this way:

“Nebraska was the only state that the child welfare and juvenile justice systems were combined. Other states’ data did not include any delinquent youth in the data as they were supervised by a separate entity. At the time, delinquent youth were supervised by DHHS/OJS through the lens of child welfare. Policies and practices were developed for child welfare populations and applied in the same fashion to justice youth. Square peg in a round hole.”

Thus in 2006, Nebraska had the third highest rate of juvenile detention in the nation after the District of Columbia and Alaska.⁴³ According to a page from the Nebraska Department of Health and Human Services from 2006, “Nebraska has one of the nation’s highest per capita state ward populations. Nationally, children in foster care use mental health services at a rate up to 15 times higher than other children in the Medicaid system.”⁴⁴

Based on these findings, the period from 2005-2006 can be characterized as a time when the state and nation were taking a close look at the child welfare and juvenile justice systems in Nebraska and finding significant room for improvement.

Nebraska’s Safe Haven Crisis

In 2008, Nebraska became the last of the 50 states to create a Safe Haven law, which allows parents to hand over custody of a child to the state without prosecution. Legislator Rich Pahls,

⁴³ Office of Juvenile Justice and Delinquency Prevention. *Census of Juveniles in Residential Placement: 1997-2013*. In 2006, the rate of detention in Nebraska was 173 for every 100,000 juveniles.

⁴⁴ Nebraska Department of Health & Human Services. (2013). Nebraska Medicaid program current initiatives. Children’s mental health and substance abuse statewide infrastructure grant (SIG).

in introducing the measure to the Legislature’s Judiciary Committee, said, “The purpose of this legislation is to provide distressed parents a way to anonymously leave a child in a safe place rather than abandoning the child in a place that could lead to harm or death of the child.”⁴⁵ Unlike other states, Nebraska’s law described the safe haven for a “child” (up to age 18), rather than determining a specific age range. To the surprise of much of the public and officials, within months of the law going into effect, over thirty children - many of whom were teenagers - were dropped off at hospitals. According to a report by Voices for Children, “Recognizing a window left open in Nebraska’s safe haven policy without an age limit, families relinquished 36 children to the state’s custody - 34 of whom had received prior mental health treatment.”⁴⁶ The actions by many parents and caretakers “highlighted what child welfare experts say is a widespread shortage of public and private aid, especially mental health services, for overstressed families and teenagers — a shortage that is likely to worsen in the current economic crisis as state governments cut budgets.”⁴⁷ In November of that same year, the legislature revised the law, by providing an age limit of 30 days old. However, “parents who had used the law and children’s rights groups begged the Legislature not to lower the age limit, saying the safe-haven statute was the only resource for desperate families.”⁴⁸

One result of this safe haven “crisis” was increased attention to the gap that had been previously identified by DHHS that too many young people do not have access to necessary services unless they become state wards. A 2013 *Journal Star* article reflecting on the crisis stated that “the avalanche of abandoned children had revealed inadequate services in Nebraska and other states for families struggling to raise troubled youngsters.”⁴⁹ The New York Times reported that Nebraska was not alone in this phenomenon- rather, it was a national problem: “The abrupt handovers in Nebraska are striking examples of an ongoing, more orderly phenomenon that exposes the shortage of psychiatric help for children. A 2003 report by the General Accounting Office, compiling responses from only 19 states and 30 counties, found that 12,700 children in one year had been placed in child welfare or juvenile justice systems simply so they could receive mental health care.”⁵⁰

Access to Services Drives Further Reforms

Over the next several years, several reports and events called attention to significant gaps in services for system involved youth. Some of those initiatives are highlighted below.

⁴⁵ O’Hanlon, K. (2013, January 31). 5 year later, Nebraska patching cracks exposed by safe-haven debacle. *Lincoln Journal Star*.

⁴⁶ Voices for Children in Nebraska. (2012). *Annual report 2011*.

⁴⁷ Eckholm, E. (2008, November 21). Nebraska revises child safe haven law. *The New York Times*.

⁴⁸ O’Hanlon, K. (2013, January 31). 5 year later, Nebraska patching cracks exposed by safe-haven debacle. *Lincoln Journal Star*.

⁴⁹ Ibid.

⁵⁰ Eckholm, E. (2008, November 21). Nebraska revises child safe haven law. *The New York Times*.

Community-Based Services for Status Offenders

In 2008, the MacArthur Foundation's Models for Change Initiative published a report called *Making Court the Last Resort: A New Focus for Supporting Families in Crisis*. This report focused on research on the gaps in access to services for parents struggling with delinquent youth. The report found that often these “status offenders” would be referred to juvenile court, where they were often subject to the same punishments as juveniles charged with criminal activity. This report marked a new paradigm for “status offenders,” in which at-risk youth and their families were referred to community-based services and juvenile courts were used as a last resort. The report highlights reforms in Florida, New York, and Connecticut as models of this movement. While Nebraska was not included in this initiative, it is helpful to gain a more complete picture of the national landscape of reform and how Nebraska fits into that picture.

Insufficient Indigent Defense

In 2009, the National Juvenile Defender Center found significant gaps in access to quality legal representation for system-involved youth. The report asserted that “while assessment team investigators observed examples of model practices and effective defense advocacy, as in many other states, Nebraska’s juvenile justice system has deep-rooted systemic and practice deficiencies that impede the delivery of fair and balanced outcomes to system-involved youth. Many of Nebraska’s own judges, defense attorneys, county attorneys, probation officers, policy makers, detention center staff, and others expressed concerns about the quality of defense representation that Nebraska’s youth receive.”⁵¹

Services for Runaway and Homeless Youth

At the national level, the reauthorization of the Runaway and Homeless Youth Act (RHYA) by Congress in 2008 followed this trend of ensuring access to services for youth without requiring they become state wards. Previously Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, RHYA provided community-based emergency and residential services to homeless and unaccompanied youth, many of whom are at risk of juvenile justice system involvement and detention because of their runaway status. The reauthorization increased authorizations for runaway and homeless youth programs administered by the U.S. Department of Health and Human Services, extended the time a youth could stay in emergency or transitional living programs, and made public entities eligible to receive funds from the program.⁵²

In Nebraska, five agencies receive funding for RHYA programs: Boys Town (Grand Island), CEDARS (Lincoln), Nebraska Department of Health and Human Services (Lincoln), Community Action Partnership of Western Nebraska/Panhandle Community Services (Gering), and Youth Emergency Services (Omaha).⁵³ Following national reauthorization in 2008, Nebraska

⁵¹ Beck, J., Puritz, P., & Sterling, R.W. (2009). Juvenile legal defense: A report on access to counsel and quality of representation for children in Nebraska. National Juvenile Defender Center.

⁵² Balck, A. (2009). *Advances in juvenile justice reform: 2007-2008*. Washington, D.C.: The National Juvenile Justice Network.

⁵³ Nebraska Appleseed. (2012) Homeless After Foster Care: young Vulnerable and On Their Own.

introduced LR167 to study the issue of homeless youth in the state.⁵⁴ The bill was referred to the Health and Human Services Committee and Education Committee in May 2009 but was never passed.

Crossover Youth Practice Model

In 2010, Georgetown University's Center for Juvenile Justice Reform developed an evidence-based model for meeting the needs of youth involved in both the child welfare and juvenile justice systems. The Crossover Youth Practice Model (CYPM) model "focuses on a reduction in the number of youth crossing over and becoming dually-involved; a reduction in the number of youth placed in out-of-home care; a reduction in the use of congregate care; and a reduction in the disproportionate representation of youth of color, particularly in the crossover population." In Nebraska, CYPM was piloted in the Administrative Office of Probation's Juvenile Services Division. CYPM has been active in Nebraska since 2012, beginning in Douglas County.

RETHINKING JUVENILE DETENTION

As noted previously, attention was being drawn to the high rate of detention in Nebraska as early as 2006, but this was reflective of a national trend calling into question the practice of juvenile detention more broadly. A 2008 report from the National Juvenile Justice Network highlights "a swelling wave of acknowledgement that institutionalizing youth in large facilities, far from their families and communities, is harmful to children and public safety and gives the state a poor return on the dollar."⁵⁵ As a result of this increased attention, the report goes on to note, "States are closing down large facilities, diverting youth away from detention, establishing smaller, more therapeutic placements, and keeping youth at home under community supervision." Changes in sentencing and adjudication were also noted, with many states "giving discretion back to juvenile court judges, removing mandatory transfer and sentencing laws, and following Connecticut's example in moving towards raising their age of juvenile court jurisdiction to eighteen. States are also returning to the original promise of the juvenile court by improving their indigent defense systems, juvenile confidentiality protections, and treatment of juvenile sex offenders."⁵⁶

The Interstate Commission for Juveniles was federally enacted the same year, on August 26, 2008, replacing a compact previous compact dating back to 1955. "The Juvenile Interstate Compact was developed to assist in the safe return of runaways to their homes, and juveniles on probation and parole are supervised while residing in other states."⁵⁷ Nebraska became signatory to the new compact in August 2009 under Rev. Stat. § 43-1011. Nebraska was the 37th state to join the new juvenile compact, which assured the welfare and protection of

⁵⁴ National Conference of State Legislatures. (2016) *Homeless and Runaway Youth*.

⁵⁵ Ibid.

⁵⁶ Balck, A. (2009). *Advances in juvenile justice reform: 2007-2008*. Washington, D.C.: The National Juvenile Justice Network.

⁵⁷ State of Nebraska Judicial Branch. (2016). *History of Nebraska probation system*.

juveniles who cross state lines.

In February 2010, OJJDP released a report on the status of Juveniles in Residential Placement from 1997–2008. The report found that while “declines in state residential placement rates were widespread across the country,” Nebraska’s rate was unchanged. The residential placement rate was among the top ten highest in the country. That same year, The Annie E. Casey Foundation released a status report on its Juvenile Detention Alternatives Initiative (JDAI), indicating that 86 JDAI sites had collectively reduced their average daily population of youth in secure detention by 42 percent. Further findings indicated that “these reductions were notably broad-based, with over 60 percent of sites achieving reductions of one third or more. Much of the reduction in detention has been among youth of color: JDAI sites detained 1,489 fewer youth of color on an average day in 2010 than they did prior to JDAI, a decrease of 39 percent. Sites have achieved these reductions while improving public safety, reporting decreases in indicators of delinquency that average more than 29 percent. JDAI sites also placed 37 percent fewer adjudicated youth into state custody in 2010 than they did prior to implementing JDAI. JDAI sites have achieved significant cost savings by closing detention facilities and avoiding the construction of new or expanded facilities.”⁵⁸ Nebraska had yet to implement JDAI.

The following year, a watershed decision by the US Supreme Court declared life without parole unconstitutional for youth who did not commit homicide. In *Graham v. Florida*, the majority opinion found the punishment to be cruel and unusual and stated that youths’ developing brains make it impossible to determine if they are beyond rehabilitation.⁵⁹ With this decision, the Court furthered the movement away from punishment to rehabilitation. Two years later, the US Supreme Court took this decision one step further, finding that “the Eighth Amendment forbids a sentencing scheme that mandates life in prison without possibility of parole for juvenile homicide offenders.”⁶⁰ In response, the Nebraska Legislature passed LB 44 in September 2013 which brought Nebraska into compliance with the U.S. Supreme Court’s ruling in *Miller v. Alabama*. Under LB 44, mandatory sentencing of life without parole for offenses committed by youth under the age of 18 was eliminated.⁶¹

Detention Alternatives Reach Nebraska

In Nebraska, the first major legislative response to this trend away from detention came with the passage of LB 800 in April 2010. Among the many provisions set out in this legislation, the detention of status offenders was to be phased out by January 2013. The bill also codified a program of graduated sanctions for youth who violate probation; created a clear process for

⁵⁸ Balck, A. (2012). *Advances in Juvenile Justice Reform: 2009-2011*. Washington, D.C.: The National Juvenile Justice Network.

⁵⁹ *ibid*

⁶⁰ Supreme Court of the United States. (2011). *Miller v. Alabama*. U.S. 132 S.Ct. 2455.

⁶¹ National Juvenile Justice Network. (2016). *Advances in juvenile justice reform: Nebraska*.

sealing juvenile court records; allocated grant money for programs that reduce the detention population; established a pilot project for law enforcement to issue civil citations to youth in place of making an arrest; and created a shortened timeline for completion of post-adjudication evaluations.⁶² Passage of this bill also marked the first time that Nebraska was recognized by the National Juvenile Justice Network for its reform efforts.

The following year, the Nebraska Legislature passed LB 463, which ordered the transfer of \$100,000 to the Supreme Court Education Fund to launch the Juvenile Detention Alternatives Initiative (JDAI) in Douglas County.⁶³ According to the Nebraska Coalition for Juvenile Justice, “JDAI’s key objectives focus on public safety while reducing unnecessary and inappropriate use of secure detention, minimizing failure to appear and re-offend, and ensuring quality conditions in secure facilities. Historically youth of color have been overrepresented in nearly all system points, but particularly detention. The work of JDAI focuses on identifying and reducing this racial and ethnic disparity. Finally, sites commit to redirecting resources as detention costs decrease toward community based alternatives.”⁶⁴ After a successful pilot in Douglas County in 2011, JDAI expanded to Sarpy County the following year.⁶⁵

Despite these reforms, a 2013 report released by The Annie E. Casey Foundation indicated that Nebraska had the third-highest rate of youth incarceration in the country.⁶⁶ The report also found that, although nationally rates of juvenile incarceration had been on a downturn, in Nebraska, the number of young people detained increased 8 percent between 1997 and 2010.⁶⁷ One juvenile justice stakeholder described the prevailing mentality in the courts during this time as “When in doubt, yank them out.” Another stakeholder addressed that while the JDAI initiative has decreased the number of youth in detention facilities, there still are “a high number of youth of color that are detained.”

Child Welfare Privatization

In 2006 the U.S. Department of Health and Human Services' Office of the Assistant Secretary for Planning and Evaluation funded the Child Welfare Privatization Initiatives Project to provide information to state and local child welfare administrators who were considering or in the process of implementing privatization reforms.⁶⁸

⁶² *ibid*

⁶³ Nebraska Coalition for Juvenile Justice. (2014). FY 2013/2014 annual report to the governor & Nebraska legislature.

⁶⁴ *ibid*, p.18

⁶⁵ *ibid*

⁶⁶ The Annie E. Casey Foundation. (2013, February 5). Reducing youth incarceration in the United States: A KIDS COUNT data snapshot.

⁶⁷ *ibid*

⁶⁸ Nebraska Legislature. (2011, December 15). Legislative resolution 37 (2011): Review, investigation and assessment of child welfare reform, p.1-5

At the same time that major reforms were underway in Nebraska's juvenile justice system, the child welfare system was undergoing a process of privatization that would have major implications for both systems. The move to privatize child welfare in Nebraska stemmed from the assessments described in the previous sections of this report, starting with the state's performance in the 2002 Child and Family Services Reviews and subsequent review in 2008, when little progress was noted. According to a 2014 audit report on the privatization process, at its core, privatization was "prompted by years of ranking among the top states in the proportion of children removed from their homes, calls for change from families, child advocates and legislators, and input from Health and Human Services System (HHSS) workers."⁶⁹ The primary arguments in support of privatization included more local control, decrease in cost, and increase in efficiency, quality, and flexibility. In short, the hope was that privatization could produce "better outcomes at a lower cost."

Nebraska was not alone in its experiment with privatization of child welfare. Florida and Kansas privatized their child welfare systems in the 1990s, while Oklahoma, Kansas, and Kentucky were implementing aspects of privatization around the same time as Nebraska.⁷⁰

The privatization of Nebraska's child welfare system was phased in over a period of several years. Beginning in 2007 and expanding in response to the Safe Haven Crisis described previously, "DHHS began growing the array of services available to families and giving the providers of these services a more expansive role."⁷¹ LB 288 further revised the system by giving full leadership responsibility of the Department of Health and Human Services to a CEO.⁷² In 2009, DHHS signed contracts with five "lead agencies" to expand services through sub-contractors. Lead agencies were required to pay for services based on a fixed rate regardless of the number needing service or their presenting problems. One major issue with the structure of these contracts is that it resulted in the disallowance of \$20 million of Title IV-E funds.

After just six months, the three lead agencies in Western, Central, and Northern Service Areas ended their contracts, returning responsibility to DHHS. In 2011, DHHS transferred both case management and service delivery functions to the remaining two lead agencies in the largest service areas only, using both a fixed monthly rate and a daily rate based on the number of children and families served. By 2012, KVC Health Systems had surrendered its lead agency status and the Nebraska Families Collaborative (NFC) remained as the only privatization contractor, focusing exclusively on the Eastern Service Area.

⁶⁹ Legislative Audit Office, Nebraska Legislature. (2011). DHHS privatization of child welfare and juvenile services. *Committee Report*, 17(1).

⁷⁰ Snell, L. (2013, April 22). *Child welfare privatization update*. Subsection of Annual Privatization Report 2013: State Government Privatization

⁷¹ Hornby, H. & Zeller, D. E. (2014). *An assessment of child welfare privatization in Nebraska: Final report*. New York, NY: Hornby Zeller Associates, Inc.

⁷² Voices for Children in Nebraska. (2011, November 15). *Chapter 1: Child welfare evolution: Nationally and in Nebraska*. Health and Human Services Committee LR 37 Report.

In February 2011, the Nebraska Unicameral passed LR 37, which directed the committee to review, investigate, and assess the effects of child welfare reform which Nebraska DHHS began implementing in July of 2009. Between February and November 2011, Health and Human Services Committee members and staff undertook a wide array of research, interviews, correspondence, consultations, briefings, surveys, and public hearings. While it is beyond the scope of this RDE to detail all of the findings of the final report, the overall findings and recommendations in the report point to major gaps in financial oversight, lack of accountability, and an unwillingness to adapt and change in the face of evidence that privatization was not working as intended. Overall, the committee suggested the need for “a system-wide culture shift to right-size child welfare in Nebraska and keep more children with their own families wherever possible and bring Nebraska more in line with national norms for foster care and child welfare services.” The overall recommendation in the report was for a complete restructuring of Nebraska’s child welfare service system.⁷³

In stakeholder interviews, there seemed to be a general consensus that the attempt at privatization was a failure. Stakeholders used words like “botched,” “fiasco,” “disaster,” and “difficult” to describe the process, while others explained how working in the system during the time was traumatic for state employees and service providers. Here is how one stakeholder described the experience:

“And then you have this privatization stuff that happened in 2010 and I lived that and I’m very bitter about that still. The state decided – it was in October that the announcement came out that we’re privatizing in Southeast Nebraska and Eastern Nebraska, where caseworkers would no longer be doing the case management and private sectors would be taking over case management responsibilities. So the Department at the time was secretive about it. They didn’t talk to anybody about it. And they privatized. So we had an announcement. It was a Friday in October. And we had two months to basically transition all of our families to these private agencies. Now that lasted a whole year and then it failed. And when I was – I was a [position] at the time at [division]. And we had to reduce our workforce by 60 percent and so a lot of people left because, you know, they had to have jobs. They all had families. And it was just a politically driven decision. And there was directives given and people had to do them if they wanted to keep their jobs.

And it lasted a year because it started January 1st of 2011 is when it kicked off. And then they had made an announcement in February of 2012 that all the case management responsibilities were coming back to the state. I mean there was a lot of flak. The Legislature was very unhappy. Lots of private companies were unhappy. I mean it just wasn’t good and the transition wasn’t good. And there was a lot of things that happened which damaged a lot of relationships.

⁷³ Nebraska Legislature. (2011, December 15). Legislative resolution 37 (2011): Review, investigation and assessment of child welfare reform. Health and Human Services Committee.

And so I think when you look at the Juvenile Justice change that happened in 2013, there was a lot of trust that was lost because one agency made decisions and didn't talk it through with anybody, whether it's, you know, the Legislature or other folks that could maybe help them plan to make it effective. And they wanted it to happen like overnight. So I just think as a state we have really done a disservice to families that are involved in the system."

According several other stakeholders, one of the most significant lingering consequences from the failed effort at privatizing Nebraska's child welfare system was the impact it had on availability of, and relationships with, providers. Here is how one stakeholder described this impact:

"Well, this goes back more with a tie over to the child welfare system, when there was the privatization or attempt to privatize child welfare. We lost a substantial number of providers of different services and things like that statewide and locally. Now that it went back, and now that probation's evolved, growing that provider network, so to speak, has been kind of difficult; and rightfully so. For example, we did have the option before that – we've got our emergency shelter; but they're limited on the number of beds they have available. I think they would like to expand; but before a nonprofit like that would expand, they want some sort of a commitment or assurance that, well, if we make the investment, you're going to use it; and nobody can, I think, tell them, yes; you'll get the kids. So it's that – and that provider was one that went down the road of privatization and got out fairly quickly, because they were losing money hand over fist. So I don't think it's unreasonable to want those kinds of assurances, especially if you have to report to a nonprofit board."

Another stakeholder shared,

"Another thing I think that has changed is that I know that we went through a period of time, probably others as well, where we tried privatization. That was a disaster, I feel. That was something that greatly reduced the number of placements that we had available. There were several providers and foster families that did not get paid during that time of transition. That made a lot of people not want to do that anymore and we lost a lot of really good people and a lot of good programs during that period of time. It's slowly getting built back up at this point, but still not back to where it was before."

Despite strong agreement among many stakeholders about the failure and impact of privatization on the system, a few held out a different perspective. One stakeholder suggested that privatization gets blamed for some things when it was really a broader problem with the system. In their words:

"You know, we had some people say some of the problems within the system was the privatization of services that was tried in Nebraska several years ago, under the HHS

side of things. And people are still looking at, you know, privatization is causing all these, privatization isn't causing, the fact that we went away from that because it didn't work well as it was designed, there were flaws in the design when it started. You know, so we've got to keep our head above water and look at what, you know, if there's a problem, what truly is that problem, not what we think the problem is, but, you know, identifying exactly what that is."

The Rise of Evidence-Based Practices

As Nebraska ushered in major reforms in both its juvenile justice and child welfare systems with the passage of LB 800 and the privatization process outlined in the previous two sections, national research emerged about the role of evidence-based practices for providing treatments and services for children and families. In their report, *Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice*, Mark Lipsey, James Howell and Marion Kelly write: "Perhaps the two most progressive policy reforms of recent years are the drive for evidence-based practice, which focuses on effective treatments, services, and supports for children and families, and the effort to establish systems of care to address the infrastructure of funding and linkages between services and programs."⁷⁴ They go on to explore what is meant by evidence-based practices in Juvenile Justice and identify several challenges with their effective implementation. One major challenge they cite is the remnants of the tough on crime culture that pervaded the system at the end of the 20th and beginning of the 21st centuries. They quote Rep. Robert C. "Bobby" Scott, D-VA, who asserts:

*"All of the credible research shows that a continuum of evidence-based prevention programs for youth identified as being at risk of involvement in delinquent behavior, and intervention for those already involved, will greatly reduce crime and save much more than they cost when compared to the avoided law enforcement and social welfare expenditures. And the research reveals that these programs are most effective when provided in the context of a coordinated, collaborative local strategy involving law enforcement and other local public and private entities working with children identified as at risk of involvement in the criminal justice system."*⁷⁵

Lipsey et al. attribute the resistance to evidence-based practice and systems of care to a range of factors, including fears that they will "siphon funding away from presumably effective, yet untested services." They go on to note, "this is especially true of settings that do not have a cultural context of continuous quality improvement, an orientation toward being a learning organization, or values related to excellence."⁷⁶ The authors offer a number of recommendations to juvenile justice stakeholders on how to approach evidence-based practices in their reform efforts. Specifically, they promote the adoption of what they call the Standardized Program Evaluation Protocol (SPEP), a tool for comparing local juvenile justice

⁷⁴ Lipsey, M.W. et al. (2010). *Improving the effectiveness of juvenile justice programs: A new perspective on evidence-based practice. Center for Juvenile Justice Reform*. Georgetown University: Georgetown Public Policy Institute, p.9

⁷⁵ *ibid*, p.48

⁷⁶ *Ibid*.

programs to what has been found to be effective in the research. This allows some flexibility in implementation at the local level to reduce recidivism in program provision while still having positive effects on core outcomes including “family and peer relations, mental health symptoms, and school attendance.”⁷⁷

The same year Lipsey et al.’s report was released, the National Juvenile Justice Network released preliminary results of “Pathways to Desistance,” a longitudinal study finding that community-based alternatives were as effective as incarceration for reducing recidivism in youth with felony offenses, and that institutional placements can actually raise the level of offending for some youth.⁷⁸

In a report on major trends in the juvenile justice system from 2001-2011, the National Conference on State Legislators identified the national trend towards prevention services through the incorporation of evidence-based programs. The report notes, “A recent trend in state juvenile justice policy has been adoption of evidence-based practices that provide treatment to youth and their families and seek to improve behavior and emotional functioning. Evidence-based programs or policies are supported by a rigorous outcome evaluation, which clearly demonstrate effectiveness. For example, Multi-Systemic Therapy (MST), Family Functional Therapy (FFT) and Aggression Replacement Training are evidence-based interventions in place in juvenile justice systems today in at least eight states—Connecticut, Florida, Hawaii, Mississippi, Oklahoma, Pennsylvania, Tennessee and Washington.”⁷⁹

Evidence-Based Practices in Nebraska

In Nebraska, the Juvenile Service Delivery Project was the clearest move towards evidence-based practices in the state. The program, which began as a pilot in 2011, expanded the following year to three sites with the passage of LB 985 and LB 985A. The goal of the program was to “prevent unnecessary commitment of youth, eliminate barriers to services, and prevent unnecessary penetration of youth deeper into the juvenile justice system using the least intrusive and restrictive means of meeting youth’s needs and maintaining public safety, and improving outcomes for youth by using evidence-based practices and responsive case management.” This project was the first intentional collaboration between Probation, the judiciary, DHHS, and community providers aimed at keeping more juveniles in their family homes across the state.

One stakeholder who was involved in the pilot of the Nebraska Juvenile Service Delivery Project described how it

“really helped us get our feet wet as to what does service delivery look like, and really

⁷⁷ Ibid, p.29

⁷⁸ National Juvenile Justice Network. (2010, January 28). *Pathways to desistance talking points*.

⁷⁹ National Conference of State Legislatures. (2012). Trends in juvenile justice state legislation. 2001-2011, p.7

was our first exposure to targeting services appropriately, quite frankly, because before we never had to use targets. And so we were very successful in that endeavor in keeping youth on probation that needed to be on probation, and not essentially forcing them into that deepest end of either of our systems, which we know from evidence-based practice, is really important to be least restrictive, least intrusive.”

In 2014, a team at the University of Nebraska published a white paper on evidence-based practices in juvenile justice in Nebraska. In this white paper, Richard Wiener, Anne Hobbs and Ryan Spohn review the literature of what makes an evidence-based practice and provide a classification system to inform decision-making around what constitutes an evidence-based practice in the context of juvenile justice in Nebraska.⁸⁰ One juvenile justice stakeholder recalled this transition in Nebraska:

“How do we make sure our people are funding evidence-based practices? Well, I’ve come to find out that’s actually a third, less than five percent, of the state is actually an evidence-based program. So what had to have happened is bring experts and actual professionals who are researchers, and Ph.D.’s who understand how to conduct statistical analysis on the data that’s being retrieved from our state. And then determine whether a program or a service is actually a factor to be used in that situation at the right time. So it was a learning curve.”

Increasing Attention to Youth Mental and Behavioral Health Needs

In the report by the National Conference on State Legislators referenced previously, increased attention to the mental health needs of youth is also identified as a bright spot in reform from 2001-2011. Our review of the research suggests an increase in research available on this issue beginning in 2011. Connected to this focus on mental and behavioral health needs was increased research on and attention to trauma and the rise of “trauma-informed” practices. Interviews confirmed that the rise in trauma-informed services was connected to an increased focus on mental and behavioral health. One juvenile justice stakeholder perceived that “trauma informed, or motivational interviewing, [...] all of those supportive, strength-based factors have now been supported by research to be much more effective than anything punitive focused” and have been given more attention.

In keeping with the trend towards the unique developmental needs of youth, the Nebraska Legislature passed LB 972 in April 2012, which raised the minimum age for commitment to Youth Rehabilitation and Treatment Centers (YRTC) from 12 to 14, with exceptions for youth who commit murder or manslaughter, commit other offenses that lead the court to deem commitment is necessary, or violate probation. The law also mandated employee training to improve YRTC safety. During the same session, the legislature rejected a bill that would have moved YRTCs under the control of the Department of Correctional Services, where youth would

⁸⁰ Wiener, R.L., et al. (2014, July 14). *Evidence-based practice in juvenile justice: Nebraska white paper*. University of Nebraska Omaha: Juvenile Justice Institute.

be unable to access the rehabilitative services provided by the Office of Juvenile Services.⁸¹

The Aftermath of Privatization - Restructuring Nebraska's Systems

In April 2012, the Nebraska Legislature created the Nebraska Children's Commission with the passage of LB 821. The Commission was intended to serve as a permanent forum for collaboration among state, local, community, public, and private stakeholders in child welfare and juvenile justice programs and services. The Juvenile Services (OJS) Committee was also established as a subcommittee of the Nebraska Children's Commission, with the mandate to review the role and effectiveness of YRTCs, including what populations should be served, what treatment services should be provided at YRTCs, how mental and behavioral health services are provided to youth in secure residential placements, and the need for such services in Nebraska's juvenile justice system. With the passage of LB 821, the Legislature also enacted the Office of Inspector General of Nebraska Child Welfare Act, which created the Office of the Inspector General of Child Welfare to provide increased accountability and legislative oversight of the Nebraska child welfare system.

That same year, Nebraska also completed a Statewide Disproportionate Minority Contact (DMC) assessment to identify the factors that contribute to DMC so that Nebraska's juvenile justice system stakeholders can design appropriate intervention strategies.⁸² In July 2012, the statewide DMC Subcommittee held a retreat and began to review and prioritize recommendations made in the Nebraska DMC Assessment. In August 2012, a new State DMC Coordinator was hired. The new DMC Coordinator was to strengthen the statewide DMC Committee and its relationships with county DMC committees as well as ensure compliance with the 4 core requirements.

Major reform ushered in with the passage of LB 561

In 2013, a major juvenile justice reform bill - LB 561 - was signed into law by Governor Dave Heineman. The Nebraska Juvenile Justice Association stated that the bill was "intended to decrease the dependency on juvenile detention center stays, place more emphasis on rehabilitation, increase family engagement and provide more services at the community level."⁸³ Specifically, the bill converted the Nebraska Juvenile Service Delivery Project of 2012 from a pilot program to a permanent statewide initiative.⁸⁴ One juvenile justice stakeholder recalled this transition,

"The Nebraska Juvenile Service Delivery Project, [...] that really helped us get our feet wet as to what does service delivery look like, and really was our first exposure to

⁸¹ National Juvenile Justice Network. (2016). *Advances in juvenile justice reform*.

⁸² Hobbes, et al. (2012). *Nebraska State DMC Assessment*. University of Nebraska Juvenile Justice Institute

⁸³ Bennett, J. (2014, March 16). *Nebraska juvenile justice reform update*. Nebraska Juvenile Justice Association.

⁸⁴ National Juvenile Justice Network. (2016). *Advances in juvenile justice reform: Nebraska*.

targeting services appropriately [...]. And so we were very successful in that endeavor in keeping youth on probation, that needed to be on probation, and not essentially forcing them into that deepest end of either of our systems, which we know from evidence-based practice, is really important to be least restrictive, least intrusive. [...] Out of those efforts, really we were able to demonstrate that it's important for youth on probation to have access to services, and thus needing the funding sources to be able to do that, and how we could effectively use those resources. And so that eventually led then to the introduction of LB561, which allocated funds then, and the responsibility for all delinquent youth then expressly to probation."

The bill also shifted the supervision of juvenile offenders from the Department of Health and Human Services (DHHS) Office of Juvenile Services (OJS) to Nebraska's Office of Probation Administration and focused on expanding local and community-based alternatives to incarceration. The expansion would roll out in a 3-step process starting July 1, 2013 and ending July 1, 2014 and would include all community supervision, evaluations, and the re-entry function for youth leaving the Youth Regional Treatment Centers. Another stakeholder elicits the change LB561 had on juvenile justice in Nebraska,

"Not so long ago the juvenile justice system was disjointed in that Probation was part of the judicial system. The Office of Juvenile Services was part of the Executive Branch and Health and Human Services. And so Probation would work with youth up until they were taken out of the home and sent to the Youth Rehabilitation and Treatment Center [...] Well LB561 changed all of that and brought all of the delinquent adjudications to probation. And made for a more seamless system."

LB 561 also focused on implementing research-informed prevention programs to keep youth out of the juvenile justice system, assisting juveniles in transitioning from out-of-home placements to in-home treatments, and providing treatment and rehabilitation for court-involved youth. The National Juvenile Justice Network viewed the bill as a "huge win,"⁸⁵ and Sarah Forrest of Voices for Children in Nebraska stated, "The bill is an important step in realizing that what we're doing now isn't working for kids. [The bill's passage] shows that there's a commitment to effectively serving youth and giving kids what they need to be on the path to a successful future."⁸⁶ The additional \$14.5 million invested into the juvenile justice system is thought to "ensure that youth can access evidence-based services close to their homes, in order to reduce Nebraska's reliance on detention and incarceration."⁸⁷ These additional funds not only allowed the Office of Probation to provide more services for youth and families, but also permitted the agency to utilize more resources and hire additional staff to meet the growing needs of juvenile justice.

⁸⁵ Swift, J. (2013, May 31). *Nebraska passes juvenile justice reform*. Juvenile Justice Information Exchange.

⁸⁶ Schein, Z. (2013, June 13). *Nebraska passes \$14.5 million juvenile justice reform bill*. National Juvenile Justice Network.

⁸⁷ Voices for Children in Nebraska. (2015). *It's why it matters*.

In the passage of LB 561, the Community-Based Services Aid Administrator was created, and Cynthia Kennedy was promoted internally to the position on August 19th, 2013. Tribes recognized at the federal level and state level were included in the formulated amount, now known as Community-Based Aid; in 2013, \$3 million was allocated to counties/tribes.⁸⁸ Within the Nebraska Crime Commission, the position of the Juvenile Diversion Program Administrator was established with the charge of assisting in the creation and maintenance of juvenile pretrial diversion programs to divert juveniles away from the judicial system and into community-based services. A statewide steering committee was also created to assist in regular strategic planning involved with the funding, monitoring, and evaluation of programs receiving Community-Based Aid.

With the passage of LB 561, the Court Improvement Project expanded its *Through the Eyes of the Child Initiative* to include a Juvenile Justice Court Improvement Project (JJCIP). Funded through the Office of Probation Administration as part of LB 561, the goals of the JJCIP are “to assist implementing the juvenile justice reforms of LB 561 and improve the juvenile justice court and legal system, which includes improving legal representation, increasing family engagement and utilization of restorative justice processes, improving the timeliness and quality of court hearings and improving court data.”⁸⁹ Another juvenile justice stakeholder summarizes the changes LB561 brought to the system:

“Now I feel like there’s been a shift in really paying attention to juvenile justice kids when it seemed like kind of back then nobody cared. So it is a real exciting time, I think, in juvenile justice because a lot of people are caring. Whether that’s because a lot of money is being spent or just because more reform is happening in a lot of different areas in the juvenile justice world [...] And I think that’s seen through juvenile justice bills that have passed through the legislature like recognizing alternatives to detention, and all sorts of things to help everyone understand there’s a right way to treat kids in our system when they have to go to court.”

Institutionalizing Reform: Enhancing Accountability and Access

The period from 2014-2016 has largely been focused on streamlining the reforms ushered in by LB 561 and filling gaps that were created by the restructuring of the system. With the passage of LB 561, the jurisdiction of the Office of the Inspector General (OIG) of Child Welfare was extended to include secure juvenile detention, staff secure juvenile detention and private entities serving youth under contract with the Office of Probation Administration.⁹⁰ In its 2014 report, the OIG defined the child welfare system as “any child-serving government or government supported entity in Nebraska. This includes juvenile justice.” In January 2015, the Inspector General of Child Welfare was given oversight of the entire juvenile justice system

⁸⁸ Nebraska Coalition for Juvenile Justice. (2014). FY 2013/2014 annual report to the governor & Nebraska legislature.

⁸⁹ Nebraska Court Improvement Project. (2015). *About*.

⁹⁰ Rogers, J.L., Schmeits, S. & Amsberry, S. (2014, September 15). *Annual report 2013-2014*. Office of Inspector General of Nebraska Child Welfare.

through the passage of LB 347.⁹¹ Despite this change, OIG cited problems with access to data to make accurate assessments of juvenile justice. In the 2015 report by OIG, the Inspector General indicated that “State court officials have blocked access to information about juvenile offenders, in spite of a state law requiring its disclosure.”⁹² As a result, in early 2016, the Legislature passed LB 954 to ensure access to records for investigations by the Inspector General of Nebraska Child Welfare.

In an interview on its 2015 report, the OIG of Child Welfare stated, “While no one should expect a perfect juvenile justice system only two years into a reform effort, it is reasonable to assume that there should be movement in the right direction. Unfortunately, there is some indication that juvenile justice reform is not on its intended track.” Two years following LB 561, the OIG found that there had been no cost savings with the transfer of responsibility from DHHS to OPA, continued use of out of home placements, and inappropriate use of detention because of lack of other available services or as punishment for probation violations rather than for public safety. A representative from the Administrative Office of Probation countered, indicating that “national data tells us to expect an increase in cost initially with the cost saving occurring around year 5.” Still, OIG commended AOP for undertaking the study of the Intake Risk Assessment Instrument (RAI), which they made public.

Several stakeholders in the judicial branch expressed concern over the current structure of oversight. One interviewee shared,

“Then, of course, last year the Inspector General’s Report came out [...] Along comes money. Along comes responsibility. The legislature also thought there was going to be oversight. Well, there’s a separation of powers, now that we’re in a different branch of government. One branch can’t have oversight over another branch of government. So it became a problem, because then the inspector general is in the executive branch. They expect her to have oversight. So it became a political nightmare last year. January of last year was pretty rough, and they were talking about moving probation over into the executive branch and lots of different things. I think it set the reform back. We had to focus on just – I don’t know – everything but progression, keeping the foot on the gas and moving forward.”

In response to the criticisms of OIG in September 2015, OPA publicly released the assessment completed by the Council of State Governments Justice Center, which assessed the state against the “Core Principles for Improving Outcomes for Youth Involved in the Juvenile Justice System.” Those principles are:

1. Base supervision, service, and resource allocation decisions on the results of validated risk and needs assessments;
2. Adopt and effectively implement programs and services demonstrated to reduce recidivism and improve other youth outcomes, and use data to evaluate the results and

⁹¹ Legislature of Nebraska. (2015). *Legislative Bill 347*.

⁹² Stoddard, M. (2015, September 16). Nebraska juvenile justice reform hasn’t worked out, state inspector general says. *Omaha World-Herald*.

- direct system improvements;
- 3. Employ a coordinated approach across service systems to address youth's needs, and;
- 4. Tailor system policies, programs, and supervision to reflect the distinct developmental needs of adolescents.

Through focus groups and analysis of other assessments conducted in FY14, the Council recommended that OPA:

1. Establish statewide risk-based criteria and structured decision-making tools to improve supervision decisions and the efficient use of resources;
2. Establish more specific policies to guide the funding, use, and oversight of services that will improve service effectiveness and use resources more efficiently, and;
3. Capture comprehensive data on youth services and supervision and conduct analyses to track outcomes and evaluate and improve performance.

Responsible for statewide administration of intake and detention alternatives, investigations, assessments and evaluations, case management/supervision and services, placement, reentry, and funding for juveniles, the Juvenile Services Division was at the center of the reform efforts and, as a result, the focus of accountability for that reform. In response to this report, the Division of Juvenile Services created an Action Plan in November 2015. It also continued its practice, initiated in May 2015, of publishing monthly reports on its reform efforts.

In the most recent report by the Inspector General of Child Welfare, published in September 2016, concerns seem to have shifted from a lack of transparency to a lack of coordination between agencies serving Nebraska's children. According to the report, "no policies exist within Probation or DHHS to guide front line workers on how cases should be handled with which they are both involved."⁹³ This assessment was largely confirmed in stakeholder interviews. Juvenile Justice stakeholders explain that lack of coordination resulted in several groups of youth falling through the system because it was not clear as to whom was responsible for them. For example, law enforcement officers struggled with knowing who to call, either DHHS or Office of Probation, when dealing with youth who didn't fit in either delinquent or abuse/neglect categories, because there was no clear procedure in place. Yet in conversations with stakeholders in the Juvenile Services division, it appears that significant efforts have been made in recent months to clarify and communicate roles and responsibilities of each office. At the spring 2016 National Juvenile Justice Association Conference and again in the fall 2016 Children's Summit in September, representatives from AOP and DHHS presented on "Clarity and Collaboration: The Different Roles of Child Welfare and Juvenile Justice."

One of the criticisms of the current process of oversight and investigation raised from stakeholder interviews is the lack of constructive feedback. One stakeholder shared,

"I appreciate and expect feedback and we all should take feedback. It's just in the

⁹³ Rogers, J.L., Forrest, S., O'Hanlon, K. & Amsberry, S. (2016, September 14). *Annual report 2015-2016*. Office of Inspector General of Nebraska Child Welfare.

manner when it's in a negative kind of – that doesn't help anybody. When it's here's what we're saying. Here's some things that can be done to improve. That's the type of feedback that's helpful; not you're not doing your job and so forth. So those are just some concerning things that stuck out as I'm thinking as well systematically that aren't there. What I see is I don't see that as an improvement mechanism. I see it as an out to get you mechanism where I'll point the figure. And that's not what we need in the system to improve. That doesn't help anybody."

While some stakeholders have concerns about the role of the OIG, others feel it shows great promise for the system. In the words of one stakeholder:

"The Office of the Inspector General in Nebraska, it's a new, fairly new department, or a new position. And you know, it's involved with interviewing or investigating instances that involve the wellbeing, specifically, of children in state, you know, that are under state custody, whether it be CPS or juvenile justice. And you know, that shows great promise. We've got good people in there. There's some growing pains associated with that, that are being worked out. So I think that's, you know, that's a great program."

RECENT TRENDS IN JUVENILE JUSTICE REFORM

To close this retrospective developmental evaluation of juvenile justice reform in Nebraska, we have identified several themes in juvenile justice reform nationally that have emerged over the last two years. While some of these themes are being addressed in Nebraska, there is less evidence of progress on others.

Developmental Appropriateness and Trauma-informed Care

Providing services to youth that are developmentally appropriate and take into account the trauma that many system-involved youth have experienced continue to receive increasing attention on the national stage. The OJJDP named trauma-informed care as its central response to youth in their 2014 Annual Report.⁹⁴ Trauma was also the organizing theme OJJDP's spring 2016 Journal of Juvenile Justice.⁹⁵ This attention to trauma has become increasingly important for Nebraska's reform efforts. Several stakeholders brought up trauma and trauma-informed care in interviews, and workshops and webinars have been available statewide for judges, attorneys, and service providers on how to take a trauma-informed approach in working with youth. Interviews revealed that this approach seems to be two-pronged: 1. awareness of youth coming in with trauma-informed behaviors and backgrounds; 2. awareness that intake

⁹⁴ Office of Juvenile Justice and Delinquency Prevention. (2015) *Coming into Focus: The Future of Juvenile Justice Reform*. p. 5.

⁹⁵ Office of Juvenile Justice and Delinquency Prevention (2016). *Journal of Juvenile Justice*. Volume 5, Issue 1.

assessments and out-of-home services can retraumatize and/or cause new trauma to youth. One stakeholder described the trauma-informed approach as one of the biggest shifts in the system over the last ten years: “So I think that this trauma-informed systems response that’s, probably in the last, I don’t know, what do you think, maybe ten years or whatever, that is making a big inroad on how we respond to these children and families.”

Another stakeholder described the shift in practice this way:

“I am a huge believer of trauma-informed justice that it's been the key ingredient that we were missing. It's that we need to identify the trauma that kids have suffered because so much of what they do in the behavior world is simply symptomatic of an underlying trauma - a girl that was molested and never told anybody, a boy who was molested and never told anybody, kids that watch their parent get beat up by the boyfriend. Those are deeply traumatizing. We have, not up to the present time, really focused. I now have a trauma-focused therapist who is really a valuable tool for me. I've been ordering trauma assessments for the last two years. I was first met with, "Nobody does those." I said, "They will." It's just like Field of Dreams. Build it, and they will come. If I order a trauma-informed, then a psychologist will go get the training so they can do it because that's how they make their living. I now have four clinical providers who went and got the training and can do a trauma-informed assessment. They're very useful in identifying what happened to kids. That's something the National Council has been a leader in trauma. We do trauma implementations, all of that kind of stuff. I picked it up from there.”

Bias Reduction and Disproportionate Minority Contact

DMC remains a priority and an issue nationally, but a related focus on bias reduction and procedural fairness has begun to emerge as well. As noted previously, in 2012 the University Of Nebraska Juvenile Justice Institute conducted an assessment of DMC in the state and found significant gaps in data and reporting, which made DMC difficult to assess in many aspects of the system. Despite the gaps, the report did find statistical overrepresentation of minority youth in detention facilities and adult court. The report also found that “Black and Native American youth were significantly less likely to successfully complete juvenile probation.”⁹⁶ In response to the report, a new State DMC Coordinator was hired in 2012 and a DMC compliance plan was put into place.

At the time of this report, we were unable to find more recent data on the status of that work outside of Douglas and Lancaster counties. According to one stakeholder, there has been some focus on DMC in the Through the Eyes of the Child teams and through grants from the Crime Commission. With JDAI’s recent expansion to Sarpy and Otoe counties, DMC will also likely become more of a focus in those communities. Yet another stakeholder shared this assessment of DMC: “We have not made any progress with race, with disproportionate minority contact.

⁹⁶ Hobbes, et al. (2012). *Nebraska State DMC Assessment*. University of Nebraska Juvenile Justice Institute, p 3.

You know, our detention numbers in Douglas County are down, and depending on which month you look at the data we actually have a worse DMC issue than we had before.”

Another stakeholder shared frustration that DMC is not being talked about more: “I have a very strong concern and interest in the disproportionate minority contact. And again I think that that's something that we don't even talk about. And it seems ridiculous to me that we're not talking about that.”

This frustration was shared with another stakeholder, who expressed that “the Crime Commission has a DMC Committee, and they’re charged by the federal government to have, like, a plan in place for how the state is going to address racial disparity in the juvenile justice system. And I have been just woefully - what’s the right word - disappointed in the ability for that group to actually effectuate change. I think everyone on that, it’s the right people. I think even it’s the right leadership, but for whatever reason they have not been able to move the ball forward.”

This stakeholder went on to express that JDAI is addressing some of these concerns about race and DMC, but that efforts are often duplicated. They shared, “You know the stuff that’s going on with the Juvenile Detention Alternative Initiative related to race, is exactly what needs to be happening in the state DMC committee, and can we consolidate that initiative, right? Both groups have resources at their disposal; why aren’t we merging that research agenda for the benefit of both?”

Focus on Native Youth

The OJJDP has also emphasized a focus on supporting tribal communities and understanding and addressing the needs of Native youth involved in the juvenile justice and child welfare systems. One stakeholder with expertise in the Indian Child Welfare Act (ICWA) shared,

“It’s important to note that it’s now clear that the Federal ICWA Regulations -which will go into effect in a couple of days now - ICWA does apply to juvenile justice. There’s some question about that on the proposed regulation. So the ICWA is not there to protect the juvenile delinquency kids like it is for the abuse and neglect kids, but ICWA does apply to status offense cases. So those cases are currently being handled by probation. ICWA applies to those kids run by probation but not for delinquency kids.”

The stakeholder went on to describe how this focus on Native youth connects to the previous focus on DMC:

“On the abuse and neglect side, yeah, Native Americans are number one in terms of disproportionality, we’re number two in the state in terms of the disproportionate number of children that are Indian that are in foster care, so that's really bad. We also have a very high disproportionate number of African American children in the foster care system and I think the numbers are pretty similar for juvenile justice. So just out

of the sheer number of kids, African Americans and Native Americans face poorer outcomes than their peers on the foster care side. And I assume the case to be similar on the juvenile delinquency or juvenile justice side, too.”

This stakeholder shared that overall, they feel the state is doing well with ICWA, however there is still work to be done:

“Some caseworkers just don’t know about ICWA. Some few would intentionally try to ignore it, which causes more problems in this case than trying to comply with it. From the court perspective, it really is just individual ... And I think DHHS, again, has done better with this to the extent the administration has taken a stance that they want to do better and they have been working towards it.

But the individual court stakeholders, county attorneys, guardian ad litem, juvenile court judges; sometimes, depending on which judge you’re talking about, don’t understand the law or the statute very well. And it’s difficult when none of the other court stakeholders understand it. So I’d say on the court side, it’s probably attorneys and judges that could use a little bit more education. But again, there’s been some pretty good improvement there too.”

Despite these challenges, the stakeholder has been pleased with Probation’s willingness to implement ICWA. They shared,

“When the proposed ICWA regulations came out two years ago, probation was very open to trying to do ICWA well. When the final regulation came out saying, essentially, status offense cases are still ICWA but delinquency cases are not, that was a little bit frustrating. But Probation’s willingness to listen to stakeholders has been huge and at least the ICWA is here. There’s, always have really good attendance of probation officers at trainings that I’ve done on ICWA. So there’s the thirst and genuine openness to new information, so that’s good.”

Another stakeholder noted that Native youth move through the system differently than non-Native youth because of ICWA. They shared that ICWA,

“requires us to do things a little bit differently. It requires us to make sure the tribes are involved. Sometimes that moves a little bit slower because of the Native American things with the ICWA. Also, too, many times the Native American population, especially if they’re asking that some of these cases be transferred back to their tribes, they don’t have the resources available that might be available if the child remained in the state court. Sometimes that concerns me because sometimes I want that child to get the services they need. And if they don’t have them available on the tribal court, even though I understand why the tribes want them back into their tribal court, I worry about the child’s just getting put back into the same situation that they were in before and the family and the child not getting the services needed to correct

what caused them to be brought to the attention of the court in the first place.

So that's probably one of the main ones that I see. And that varies by tribe as well because some of the tribes work very well with the state courts. Some of the tribes are more than happy to be present as they see the court system operating and monitor what the court system is doing with the children that the court has that are Native American. And other tribes basically don't want to be involved at all in the state court system. They want the child back with them. And we have some good tribal judges, I think, around here, but even with having good tribal judges if they don't have the resources, it can't always, they're going to have the same difficulty I talked about before without the resources that they have to then help the child once the needs have been accessed. That would probably be the main one that I see as a difference in things that flow through."

With regards to resources, one interviewee mentioned that the Crime Commission is really helpful for smaller and tribal communities in accessing resources, but expressed concern that the Indian Commission was not adequately using or allocating its resources. This same stakeholder echoed the challenge of jurisdiction mentioned above, though from a different perspective. They shared,

"One thing that's hard for Native Americans is that at any time, I mean if the FBI thinks that the crime warrants to be charged federally, they can basically come in and take our young men and women and charge them as adults with a federal crime. And we've had that in the past six years; we've had some serious crimes committed by juveniles and they were charged federally."

They went on to describe how tribal probation tries to work with other jurisdictions, both state and federal, as much as possible but prefer to retain custody of the youth. They shared,

"As far as the federal part, again, if they need something from us, information on a past client of ours, we certainly try to help. And they, too, if we need information on something from their end, we have a pretty good open dialog with the FBI and if we need help with them, they're always right there for us. Ultimately, we try to bring a client back into our community and try to give them some resources so that it's not such a shock coming back in so they can succeed and not so much reoffend or get in more trouble. We're getting a little better with our reentry and services, but it's still new for our small community and Indian Country. But we're learning. We're coming along slowly. We're farther along than we were six years ago."

Some of the ways this stakeholder described improvements in services offered to Native youth in their tribe included the development of a traditional wellness court to connect juveniles with tribal elders, services to address alcoholism and trauma issues through a youth crisis intervention center, and access to training that is specific to tribal policing and probation. Unfortunately, these services are not available in all tribes, so access really varies for tribal youth based on tribal affiliation and location.

Another stakeholder shared that in their district, they are seeing fewer Native American children coming through the system: “I don’t know if that’s because better service things have changed or if they’re just not here.”

Preventing Sex Trafficking

Nationally and in Nebraska, sex trafficking of minors is receiving increasing attention. In particular, research has shown connections between runaway and homeless youth, juvenile justice involvement, and human trafficking.

In addition to the focus areas listed above, Nebraska continues to focus on addressing the needs of crossover youth through Georgetown’s Crossover Youth Practice Model (CYPM). The model, which is currently operating in 96 counties across 21 states, is administered in Nebraska by the Office of Probation Administration. After an initial pilot in Douglas County in 2012, the program expanded to Gage, Lancaster, and Dodge Counties in 2015.

Nebraska also continues to focus on detention alternatives through the Juvenile Detention Alternatives Initiative (JDAI) in partnership with The Annie E. Casey Foundation. JDAI is currently operating in Douglas and Sarpy Counties, with plans for expansion.

JUVENILE JUSTICE HOME-BASED INITIATIVE

One of the major juvenile justice reform initiatives currently underway in Nebraska, and the focus of this evaluation, is the Juvenile Justice Home-Based Initiative. Formerly known as the Community and Evidence-Based Services Initiative (CEBS), the initiative grew out of the goal of reducing the number of out-of-home placements for youth by providing services for youth in their homes, schools and communities. Several stakeholders noted that Nebraska’s out-of-home placements were far too high, and that youth eventually returned to the same environment that had led to their behavior in the first place. Another stakeholder shared that judges were often frustrated by their limited options for services, as well as by how long it took to get placements for some youth. Given these challenges, a group began to explore evidence-based practices to see what might work in Nebraska. One interviewee shared, “It has been a long standing tradition in Nebraska of looking to evidence of what is effective in the juvenile justice system.”

One stakeholder described the impetus for the initiative this way:

“I think what studies there are out there on outcomes in juvenile court showed that there was a much greater, positive impact and a lower recidivism rate on children who were kept in their own homes and communities and served there rather than being removed. Most of the time, if I remove a kid and send him to the Boys Town campus, they would do beautifully the two years they were at Boys Town.

I always knew someday they were coming home, and nothing at home had changed. How do they retain what they learned? The only way you can do it and I think the

conclusion that Boys Town reached is you do have to serve the family. The client is the family, not the kid. You have to go in. Everybody has to get serviced. Siblings, you're going to find that there may be vicarious trauma or direct trauma in the home. You've got to touch on that. You've got to give everybody a place at the table in the home.

You've got to listen to everybody in the home about what it's like there and what the impact is on the misbehaviors of this one child that's your client. If you do that, then you have a chance of keeping the kid in the home and resolving that conflict and getting everybody moving forward. If you just treat the kids and send him back, none of the other people in the house are better. You're not going to get the benefit of that intervention. That's the whole theory, as I understand it, of this home-based initiative- is to take the service to the family, keep the kid in the same school, in the same community. He's going to have to learn to cope with those pressures."

Thus, the Juvenile Justice Home-Based Initiative was designed to ensure both the availability and use of community and evidence-based service for youth who are not considered a danger to themselves or their communities.

Planning Phase

The initiative began with a planning year in 2015. First, programs were identified for implementation. One stakeholder described the process this way:

"And it was a pretty lengthy process, not a formal vetting, but a lot of back and forth about we need to have models that are going to work in different places. We need to have models that are cost effective, and when the formal process started Sherwood and Probation said look, we think we got three models, MST, Boys Town, FFT. We think that covers different needs, different locations, workforce issues."

Another stakeholder confirmed, "The idea was to fund varying evidence-based interventions that could be used in different population levels and resources available across the state."

Ultimately, three programs were considered for statewide implementation: Multi-Systemic Therapy (MST), Functional Family Therapy (FFT) and the Boys Town Ecological In-Home Family Treatment Model. One stakeholder shared, "all three of those have been proven with good outcomes and data, utilizing data to look at those outcomes, producing better results."

Another stakeholder described the role of geography in the choice of the three models this way:

"So MST we're really looking at for the larger urban areas. And then Functional Family Therapy is being like, well in some of the rural parts where they couldn't necessarily sustain the covered team needed for MST could replicate it. So they were then – you know, through the discussions being in Nebraska you can't really have a

discussion without Boys Town being brought in [...] And Boys Town was even interested in having an MST program through Boys Town so they just kind of got brought into the mix as a third option for the rural, rural areas.”

Another stakeholder shared,

“It was initially MST and Functional Family Therapy were identified, and they were identified because they have the most rigorous evidence in doing exactly what the reformists are supposed to do in reducing recidivism for law violators, juvenile law violators; so they were selected based on that they were the strongest evidence-based practices. I think Boys Town came in for two reasons. At the time, they had some research but not the same kind of peer review, rigorous – and the reason we did both MST and FFT is MST is much more expensive as an intervention and it might be overkill for some of the lower level offenses and the lower-risk kids whereas FFT is less expensive in terms of the amount of time and all of that, and also, MST – it seemed like it would not be able to be used in much of the state so Functional Family Therapy – I hope that’s still part of it because I think that was critical having the evidence-based treatment that could be used for lesser lower level violations, but it had been used for more intense – but anyway, it just seemed like that would be a continuum of service with FFT and MST, and Boys Town, I think that they wanted in and so I think that because of – and they obviously do good work, but also there are parts of the state that didn’t have any master’s level treatment providers, and their model didn’t require a master’s, and so it seemed like we could cover the entire state by using all three, and that’s how they were chosen.”

One stakeholder described the process this way:

“I think it was just a matter of the fact that we knew we had a gap. We had a gap between, you know, utilization of outpatient kind of therapies. You know, we hadn’t - we had intensive family preservation, but, you know, it still was meant to be very short-term. So I think we knew we just needed a more systemic in-home based service that could work a little more comprehensively with these families. And the thing was, we knew the model was - the models were out there, and had a lot of research behind the fact there were models. We had Mid-Plains doing MST, and as an officer, I can tell you I just love that darn thing, very effective. So we knew it could be. We knew EBP-wise that it was the direction we needed to go. But we also knew then that there were challenges for providers to be able to, you know, become certified in those models.

“So then it became a challenge of how do we get over that barrier, and how do we help providers get over that barrier. And then of course we were very excited that Boys Town then...Their evolution - Boys Town’s evolution over the years has been really interesting to see, because they, too, went from a model where the campus and the out of home placement was their focus, to now knowing that there needs to be an evolution to effective community-based services. So we’re really glad to see them

have that focus.”

This gap in services was confirmed by stakeholder interviews with judges and probation officers around the state. One stakeholder expressed:

“We need MST or some similar type of intervention more readily available. In our rural areas, sometimes that's difficult because businesses can't afford to stay in business and be within the 30-mile radius which is a key component to that type of level of intervention. Foster homes are difficult to find. Group homes in the area that I work is a rural area so if our kids go out of home placement, generally speaking it's a significant distance from their family. My personal belief is the family is very important in the behavior/change component in a successful reunification. But there's barriers that come along, whether it be the parent having to miss work to travel ... Omaha is about two and a half hours from me. Two and a half hours to go visit their youth and have their therapeutic intervention then they have two and a half hours back. So it's not only gas in their car, do they have a car, some of those barriers. But the time away from work, that's a 5-hour day so they're probably missing the whole day. We haven't even talked about the other youth in the home. We're working with a youth in an out of home placement say in Omaha.”

Program Models

Multisystemic Therapy (MST) is an intensive family- and community-based treatment program that focuses on addressing all environmental systems that impact chronic and violent juvenile offenders – their homes and families, schools and teachers, neighborhoods, and friends. MST meets the highest standard of an evidence-based practice and has been replicated with high fidelity to the program model around the world. Because of the requirement of fidelity to the model, the program has very specific requirements about the type of youth served and the type of provider who can implement the program. MST has been available in Nebraska for many years, but access is limited to areas where there is a certified provider, which are few.

Functional Family Therapy (FFT), like MST, is an evidence-based model that has been implemented globally, but is designed for high-risk juveniles who might have committed lesser crimes. The contact time required by FFT is also somewhat lower than MST, generally about 20 to 30 hours in total time with a family, compared to MST's model of an intensive 3-5 months with session frequency determined by clinical need, and with therapists on call 24 hours a day, seven days a week, ready to go to the offender's home whenever needed.⁹⁷

The Boys Town Ecological In-Home Family Treatment Model has the lowest level of evidence of the three programs, but also the most flexibility in implementation. While Boys Town is primarily known for their out-of-home services, in 2008, “guided by Boys Town's Strategic Planning Initiative” they began focusing on “helping more children and youth remain with their

⁹⁷ Erickson, K. (2014, December 2). What's the difference between MST and FFT? A provider's POV. MST Services.

families.”⁹⁸ This model is a “strength-focused home and community-based program designed to reduce risk that contributes to delinquent behavior and family dysfunction. Family Consultants work to enhance and improve youth and family functioning in the home and community and prevent the need for youth to be detained or placed in an out-of-home setting.” There is significantly less research on this model and it has never been implemented by an agency other than Boys Town.

In interviews with stakeholders, most seemed very impressed with MST. One stakeholder shared, “I have worked with MST & FFT in other states and they are very effective.” Indeed, those with direct experience seemed satisfied with the providers offering the service, though some mentioned that there were some staffing issues at times and that it is important that the staff understand and reflect the population they are serving. The main concern about MST is the requirement of a Master's level practitioner. One stakeholder explained, “MST is going to work really well in the urban centers where you have licenses & degrees and you have a workforce, but in other parts of the state you don’t have the workforce.”

The Boys Town In-Home model was less well-known and stakeholders had varied opinions about it and the organization more broadly. One stakeholder suggested that Boys Town and MST were chosen based on the right fit and evidence. They went on to note that Boys Town’s research and history in Nebraska is “sustainable and easy.” Another stakeholder described Boys Town as “committed to continuing to measure past treatments and outcomes to figure out what is working and what is not working.”

In comparing Boys Town and MST, some stakeholders see a lot of compatibility between the two models, however one suggested that “Boys Town tried to cherry pick what they saw as being the best features of MST and the best features of their long-standing program and see how to take the best of both and out the door to the families. I think Boys Town is very clever at cherry picking.”

Some of the concerns with Boys Town come from past experience with its other programs. One stakeholder described it as “prescriptive in how it interacts with non-compliance youth.” They went on to explain that the “Boys Town model can be a little rigid and uncomfortable, especially when you have resistant parents at times.”

State Tour

During the planning stage, representatives from the Nebraska Court Improvement Project, the Juvenile Services Division of AOP, and DHHS travelled around the state and conducted listening sessions with key stakeholders in the system. Meetings were held in each of the judicial areas around the state and were intended both to gather feedback on the initiative and begin the work of “educating judges, attorneys, and other stakeholders about the negative consequences

⁹⁸ Boy’s Town Ecological In-Home Family Treatment Model Brochure, p. 2.

of congregate care placements for juveniles.” Another stakeholder involved in the sessions shared that they “advertised what each of the programs, described what each of the programs could do, and began to collect interest on who kind of wanted to do what kinds of programs.” A third explained it this way:

“We were sort of assessing the interest and the capacity of the mental health world to provide treatment, you know, in these models, and the models – I don’t know how – but they have different requirements for sort of how many kids they need to be treating and how many therapists and all of that. We went around and talked to everyone and then we had all of the interested parties send in whether they were interested, and it wasn’t like looking for contracts. It was just for us to assess the capacity of different communities in Nebraska, so we took the number of kids that might be needing services and the mental health treatment capacity; and we tried to come up with sort of a plan of where, like, which communities might be able to offer all three services and which communities like most of western Nebraska really didn’t have either the treatment capacity or the number of kids to do anything but the Boys Town model, and also Boys Town doesn’t require a Master’s, but anyway, so we did all of that but I was in charge of all that and then we did a grant, and we wrote up the grant, the original grant, to pay for all that.”

“There’s a huge investment, and we understood that a private provider or local agency could not put in the money to train people and the time to train people because they were all operating with very narrow margins, probably in part of because of the privatization that it had been before, so Nebraska wasn’t in good shape before the privatization of child welfare; but it was even more vulnerable.”

Pilot Phase

After the initial planning year was complete, the Juvenile Justice Home-Based Initiative received funding from the Sherwood Foundation and the William and Ruth Scott Family Foundation to initiate a pilot, starting with a limited roll-out of MST in select areas.

In reflecting on how the initiative developed over this time, one stakeholder shared, “In the early days FFT was going to be a third model, and all the models were going to be released the same time. And at this point MST is rolling out, and then I think [Boys Town] is up next for replication. And then the FFT is being talked about down the road a little bit.”

One major hurdle that had to be overcome before the pilot could begin, however, was ensuring that the services were covered under Medicaid. This meant getting a state amendment to Medicaid passed. The same stakeholder went on to describe this process:

“The other piece was there were more issues around Medicaid regs and Medicaid funding in the state plan amendment than some people anticipated. Although people who really understood Medicaid predicted what happened would happen, so it took

long. I mean we lost a year and a half [...] figuring out the state plan amendment that the Medicaid experts told us two years was going to be a problem. So we got there, but it didn't need to take us two years."

The amendment was submitted to the Centers for Medicare & Medicaid Services (CMS) in April 2016 and approved in September 2016. Another stakeholder shared, "Nebraska was a leader, nationally, to recognize there is an ability to fund proven approaches in the area of juvenile justice with Medicaid funding." While the initial roll-out of the program is focused on MST, FFT is also covered under the state plan amendment should that program be adopted in the future.

One stakeholder summed up the roll-out of the initiative this way:

"A variety of partners within the community got together: probation, the courts, our philanthropic agencies, Medicaid, senators, legislators, I mean it took a lot of people coming together to make this work."

Another stakeholder emphasized that over the course of three years, "it's really evolved to a core group of individuals that have pushed a couple things, practice, policy, finance and sustainability, that's really been the focus, high level focus, of our CEBS subs group."

In fall 2016, the Court Improvement Project rolled out an initial RFQ for organizations interested in becoming MST service providers. They received 12 responses and ultimately selected four providers for phase 1 and two additional providers for phase 2. The sites chosen for pilot implementation were based in three locations: Omaha, Lincoln, and Norfolk.

The Court Improvement Project also hired a full-time coordinator for the initiative in fall 2016. The Advisory Council, which had been meeting monthly for over a year, was transitioned to more of an informal group as the team ramped up for the implementation of the pilot.

CIP is now moving forward with planning the Boys Town expansion concurrently with the first phase of the MST implementation. The locations for expansion of already-existing Boys Town services are currently slated for the Lincoln, Grand Island/Kearney, and North Platte areas. Ensuring that the pilot was not just in Omaha and Lincoln was important for some stakeholders, who expressed frustration that rural areas of the state are often left out. One stakeholder shared,

"Two years ago they did the tours. I went and listened to hear how the three were different; MST, FFT, Boys Town. Then I was in a holding pattern, waiting; and everybody – the state is anticipating this rolling out. I said this to [name] and Sherwood yesterday. I said, how this rolls out is going to be just as important as the fidelity; because if we were to roll out in Lincoln and Omaha first, and not give Boys Town model to somebody else at the same time, the state's going to do what the state always does. It says, there we go again; Lincoln and Omaha – that's all they think exists in this state. So we've got to make sure that Boys Town is ready to roll out at the same time as MST so that everyone knows that we're not leaving people out."

Now that might be tough.”

Overall, those stakeholders who know about the Juvenile Justice Home-Based Initiative believe it is moving in the right direction, albeit slower than they would have liked. One stakeholder shared, “I was hoping within a year to a year and a half we could have this up and running. Well, we’re coming on it’s been two years. We’re coming up now our third year so I’m a little impatient on where we are. But we’ve made progress.”

The same stakeholder went on to describe some frustration that the focus has returned more to Douglas County than originally intended:

“But so the difference now is I guess it’s going to be starting to launch in about the Douglas County area. And it’s going to be a slower rollout than I would like to see. And once again, the whole point of this was not so much Douglas County but it was really to get folks in the outstate Nebraska additional resources. And that’s now what’s pushed on the back burner, which is a little frustrating to me.”

Another stakeholder expressed concern that FFT was not currently part of the plan, sharing: “It seems unfortunate because it actually – even though I love MST and it’s gotten, you know, 20 years of stuff in for really tough kids, Functional Family Therapy is actually more adaptable to more parts of the state, so it’s unfortunate that they didn’t include that now because I’m afraid there will be a gap in actually getting the interventions.”

As the pilots roll out, one stakeholder offered this word of caution at putting too much stake in one initiative to solve the problem that is systemic:

“I think bringing in MST and FFT is a great phase 1, but that’s not the end of it. That’s not a magic wand. And that isn’t going to work for every youth. And it really doesn’t get to ... the issue for me is do the youth even have to be removed from the home? You’re not tackling some of the bigger things for that. We still rely on ... we’ve gotten much better, but we still rely on detention, and we still rely on some other things that, as a system we need to talk about. If you’re talking at a systemic level, I struggle with the system. I’m talking the system, not people.”

Another stakeholder stressed the importance of assessments in ensuring that, even if services are made available, they are the right ones for specific youth:

“And are we doing, as a system, proper assessments to determine what the needs of these youth are? Again, I go back to MST and FFT are wonderful evidence-based practices. But if you’re not doing an assessment to determine if that’s the right match for that youth, then are you really using it effectively?”

Hopefully this developmental evaluation lays the foundation for what this stakeholder deems necessary. Despite this caution, overall most stakeholders interviewed who knew about it felt that the Juvenile Justice Home-Based Initiative was moving the system in the right direction. Some expressed concern that it was taking longer than they would have liked, while others were disappointed to hear that it would not be coming to their district during the first few

phases. Still, it is clear from interviews that keeping kids in their homes and supporting families is something most stakeholders are behind. In the words of one stakeholder, “I think it’s very important that we’re bringing these services that will work with the whole family. And I think that’s a step in the right direction.”

REFLECTIONS ON REFORM: LESSONS FOR THE FUTURE

In this final section, we will explore potential lessons from past reform that can inform the Juvenile Justice Home-Based Initiative. Based on this exploration of the development and evolution of Nebraska’s juvenile justice and child welfare systems, we have identified strengths and opportunities as well as gaps and challenges.

Strengths and Opportunities

Clear commitment to children and youth

Through conversations with key stakeholders and a review of the literature on juvenile justice and child welfare reform in Nebraska, it is clear that there is a strong commitment to protecting and serving children and youth. One stakeholder shared, “A tradition in Nebraska that stands out, [...] there has always been a strong focus on strengthening families and trying to bring community based resources to bear in the service system to families.” Stakeholders confirmed over the last 10 years, there has been growing interest in juvenile justice issues among the public and among legislators, as well as strong leadership pushing for reform. Despite this shared commitment, there remains disagreement as to how best to achieve these goals. It seems that the passage of LB 561 marked a turning point for Nebraska’s child welfare and juvenile justice systems. While there remain significant challenges in inter-agency coordination, the systems seem to be operating with more symbiosis than ever before. This opens the door for initiatives like the Juvenile Justice Home-Based Initiative to really address gaps in the continuum of care for youth in both systems.

Increased inclusion and transparency

There seems to be a significant increase in the commitment of stakeholders across the system to engage in transparent assessments and ongoing dialogue to ensure that reforms are having the intended impact. The number of published studies and working groups committed to monitoring and evaluating the reform efforts seems to have grown exponentially in the past five years. Opportunities for stakeholders from around the state to come together several times a year seem to be promoting a culture that balances learning and accountability. The challenge with the growth of so many initiatives, assessments, and convenings is that stakeholders not get burned out. See the trauma section in weaknesses and threats for more on this possibility.

Alignment with national research and reform efforts

Prior to 2010, Nebraska was not mentioned once in national research on juvenile justice reform. Beginning with LB 800 in 2010 and ramping up in the aftermath of privatization and the passage of LB 985 and LB 561, Nebraska seemed to be catching up with the national tide of

reform. The focus on evidence-based services and recent attention to trauma-informed care are examples of how Nebraska has begun to align more with national trends. Whether this alignment is statewide remains to be seen.

Identification of guiding principles

There is an opportunity to identify guiding principles that would bring coherence to this effort, generate a culture of learning, and provide room for variation and adaptation across the state.

Challenges and Barriers

High-stakes and short timelines

Since what many deem the “failed” experiment with privatization, reform efforts have been highly public and the stakes quite high. With the welfare of children and youth at stake, this is appropriate. Yet with so many of the reforms being driven by the Legislature, which has short term limits and reelections to consider, there is not a lot of room for learning and development. One stakeholder suggested that the culture of the state demands immediate results - when a change is made, people want to see results right away. Another stakeholder suggested that one of the dangers of the Home-Based Initiative is that some see MST as a silver bullet, when it is really only likely to serve a very specific subset of youth in some communities. Setting reasonable expectations in such a high-stakes environment with short timelines will be an ongoing challenge both for the Juvenile Justice Home-Based Initiative and other reform efforts.

Administrative barriers to effective implementation

One of the results of recent reforms and the transition of responsibility to AOP seems to be applying a system that was designed for adults to a population with very different needs. For example, the voucher system, which was designed for AOP when there were just four service providers, is being used by the juvenile services division which now has nearly 100 service providers. This has caused some significant challenges both to AOP and to the service providers. Recently, AOP created a separate division to manage this challenge. Interviewees also mentioned that with all these new services, the terminology for staff, youth/families, and stakeholders is confusing.

An additional administrative hurdle comes from challenges accessing Medicaid under the new system. Many interviewees talked about how, once transferred to AOP state ward, youth lost access to services because they were no longer covered by Medicaid automatically. Parents now have to apply and not all services are covered. Who pays for what service has also been an ongoing challenge, which has, in some districts, put tension on the coordination between DHHS and Probation.

Gaps between reform in urban and rural Nebraska

Looking at the major reform efforts in Nebraska historically and currently, there seems to be a trend that reform begins in Douglas and Sarpy counties. While this seems logical in the sense that these counties have significantly higher populations than other counties in the state, it also

exacerbates an already significant urban-rural divide in the state. While our team has had little contact with stakeholders outside of Lincoln and Omaha, there appears to be frustration from attorneys and judges in Western Nebraska that they are often the last to get services or reforms. There is also a perception among some urban stakeholders that those in rural areas are behind the curve when it comes to the focus on keeping kids in their homes. Members of our team who attended the 2016 Children's Summit observed a tension or disconnect between urban and rural perspectives and approaches among school resource officers was evident. Some stakeholders have also suggested that "buy in" to some of the national research remains low among judges and prosecutors in rural areas where services are lacking and the tough on crime mentality may still be the dominant mindset in the community. Stakeholders also mentioned that there is a disconnect between counties and the state on who manages reform efforts. One stakeholder perceived that since Nebraska was a county managed system in the 1980's, political divide between the counties and the state are affecting reform collaboration and implementation.

Staff turnover

Since the Safe Haven Crisis of 2008, those working in the child welfare and juvenile justice systems have gone through countless reforms - from privatization to complete restructuring. Several stakeholders shared that the impact on the workforce has been traumatic. People have been moved around, lost jobs, or forced to reapply for the job they previously held. One juvenile justice stakeholder provides an outside perspective,

"These changes that Nebraska has gone through has shaken the not only state level state workers, but also those providing the direct service to youth, the community based providers. I think that as an outsider looking in on the system, it seems as though folks almost have a traumatic sort of lingering—there's been a lot, I think, things for them to deal with [...] they themselves don't feel very safe."

Stakeholders interviewed, who were involved in the system during the reform process, expressed trauma issues still present from previous reforms. One stakeholder explained the damages that still exist from privatization efforts:

"And then you have this privatization stuff that happened in 2010 and I lived that and I'm very bitter about that still [...] The Legislature was very unhappy. Lots of private companies were unhappy. I mean it just wasn't good and the transition wasn't good. And there was a lot of things that happened which damaged a lot of relationships."

Other stakeholders expressed staff trauma including resentment among DHHS staff that responsibility for juvenile justice youth was taken away from them, as well as disassociation among field staff and leadership who after the 2013 reform adopted the attitude of "well they're not our kids anymore." Reform resulted in both mistrust between individual agencies and mistrust between agencies and the legislature. It seems likely that families and youth who have interacted with the system have experienced similar trauma, or at least confusion. One moment youth and families are working with one agency, and the next, they are reassigned to a new caseworker and have different resources and limitations. One stakeholder mentioned that

the fast rollout of the reform caused for a lot of unclear procedure, which did a lot of disservice to staff and to families trying to navigate the system. Furthermore, the sheer number of reforms and the high stakes placed on those reforms has the potential to lead to burnout among those working in the system over the past decade.

Equity and inclusion

Very little mention was made about equity across race, class, gender or other demographics in the published documentation on juvenile justice reforms in Nebraska. Interviewees mentioned that there is still a disproportionate amount of youth of color in the system, but no mention of a clear plan to address it. While disproportionate minority contact and implicit bias have become more of a focus nationally and in Nebraska in recent years, a lack of data and perhaps commitment by key stakeholders to investigate issues of race and equity is a potential gap. At the same time, the Home-Based Initiative has an opportunity to make equity a center point of its decision-making and build in more effective data collection methods to inform those decisions.

CONCLUSION

This retrospective developmental evaluation of Nebraska's juvenile justice system reveals a reform movement that has gained significant momentum in the past five years. As the state gained national attention in the mid-2000s for high rates of detention and low scores on major child welfare initiatives, legislators and administrators tried a range of solutions to improve outcomes for children and communities. Some of those efforts, like the attempt to privatize child welfare, failed before they even got off the ground. Others, like investments in Juvenile Detention Alternatives, have shown promising results. Yet the whole picture of reform over the last decade can be characterized as bumpy and uneven. Still, it appears that the road may be getting smoother with increased transparency and coordination among agencies. Initiatives like the Juvenile Justice Home-Based Initiative have significant potential to fill some clear gaps in the system, but are also facing significant barriers including high-stakes, short-timelines for results, a traumatized workforce, and a significant urban and rural divide. This Retrospective Developmental Evaluation is intended to serve as both a baseline for future juvenile justice reform efforts in Nebraska, and as a learning tool to identify lessons from the past to inform future reform.

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APPENDIX

MAJOR MILESTONES IN JUVENILE JUSTICE REFORM

Green: Nebraska

Gray: Federal

Purple: Private

- 1890 Youth Rehabilitation and Treatment Center (YRTC) opens in Kearney, Nebraska and begins treating both boys and girls.
- 1892 Separate girls-only YRTC opens in Geneva, Nebraska.
- 1899 The first juvenile court was established in Chicago.
- 1917 Boys Town is founded by Father Flanagan.
- 1935 The Social Security Act is passed, creating the Aid to Dependent Children (ADC) program.
- 1959 Nebraska's first juvenile court is founded in Douglas County.
- 1967 The Supreme Court of the United State decision *In re Gault* declares that youth in the juvenile system have the same rights guaranteed to adults accused of crimes, including the right to due process, the right to legal counsel and the right against self-incrimination.
- 1967 The Governor's Crime Control Commission in Nebraska is created.
- 1971 LB 680 provides for administration of probation in district, county, and juvenile courts, except for the separate juvenile courts.
- 1974 The Child Abuse Prevention and Treatment Act is passed.
- 1974 The Juvenile Justice and Delinquency Prevention (JJDP) Act is passed, creating the Office of Juvenile Justice and Delinquency Prevention (OJJDP).
- 1978 The Indian Child Welfare Act (ICWA) is passed.
- 1982 Nebraska excludes juvenile offenders from the death penalty.
- 1982 Nebraska Coalition for Juvenile Justice is established, as required by the OJJDP, to advise on state and federal juvenile justice grant funds received by the Nebraska Crime Commission.

- 1985 LB 255 enacts Nebraska's Indian Child Welfare Act.
- 1988 States participating in OJJDP are required to address disproportionate minority confinement (DMC) in their State juvenile justice and delinquency prevention plans.
- 1990 LB 663 creates the Nebraska Juvenile Services Act, designed to assist communities in providing programs and services that create alternatives to incarceration for juveniles in the justice system.
- 1992 LB 447 transfers responsibility for administration of the Juvenile Services Act to the Crime Commission.
- 1993 The United States Congress passes the State Court Improvement Program (CIP) which funded States to conduct assessments of their judicial processes in juvenile cases and develop and implement a plan for system improvement.
- 1993 The Annie E. Casey Foundation launches the Juvenile Detention Alternatives Initiative (JDAI) as a pilot project.
- 1993 Nebraska's Court Improvement Project is formed and managed by the University Of Nebraska Lincoln Center on Children, Families and the Law.
- 1994 The Office of Juvenile Justice and Delinquency Prevention (OJJDP) begins investing in prevention efforts through its Community Prevention Grants program.
- 1994 LB 988 creates the Office of Juvenile Services (OJS) within the Department of Corrections. Nebraska's institutions for delinquent youth in Kearney and Geneva are re-named Youth Rehabilitation and Treatment Centers and placed under OJS.
- 1998 LB 1073 creates the Nebraska Juvenile Justice Task Force.
- 1997 OJS is placed under the Department of Health and Human Services (DHHS), ending the YRTC's 23-year relationship with the Department of Correctional Services.
- 2000 Juvenile Services Grant Committee is combined with the Nebraska Coalition for Juvenile Justice to focus funding on current juvenile justice issues.
- 2001 Passage of LB451 requires probation officers to use a standardized juvenile detention screening instrument to determine whether to place a juvenile in detention.
- 2002 Congress expands the DMC core requirement from "confinement" to "contact," with the purpose of ensuring "equal and fair treatment for every youth in the juvenile justice system, regardless of race and ethnicity."

- 2003 OJJDP finds a 28% increase nationally in daily number of committed youth held in public and private facilities since 1991.
- 2004 The MacArthur Foundation launches its Models for Change as a multi-state initiative working to guide and accelerate advances to make juvenile justice systems fairer, effective, rational, and developmentally appropriate.
- 2005 The Supreme Court declares unconstitutional the execution of offenders under the age of 18 at the time of the offense.
- 2005 Nebraska Medicaid Program's Children's Mental Health and Substance Abuse Statewide Infrastructure Grant (SIG) Program reports that: "Nebraska has one of the nation's highest per capita state ward populations. Nationally, children in foster care use mental health services at a rate up to 15 times higher other children in the Medicaid system."
- 2005 LB193 transfers the administration of the County Juvenile Services Aid Program from Health and Human Services/Office of Juvenile Services to the Nebraska Crime Commission.
- 2005 Nebraska Chief Justice John Hendry directs that CIP initiate a statewide implementation of best court practices based on the National Council of Juvenile and Family Court Judges (NCJFCJ) Resource Guidelines.
- 2006 The Court Improvement Project holds the first Nebraska Children's Summit focused on "Improving the Court System for Abuse/Neglect and Foster Care Children," attended by over 200 stakeholders in the child welfare and juvenile justice systems. CIP's *Through the Eyes of the Child Initiative* is launched at the Children's Summit.
- 2006 OJJDP reports that the number of youth in detention had decreased "for the first time in a generation."
- 2006 U.S. Department of Health and Human Services' Office of the Assistant Secretary for Planning and Evaluation initiates the Child Welfare Privatization Initiatives Project to provide information to state and local child welfare administrators who were considering or in the process of implementing privatization reforms.
- 2007 The Nebraska Court Improvement Project releases an assessment of the Nebraska court system with both positive and negative findings.
- 2007 Nebraska Legislature passes LB 542 to create the Children's Behavioral Health Task Force, tasked with developing a plan for all juveniles to access public behavioral health resources.
- 2007 A 38% rise in school-resources officers nationally since 1997 is linked to the creation of a

school-to-prison pipeline.

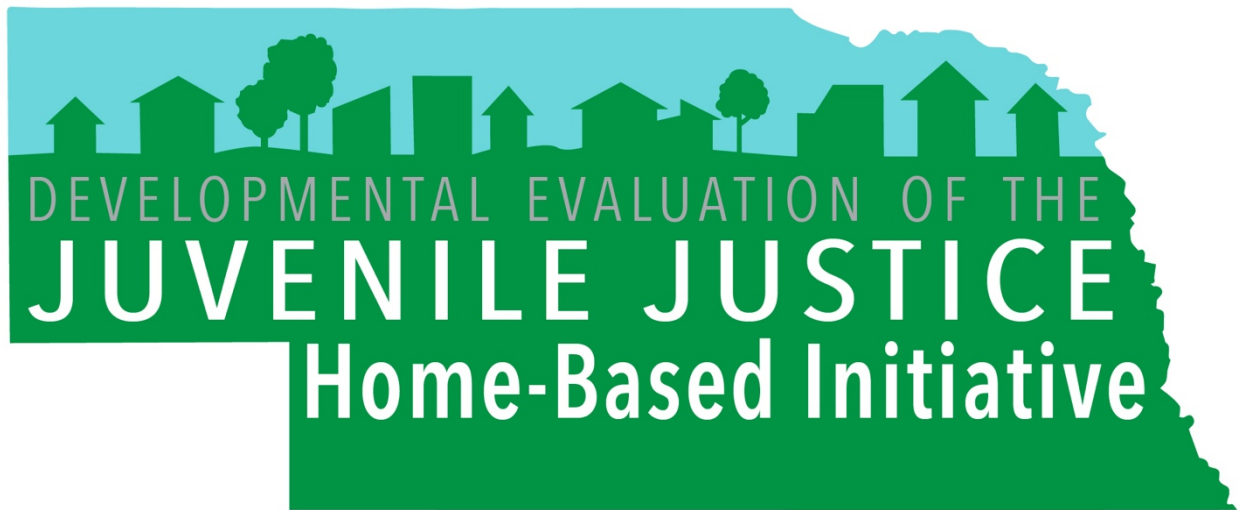
- 2007 DMC Action Network, funded by the MacArthur Foundation, is created to raise awareness and engage in advocacy around DMC nationally.
- 2008 The MacArthur Foundation's Models for Change Initiative's report *Making Court the Last Resort: A New Focus for Supporting Families in Crisis* marks a new paradigm for "status offenders," in which at-risk youth and their families were referred to community-based services and juvenile courts were used as a last resort.
- 2008 The reauthorization of the Runaway and Homeless Youth Act (RHYA) extends the time a youth could stay in emergency or transitional living programs in an attempt to reduce the likelihood of juvenile justice system involvement and detention because of their runaway status.
- 2008 The National Juvenile Justice Network reports "a swelling wave of acknowledgement that institutionalizing youth in large facilities, far from their families and communities, is harmful to children and public safety and gives the state a poor return on the dollar."
- 2008 Nebraska becomes the last of the 50 states to create a Safe Haven law. Within months of the law going into effect, over thirty children - many of whom were teenagers - are dropped off at hospitals, most of whom had received prior mental health treatment. A few months later, the legislature revises the Safe Haven law, by providing an age limit of 30 days old.
- 2009 The National Juvenile Defender Center finds significant gaps in access to quality legal representation for system-involved youth in Nebraska.
- 2009 LB 288 gives full leadership responsibility of the Department of Health and Human Services to a CEO.
- 2009 DHHS signs contracts with five "lead agencies" to expand services through sub-contractors. Lead agencies are required to pay for services based on a fixed rate regardless of the number needing service or their presenting problems.
- 2010 OJJDP releases a report on the status of Juveniles in Residential Placement from 1997–2008. While "declines in state residential placement rates were widespread across the country," Nebraska's rate was unchanged.
- 2010 DHHS ends service coordination contract with Boys & Girls Home; enters into case management contracts with Nebraska Families Collaborative (NFC) and KVC Nebraska.
- 2010 Lipsey et al. publish study on improving juvenile justice effectiveness through the application of evidence-based practices.

- 2010 National Juvenile Justice Network releases preliminary results of “Pathways to Desistance,” a longitudinal study finding that community-based alternatives were as effective as incarceration for reducing recidivism in youth with felony offenses and that institutional placements can actually raise the level of offending for some youth.
- 2010 LB 800 ushers in major changes to Nebraska’s juvenile justice system, including addressing the impact of truancy on juvenile delinquency.
- 2011 LR 37 directs the HHS committee to review, investigate and assess the effects of child welfare reform. Findings point to major gaps in financial oversight, lack of accountability and an unwillingness to adapt and change in the face of evidence that privatization was not working as intended.
- 2011 The Juvenile Service Delivery Project is piloted in Douglas County as Nebraska’s first intentional collaboration between Probation, the judiciary, DHHS, and community providers aimed at keeping more juveniles in their family homes across the state.
- 2012 The National Conference on State Legislators publishes a review of juvenile justice 2001-2011 and finds a national trend towards prevention services through the incorporation of evidence-based programs.
- 2012 The United States Supreme Court rules that juveniles convicted of murder cannot be subject to a mandatory sentence of life imprisonment without the possibility of parole in *Miller v. Alabama*.
- 2012 LB 985 expands the Juvenile Service Delivery Project to three additional sites.
- 2012 LB 972 raises the minimum age for commitment to Youth Rehabilitation and Treatment Centers (YRTC)s from 12 to 14, with exceptions for youth who commit murder or manslaughter, commit other offenses that lead the court to deem commitment is necessary, or violate probation.
- 2012 LB 821 creates the Nebraska Children’s Commission, the Juvenile Services Committee, and the Inspector General of Child Welfare.
- 2012 KVC Health Systems surrenders its lead agency status, leaving Nebraska Families Collaborative (NFC) as the only privatization contractor, focusing exclusively on the Eastern Service Area.
- 2012 JDAI expands to Sarpy County.
- 2012 Nebraska completes a Statewide Disproportionate Minority Contact (DMC) study that finds significant gaps in data and evidence of racial and ethnic disparities across the

juvenile justice system.

- 2013 The Annie E. Casey Foundation releases a report indicating that although nationally rates of juvenile incarceration had been on a downturn, in Nebraska the number of young people detained increased 8 percent between 1997 and 2010. Nebraska had the third-highest rate of youth incarceration in the country.
- 2013 LB 561 begins shifting the supervision of juvenile offenders from the Department of Health and Human Services (DHHS) Office of Juvenile Services (OJS) to Nebraska's Office of Probation Administration and focuses on expanding local and community-based alternatives to incarceration.
- 2013 Nebraska's First Community-Based Services Aid Administrator and State Diversion Administration is hired by the Nebraska Crime Commission.
- 2013 Nebraska State Legislature removes mandatory life sentences for juveniles from the state's statutes.
- 2013 The Nebraska Court Improvement Project expands the Through the Eyes of the Child Initiative to include a Juvenile Justice Court Improvement Project (JJCIP).
- 2013 Nebraska Probation becomes lead agency over state expansion and support of JDAI.
- 2014 Nebraska Legislature passes LB 464, requiring all criminal charges, excluding traffic offenses, against youth under 18 years of age to be originally filed in juvenile court and adding new reporting requirements for the Administrative Office of the Courts. The Bill also includes sections to "clean-up" provisions found in LB 561; changes affecting referral of and defense of truancy cases; and expansion of the use of facilitated group conferencing in child welfare and juvenile justice cases.
- 2014 The Juvenile Justice Institute at the University of Nebraska publishes a white paper on evidence-based practices in juvenile justice in Nebraska.
- 2015 The Nebraska Legislature enacted LB 566, which modifies and clarifies key procedural and substantive provisions of the NICWA.
- 2015 Nebraska Court Improvement Project moved from the University of Nebraska-Lincoln to the Office of the Courts.
- 2015 The Juvenile Justice Home-Based Initiative begins with a planning phase.
- 2015 LB 347 requires the Juvenile Services Division, Juvenile Detention and Secure Facilities, and the Administrative Office of Probation to report cases of death or serious injury of juveniles under their care.

- 2015 Council of State Governments Justice Center report assesses Nebraska's Juvenile Justice System with a focus on reducing recidivism.
- 2016 Nebraska Legislature passes LB 894, producing changes in juvenile law relating to alternative detention; jurisdiction, temporary custody and disposition; confinement, legal counsel and guardian ad litem. Specifically, the Bill requires appointment of counsel for juveniles in counties having a population of one hundred fifty thousand or more inhabitants.
- 2016 LB 954 ensures the OIC of Child Welfare has access to juvenile justice records.
- 2016 The Juvenile Justice Home-Based Initiative receives funding to pilot the MST program and expand and replicate the Boys Town Ecological In-Home Treatment Model; releases an RFQ for service providers.
- 2016 JDAI expands to Otoe County.



SYSTEM ANALYSIS

Part 2 of the Developmental Evaluation of Juvenile Justice Reform in Nebraska

Prepared for the Nebraska Court Improvement Project

Prepared by TerraLuna Collaborative

March 2017



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EXECUTIVE SUMMARY

This systems analysis is intended to support successful implementation of the Juvenile Justice Home-Based Initiative by providing insights into the strengths and challenges in Nebraska's current juvenile justice system. Based on lessons from the retrospective developmental evaluation and data from interviews with 90 adult stakeholders, three listening sessions with 25 adult stakeholders, and five arts-based workshops with 25 system-involved youth, we pieced together a portrait of the current juvenile justice system that identifies key factors at play in reforming the system, as well as assets and barriers identified with regards to each area of influence.

Key factors influencing the juvenile justice system:

Factor 1: Staffing & Leadership

Systems are made up of people, so it is important to understand the issues that impact the individuals who work in and make decisions about the system.

Strengths:

- Staff are passionate and connected
- Training and staff development are available, though more is needed
- Leadership is supportive

Challenges:

- Youth do not always feel that staff care about or understand them
- Caseloads remain too high
- Staff turnover impacts quality of care
- Workforce limitations impact availability of services in rural areas
- Staff do not reflect the communities in which they work

Implications for the Juvenile Justice Home-Based Initiative:

- Foster passion and connection of staff by sharing stories of success from youth and families
- Continue offering high-quality training and staff development
- Continue to engage and support leadership
- Ensure program staff represent the communities they serve

Factor 2: Collaboration & Communication

Issues of collaboration and communication highlight how well the agencies within and connected to the juvenile justice system and the people within them work together.

Strengths:

- Cooperation and communication between agencies and cross roles has improved

- Strong relationships lead to better outcomes for youth

Challenges:

- The system is still slow and confusing to some
- Silos remain due to funding, lack of trust, differing philosophies

Implications for the Juvenile Justice Home-Based Initiative:

- Ensure transparent communication across agencies without requiring additional meetings
- Keep the program as simple and transparent as possible
- Build trust across agencies by reducing competition for funding when possible

Factor 3: Data Collection, Management and Use

The ability of actors in the juvenile justice system to understand what is happening in the system is critical to any effort to improve or reform it.

Strengths:

- Capacity for data collection and sharing has increased

Challenges:

- Data management lacks coordination and unification
- Data does not capture what is really happening
- Distrust, high stakes and lack of transparency hinder data collection and use

Implications for the Juvenile Justice Home-Based Initiative:

- Coordinate with existing efforts to streamline data collection and management
- Use mixed methods to allow for qualitative data to tell the story behind the numbers
- Build trust through transparent use of data to improve programs

Factor 4: Allocation of Resources

Whether money, time, training, expertise, legislation – paying attention to where resources are being invested can be telling in a system.

Strengths:

- Increased investment in community and evidence-based practices
- Perspectives are shifting in factor of keeping kids close to home
- More attention to and investment across a range of needs

Challenges:

- Barriers to services, particularly transportation, lead to unequal access
- Gaps in services for reentry and youth ageing out

Implications for the Juvenile Justice Home-Based Initiative:

- Continue to invest in community and evidence-based practices
- Continue dialogues with stakeholders across the state to foster support for keeping kids close to home
- Ensure that rural areas of the state do not get left behind as the project rolls out
- Pay attention to where gaps in the continuum of care continue to exist and address them when possible

Factor 5: Lived Experience of Youth & Families

It is critical to recognize that the system is not only composed of people, but ultimately both impacts and is impacted by the lived experience of those whose lives are most at stake: youth and families.

Strengths:

- Youth & families have more of a voice
- Some youth are ready to take responsibility for their actions

Challenges:

- Youth experience is mixed
- Youth trauma is often unaddressed
- Youth still do not always feel heard or respected

Implications for the Juvenile Justice Home-Based Initiative:

- Provide opportunities for youth and families to give feedback and share their experiences
- Document and share success stories of youth playing a role in their own rehabilitation
- Ensure providers are using a trauma-informed approach

Factor 6: Diverse Perspectives & Experiences

Given the wide range of actors that comprise the juvenile justice system, it is important to understand some of the perspectives and experiences that vary across the state.

Urban/Rural Divide

- Rural Nebraskans do not feel they are understood or prioritized by those in Omaha or Lincoln

Demographic Variations:

- Youth of color are disproportionately represented in the juvenile justice system

- Culture and language are not adequately addressed
- Economic class impacts youth experience and outcomes
- Some variations exist by gender, though the gap may be closing

Implications for the Juvenile Justice Home-Based Initiative

- Pay attention to how this initiative is perceived in different areas of the state and make efforts to ensure it rolls out in a way that does not foster the urban/rural divide
- Document how different populations of youth experience the programs and use this data to eliminate racial, economic and gender disparities

Factor 7: Surrounding Context

In any system, the political, economic, and social dynamics in which the system operates significantly influence what happens within the system.

Policy & Politics

- When the Unicameral is supportive, reforms can happen fast
- Legislative support can be unreliable and contingent on achieving short-term successes
- National policy on juvenile justice is likely to change under the new administration
- The Indian Child Welfare Act expands to juvenile justice

Implications for the Juvenile Justice Home-Based Initiative

- Track major developments in policy that may impact the Initiative
- Diversify funding sources to eliminate major impacts of budget shortfalls
- Communicate short-term successes to build ongoing support

System Assessment

While the above seven factors emerged as the most significant system-level influences on reform, from stakeholder interviews, listening sessions, and arts-based workshops, we also asked stakeholders to share with us how they assess whether the system is working or not.

Indicators of Success

The following indicators were cited by stakeholders as some of the major indicators of success in the juvenile justice system currently:

- Reduction in out-of-home, out-of-state and detention placements
- Reduced recidivism and repeat offending
- Improved outcomes for youth and families
- Increased use of diversion
- Reduction in kids on probation for truancy

- Fewer cases coming through the system

Indicators of Gaps

The following indicators were cited by stakeholders as some of the major indicators of success in the juvenile justice system currently:

- Over-representation of minorities in the system
- Challenges with measuring recidivism and reentry
- Low graduation rates for system-involved youth
- High unemployment rates in certain areas impacting youth

OVERVIEW

This systems analysis is intended to support successful implementation of the Juvenile Justice Home-Based Initiative by providing insights into the strengths and challenges in Nebraska's current juvenile justice system. This analysis is one component of the Developmental Evaluation TerraLuna Collaborative conducted for the Nebraska Court Improvement Project from July 2016-March 2017. For more details on the project and methods, please refer to the Developmental Evaluation Summary Document.

Based on lessons from the Retrospective Developmental Evaluation and data from 90 stakeholder interviews, three listening sessions, and five arts-based workshops with 25 system-involved youth, we assembled a portrait of the current juvenile justice system that identifies key factors at play in reforming the system, as well as assets and barriers identified with regards to each area of influence. While stakeholders identified a range of bright spots in the current system, most were accompanied by a warning or barrier associated with them. Thus, it was difficult to separate the bright spots from the areas for improvement. What we present below is an analysis of the factors that rose to the top in our data that merit particular attention in any reform effort in the current climate. We also discuss implications for the Juvenile Justice Home-Based Initiative specifically.

Throughout this report, quotes are from adult stakeholders unless they indicate otherwise. We have also included art produced by youth during the art-based workshops as artistic interludes to the system analysis to provide an alternative way of thinking about the system. Quotes from youth used in the report were produced from recordings of these workshops. All identifying information was removed to protect the participant's anonymity.

SYSTEM ANALYSIS

Factor 1: Staffing & Leadership

Systems are made up of people, so it is not surprising that attention to the people who work in and make decisions about the system play a key role in any effort to reform that system from within. This section highlights some of the strengths and challenges identified by stakeholders with regards to staffing and leadership within Nebraska's juvenile justice system.

Strengths

Staff are passionate and connected

Many stakeholders expressed that they felt that staff really cared about youth and understood their experiences and applied that to their work:

"The passion and enthusiasm that the staff brings are helpful. They're pretty tenacious, always wanting to come in and try one more thing, one more thing, one more thing. And that's what this is all about."

"I try really hard to hire people from the community. It helps a lot if you grew up and you went to (school) to be able to go back to that school because a lot of the same people are there. They understand the culture of the school, or the culture of the community."

"They keep up to date with my family, my mind, my state of mind, and the state of my justice. I picked chance because even despite the fact I've been through the struggle, been through the witnesses and on the other side with plaintiffs – while I was the one doing the crime, I was still on defense. They still gave me a chance. Either system, whether it was the welfare system, juvenile justice system, or whether it was in a system period, I definitely got a chance. Whether I wanted to live or die, whether I wanted to be good or bad, they still gave me a chance." – Youth participant

Training & staff development are available, though more is needed

Several stakeholders suggested that the availability of trainings for stakeholders across the system has been really beneficial and that front-line staff, particularly in Probation, seem very engaged in the trainings they receive:

"I think between my experiences and then also one thing I have to give kudos to probation for is the amount of training they put us through, and specific to working with juveniles. It's really helped me improve my communication and my approach to youth. I think back in my old days, you know, five years ago, about how I approached kids when I had them on my caseload. I know there's times that I regret it. And I wish I would have had some of these skills that I feel like I've developed over the last four or five years."

"There's, always have really good attendance of probation officers at trainings that

I've done on ICWA. So there's the thirst and genuine openness to new information, so that's good."

While some felt positively about training, others saw challenges when staff are not aware of the trainings that are available or chose not to attend:

"In most Native communities, they didn't even know there was a probation academy. We can partake of that. Its four weeks. The one I went to was held in Shelton, Washington [...] I was able to spend four weeks up at the Washington State Patrol, and use their facilities, and go through my little probation academy."

A few stakeholders also suggested they would like to see more trainings, particularly for new staff and given all of the changes that are occurring within the system:

"In theory, the opportunity [for training] presents itself but folks don't attend or they just go through the motions. That's one difficulty. The other difficulty is there needs to be more training. We deal a lot with the – we say "the flavor of the month." A lot of folks have absolutely no idea what they're talking about and these are folks on the frontline. And we just keep plugging along because we want to fulfill some sort artificial objective that says that we have the latest or we are using the latest evidence-based approach, regardless to whether or not it is working, regardless to whether or not the people on the frontend are proficient at understanding, implementing and utilizing it."

Beyond training, one cited by a supervisor was that Probation will pay tuition for further education. They encourage staff to take advantage of that as an incentive to stay with the work.

Leadership is supportive

Although there are a number of staffing concerns that will influence the success of reform, many stakeholders cited that leadership across the system has been strong and supportive. Recent leadership changes in DHHS were cited by some as a significant improvement, while others highlighted the work that Probation leaders have done to ensure that reform transition was as smooth as possible:

"I can't say enough for the leadership that we have right now in Nebraska and I'm pleased to be a part of that group."

"I definitely think a lot of leadership from Probation, from the Court Administrator, the Chief Justice, from Senators, from providers. I mean everyone really had to pull together to make these changes happen. So I think strong leadership that's been helpful in Nebraska."

"I will reiterate that the probation leaders I think really do get it. It's an unfortunate trade off. I think there are a lot of issues going on from what I've heard through second and third hand sources that they don't really do juvenile justice stuff. When DHHS is running OJS that probation has really done a nice job of cleaning up. Yeah, it really would just be the loss of federal funding is unfortunate."

Challenges

Youth do not always feel that staff care about or understand them

It was clear from interviews that many of the staff who interact with youth feel very passionately about the work, indeed many have dedicated their life to working with youth. Still, this compassion and connection did not always come through to youth in their interactions with staff:

“When I had my baby, I was [a teenager]. There were days I couldn't go to school because [my baby] would get sick. [The probation officers] were saying she's falling back because of her old self. That wasn't the situation. I was watching my baby because [my baby] was sick. Now every time I don't go to school, they want to see a doctor's note. If they don't see a doctor's note, then I'm skipping, I'm not being a mom, or I'm drinking or doing something – which isn't true anymore....They assume the worst. Ever since I had my baby, I've changed my whole life around. I'm a better person. I can say I don't do drugs. I don't drink. I don't party anymore. I changed for the better. When I first saw my [baby], I was like, wow, that changed my whole life. The system – I feel it took me away from my [child]. It took me away from what I love. I treasure my [baby]. ... I feel they took family away, and it's not helping.” – Youth participant

“A lot of times when young men or young women – just youth in general – end up in the court system, the courts don't really address... What they see is just what they did in the moment. If you skipped 20 days, then they'll think [off-mic]. That's all they see. They rarely ask why these things are happening. You did this, so here's your punishment. They don't ask why? What happened? What's the cause of this?” – Youth participant

Caseloads remain too high

Several stakeholders brought up the issue that caseloads remain too high. High caseloads put a lot of strain on staff and can limit their ability to serve youth as effectively. Probation caseloads are set by the American Probation and Parole Association. Several stakeholders acknowledged that leadership understands this challenge and is trying to address it, but that it remains an issue:

“We have lots of expectations. We expect excellence out of the people that we hire. There's just a lot of stuff that we expect from our officers. If you are an officer that is running between two or three counties, trying to set up monthly home visits for 25 kids, monthly family team meetings for 25 kids and then run different groups for your kids on top of your treatment provider meetings, your school collaboration meetings, that's the piece that we haven't figured out how to do as well as we could if our caseloads weren't so high.”

“Our administration understands that our juvenile officers are really busy. They have given us an extra officer for our district, but I believe we were short-staffed an officer prior to that position. That officer really just puts everybody where they should have

been according to the caseloads standards in the first place and really doesn't help get them down where this is really something that we can manage to a high, high level, as high as we would like it to be."

"They [DHHS] have half or less than half the kids that we have on each individual caseworker's caseloads there. There's things that we could do if our caseloads were that low. It would just be amazing."

While there was some recognition that LB561 doubled the size of Probation, which allowed them to reduce caseload ratios, there is still more that needs to be done to manage caseloads.

Staff turnover impacts quality of care

One of the consequences of high caseloads is staff turnover, which has been an issue across several departments, but particularly in Probation. Some of the factors stakeholders attributed this turnover to included high levels of change and uncertainty, low salaries, and bureaucracy. Recruiting and finding candidates when staff leave is also a challenge. One stakeholder described an internship program they conduct to build their pipeline. Staff turnover causes concerns over quality of care, lack of confidence that staff can support families, and lost data on what works and how to be most effective. Below are some quotes from stakeholders to capture the various perspectives on turnover:

"I have lost probably six people over four years to go to the adult side, a couple to go to other districts. In my opinion, I think that juvenile officers should be paid more than adult officers because they work—I mean all probation officers in the state are supposed to work 24/7, but these people work 24/7. You don't get calls in the middle of the night for adult clients generally. You do for juveniles. And the intake function is 24/7, law enforcement's calling you, parents are calling you. So that kind of, if there were more incentives that way, I think that would be helpful. We don't have a union. We don't get summers off. It really is 24/7. And we try really hard to structure it so we have on call people, and we have shift people, and we have the ability to tell people you're not on call. You have to shut your phone off, and go spend time with your family, and take vacation. But some of them have a hard time with that. They have a hard time unplugging and they're just passionate about what they do and they want to be there [...] I always think it would be nice if we had more money to keep people here and reward them for what they do."

"We experienced, like most states did, just a crisis in our health and human services. The worker turnover was off the charts. We didn't do a very good job with families. We're getting to get that size thing that comes in. We have too many managers and not enough worker bees that our probation officers, at the line, are covering for each other."

"I'm trying to think how I would say where I have been disappointed. We had some turnover. One of the things that the Office of Juvenile Services versus probation was always a struggle is that probation, we always had a longevity in our probation"

officers. There wasn't a lot of turnover. There was continuity, and those people really knew what they were doing. Whereas Offices of Juvenile Services was kind of like Child Welfare, constant changing in the case workers."

"You just never developed confidence and trust in, sometimes, people's judgements or what they were telling you was the truth, or you put some credence in there. "Hey. I've worked with this family," or, "I've worked with this youth. This is what they need," or what you get when you have a workforce that has some continuity. With the probation, with the turn, with the reform eventually within the first couple of years, we lost almost all of our long-term probation officers in juvenile. [Question about what caused this change] I think the change in culture. I think that was palpable in terms of not detaining kids as much, not placing them out-of-home, giving them chance after chance after chance after chance, I think frustrated some people. That's my sense. Most of them went to adult probation, so they didn't leave. At least, a lot of them did. I think that was a disappointment."

"Yeah. And everybody can point to anecdotal situations where something works well, well that can work well in every situation if we were operating on all cylinders. But we're not. The turnover is too great. We have folks who really don't want to be in this area and therefore they're not going to invest a lot of time in self-development and training."

From the perspective of one DHHS stakeholder, one of the results of this significant expansion of probation was at the expense of DHHS. They shared that with the passage of LB561, the budget of DHHS was reduced and many staff transitioned from being part of DHHS to being part of Probation:

"The unfortunate thing was that was done a year or two after the legislature had appropriated us to hire more case managers. So we hired up, and trained up, and life was good and then a year or two later we lost about 75 staff to probation. So that's very disruptive, especially in a small state where you only have a very limited workforce. That was tough."

Workforce limitations impact availability of services in rural areas

One of the primary challenges noted by a number of stakeholders, when speaking specifically about the Juvenile Justice Home-Based Initiative, was the concern that there would not be enough qualified providers in the rural areas of the state. This gap was one of the primary reasons why the Initiative included Boys Town and, originally, Functional Family Therapy:

"So I think we knew we just needed a more systemic in-home based service that could work a little more comprehensively with these families. And the thing was, we knew the model was - the models were out there, and had a lot of research behind the fact there were models. We had Mid-Plains doing MST, and as an officer, I can tell you I just love that darn thing, very effective. So we knew it could be. We knew EBP-wise that it was the direction we needed to go. But we also knew then that there were challenges for providers to be able to, you know, become certified in those models. So

then it became a challenge of how do we get over that barrier, and how do we help providers get over that barrier.”

Staff do not reflect the communities in which they work

Another significant challenge cited by several stakeholders was the lack of diversity among staff in the juvenile justice system:

“The failures that I’ve seen in juvenile justice period is the lack of diversity. You have a system that doesn’t reflect the population it serves. You have a system of people in positions, high positions that make the decisions about youth that they know nothing about. To me, that’s my biggest concern. And it will always be a concern until I see something different. Because we all know that the majority of the children that we serve, especially here in Douglas County, are youth of color. And you don’t have those people that are higher up, they don’t reflect the people that we serve. To me, if that’s not tackled, or discussed, or addressed, as far as I’m concerned, we’re just going in circles.”

“We need to have a more diverse probation staff that better represents all the people we serve. They’re going into tough situations, you know, just like the CPS workers and NFC workers. You take these idealistic college kids with little life experience, and you through them into some frightening situations, wow.”

“Another thing that I’m hearing more and more is that there’s not, agencies have not done a great job of hiring people who are representative of the families that they’re service, which I think has caused issue with families being comfortable allowing a service provider into their home or trusting a case worker, or probation officer, or a service provider that they’re going to actually understand that family’s experience. And I think that we haven’t done a great job as a state valuing hiring people with diverse backgrounds or addressing disproportionate minority contact with our system. I think that people recognize that it’s there, but no one has really figured out what to do about it. I mean it doesn’t seem like there’s a real interest in actually doing something effective about it from what I’ve seen.”

“And I really firmly believe, and I really would like to have more diversity in our workforce. And people that I’ve found in the work that we do in the diversity that we do have that families who get to work with individuals that are like them or have had the same experiences as them tend to feel better heard. They tend to feel a commonality. And those individuals are also more educated and aware of the challenges that are faced within different areas.”

ARTISTIC INTERLUDE: Role Model

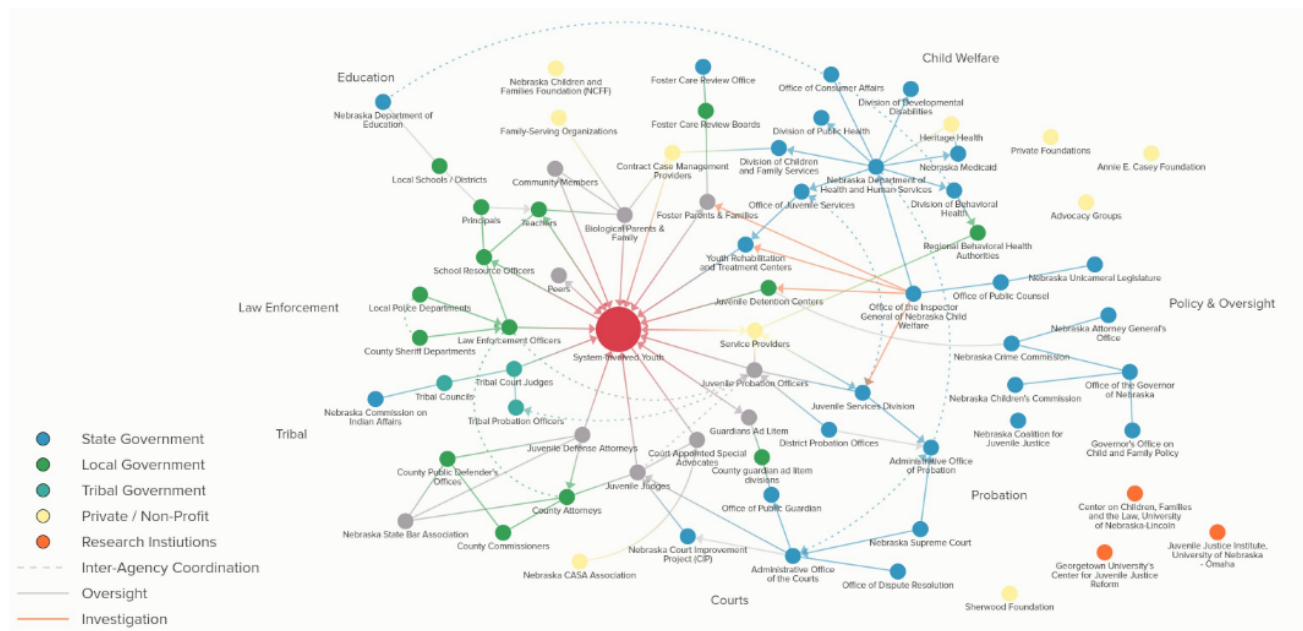


See Appendix A for a brief description of each panel and an interpretation of this piece.

Factor 2: Collaboration & Communication

While staffing and leadership concern operations within agencies in the juvenile justice system, issues of collaboration and communication highlight how well those agencies and the people within them work together. Interviews revealed that many feel inter-agency communication and collaboration has improved, but there remains work to be done in this area. As part of our exploration of the connections between agencies, we developed an actor map of the juvenile justice system, which highlights the complexity of the system and the various channels for communication and collaboration across agencies. See Figure 1 below.

FIGURE 1: Actor Map of Nebraska's Juvenile Justice System



For a high-resolution version of this map, visit: <https://tinyurl.com/JJactor>

Strengths

Cooperation and communication between agencies and across roles has improved

Many stakeholders indicated that they saw enhanced communication and collaboration happening, which resulted in more effective implementation of evidence-based services and a more coordinated system of care:

“I think that that’s another bright spot that we’ve gotten to where I think a lot more cooperation between agencies and a lot more communication between agencies and providers and helping to also to come up with and to bring into communities even such as ours ways that we can bring some of the evidence based practices into the community either through cooperation between agencies or an agency bringing it in with the knowledge that there’s a contract with a private enterprise, private counseling service bringing it with the knowledge as a contract with probation or Health and Human Services to help pay for that.”

“The communication between my probation officers and the defense attorneys has been much better. When I came up here, there was a little bit of a culture of this kid’s blowing up and they would default to the county attorney kind of a ‘what do you want to do?’ And I was floored when I came up here and saw that. I said the defense attorneys are the ones advocating for your child and your family why aren’t you reaching out to them before they blow up. So that’s shifted, which has been good. And when attorneys are getting calls from probation officers saying ‘help’, that engages them a little bit so they’re not just dealing with a case so to speak. That’s been better.”

“Pre-adjudications has been a big thing. I think we’re doing more consulting with the public defenders, the county attorneys, and doing even more collaborative discussions on what is everybody seeing is, what does this juvenile need, and how do we get there? So, I think there’s been a lot more collaboration.”

“Several divisions within the Department of Health and Human Services have begun—continues—to work collaboratively with the Administrative Office of Probation in identifying system issues, trying to find resolution to some of those issues. So it’s really I have seen success in the collaboration across multiple agencies that did not exist probably even two, three years ago.”

“I think you’ve seen probation – not only probation but the department like Through the Eyes of a Child teams or LB-1184 teams you’re seeing a lot more collaboration amongst everybody. Not just one agency trying to decide what direction they’re going. You know we have everything from school counselors involved in them to administrators to law enforcement. And so I think that has really brought a lot more collaboration amongst everybody especially out here.”

Strong relationships lead to better outcomes for youth

The increased collaboration and communication is largely due to strong relationships within and between departments, which some feel has led to better outcomes for youth:

“I would say the bright spots are that we had had the opportunity to provide services to our families that we were never able to before. I think that we are in a better position, because of the changes, to improve families’ lives, and, hopefully, prevent them from coming...their kids back from coming back into the system. I think the positive is, at least for us, that we do have really good relationships, even though we get frustrated with each other, and sometimes don’t agree. But, you know, that’s how relationships work. But I think we have good relationships with the law enforcement, and our attorneys, and the judges, and DHHS that other places don’t. So, that makes it much easier for us to work together and collaborate.”

“I think our youth within the educational settings things are better because at our family team meetings we have educators sitting at the table. We have counselors, service providers, but more importantly we have the family sitting there. So I think that’s one of the bright spots that we have family involvement and that’s why I think we’ve had better outcomes.”

Challenges

The system is still slow and confusing to some

While some have seen improvements in outcomes due to collaboration, others still see a system that moves slowly and is confusing:

“We have a lot of collaboration that we’re doing which is good, but I don’t see that it’s helped speed up anything.”

“Every time I talk to probation officers, or just officers in general, there are different rules with different people, depending on the district that you’re in, what your age is, what the crime is, where you come from, and whether you have papers or not. There are rules for everything. Pretty much you need to know, especially to help the youth that we work with – you have to know pretty much every little detail. It’s really hard to keep everything together. The system is just confusing.” – Youth participant

Silos remain due to funding, lack of trust, differing philosophies

Several stakeholders shared their perspective that there remain significant barriers to true communication and collaboration. Some of those barriers are due to competition for limited resources or confusion over who is supposed to pay for certain services, while others have identified a lack of trust among agencies that operate under different philosophies:

“There is still a lot of silos between agencies. Funding drives a lot of that, because our funding systems are set up not to follow the child, not to follow the family. They’re to follow a court order. They’re to follow a statute designation, you know, as you all

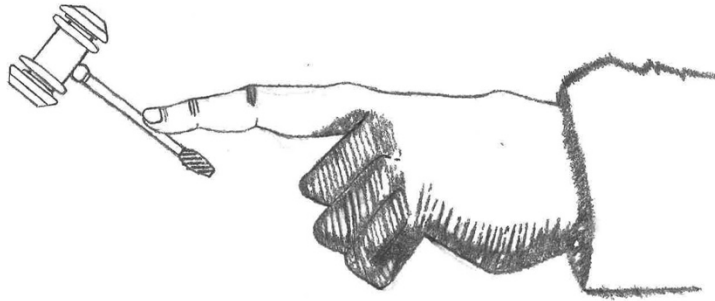
know you want Medicaid you need a diagnosis. We get kids who get diagnoses so they can get Medicaid. They don't need a diagnosis. I mean that's a federal issue, which drives down, that's an issue. That's a silo. Those things are very much there. I think philosophically in some agencies, including my own by the way, we're going to be 100 years old, you have some old school leaders that were trained, and grew up, and reinforced, and experienced certain practices. And it's in child welfare, it's in juvenile justice providers."

"We trip over each other sometimes when the courts have ordered DHHS involvement and at times they've even vocally said this, that they have a lack of confidence in the probation system. But again, I think when that comes up, it's more about the family's needs. I don't know how well the probation workers are trained in family needs [...] Well back to Probation versus Health and Human Services, and it's a totally different approach. As I said, probation officers aren't really trained to be social workers. So the problem – I don't know if it's a problem but what I'm seeing is a different approach versus how probation deals with it versus Health and Human Services and there's good and bad about that. Some kids I really think need the Health and Human Services social work approach, versus the rehabilitative probation approach, I guess you would say."

"And I can't get Health and Human – I have problems with 3A and 3B cases. Nobody wants to take control of them and I can't get HHS to understand that probation is not the guardian and does not take custody of the kids."

"And I've come to conclude it's the same problem that's going on with the court system. We're mad and we're angry. I've never seen our process and the many stakeholders who are involved in this process more at odds at one another than I've ever seen. There's more tension. There's less trust.... I just think that because there's so much going on it's just a blame that's going on, this didn't work or this didn't happen because probation didn't do this, or my attorney didn't call me. Or they didn't file it correctly. Or we didn't get this evaluation in time and no services were put into place. We're blaming each other and everybody is very defensive."

ARTISTIC INTERLUDE: The Gavel



Participant-artist's statement: *It's just pretty much a hand touching a gavel. There's always some sort of touch in the system. In every family or every life, someone has touched the system.*

Interpretation: In this drawing, the participant-arts depicts a touch without control. The hand does not grasp or strike the gavel, even though all its attention seem focused on touching the gavel. This may indicate relative positions of power and advocacy in the participant-artist's life.

Factor 3: Data Collection, Management & Use

The ability of actors in the juvenile justice system to understand what is happening in the system is critical to any effort to improve or reform it. While some stakeholders believe that data management and use has improved, many believe there are still significant barriers that hinder successful juvenile justice reform.

Strengths

Capacity for data collection and sharing has increased

A number of stakeholders felt positively about the current system's capacity for data collection, sharing and use. Several stakeholders brought up the state's commitment to collective impact, which they feel has contributed to the improvement in sharing data across systems:

"We're doing a lot of work trying to come up in Nebraska with a unified and accepted evaluation and assessment tool that everybody feels valued. So we put the services to the child, you know, where they're needed and it's not impacted so much by who's paying for it but rather what the youth's need is. So you know, I'm really excited that we're doing a lot more of that proactive communication and you know, putting the child and the family you know, in the spotlight and getting away from those silos, those protected pots of services and money."

"So in the state of Nebraska, there's a real commitment to collective impact; and then shared measurement is one of those pillars of collective impact. So, agreeing to count things the same way, I think, is so phenomenal; because then all of a sudden I can have a dialog with you, and say, oh, you run a mentoring program in Omaha, and I run one in Scottsbluff. We have different recidivism rates. What are you doing? Because I know this was counted the same way. Why do I have such a different number?"

"The heightened sense of awareness that has been brought into the senators, that you will actually save money if you put these programs in place versus locking kids up. So it's been brought to the forefront. It's been spotlighted in legislation so that's super exciting. The realization that if you want programs and services to be effective throughout the state you have to professionally measure them. You have to have outside entities do a system analysis."

Challenges

Data management lacks coordination and unification

Despite these positive views, there remain challenges across the state. Many stakeholders indicated that while there have been improvements, there is still a long ways to go, particularly when it comes to sharing data across systems. Some felt there is not enough sharing, while others found that there are so many efforts underway that some could be consolidated to more effectively use and share data:

"We definitely need a different, a more unified, a more responsive data system, you know, rather than, you know, right now there are some elements of, you know, like

HHS, where the kids were, they can't even accurately tell you how many kids are working."

"I think it's been interesting. In Nebraska we have like five different committees or commissions on children and they're all looking - they all have their own data groups and they're all recommending the same things, right? I think that eventually that needs to kind of consolidate where we're all investing in the same resources and being able to track youth across both sides of the juvenile justice system and use our resources to be answering those questions, rather than kind of silo looking at things.....I think there's absolutely a willingness. You know, I'm really impressed with how much more data driven Nebraska has become in the last five years related to juvenile justice, but I can tell you that these five or six committees that are meeting, they're the exact same people. It is literally the exact same people. And so you meet once and you're talking about this issue and then you meet the other time and you're talking about, you know? If you could just - you know territory aside, right, that you're not representing an organization, just get those same people in the room and say, "What are we really trying to - what are the questions we really need to be asking and how do we get there? How do we get the data to answer these things?" I think would be - it's definitely possible, but these groups kind of have different agendas and purposes."

"You know, I just don't see families anymore. So I really have to rely on data and then, of course, anecdotal feedback from staff doing the work. And that's probably, speaking of data, another one of those barriers is I know that at least for the last five years, I've been engaged in meetings around data sharing. Who can share what data with who? There's always confusion because things change as laws are interpreted differently. But there ought to be, you'd think, one family treatment plan that everybody helps the family make progress with, that's developed with the family. And probation has theirs, and we have ours for those dual use."

Data does not capture what is really happening

While some stakeholders were concerned with whether data was being adequately shared, others did not feel that it was actually capturing the realities of the system:

"We really don't have real good evidence. We gather data but not very useful data. We gather transactional data. We don't really ... the only way you could get it is anecdotally if you're doing a review on a kid. They just actually have to stop and ask the kid."

"But some people say, oh, you know, they're not doing drugs is evidenced by their negative drug testing. And I want to say, 'That's but one measure. Did they show up for school? Were they prepared for school? Did they show up for work? When you interacted with them, did they seem like they were high?' I mean, there's many ways you can say this person's making progress. And so I look to those sorts of things."

Distrust, high stakes and lack of transparency hinder data collection and use

Some stakeholders suggested that the ways in which data has been used in the past leads people to withhold information or opt out of participating in evaluation:

“But, yeah, there’s still a lot of distrust though I think and access to data from – I think the courts are still so wary that this would be taken away from them – that probation be taken away from them that it causes them to not be as open and share struggles with the community to try and work on it collectively. There’s a real culture of we’ve got this. Just give us some money, we’ve got this, and kind of picking and choosing what they want to share. And I’m hoping that’ll dissipate as like they’re not as scared because I do think it’s just coming from this oh, no, then we’re going to lose these millions of state dollars or whatever. But in the meantime that’s not helping the kids right now who are in there.”

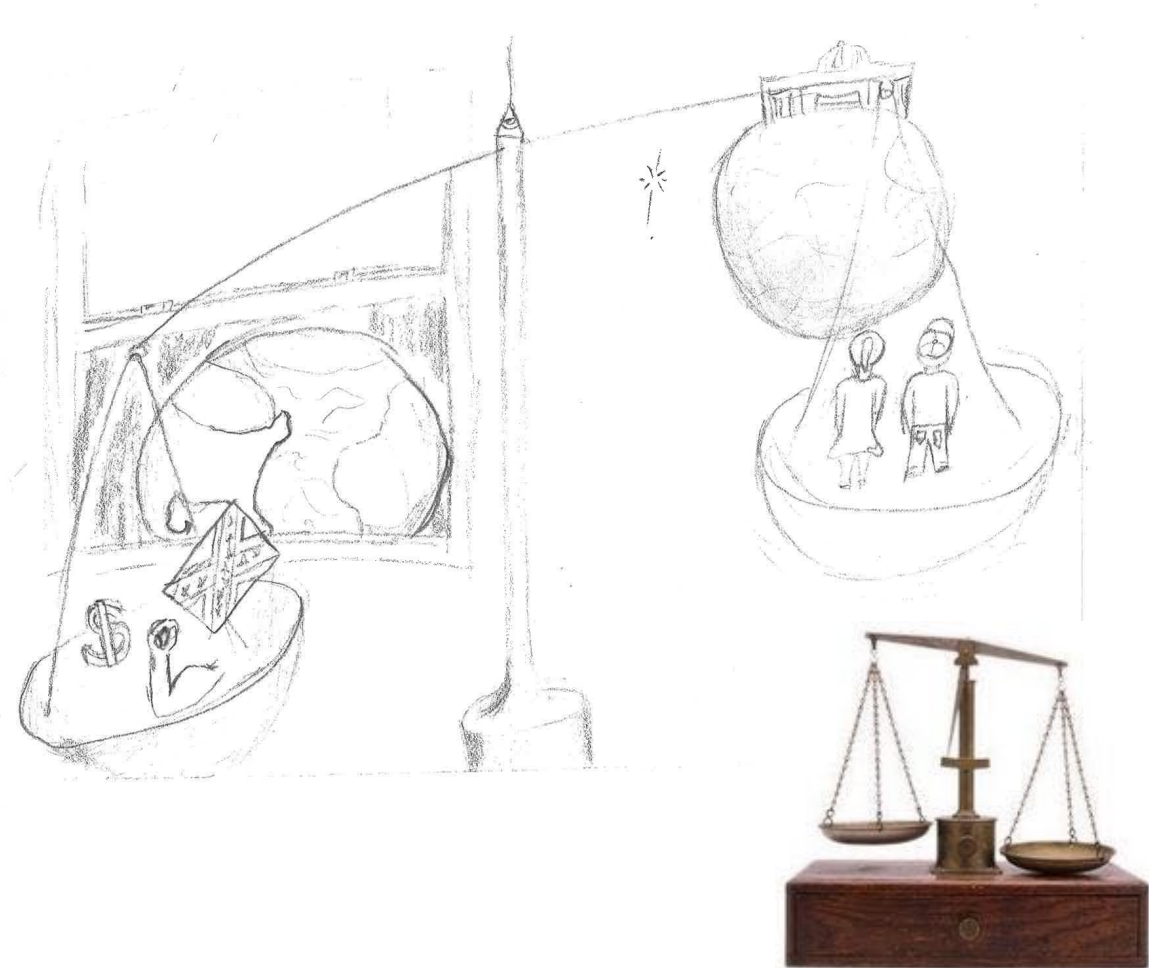
“It’s the same in every profession where we’re having to be transparent, and we have to keep data, and we have to keep statistics, and we have to report. A lot of people have shut the door in our faces because they don’t want to do that.”

Several youth also suggested that they do not feel that programs are being effectively evaluated. This points to a lack of transparency with data that leads to mistrust, not just internally among staff and agencies, but with the population those programs are intended to serve as well:

“I believe that a lot of times someone could say, you know what? This doesn't fit. This doesn't fit what we're trying to do as far as juvenile justice. Instead, they just – courts, judges, whoever – just allow that to go through. My opinion would be to get the numbers to justify what they're trying to do – the programs and things like that.” – Youth participant

“I feel it just makes things harder for the people, the kids who actually want to do better. Like he said, they really don't do much evaluating. Then there are kids who actually want to do better. There was one time they messed up, and they can't because they're too busy doing their diversion things or probation meetings or all this other stuff, instead of focusing on what they need to focus on.” – Youth participant

ARTISTIC INTERLUDE: The Scales of Justice



Participant-Artist's statement: *I drew the Scale [sic] of Justice. I guess that's what it's called. I drew a juvenile – some kids on one side and other things on the other side that's weighing it down – like money, power, and the Confederate flag, which stands for the government. There [sic] money is the things they budget for kind of takes away from the things that kids – the attention juveniles should be getting. Then the window – that's them looking down on Earth. Kids are just looking up, wondering what's to come of it. (Buffalo County, NE)*

For more on this piece, see Appendix B.

Factor 4: Allocation of Resources

Another significant factor that influences the juvenile justice system is the allocation of resources. Whether money, time, training, expertise, legislation – paying attention to where resources are being invested can be telling in a system. Based on interviews with stakeholders, it is clear that there is a move towards investing more resources in local communities and in evidence-based practices.

Strengths

Increased investment in community and evidence-based practices

When asked about bright spots in the system, many stakeholders cited the focus on home-based and community-based treatment and the reduction in the number of kids in detention as two successes that go hand in hand. Some connected these indicators of progress to more of a focus on evidence-based practices:

“Well you know, I think there is certainly more of an emphasis to try and make sure that we provide services for the children in their homes. And make sure we've exhausted those opportunities before moving the children out of the home or before using juvenile detention, put it that way.”

“Well I think the focus on evidence based practices is a direct correlation to some of the success. Cause what I can tell you, and I don't have the numbers in front of you, we are seeing statewide, system wide, we are seeing fewer youth enter even in the adult world. And we use evidence based practices in the adult world as well. We're seeing you know, a decline in those that are entering or even reentering, more specialized in what we do. [...] In addition to that I would add that the judges appear to be taking evidence based practices more to heart when dealing with the youth at court. I know that just even just three and a half years ago when I started here I remember that the perspective was a little bit different than it is now. I think the judges are more open to the suggestions of probation, a more therapeutic and individualized approach in working with the juveniles. And focusing on keeping them in their homes rather than moving quickly to move them out of their home for whatever reason”

“We have a Nebraska Juvenile Justice Association, we have a Heartland Juvenile Justice Association, and both of those conferences have done a really good job of being very focused on evidence-based practices. And we've also had in our state - probation has been the facilitator of the JDAI Initiative, so the Juvenile Detention Alternatives Initiative through the Annie E. Casey Foundation. So really talking about the fact that we do not want to detain a youth unless it's necessary for...to assure that they return to court, or assure that they do not commit another crime while they're waiting to go to court. And that alone has done a huge change and impact on the utilization of detention in Nebraska. In fact, the detention center in Scotts Bluff recently closed because there was just not the need to utilize that service as much as it had been in the past.”

A few stakeholders also pointed to the value that investments from private funders, namely the Sherwood Foundation, have had on the system in this area:

“Bright spots, one, I think the private money that is coming into our juvenile justice systems for these initiatives is not only a bright spot, I don't think there is any other place in the country you have a foundation investing in the public juvenile justice system, not one I'm aware of. That's a bright spot. That's a huge strength. Sherwood as a funder is a relatively patient funder as well when they come to the table. They're flexible. They understand things happen. That's a bright spot.”

Perspectives are shifting in favor of keeping kids close to home

Many stakeholders indicated that there is more buy-in across the state that keeping kids in their community is beneficial for all involved. Some also suggested that there is now more recognition that it is financially beneficial as well:

“The effort to keep more kids at the front end of the system. I think there's more agreement to that idea. And then keeping kids in their home and not out of their home. And I think folks are trying to, I mean there's always improvements to make, but I think that that has gotten better. The establishment of diversion programs in more parts of the state so we can help kids at the front end and not push them through.”

“Back in my caseload days, I would have kids that were just sent there directly from court to Kearny, or Geneva. I remember having a caseload one time of 45 kids or so and I had about 15 of them that were in either Geneva or Kearny. Now, I don't even know that we have 60 or 70 kids in those placements. So a drastic reduction in the number of youth that are being sent to detention, Kearney, and Geneva, which is good. Highest level care should not be used lightly. [...] I think there's been much more of an intentional focus on which kids we're sending out of home and why. As well as trying to be more creative with in home and finding solutions to keep kids in the community where we know that it creates less trauma.”

“That they're looking at improvement and that there are attempts to make improvement. I think as a whole they're looking at more community based – I think as a whole the state is doing more holistic stuff.”

“Every once in awhile, you get an intersection between what's good for kids and what's good for the taxpayer. We're there right now. We are at that intersection. We have a chance here to go into the legislature and say, ‘If we do community-based programs, you're going to be as safe’ because when I take a kid out of the home and put him in kiddie prison, somebody just takes his place. The public isn't any safer. They're just being used by a different kid. If we keep that kid at home and watch him and put him in programs, you're actually safer. It costs about 20 percent of what institutions costs.”

"I think some bright spots are that that are people at the table and there's a lot of research to backup what we already kind of know. I think the fact that we want to push for less out-of-home-care is positive."

"I've seen changes with police. They've had huge retirements in the past four years as people have aged out of their system. So the new people that come in get trained to do things different with kids. So now when police officers call us, they are not always asking for a detention because they know that we aren't automatically detaining kids anymore. So they will call and say 'what else could I do?'."

More attention to and investment across a range of needs

Several stakeholders also highlighted that there seems to be more of a recognition that a range of different services are needed to meet the varied needs of youth in the system. In particular, more investment in behavioral health, mental health and substance abuse were cited as positive trends, as were access to pre-adjudication and restorative justice:

"I think that, from my perspective, there's more awareness on behavioral issues. I'd say that that awareness definitely is there. So, I see that those services are at least made available to those youth or individuals. So I mean, I notice that difference."

"Having more people aware of mental and behavioral health. Even judges and probation officers, having them understand more about how that affects youth getting in trouble, getting put on diversion, or arrested or those kinds of things. And trying to focus on those underlying concerns, as a way to prevent future legal issues or concerns with that youth."

"I think one of the big things that is coming about is getting help for our children that deal with alcoholism and trauma issues. We are getting services for them because they want help. And they're not waiting for a judge, a white judge, to come in and say, boy you really have a problem there. We're actually flipping that whole pyramid of justice. Whereas before they would enter the system, they would plead not guilty, they would have a pretrial, they would have a pre-adjudication conference, then they'd go to trial, and then they would be adjudicated and disposition. Then they'd say, okay you need a treatment and you need to get to treatment facility and pay restitution. So what we have tried to do is flip that so when they first come into what we call our youth crisis intervention center, we're going to get those initial screenings, we're going to look at some assessments, we're going to set the parent up with meeting with a counselor. They're going to get maybe some treatment even before their first pre-adjudication conference."

"I am working this afternoon with probation on you could call it a restorative justice model. It's called Family Group Conferencing. If a youth on probation is vulnerable from being removed from their home or their community to a group home or institutional placement that this process called family group conferencing could be implemented where you bring together the youth and family, extended family, aunts, uncles, brothers, cousins as well as coaches, teachers, friends that are supportive of

the youth to come up with more of an informal circle planned for the kiddo. For example, one of the stories goes is that the youth was going to have to leave home because the parents weren't able to handle the medication that he was needed. So they were able to find an auntie who was a nurse to come over and be there every day to support the family and the medication. To come together, to bring the people together that might not normally sit down at the table together and include the youth as well as part of this planning."

"We're lucky where Probation has really implemented a good plan for drug testing the juveniles, which had not been done in the past unless it was just kind of out of the blue, hey let's go test Johnny. Now they've got a card system so the kids have a color and they call in and they know if they have to come in and test that day. So they've taken a much more active role. And also with the services that we can provide them, especially for substance abuse. That's been huge on the delinquency side."

Challenges

Barriers to services, particularly transportation, lead to unequal access

Interviews revealed significant variations between rural and urban communities in Nebraska. Many rural communities lack a comprehensive continuum of care, often due to a lack of skilled professionals to provide the service or a large enough population of youth in need of the service to make providing it cost-effective. Some of the services highlighted by stakeholders that are lacking in rural areas include psychologists, psychiatrists, and medication management. Transportation was also cited as a major barrier to access in rural areas. For those youth who do need residential treatment, most of those facilities are in Omaha or Lincoln, which can mean significant transportation issues for families to be able to visit their youth:

"Transportation, it can cripple your efforts to help to assist families, it can absolutely cripple."

"For inpatient services for youth that sexually harm it's 400 miles away. And so then that hinders the ability for the family to be involved in their programming, and creates quite a barrier for those families."

Even for community-based services, youth and families often have to travel long-distances in rural communities for access:

"We have no IOPs in our district. The only areas in our district where we can access it is in a handful of counties. I think the juveniles are having to travel approximately 45 minutes or so, one way, to access that service."

"A lot of the time we have to send our youth and our families to providers that could be 100 miles away. Because we don't have them here."

Administrative barriers pose problems for staffing and resources as well:

"If the juvenile for example has an appointment in North Platte for a psychological evaluation we can transport the parent with them for that appointment. But the

parent themselves, to get them to say a juvenile that is in Lincoln for placement, we can't provide that transportation."

"Yeah, transportation is a huge issue where I work. So in rural communities, it's just an issue. If we have a youth picked up at 2:00 in the morning and the youth needs to be transported to [city], that's three hours away. Well, if I'm responsible for that as a probation officer and so I'm a male and the youth is a female, I have to call another probation officer who's female, a matriarch, to ride with me. So now I have two officers on the road. So our law enforcement runs into financial issues if they do the transport. They're just not staffed to do that."

Beyond transportation to access services that are far away, some stakeholders also noted that because they are in a rural community, they don't have access to public transportation locally. So even if a service were nearby, anything that requires youth and families to leave their homes is a challenge if they don't have access to transportation.

Gaps in services for reentry and youth ageing out

While adult stakeholders were primarily focused on availability of services for youth during their supervision under the system, youth focused more on what happens when that supervision ends:

"All the hoops you have to jump through, and then the reforming of it. It just leaves kids stranded, especially kids aging out. There's not much help in it for older kids. It's not even worth their time." – Youth participant

I went to Boys Town, which was the best experience of my life. I was there for a year and a half. That was really good. Then I got out. I had a job. I was doing good, like you. Then it just went downhill from there. I got into drugs, a lot of bad drugs; traveled, saw stuff I didn't need to see as a 16-year-old; and then finally got my life together." – Youth participant

ARTISTIC INTERLUDE: All I wanted

*All I wanted for my future was
to be a different type of n***** now
I'm looking at the picture things is
needing fixture gave my life to the lord
now he has my back times is different
from the past when my mom was on
the block dealing crack.*

*Now I'm riding round the city looking
at my life things I was doing couldn't
explain if they was right wandering
round the dark trynna find a better
light realizing there was more in
sight than I ever realized*

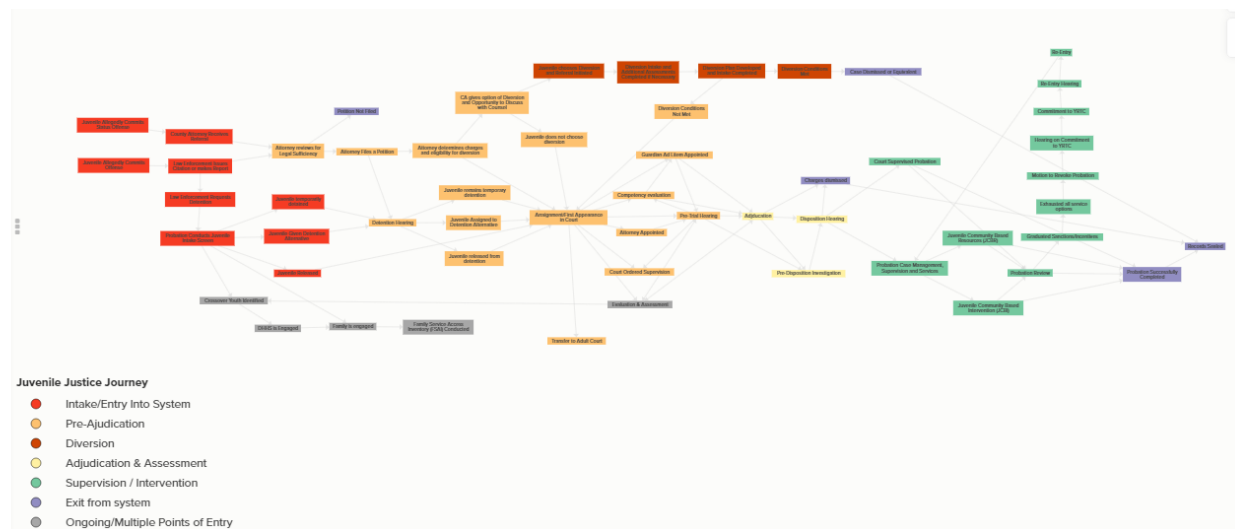
Interpretation: Dominant themes of permanence (fixture, back, lord, block, city) and movement (different, riding, wandering) play throughout, as the poet attempts to envision a better future after a troubled past. Imagery focuses on concepts of light and darkness. Verbs reinforce the tension between immovable (wanted, am, is, gave, was, realized) and changeable (looking, needing, dealing, doing, wandering, trynna, realizing). His construction of "...was / to be..." particularly highlights his struggle between past and potential.

Factor 5: Lived Experience of Youth & Families

While it can be easy to focus on administrative and technical concerns over how a system operates, it is critical to recognize that the system is not only composed of people, but ultimately both impacts and is impacted by the lived experience of those who are most directly impacted by it: youth and families.

One of the ways we worked to make sense of how youth and families experience the system was to document the journey of a young person as they move through the system to identify the decision-points and possible paths a youth might take. We used this journey map during our listening sessions and have provided below in Figure 4 as a point of reference for future systems-level evaluation.

Figure 4: Juvenile Justice Journey Map



For a high-resolution, interactive version of this map, visit: <https://tinyurl.com/JJjourney>

Strengths

Youth & families have more of a voice

Several stakeholders emphasized that the system has begun to focus on elevating youth and families - building on their strengths, giving them a voice:

“No, I think everybody is working very hard and passionate about ... and like I said, they’re elevating their voice about justice for juveniles and that is really incredible itself. Because I mean you go from 1999, when Columbine happened and everybody went to scared straight programs, trying to enforce strict disciplinary action on kids because everybody was in a sense of scared and fear. You go from that to now, where people are trying really, really hard in elevating their voices about the damage that locking a kid in a jail cell can do. I think that, in and of itself is exciting and we just have to take the time to celebrate that.”

"I just want to reiterate how important the voice of the youth and the voice of the family are in this process. Overall, we always do what we feel is best for the youth and their family while still trying to incorporate their voice in the process. We just believe that collaboration with our other entities is key to all of this as well. I think we do a really great job of working with our stakeholders and making sure that they're involved in the family team meetings in the process with these kids but making sure that we are still the leader in trying to decide what's going to happen."

"I think a couple things, one, again today more than 22 years ago a much better understanding of system designations, and court orders, and cases are established so the system can organize itself. But they're not particularly helpful when you're really trying to figure out how to help a young person. Oh, you're a 3A, that's a 3A kid. Oh that's a delinquent kid, well guess what? The delinquent kid, my experience, there is almost always family challenges. There is almost always disruption. Yes, you're here cause you got arrested, but the real issue oftentimes is not the actual arrest. It's some of the other things or they're blended, and so I take that approach of they are kids. They are behaviors. We have to look at situations, and yes, I understand when you're adjudicated in court as a delinquent that's a situation a kid is in. But that does not define that kid's experience, so we get stuck in that sometimes. So I think I bring that to the work. Again, 20 years ago I did not bring that to the work. That's the learning that has occurred."

"The other thing that's very different is peoples' understanding of the link, not the crossover, not the movement, the link between child abuse and early family problems, and later delinquent behavior and seeing that as a strategy. Like taking better care of kids and having a better child welfare system actually long term is very likely to put a dent in the number of delinquents we have, the number of kids that end up in detention. It's not just that, but I mean the child welfare experience is embedded in poverty and other factors that are driving all these things. But when you have people saying there might be some strategies over here that actually keep kids out of the juvenile justice system, ten years ago that was not discussed."

"I think years ago if you were to ask a youth why they were on probation, they would forget because they'd been on for so long. One of the things that I think is really good about where the reform is right now is that we're really working on addressing the behaviors that brought someone into the system. Like I said, if it's a truancy issue, is it something that's going on at home? Is a mental health issue? Getting the school piece back on track and not holding on to them for two years afterwards so they can get on with their life as a family and move forward. I think that's been probably the biggest change. I would like to think that our large support for that family engagement has been beneficial with that also. Kind of meeting the family where they are and really walking alongside that family through that process as opposed to just telling what's going to happen."

Some youth are ready to take responsibility for their actions

A theme that came across in one of the arts-based workshops was youth taking responsibility for their actions. They all believed they had to deal with the consequences of decisions they have made, and now, their lives are better because of it. One participant shared that a lot of his involvement with gangs had much to do with seeking acceptance. He was nicknamed “Savage” and he willingly tried to fulfill the reputation the name brought him and it only took him further off track. He described how the birth of his daughter motivated him to accept his responsibilities and make better decisions.

Challenges

Youth experience is mixed

The experience of youth in the juvenile justice system is as varied as youth themselves. While more participants shared negative stories than positive ones, some could see that the system had helped them. One participant shared that if she had not been convicted, she would still be involved in bad habits. She gave credit to the juvenile justice system for redirecting her. Another youth shared:

“They keep up to date with my family, my mind, my state of mind, and the state of my justice. I picked chance because even despite the fact I've been through the struggle, been through the witnesses and on the other side with plaintiffs – while I was the one doing the crime, I was still on defense. They still gave me a chance. Either system, whether it was the welfare system, juvenile justice system, or whether it was in a system period, I definitely got a chance. Whether I wanted to live or die, whether I wanted to be good or bad, they still gave me a chance.” –Youth participant

Still others resent their experience and did not see any benefits:

“The thought that came to my mind for the juvie justice system was negativity, because my experience was non-beneficial. It was just a place to chill it and kick it. I ran away from there. When they did want to teach me something, I just shut down. Us kids never took us serious. We were mean or just played around with workers and other people there. The only good thing I learned from there was how to cook.” – Youth participant

Youth trauma is often unaddressed

Listening to the stories youth shared during the workshops, it is clear that most if not all have lived through traumatic events such as bullying, abuse, teen pregnancy, lack of parental support, drugs or other difficult situations. In many instances, these events are what led the youth to become system-involved, which some believe should not have happened. Some shared stories of how trying to help a friend through trauma had gotten them in trouble. Several youth expressed a desire for more compassion and understanding of the circumstances that brought them into the system:

“They pretty much just treated me as a convict. The reason I left home – no one decided to think that maybe this kid is going through a bunch of stuff at home that he

can't live with. Maybe his parents are abusive. No, they were just like, this kid thinks he's a badass and that he can just run. They just pretty much threw me around, which didn't do me any good. I was like, why the fuck would I do anything when you guys are just pretty much going to throw me around? I left the house because I didn't see no other option.” –Youth participant

“I used to go to my grandma's house – my dad's mom – a little bit. [Pause, crying] Okay. I used to go to my grandma's house a lot. I had a lot of cousins. My grandma raised all of us. I won't say their names, but I had a couple cousins. One of my cousins raped me. I was raped by one of my cousins. Years passed by, and my brother got killed – my brother that was like my dad. He got killed. The way I would label my life is brokenhearted, because I've been broken my whole entire life.” –Youth participant

“When you're a juvenile, [you're] not always adapted to handle grief. You think you can control it, but you really can't.” –Youth participant

“The reason I left home – no one decided to think that maybe this kid is going through a bunch of stuff at home that he can't live with. Maybe his parents are abusive. No, they were just like, this kid thinks he's a badass and that he can just run. They just pretty much threw me around, which didn't do me any good. I was like, why the fuck would I do anything when you guys are just pretty much going to throw me around? I left the house because I didn't see no other option.” –Youth participant

“I had this friend... She told me basically that her mom wasn't raising her right. She didn't have a coat and stuff. I know how that feels when you don't really have nothing and no one can provide the things you need, so I tried to steal her a coat, a hat, some gloves, and a couple long-sleeve shirts. I did get caught. That's how I ended up in the juvenile system.” –Youth participant

“My first time was for fighting. It was a group-on-group thing. After the fight, I guess someone said they were going to bring a shotgun – well, from our group, someone said they were going to bring a shotgun. Later on that night, I guess someone from the other group snitched. The cop went over to my house. We were just talking. Since I was with the group, I didn't want anybody else to get in trouble, so I took the fall for that. I got suspended. Then I got put on probation...I just needed to stop talking to them after that. I noticed they weren't my real friends.” –Youth participant

“I started going to school and meeting friends. Before school my mom would drop me off with my friend. She didn't know we were getting high. Her mom would take us to parties. We would go get high and drink all night.” –Youth participant

“...that's what we need. We need to know the true reasons. Why do you have to smoke weed? Why do you have to? What are you trying to numb? Why do you have to drink alcohol? When I was little, all I needed was a baseball bat and ball, and I was good. That was all I needed. I didn't need to go and do these things, because I had

people I could talk to. So figure out where the trauma is coming from, and then we can fix it.” –Youth participant

“My mom was married to my dad, but my mom would go with other guys on the side. She would introduce me to guys that she had. Maybe when I was nine my mom brought a man into our house. My dad was on his way from work. All I can remember is I was just happy for my mom. My dad was knocking on the door, and I had to hold the door to not let my dad come in. It was me and my mom forcing the door shut so my dad wouldn't come in. He tried to fight this guy. It was the hardest thing for me, because I didn't know what was going on at the time. I just wanted my mom to be safe at the time.” –Youth participant

“I got in the system when I was 13 because I got pregnant. I would run away from home. They were worried that I wasn't going to come home one day because I was with so many guys. I looked for love through guys. I didn't have my dad anymore. My dad turned against me when he found out I was pregnant. He wanted me to get an abortion. He was against it. So I fell into depression while I was pregnant.” –Youth participant

“[Female caregiver] was also raised with the mentality that kids don't deserve respect; they just need to be respectful and can be treated however. I grew up with, pretty much, an emotionally and verbally abusive [female caregiver]. She was just never there. She was there financially and physically; but if I needed something you would need to talk to mom about, I couldn't go to her for it; because she was just too abrasive is the best way to put it. It was just hard to confront her with anything. So there was a lot of animosity in our house growing up. There were a lot of arguments. I grew up feeling like there was nothing I could do right. Around the age of 12, I heard her in the living room talking to my dad about how I don't deserve any of the stuff that's in my room, like my toys and my game system and my TV. I took that a step further. That night I actually left my room and went and slept in the backyard. It was fall. It was cold as fuck. I can't believe I actually did it. But I was that depressed about what she said, because I didn't mean to create any problems. By the time I was old enough to realize there were problems between us, she had already decided there was no fixing it. She was just too stubborn to try to get her out of her mindset of being hateful.” –Youth participant

Youth still do not always feel heard or respected

Despite some efforts to elevate the voice and experience of youth, the reality of the system is that it is still dominated by adults with decision-making authority. Several of the youth participants we worked with did not feel they had been heard or listened to, or that youth were represented in decision-making in the system:

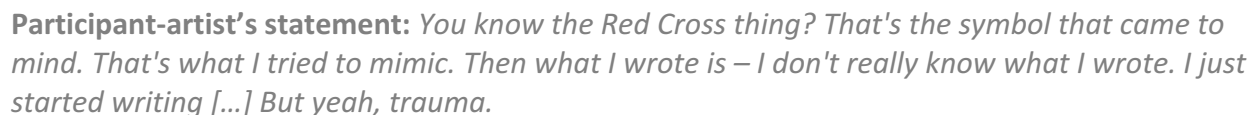
“I'd gotten a job so that I could pay for the court fines and whatnot. They put me in diversion. That was the other thing. They didn't give me a choice to just pay my fine and be done with it. They made me go to diversion. Diversion wanted me to get a job, go to school, do community service, and attend their groups, all in the middle of

winter. The only way I had to get around was buses, and it was just really difficult being 16, being sheltered my entire life because God forbid I leave the house and go blow up a gas station or something – just the worst child in the world. So I didn't really know anything. I didn't know what to do. So I ended up getting all my community service hours done, but I ended up having to miss the meetings, because the only nights that were free from working were the nights that they wanted me to go to the meetings. I was like, how am I supposed to do my community service on time. What I really should have done was gone in there and talked to them about it, but, whatever. But they started UAing me.” –Youth participant

“[Police and probation officers] listen to other people. They listen to what the judge tells them, or when somebody else you work with tells them what's going on, they don't sit there and ask you. They just take on what other people have to say. When you do try to say something, they're going to listen to what they have to say over what we do. It's always the higher people that get... Nobody listens to what we have to say. Some of them do, but there are not very many of those others....even when I did say something, they'd consider it as attitude, when you're just trying to tell them something is always off. "Oh, you've got an attitude. You're being defiant. You're a defiant juvenile.” –Youth participant

“In the juvenile justice system, you have the attorney, which is an adult, the judges, which are adults, the probation officers, which are adults, the case handlers, which are adults. Caseworkers are all adults. That's all you work with, adults – besides teen court. I mean, the jury are teens.” –Youth participant

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See Appendix C for transcription of the text from *Alone* and an interpretation of the work.

Factor 6: Diverse Perspectives & Experiences

Given the wide range of actors that comprise the juvenile justice system, there are bound to be diverse perspectives and experiences. Yet, it is worth calling attention to some specific tensions that were raised by stakeholders that seem particularly salient for this reform effort and have the potential to derail future reforms if not adequately addressed.

Geographic Variations

Rural Nebraskans do not feel they are understood or prioritized by those in Omaha or Lincoln

While gaps in access to services in rural Nebraska was discussed under Factor 4, there is also a divide in perspectives between rural and urban Nebraskans. Rural Nebraskans often feel they get second billing and that those in Omaha do not understand their unique needs and experiences:

“Douglas County kind of views that nobody knows the troubles I’ve seen, that they’re unique and they have no other ... that nobody can compare with them.”

“If I’m in Broken Bow and you’re in Omaha and you’re not going to be able to understand what either of each goes through to some extent. I’ve had sort of two perspectives, I really have found that it’s not that our families and kids are that much different, it really is those resources and the numbers in volume and those kinds of things that make us different.”

“The world that people live in, in Lincoln and Omaha is not the world that we live in out here.”

In reflecting on the divide between Omaha and the rest of the state, one stakeholder expressed disappointment at not being chosen for the first round of the Juvenile Justice Home-Based Initiative:

“They said that we’re not going to be able to access MST for our [town] kids. Yet, our [town] kids really could benefit a lot from this service. That’s where our highest population of juveniles are. Big city versus little towns versus places that have more things available than even out west where there’s hardly anything. I think that is a barrier. I do feel at times a lot of the focus is on Omaha and Lincoln areas more than the rural areas and so we don’t always find out about stuff right away. Or there’ve been times where situations come up in one district and it might be a common occurrence but they aren’t really letting the rest of us know hey, this situation came up in this district and this is kind of how we problem solved it. And so I think sometimes that communication piece could improve of things that are seen throughout the state being communicated to everybody else. Because a lot of times we all experience a similar situation and so having a little bit better communication so we know how to maybe problem solve some of that as it comes up.”

Demographic Variations

Youth of color are disproportionately represented in the juvenile justice system

During initial stakeholder interviews, issues of race and culture came up rarely, which surprised our team. Based on research we had done on Nebraska's system, we knew that there were some concerns about disproportionate minority contact and wanted to explore this further in future interviews. We decided to add a question specifically about variability to see if, when asked directly, stakeholders would have more to say on the topic. Indeed, this turned out to be the case. Second round interviews with stakeholders revealed a strong consensus that the experience of youth of color is often very different from white youth:

"Right off the top, kids of colors just like adults of color, fare worse than their white counterparts of initial-stage stereotyping. [...] You come in. You're Hispanic or black. You're bad. You're a trouble-causer. You walk in the door and you're a pretty, little, white girl; you're sick and you need that kind of intervention."

"Obviously, the system has not done well for our young African American folks, and also they are still disproportionately represented in the system, probably double or triple. So it's just ... I don't know. It's frustrating. There's so many factors to that. There's reports out about it. There's reasons why. There's all kinds of inputs and bias around when you see somebody and you think about what kind of service they need or whether you assess them appropriately, just all those kinds of things. You know I guess I believe that the system has, the criminal justice system, particularly, has failed specific populations."

Most stakeholders identified disproportionate minority contact as significant issue across the juvenile justice system, though some attributed it to more of a problem in Omaha than in other areas:

"Well there's a problem just about everywhere where you have people of color because you tend to have this proportion of minority contact if not confinement."

"You know, race I would say Omaha always has, you know, a larger racial disparity than anywhere else. I think it's just pockets"

"I mean certainly in some of our communities across the state, we don't have very much ... very many minority issues, because there are not very many minorities."

"I haven't seen any variations in regards to race. Our population is normally Caucasian, Native Americans, and Hispanic. We don't have a lot of African Americans in our district."

Culture and language are not adequately addressed

Several stakeholders expressed frustration that there is a lack of resources in serving immigrant youth and/or families whose first language is not English. One stakeholder summarized this challenge succinctly:

“There’s a huge, I think, barrier to effectively working with those who are not native English speakers because the system, specifically here, is not setup to handle all of the different languages of the families that we’re serving. So it creates a large problem, I think, for those families who first they’re here because they’ve experienced this horrific trauma being a refugee and then to find themselves involved in a system that they don’t understand is just compounding what they’re going through.”

The specific languages that were mentioned in interviews included Laotian, Somali, Sudanese, Burmese, Arabic and Sign Language. The issue extended beyond just a need for interpreters, but also addressing some of the unique cultural needs of those communities.

Economic class impacts youth experience and outcomes

In reflecting on system variation, one stakeholder expressed that they see race and poverty going “hand-in-hand,” suggesting that variations by race may be due as much to poverty as race. Class came up in a few other interviews where the cycle of poverty and system-involvement seemed to go together:

“Doesn’t mean every kid that even comes from a depressed area is going to be involved in crime but unfortunately if you grow up around that and that’s what’s modeled for you you’re going to gravitate towards it probably more so than somebody that doesn’t have that model form.”

In a related but different perspective, another stakeholder suggested that sometimes economic class can also impact access to services and outcomes for youth:

“I think sometimes too depending upon the law violation and the family's demographics as far as if they are a lower class family or a more financially set and stable family, I think sometimes we see differences in that.”

Some variations exist by gender, though the gap may be closing

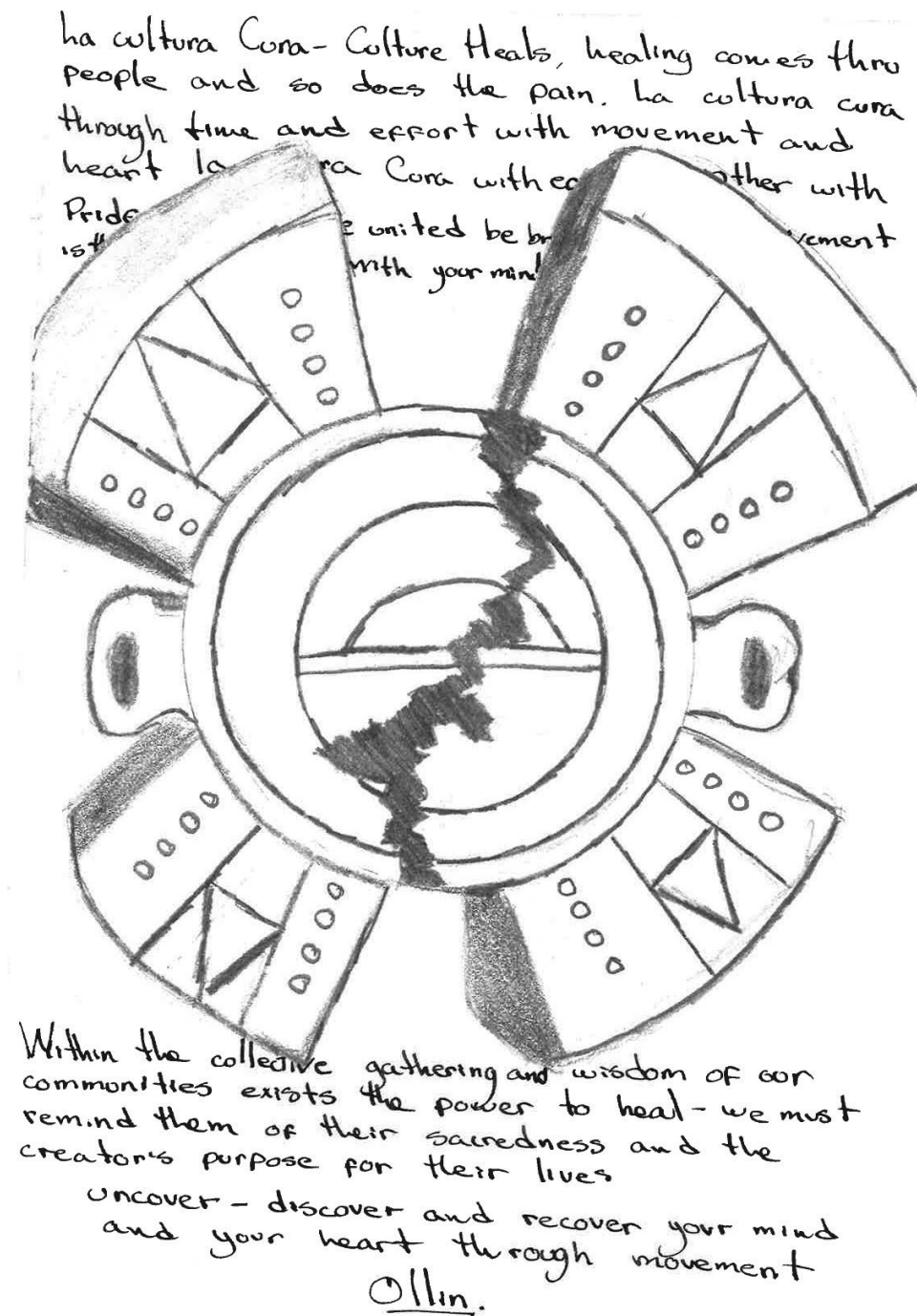
Fewer stakeholders brought up variations by gender, but those who did, highlighted two distinct trends. The first trend indicates that there seems to be an increase in the number of girls in the system. A few stakeholders suggested that with the increase in girls entering the system, there is a need for more programs designed specifically for them:

“There aren’t as many gender specific groups for females as there are for males, particularly in our system involved youth population. So I think that that probably is an emerging problem that they’re not even kind of addressing yet.”

The second trend is that the outcomes for girls that do enter the system tend to be better. Some attributed this to the services that are available to girls, while others attributed it to more paternalistic attitudes by judges and law enforcement that leads to more leniency. One stakeholder shared:

“Our gender discrimination, if at all, is more positive than negative.”

Artistic Interlude: Ollin



Participant-artist's statement: *I'm no artist or anything, but I tried to draw the ollin symbol, which is this right here. Ollin is the name of the group, as well. Ollin is the center of the Aztec calendar. Ollin is a Nahuatl word that means movement of your mind and heart. My mind I drew broken, just because when youth end up in trouble, or just people end up in trouble, something's missing. Something's broken. I feel that lack of movement, that lack of being able to change, that lack – of being stuck in an idea that somebody gave you – that you're not good enough. That idea getting stuck in your mind and being unable to move forward is what keeps people down. It's what keeps us getting in trouble and making the wrong choices. Once again I started writing. I don't really know what it all means. I'll leave it up to you guys to figure it out. I did write at the bottom, "Uncover, discover, and recover your mind and your heart through movement," which is the meaning of ollin. That's what I got.*

See Appendix D for transcription of the text within the art.

Factor 7: Surrounding Context

In any system, the political, economic and social dynamics in which the system operates significantly influence what happens within the system. Nebraska's juvenile justice system is influenced by the political climate at the state level as well as nationally. It is also clearly impacted by social and economic factors such as immigration, changes to Medicaid, budget deficits or surpluses, etc. In this section we will briefly explore some perspectives on how the surrounding context is currently influencing the juvenile justice system. For more detail on how these factors have influenced the system historically, see the Retrospective Developmental Evaluation.

Policy and Politics

At the state level, the Nebraska Unicameral plays a significant role in passing legislation that impacts how the juvenile justice system operates. Federal policies also influence funding and programming at the state level.

When the Unicameral is supportive, reforms can happen fast

Some stakeholders feel that the increased attention the legislature has been giving juvenile justice and child welfare has been positive, leading to more money, and the passage of positive reforms, that have moved the system forward:

"You know, Nebraska has got a unicameral. We have a one house legislature, the only one in the country, and so those senators that are looking at passing juvenile justice related legislation, some of them have absolutely no background in that at all, but they're involved in that process. And what we were seeing is more of an acceptance by those legislators to seek us out and say give me your opinion on this, or give me some background on this. You know, not lobbying them but being a resource to them."

"I think the willingness of amazing leaders in our state right now, in the judiciary, probation, legislature. The legislature is changing from term to term so I'm not sure where we're going to be this round. I think that there's a real heart for a true shift to make a difference for youth. It comes down to people. And I think that's the bright side."

"We've had legislation which has granted Probation more authority and I think by virtue of that given us an expanded resource pool to draw from. And there's been a lot more attention and I mean quite frankly the Legislature's been pretty generous. I mean despite lean years, Probation's gotten more money, Child Welfare's gotten more money. We can all argue whether it's been spent correctly and we always need more."

"Within the last ten years, the legislature has made, number one taken more interest in juvenile justice as a whole, more concerned with juvenile justice issues, and they've tried to do some things through legislation, overt legislation resulting in changes in the juvenile justice system, or else just more policy or whatever. Are those things

always effective? No. But that doesn't mean that you quit trying either."

"I think the probation system is working. I hope the legislature continues to have patience and watch their outcomes develop. I like their mature approach to helping these kids."

Legislative support can be unreliable and contingent on achieving short-term successes

The last few quotes above point to some tentativeness on the part of stakeholders at what the legislature might do going forward. This connects to concerns other stakeholders expressed about challenges working with the legislature when timelines are built around term limits and elections:

"You know, one of the things that I think about now that you said what's been a challenge in the juvenile justice reform is we had the Legislature's support at the start and then it kind of waivered and went south for some reason. And we still can't figure out what it was that made that switch."

"Well I think that collaboration is so complicated because you have disconnects involved, you know? The legislature right now is very critical of juvenile justice movement and critical of child welfare as well. They look for what's wrong instead of looking for let's build on what's right and figure out how to fix what's wrong. We have term limits in our unicameral and so that attitude, we'll see if that's there again this year when people come in who are new."

"I think you've got to see some trends over two or three years to say now we're seeing some positive trends in the right direction. And make some small tweaks. You don't need overhaul reform again or a big push. We don't need people in the legislature determining we're going to move it from one to the other because all that does is slow down and, you know, stop a lot of the progress that's going forward, the momentum."

"You know, I think – I mean legislation dictates a lot of what we do, you know. And I mean that's how we've come into that and I think it's easy for legislators to look at dollar amounts in that and what it's costing them. And I think we truly have to look at where – how our youth are doing and what the outcomes are. And I think that change is something that doesn't happen easily and I think that our stakeholders, our judges, attorneys and legislators all have to step back and take a look at what's working. And I think more importantly what's not working and what we do need to change because we know that it's not a perfect system yet and may never be there but we've got to do the best we do."

National policy on juvenile justice is likely to change under the new administration

While none of our stakeholders referenced the 2016 national election, it is clear that President Trump and Attorney General Jeff Sessions have a very different approach to criminal justice than the previous administration. How this will affect juvenile justice remains to be seen, but in a December 2016 interview with the Juvenile Justice Information Exchange, Barry Krisberg,

President of the National Council on Crime and Delinquency and criminologist at the University of California, Berkeley shared his perspective on likely changes. He suggested that privatization may return to favor and evidence-based practices are not likely to receive as much support as they did under Obama.¹

The Indian Child Welfare Act expands to juvenile justice

A few stakeholders referenced the Indian Child Welfare Act (ICWA) and its implications on Native Youth involved in the juvenile justice system:

“It’s important to note that it’s now clear that the Federal ICWA Regulations which will go into effect in a couple of days now, ICWA does apply to juvenile justice. There’s some question about that on the proposed regulation. So the ICWA is not there to protect the juvenile delinquency kids like it is for the abuse and neglect kids, but ICWA does apply to status offense cases. So those cases are currently being handled by probation. ICWA applies to those kids run by probation but not for delinquency kids.”

¹ Tiano, Sara. (2016) *Barry Krisberg on Where Juvenile Justice Goes From Here Under a Trump Administration*. Juvenile Justice Information Exchange. Accessed from <http://jjie.org/2016/12/16/barry-krisberg-on-where-juvenile-justice-goes-from-here-under-a-trump-administration/comment-page-1/>

SYSTEM ASSESSMENT

While the above seven factors emerged from stakeholder interviews, listening sessions and arts-based workshops, as the most significant system-level influences on reform, we also asked stakeholders to share with us how they assess whether the system is working or not.

Indicators of Success

Below are some of the major indicators of success identified by stakeholders.

Reduction in Out of Home, Out-of-State and Detention Placements

The most commonly cited indicators of success of the current juvenile justice system were the reduction in out-of-home and out-of-state placements and fewer youth placed in detention, along with shorter stays in detention:

“Out-of-home placement numbers are much lower than they used to be when HHS was involved and we continue to – you know, that’s a goal for us of making sure that the kids that are out-of-home should be out-of-home and that we don’t have people there that shouldn’t be or that they’re lingering in placement.”

“And we’ve seen a reduction of low and moderate risk youth in out of home care and some reductions of out of home placement lengths and some significant reductions in out of state placements, which has been excellent, which are really important.”

“I don’t think we have kids that linger in detention as long and all of that because of that. Because you know if you can get the family involved it just – and let them feel like they’re the ones that are leading it we’ve just – I’ve seen a lot better success.”

Several stakeholders attributed the success to the Juvenile Detention Alternatives Initiative (JDAI):

“And we have our JDAI initiative like I talked about, which in Douglas County, despite the fact that we still have a high number of youth of color that are detained, we have been able to reduce the number of kids that get detained. I mean back when we started that initiative, and I wasn’t in this position at the time, but they were having like over 200 kids detained in any given period or any given day. And we’ve been able to get down to like 60 kids.”

Reduced Recidivism and Repeat Offending

Reduced recidivism was raised by many stakeholders as a key indicator of success. Many raised issues with measurement, which we will address in the following section. But several stakeholders described that they are seeing reductions in kids reoffending, which is a positive sign. Sometimes it is not a formal measure, but based on stakeholder’s experiences. One judge described what they are seeing this way:

“You know, I think out here generally things seem to be going well here. You know, you have a few kids that I might see, a couple of kids that keep coming back and that

might eventually work their way to Kearney. But for the most part there is not a whole lot of repeats. I'll put it that way."

Another stakeholder described a more formal process for monitoring youth once they are released:

"A few of the outcomes that we monitor within all of our programs or all of our different tracks, which it's all professional partners, is that involvement in the juvenile justice or the child welfare system after discharge. Well we monitor that outcome in terms of we typically, well some of our programs we ask a year out after discharge. Some programs we ask three to six months out after discharge about continued or furthered involvement. And we actually do quite well in that in terms of meeting that outcome. We exceed and excel in that regard."

Improved Outcomes for Youth and Families

Another common indicator of success for a number of stakeholders was improved outcomes for youth and families. While this connects to reduced recidivism, it is more of a positive measure than simply asking 'are they staying out of trouble?'. It focuses more on whether they are doing well, thriving, have their lives changed since their involvement? Stakeholders had different ways of measuring this outcome in their own work:

"Every once in awhile I've had some you know, kids come up to me you know, and say you know, thank you. Whether it was placing them on probation for a year with a GPS tracker, and making them go to evaluations and wear drug patches. Or I can even think of one instance where the young man was sent to Kearney, who afterwards thanked me. And said, "You know, I needed to get away from here completely, and that kind of opened my eyes also." And so you know, other than that's the only one I can really tell things are working if some young person comes up and thanks me or if I don't see them again."

"Well I think you see it – you know, like I said when you have your officers holding team meetings, when you see family that are becoming involved and show a passion for that youth, and you have a youth that's making improvements a lot of times that's seen in the classroom and the education setting. So a lot of times that's where you can see a direct benefit of if you're getting to where you want to be. And also I think that some of it's just the correspondence with the youth, you know. Sometimes you just see that switch that finally slipped and you see that directly."

"We utilize assessments to measure family functioning and also to measure impact of mental health concerns. And we evaluate that pre and post. We usually evaluate that every six months to monitor the progress and how things are going. Anecdotally we know that we're doing well when a family is engaged, remains engaged, completes the goals that they've identified, and doesn't feel like they need us anymore, have the supports in place."

"[Project Harmony] has done some exceptional panels at training like the Nebraska

Juvenile Justice Association Conference and those types of things where it's really just youth talking about their experience in the justice system and what went well and what went horribly wrong and what could have been done differently to have made them successful. And personally, I think that is much more powerful. You know you need both, right? You need the science but you also need the personal story of how peoples' lives are impacted and hearing it from the youth I think is extremely powerful."

Other Indicators

A few other successes people pointed to were the increased use of diversion, reduction in kids on probation for truancy and fewer cases coming through the system in general.

Regarding diversion:

"The county attorney has been working really well with our juvenile assessment center to try to divert as many kids as possible from the formal system. So that's another success that we have seen here through the system reform efforts." Another stakeholder connected the reduction in kids on probation for truancy to use of diversion, among other things. In their words, "In 2012, we had about 400 kids on probation for truancy and now we are probably at 200 or less. And those kids are pretty complicated, where we've tried hard to do different things, or the school's tried hard to do different things, and diversion's tried."

Regarding case numbers:

"I just go by the number of cases that we have gone through. I know when I first started in 2010, I had, I believe it was 110 cases that had come through and everything. I can't remember the total breakdown, but in this recent one that we had I think I was up to 66, our last, the 2016. I look at it as the numbers going down and that more kids are seeing that it's not normal to be sitting [in court]."

Indicators of Gaps

We also asked stakeholders to share what data or evidence they use to assess where things are not working in the system. Below are some of the major indicators of gaps in the system identified by stakeholders.

Over-representation of Minorities in the System

One of the most common gaps in the juvenile justice system raised by stakeholders is the disproportionate representation of minorities across the system. While this issue is discussed in both the Retrospective Developmental Evaluation and elsewhere in this report, it bears repeating in the realm of data on gaps that this is a significant issue:

"Like in my realm when I look at detention, kids of color are overrepresented by an astronomical ridiculous amount. It's horrible."

"Depending on which month you look at the data we actually have a worse DMC issue

than we had before. That's all public information, I'm sure you'll see that. We haven't made any progress. That's a strong statement. If we're making progress the data I've seen is not showing we're making progress. We're doing a lot of talking about it. We're doing a lot of yes, this is a problem. The data doesn't show it at this point."

Recidivism & Reentry

While recidivism was raised as an indicator of success, there are also some areas where it is indicative of the system not working as well as it should. One stakeholder described that attention to measuring and tracking recidivism has increased, but it remains a challenge:

"It's unfortunate that it's taken us as long as it has to try and do recidivism. Recidivism hopefully in the near future we'll be able to start tracking that on a regular basis the kids that are coming back through the system. I think we're getting better. I did a short brief study my first or second year coming back into Juvenile Probation to try and spark the system to say we need to do something different because all of the Chiefs and the Probation Officers say are system's fine. So I went and I took a snapshot of the juveniles that we had on probation five years prior. We cross referenced them with those adults that came onto probation and what was the percentage of those juveniles that we had five years prior that came onto adult probation now.....and that was stunning that 46 percent of the juveniles that we supervised on Juvenile Probation graduated and we supervise on adult probation. So that tells you it was way over 50 percent because it excludes that recidivated. It excludes those that got straight court sentences and it excluded those with name changes or excluded those that got in trouble in other states."

Another stakeholder suggested that looking at the data on reentry and recidivism calls into question whether goals are even realistic:

"I just had a conversation earlier in the day with [name] about we were looking at some reentry data on kids coming back from the YRTC and recidivism and it was youth specific. So it was the name of one youth and all of the charges and they went to the facility and then, you know, some of those were charges that happened after they came out. And so I think some – in looking at that it was just kind of ah ha snapshot for me of we have some. I suppose we unrealistically set a bar that people can't meet."

Other Indicators

Similarly, while the number of kids in out-of-home placement has gone down, it remains higher than most stakeholders would like. Other numbers that stakeholders would like to see go down include the number of kids under court jurisdiction or on probation in general. The same stakeholders who described their exploration of recidivism above summarized what they look at to see if the system is failing:

"Well on a systematic level I mean your data is going to show when things aren't working well. You're going to start looking at longer stints on probation, more motion

to revoke, more kids being detained in a certain area, and those types of things. So you're looking at that data. Those data can trigger you to – okay, there's an issue here. And then you drill down as to why and what needs to be done. So from an administrative perspective, that's what I would look at. And then drill down and figure out what needs to change and then implement some of those changes. And we continue to do that with what we do, whether it's GEI, whether it's crossover youth. We're really trying to improve the system and get more fluid in what we do and implement strategies across all boards. So those are the things that I would take a look at that would show us that things aren't working. If we see a huge spike in juvenile crime across the state – okay, why is that? Or in a certain area, why is that? And drill down on those things to see what's not working and then implement strategies too."

Beyond system-specific numbers, some stakeholders suggested that they look to indicators in people's lives to determine if the system is supporting youth to be successful, such as graduation and unemployment rates. Regarding graduation rates:

"And the graduation rate for state words is abysmal, right? Like if you were a system involved youth the likelihood that you're going to finish and do well in school just plummets, right, and so I think there are other indicators that are going to be telling us are we being successful with our kids, right?"

Regarding unemployment:

"We're one of the lowest if not the lowest in the nation most months. But I'm looking at and dealing with an unemployment rate in one particular part of the metropolitan area that is in the teens, if not approaching 20 percentile on different aspects at different times. When you have that by itself and you have the number of single parents and the number of incarcerated parents that we see in some of those different areas you're aware that there's more affecting the youth than in other places."

IMPLICATIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE

Based on the analysis provided above, we have identified some ways in which the Juvenile Justice Home-Based Initiative can build on the systems' strengths and address some of the challenges. While there are challenges that are out of the control of the Initiative, many can be addressed directly, or indirectly, by the Court Improvement Project (CIP) or its partners in the Initiative.

Factor 1: Staffing & Leadership

While many aspects of staffing and leadership are outside the control of CIP, there are several ways that it can influence staffing decisions made by its partners support the things that are working well:

- Foster passion and connection of staff by sharing stories of success from youth and families
- Continue offering high-quality training and staff development
- Continue to engage and support leadership
- Ensure program staff represent the communities they serve

Factor 2: Collaboration & Communication

Given that the Juvenile Justice Home-Based Initiative is a collaborative project, paying attention to how well collaboration and communication is happening across the system will be important to the success of the Initiative:

- Ensure transparent communication across agencies without requiring additional meetings
- Keep the program as simple and transparent as possible
- Build trust across agencies by reducing competition for funding when possible

Factor 3: Data Collection, Management & Use

Access to accurate, credible, reliable and useful data is of utmost importance to CIP's ability to understand how well the Initiative is meeting its goals. While there has been a lot of progress towards more streamlined data collection across the state, the Initiative would do well to work within what is already being built:

- Coordinate with existing efforts to streamline data collection and management
- Use mixed methods to allow for qualitative data to tell the story behind the numbers
- Build trust through transparent use of data to improve programs

Factor 4: Allocation of Resources

The Juvenile Justice Home-Based Initiative is really designed to address this aspect of the system by allocating more resources towards community and evidence-based practices that keep kids in their homes. Still, there are some important factors at play that can make or break the Initiative as it rolls out. Some actions CIP and its partners can take include:

- Continue to invest in community and evidence-based practices
- Continue dialogues with stakeholders across the state to foster support for keeping kids close to home
- Ensure that rural areas of the state do not get left behind as the project rolls out
- Pay attention to where gaps in the continuum of care continue to exist and address them when possible

Factor 5: Lived Experience of Youth & Families

Paying attention to how youth and families move through and interact with the system is critical to this reform effort. There are a number of ways that the Juvenile Justice Home-Based Initiative can work to elevate the voices of youth and families, including:

- Provide opportunities for youth and families to give feedback and share their experiences
- Document and share success stories of youth playing a role in their own rehabilitation
- Ensure providers are using a trauma-informed approach

Factor 6: Diverse Perspectives & Experiences

The Initiative will not be perceived or experienced the same by everyone. CIP, and its partners, should commit to continuing to engage stakeholders as the project rolls out, to document and address differing perspectives and experiences. Specifically, CIP can:

- Pay attention to how this Initiative is perceived in different areas of the state and make efforts to ensure it rolls out in a way that does not foster the urban/rural divide
- Document how different populations of youth experience the programs and use this data to eliminate racial, economic and gender disparities

Factor 7: Surrounding Context

By its nature, this last factor is largely out of the control of CIP and its partners. Still, there are several ways CIP can account for potential changes in context that may influence the Initiative's success:

- Track major developments in policy that may impact the Initiative
- Diversify funding sources to eliminate major impacts of budget shortfalls
- Communicate short-term successes to build ongoing support

CONCLUSION

This systems analysis provides an in-depth look at the current juvenile justice system in Nebraska – its strengths and challenge areas – as identified by adult and youth stakeholders within the system. It reflects the perspectives of a diverse range of individuals, but is by no means exhaustive. As the Juvenile Justice Home-Based Initiative rolls out, this analysis can help those involved build on current strengths and opportunities and anticipate or preemptively respond to potential barriers or challenges. Part 3 of this Developmental Evaluation: Vision, Guiding Principles and Strategies, provides additional guidance for the Juvenile Justice Home-Based Initiative by identifying a vision and set of principles to guide its development over time and across sites.

APPENDIX

Appendix A: Role Model

Description

(Current orientation)

Snowing over house decorated for Christmas, labelled “family”. Two windows with cross-style panes. Wreath over the door. No bottom to the house.

Christmas tree surrounded by presents. Interior scene (no snow). Labelled [participant name].

(Note: Participants consistently included depictions of trees when drawing images of home.)

Six small frames arranged 3 across by 2 down. All frames labelled “family” One figure.

1. Single figure, house, two figures.
2. Four or five figures, running to playing.
3. Dinner table with three figures on left side, one at head of the table. Two empty chairs on right side. No chair or figure on the bottom. Nine dishes on the table.
4. Four seated figures watching large screen (movie or large TV). Screen is blank.
5. Eight figures gathered behind a coffin. The coffin is closed and reads RIP.
6. Five figures gathered at Christmas. Christmas tree and presents on left. Decorations over top right. Middle/bottom right: Four figures seem to be running or moving towards the right. One figure lays on the floor, perhaps dead or injured.

Between frames 5 and 6, one figure, rounded legs and torso, with single-line arms, oval head, and hair or hat. This figure may be looking toward the viewer, towards the 6 panels, or both.

(right rotation)

Toddler views adult in mirror. Both figures are fully formed, not stick figures. Toddler wears a diaper but nothing else. Toddler is smiling, eyes closed, not noticeably gendered. Hands on hips. Feet are visible. Next to the toddler is a full-length oval mirror. Mirror seems to have hinges on the frame so it can be repositioned. Mirror frame has feet. The figure in the mirror is also fully formed, male-gendered, 30-40's. Short, neat hair. Smiling with eyes closed. Wearing a suit with tie, tie pin, handkerchief. No visible feet or shoes.

(left rotation)

“Help”

Six small frames, arranged 2 across by three down. Frames are not labelled.

1. Unformed stick figure. “Help” in a sound bubble.
2. Oval.
3. Two stick figures sit across a table or desk. Figure on left sits up straight. Figure in center slouches or hunches over. Center figure thinks of three other people in thought bubble.
4. Three bottles with the “No” sign over them. One bottle may hold pills, while the other

two hold liquids.

5. Figure in frame with large window. Window has grid or bars across it. Line drawn through the window in “No” sign.

6. Blank.

Interpretation

This art comes in several panels or frames. In each rotation of *Role Model*, we see self-representations. One is a stick figure, one is a gingerbread man-type human form, and the last two are fully formed humans with faces and clothing. This indicates that the participant-artist possessed the talent to draw realistic human depictions, but chose not to. These four self-representations depict varying levels of emotional salience. The small stick figure (left rotation) may indicate a poorly formed sense of self, powerlessness, or depression. The gingerbread-style figure, situated between scenes of family, death, and renewal, connotes transition and transformation. The infant symbolizes potential and a sense of purpose. The infant is also the only self-representation with feet, which may connote a sense of movement. The adult “*Role Model*” is an older and successful version of the infant, seeing himself in the future. However, the mirror has feet and the ability to swivel, which may indicate that the participant-artist’s hopes for the future are not yet fixed.

The multiple panels and shifting perspectives may represent a comic book-style layout. In that case, each frame represents a moment in time. Space between frames represent the passage of time, and larger frames carry greater salience. However, that interpretation also connotes a linear experience. The small panels depicting scenes of family life are very reminiscent of the folk art pottery of Consuelo Rendón of Tzintzuntzan, Mexico (below). Her art depicts life in and around Lake Pátzacuaro on bowls, plates, and cups. The art is simplified, but not simplistic. Rendón’s family has been making this type of art since the early part of the 20th century, and their art is now fairly common in Mexican households.

A reading of *Role Model* as a linear or cyclical path limits avenues of interpretation. It may be more helpful to look at *Role Model* as a collection, where each image is a self-contained narrative, and also part of a larger whole.

Appendix B: Scales of Justice

Interpretation

While the artist's statement is fairly self-explanatory, *Scale of Justice* includes telling details. Youth (right) are depicted as male and female with full bodies, and faceless. The Justice system (left) is depicted in symbols: money, a strong-arm, and a Confederate Flag. The unbalanced scales tip in the direction of the system, not the youth. While balanced scales often symbolize court systems, some courts in Nebraska and other states use unbalanced scales to symbolize the court. Unbalanced scales can symbolize a court weighing evidence, or may symbolize an unfair judgement.

Appendix C: Alone

Transcription

I guess we just begin. I don't know what this is, it's hard to understand but it is always there - deep inside like a thorn on my side - hard to breathe wears me out, how am I supposed to be alive or live for that matter - this is not normal the be[...] of air brings me down - breaking down but always pretending.

I hide, don't ask me why - you can't find me - I can't, I just can't, fear and anguish - the loneliness is my comfort it is easier than sharing - fight thru it you say? Walk in my shoes I'll reply. I hate this pressure.

What am I supposed to be? What you want me to be? Who says this is what is supposed to be?! Who are you to tell me this?! I hate it, all the time I hate it forget sound like my rest- peaceful! No more hiding

Picture my heart constantly crushed between the sharpest rocks within the grip of uncertainty, like being punched in the chest by the one you love the most - breathless and numb - sickened to the stomach - empty and pale.

About the form

Concrete poetry (also known as shape poetry or visual poetry) is a type of poetry where the typographical effect or shape of the words conveys as much, if not more meaning than the text itself. The earliest known examples date back to Greece in 3rd century BCE. Jewish, Islamic, and early Christian writers wrote concrete poetry, as did 20th century Futurist and Dadaist poets. Contemporary poets often combine concrete poetry with found poetry (poetry generated from discarded notes and other “found” documents) or erasures (poetry created by removing parts of a larger text), as these forms all express meaning visually.

Interpretation



The Red Cross symbol commonly means medicine, first aid, or help. However, the Red Cross is also a protection symbol, marking people and objects acting in compliance with the Geneva Conventions during wartime. The Geneva Conventions specify that non-combatants (including detainees) shall in all circumstances be treated humanely, and prohibits violence to life and person, outrages upon personal dignity, humiliating or degrading treatment, the passing of sentences without affording all indispensable judicial guarantees, collective punishment, and mass forcible deportations. Further, the ICRC has specified that the Red Cross symbol shall be made of five squares of equal size.

We can read *Alone* with the popular understanding of the Red Cross in mind. In this interpretation, the participant asks for help or aid. “Deep inside like a thorn on my side - hard to

breathe wears me out, how am I supposed to be alive or live for that matter” turns physical symptoms into metaphors for emotional pain and desperation. The entirety of the last stanza, “Picture my heart constantly crushed between the sharpest rocks within the grip of uncertainty, like being punched in the chest by the one you love the most - breathless and numb - sickened to the stomach - empty and pale” can be read a list of injuries of a war-weary soldier.

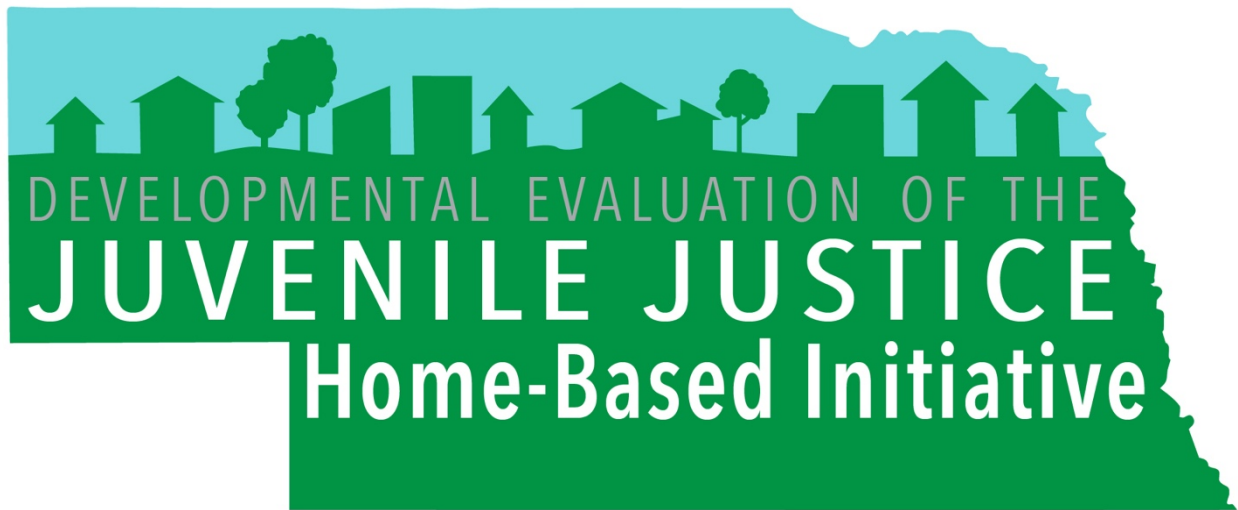
However, we can also read *Alone* as a protection symbol. In this reading, “What am I supposed to be? What you want me to be? Who says this is what is supposed to be?! Who are you to tell me this?!” invokes prohibitions against humiliating or degrading treatment. In this reading, the participant-poet establishes the poem as a site of resistance and safety.

Appendix D: Ollin

Transcription

Text (top): La Cultura Cora - Culture heals, healing comes thru people and so does the pain. La Cultura cora through time and effort with movement and heart. [obscured] La [cultur]a Cora with ea[ch] other with Pride [unk] e united be br[...mo]vement is t[the...] with you mind.

Text (bottom): Within the collective gathering and wisdom of our communities exists the power to heal - we must remind them of their sacredness and the creator's purpose for their lives



LEARNING PLAN

Part 4 of the Developmental Evaluation of Juvenile Justice Reform in Nebraska

Prepared for the Nebraska Court Improvement Project

Prepared by TerraLuna Collaborative

March 2017

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OVERVIEW

The purposes of the Developmental Evaluation of the Juvenile Justice Home-Based Initiative were to 1) describe how the initiative fits into the larger picture of reform, and 2) identify what systems changes are needed to make the grant a successful endeavor. To support this purpose, TerraLuna Collaborative conducted a multi-method processes that engaged stakeholders in sharing their perspectives on the Juvenile Justice Home-Based Initiative, and on the broader reform efforts. Data was collected through interviews with 90 key stakeholders across Nebraska's juvenile justice system, listening sessions with 25 adults, workshops with 25 system-involved youth, and a review of historical and current documents related to the system. For more details on the project and methods, please refer to the Developmental Evaluation Summary Document. This learning plan presented in this document is 1) based on what we learned through the retrospective review and current system analysis, 2) grounded in the '7 Guiding Principles For A Youth-Centered Holistic Approach to Juvenile Justice', 3) oriented to support accountability, evaluation, and learning, and 4) provide direction for the system as a whole and for the Juvenile Justice Home-Based Initiative specifically.

KEY INDICATORS OF SUCCESS AND GAPS IN NEBRASKA'S JUVENILE JUSTICE SYSTEM

There were some indicators that emerged as the most significant system-level influences on reform, from stakeholder interviews, listening sessions, and arts-based workshops, we also asked stakeholders to share with us how they assess whether the system is working or not.

Indicators of Success

The following indicators were cited by stakeholders as some of the major indicators of success in the juvenile justice system currently:

- Reduction in out-of-home, out-of-state and detention placements
- Reduced recidivism and repeat offending
- Improved outcomes for youth and families
- Increased use of diversion
- Reduction in kids on probation for truancy
- Fewer cases coming through the system

Indicators of Gaps

The following indicators were cited by stakeholders as some of the major indicators of success in the juvenile justice system currently:

- Over-representation of minorities in the system
- Challenges with measuring recidivism and reentry
- Low graduation rates for system-involved youth
- High unemployment rates in certain areas impacting youth

Each of these indicators requires communication and across multiple agencies and sectors, and there are many factors that must be addressed to see changes. This report lists some of those factors and proposes a learning plan for the Juvenile Justice Home-Based Initiative.

3 KEY LEARNING PLAN CONCEPTS

To support learning and development of the Juvenile Justice Home-Based Initiative, we integrated (1) the seven key factors identified in the system analysis with (2) the seven guiding principles that came out of the vision of a Youth-Centered Holistic approach to juvenile justice into (3) the Mountain of Accountability, a framework that identifies three primary areas of accountability to guide data collection and evaluation:

- Management Processes and Accountability
- Impact
- Learning, Development and Adaptation

The factors identified in the system analysis help to prioritize what aspects of the system are most likely to influence the Juvenile Justice Home-Based Initiative, while the guiding principles describe how the work will be done. We believe that taken as a whole, addressing the seven factors in a way that is guided by principles will result in positive changes on indicators of success and gaps.

7 Key Factors Influencing Nebraska's Juvenile Justice System:

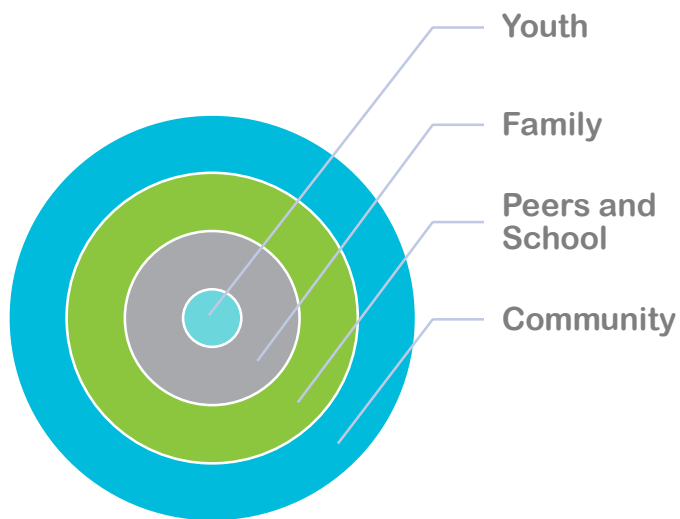
Based on interviews with 90 adult stakeholders, three listening sessions with 25 adult stakeholders and five arts-based workshops with 25 system-involved youth, along with an analysis of key documents, we identified seven factors that seem to be key to understanding how well the juvenile justice system in Nebraska is serving youth, families and communities. The factors are summarized in Table 1 below. For more detail, see Part 2 of this Developmental Evaluation.

Table 1: Key System Factors and Descriptions

FACTORS	DESCRIPTION OF THE FACTOR
Factor 1: Staffing & Leadership	Systems are made up of people, so it is important to understand the issues that impact the individuals who work in and make decisions about the system.
Factor 2: Collaboration & Communication	Issues of collaboration and communication highlight how well the agencies within and connected to the juvenile justice system and the people within them work together.
Factor 3: Data Collection, Management and Use	The ability of actors in the juvenile justice system to understand what is happening in the system is critical to any effort to improve or reform it.
Factor 4: Allocation of Resources	Whether money, time, training, expertise, legislation – paying attention to where resources are being invested can be telling in a system.
Factor 5: Lived Experience of Youth & Families	It is critical to recognize that the system is not only composed of people, but ultimately both impacts and is impacted by the lived experience of those whose lives are most at stake: youth and families.
Factor 6: Diverse Perspectives & Experiences	Given the wide range of actors that comprise the juvenile justice system, it is important to understand how perspectives and experiences vary across the state.
Factor 7: Surrounding Context	In any system, the political, economic, and social dynamics in which the system operates significantly influence what happens within the system.

7 Guiding Principles for a Youth-Centered Holistic Approach to Juvenile Justice

Taking a Youth-Centered Holistic approach means seeing the youth person as a whole person, and working with not only the young person's behavior, but also their health (mental, physical, and emotional), family system, school system, and other important systems and networks in their lives.



Relationship-Based Collaboration

Work towards positive outcomes for youth in the context of supportive, collaborative interpersonal relationships with youth, relevant family members, and colleagues.

Coordinated Holistic Continuum of Care

Be responsive to the whole person, including their mental, physical, social and behavioral health and coordinate across systems – schools, communities, agencies – to provide a seamless continuum of care.

Inclusive and Culturally Responsive

Recognize that young people's lives are powerfully shaped by their developmental stage, culture, family, and community. Address the documented disparities in the Nebraska juvenile justice system including geographic-based disparities, racial disparities with inclusive and contextually responsive strategies.

Trauma-Informed

Design interventions, responses, and solutions based on the recognition that some of the behaviors that youth are striving to change may be maladaptive responses to trauma, and that recovery and healing may be essential to addressing any other types of behaviors or lifestyle changes.

Strengths-Based Family Involvement and Support

See and respond to the strengths and resilience in youth and families by providing services that strengthen the family's capacity to provide guidance and supervision and to prevent involvement in the juvenile justice system.

Youth and Family Voice and Empowerment

Provide young people and families consistent, formal opportunities to have input into how decisions are made, and how services are implemented and evaluated.

Less is More

Ensure that young people are diverted from juvenile justice system involvement whenever possible, so they do not get drawn further into the system than necessary.

Factors and Guiding Principles: What to Watch and Indicators of Positive Change

Taken together, the 7 factors and 7 guiding principles combine to give direction about what to watch and indicators of positive change.

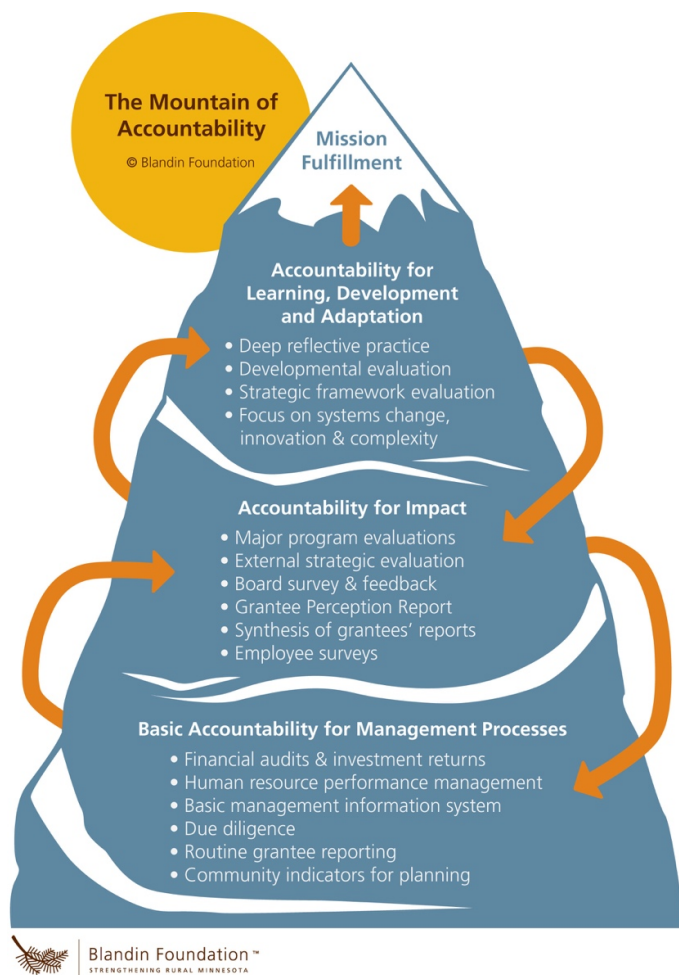
Table 2: What to Watch Related to Key System Factors and Guiding Principles

Key System Factors		What to Watch	Indicators of Positive Change	Alignment to Guiding Principles
1	Staffing & Leadership	<ul style="list-style-type: none"> Staff and Leadership Turnover Diversity of staff Youth and family perception of staff 	<ul style="list-style-type: none"> Turnover rates decline Youth perception of care/compassion increases Staff reflect the communities they serve 	<ul style="list-style-type: none"> Strengths-Based Family Involvement and Support Culturally responsive
2	Collaboration & Communication	<ul style="list-style-type: none"> Relationships 	<ul style="list-style-type: none"> Relationships grow stronger within and across agencies 	<ul style="list-style-type: none"> Relationship-based collaboration
3	Data Collection, Management & Use	<ul style="list-style-type: none"> Measurement Methods Data use 	<ul style="list-style-type: none"> Shared measurement Mixed methods Data used to improve programs 	<ul style="list-style-type: none"> Coordinated holistic continuum of care
4	Allocation of Resources	<ul style="list-style-type: none"> Where resources are allocated Availability of services 	<ul style="list-style-type: none"> Equity in access to services 	<ul style="list-style-type: none"> Coordinated holistic continuum of care Less is More
5	Lived Experience of Youth & Families	<ul style="list-style-type: none"> When and how youth and families involved in decision-making? How is trauma being addressed 	<ul style="list-style-type: none"> Youth and families are central to decisions 	<ul style="list-style-type: none"> Trauma-informed Youth and Family Involvement and Empowerment
6	Diverse Perspectives & Experiences	<ul style="list-style-type: none"> Perceptions of stakeholders in rural Nebraska Disproportionate minority contact Experiences across culture, class and gender 	<ul style="list-style-type: none"> Rural Nebraskans receive equitable allocation of resources Disparities in the system go down 	<ul style="list-style-type: none"> Culturally Responsive Less is More Inclusive and contextually responsive
7	Surrounding Context	<ul style="list-style-type: none"> Policies at state and national levels Budget 	<ul style="list-style-type: none"> Legislators support longer-term outcomes 	<ul style="list-style-type: none"> Inclusive and contextually responsive

Mountain of Accountability

We've proposed a learning plan organized around the Mountain of Accountability©, developed by Michael Quinn Patton for the Blandin Foundation. The Mountain demonstrates different levels of learning and allows us to see that each of these levels requires robust and distinct evaluations and assessments, and that these levels need to interact to support the development of systems change. In the words of Patton,

"Upward arrows along the left side show that routine data inform higher level inquiry, and downward feedback arrows along the right side show that what is learned at the top informs strategies and actions at the lower levels (e.g., that reflective practice informs future strategic planning and operations management)."



LEVEL 1: BASIC ACCOUNTABILITY

The first level of accountability focuses on fundamentals and answers two basic questions: Did we implement our work as planned? Did we meet basic quality standards in carrying out our work?

LEVEL 2: ACCOUNTABILITY FOR IMPACT AND EFFECTIVENESS

Once basic accountability processes and assessment reporting are in place, more specialized accountability assessments are possible, appropriate, and necessary to take programmatic effectiveness assessment to the next level. By assessing program and organizational outcomes and impacts, impact and effectiveness accountability answers three important and challenging questions: To what extent and in what ways are we attaining desired and intended program outcomes and impacts? To what extent are we living out the guiding principles? What are we learning, and in what ways are we applying what we are learning to improve effectiveness?

Level 3: ACCOUNTABILITY FOR LEARNING, DEVELOPMENT, AND ADAPTATION

Accountability for Learning & Development focuses on systems change, innovation, adaptation, and making a difference in complex, dynamic systems. The practices and processes at this level include developmental evaluation and deep reflective practice.

Next, we present how the 7 factors and 7 guiding principles combine with the Mountain of Accountability to give shape to a learning framework.

FACTOR 1: STAFFING & LEADERSHIP

Systems are made up of people, so it is important to understand the issues that impact the individuals who work in and make decisions about the system.

RECOMMENDATIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE

- Foster passion and connection of staff by sharing stories of success from youth and families
- Continue offering high-quality training and staff development
- Continue to engage and support leadership around the shared vision and guiding principles
- Ensure program staff represent the communities they serve

Evaluation Recommendations for the Juvenile-Justice Home-Based Initiative

Table 3: Evaluative Questions for JJHBI: Staffing and Leadership

LEVEL OF ACCOUNTABILITY	EVALUATIVE QUESTIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE
Level 1: BASIC ACCOUNTABILITY	<ol style="list-style-type: none"> 1. Hiring. Who is being hired as it relates to experience, race and/or cultural background? To what extent do staff reflect the communities in which they work? 2. Training. To what extent is sufficient and effective professional development provided to stakeholders in the system? 3. Retention. To what extent are people hired being retained? Are there variations in retention?
Level 2: ACCOUNTABILITY FOR IMPACT AND EFFECTIVENESS	<ol style="list-style-type: none"> 1. Outcomes. In what ways do staff diversity, training, connection and retention affect satisfaction and better outcomes for youth and families? 2. Caseloads. Are caseloads low enough to allow people to know youth and families, and work in a principles-based way? 3. Youth experience. To what extent do youth feel staff understand and care about them?
Level 3: ACCOUNTABILITY FOR LEARNING, DEVELOPMENT, AND ADAPTATION	<ol style="list-style-type: none"> 1. Guiding principles. What are we learning about how people understand the guiding principles as they relate to staffing? About how the guiding principles do or don't help people feel that they are supported and doing their job well around staff and leadership hiring, training and retention? 2. Rural areas. What are we learning about how to bring more highly trained staff and leadership and staff to rural areas? 3. Leadership. What are we learning about the role of leadership in fostering a shared vision and philosophy?

FACTOR 2: COLLABORATION & COMMUNICATION

Issues of collaboration and communication highlight how well the agencies within and connected to the juvenile justice system and the people within them work together.

RECOMMENDATIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE

- Ensure transparent communication across agencies without requiring additional meetings
- Keep the program as simple and transparent as possible
- Build trust across agencies by reducing competition for funding when possible

Evaluation Recommendations for the Juvenile-Justice Home-Based Initiative

Table 4: Evaluative Questions for JJHBI: Collaboration and Communication

LEVEL OF ACCOUNTABILITY	EVALUATIVE QUESTIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE
Level 1: BASIC ACCOUNTABILITY	<ol style="list-style-type: none"> 1. Relationships. To what extent do people report having positive working relationships within and across agencies? 1. Communication. To what extent is information being communicated effectively within and across agencies? 2. Collaboration. To what extent and in ways are people collaborating across agencies?
Level 2: ACCOUNTABILITY FOR IMPACT AND EFFECTIVENESS	<ol style="list-style-type: none"> 1. Relationships. To what extent are we building strong, positive relationships with key stakeholders and partners? To what extent do relationships outcomes for youth? 2. Communication. To what extent does the quality of communication impact quality of programming and outcomes for youth? 3. Collaboration. Where is collaboration working well? Where is it getting stuck? How does collaboration impact outcomes for youth and families?
Level 3: ACCOUNTABILITY FOR LEARNING, DEVELOPMENT, AND ADAPTATION	<ol style="list-style-type: none"> 1. Guiding Principles. What are we learning about how people understand the guiding principles as they relate to communication and collaboration? 2. Relationships. How are the interrelationships and interconnections between and among our diverse stakeholders and partners changing over time? 3. Communication & Collaboration. What are we learning about what it takes to ensure effective communication and collaboration within and across agencies?

FACTOR 3: DATA COLLECTION, MANAGEMENT AND USE

The ability of actors in the juvenile justice system to understand what is happening in the system is critical to any effort to improve or reform it.

RECOMMENDATIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE

- Coordinate with existing efforts to streamline data collection and management
- Use mixed methods to allow for qualitative data to tell the story behind the numbers
- Build trust through transparent use of data to improve programs

Evaluation Recommendations for the Juvenile-Justice Home-Based Initiative

Table 5: Evaluative Questions for JJHBI: Data Management and Use

LEVEL OF ACCOUNTABILITY	EVALUATIVE QUESTIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE
Level 1: BASIC ACCOUNTABILITY	<ol style="list-style-type: none"> 1. Data Collection. What data is being collected, where and by who? To what extent is data collected capturing the realities of what is happening and what is important to track? 2. Data management. To what extent is data collected in a centralized system that can be accessed by various stakeholders? 3. Trust and transparency. What are the barriers to gathering the necessary data? How can we ensure data will be collected in a way that is transparent and builds trust?
Level 2: ACCOUNTABILITY FOR IMPACT AND EFFECTIVENESS	<ol style="list-style-type: none"> 1. Meaning. What does data tell about the effectiveness and impact of JJHBI? 2. Data Use. To what extent is data that is collected used to improve program effectiveness? 3. Transparency & Trust. To what extent are decisions made with data transparent? To what extent do people trust the credibility of the data?
Level 3: ACCOUNTABILITY FOR LEARNING, DEVELOPMENT, AND ADAPTATION	<ol style="list-style-type: none"> 1. Guiding Principles. What are we learning about how people understand the guiding principles as they relate to data collection, management and use? 2. Coordination. What are we learning about the most efficient and effective ways to share data across agencies? 3. Trust. What are we learning about how to build trust and transparency into the processes of data collection, management and use?

FACTOR 4: ALLOCATION OF RESOURCES

Whether money, time, training, expertise, legislation – paying attention to where resources are being invested can be telling in a system.

RECOMMENDATIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE

- Continue to invest in community and evidence-based practices
- Continue dialogues with stakeholders across the state to foster support for keeping kids close to home
- Ensure that rural areas of the state do not get left behind as the project rolls out
- Pay attention to where gaps in the continuum of care continue to exist and address them when possible

Evaluation Recommendations for the Juvenile-Justice Home-Based Initiative

Table 6: Evaluative Questions for JJHBI: Allocation of Resources

LEVEL OF ACCOUNTABILITY	EVALUATIVE QUESTIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE
Level 1: BASIC ACCOUNTABILITY	<ol style="list-style-type: none">1. Access. How is the availability of and access to services being tracked and addressed across the state?2. Gaps. How are gaps in services identified and filled?
Level 2: ACCOUNTABILITY FOR IMPACT AND EFFECTIVENESS	<ol style="list-style-type: none">1. Evidence-based practices. To what extent are evidence-based practices being used where appropriate?2. Meeting needs. How well do existing programs and services meet the needs of the youth and families in the community?
Level 3: ACCOUNTABILITY FOR LEARNING, DEVELOPMENT, AND ADAPTATION	<ol style="list-style-type: none">1. Guiding Principles. What are we learning about how people understand the guiding principles as they relate to allocation of resources?2. Community Changes. What are we learning about how perspectives are shifting with regards to keeping kids close to home?

FACTOR 5: LIVED EXPERIENCE OF YOUTH & FAMILIES

It is critical to recognize that the system is not only composed of people, but ultimately both impacts and is impacted by the lived experience of those whose lives are most at stake: youth and families.

RECOMMENDATIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE

- Provide opportunities for youth and families to give feedback and share their experiences
- Document and share success stories of youth playing a role in their own rehabilitation
- Ensure providers are using a trauma-informed approach

Evaluation Recommendations for the Juvenile-Justice Home-Based Initiative

Table 7: Evaluative Questions for JJHBI: Lived Experience of Youth and Families

LEVEL OF ACCOUNTABILITY	EVALUATIVE QUESTIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE
Level 1: BASIC ACCOUNTABILITY	<ol style="list-style-type: none"> 1. Provider training. How many providers are trained in a trauma-informed approach? How many providers are trained to be youth-centered and holistic? 2. Youth and family experience. Where is youth and family voice captured systematically within systems and processes?
Level 2: ACCOUNTABILITY FOR IMPACT AND EFFECTIVENESS	<ol style="list-style-type: none"> 1. Provider quality. To what extent are providers aligned with the vision of a Youth-Centered Holistic approach? 2. Trauma. To what extent is the trauma experienced by youth and families addressed at the various points of contact across the system? 3. Youth and family experience. To what extent do youth and families feel they have a voice in their interactions with the juvenile justice system? To what extent do youth and families feel heard and respected by providers? 4. Using youth and family feedback. To what extent is the feedback shared by youth and family used to change systems and processes?
Level 3: ACCOUNTABILITY FOR LEARNING, DEVELOPMENT, AND ADAPTATION	<ol style="list-style-type: none"> 1. Guiding principles. What are we learning about how people understand the guiding principles as they relate to the lived experience of youth and families? 2. Provider quality. What are we learning about what it takes to ensure providers are effectively implementing a youth-centered holistic approach? 3. Youth and family experience. What are we learning about what factors contribute to a positive experience for youth and families?

FACTOR 6: DIVERSE PERSPECTIVES & EXPERIENCES

Given the wide range of actors that comprise the juvenile justice system, it is important to understand how perspectives and experiences vary across the state.

RECOMMENDATIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE

- Pay attention to how this initiative is perceived in different areas of the state and make efforts to ensure it rolls out in a way that does not foster the urban/rural divide
- Document how different populations of youth experience the programs and use this data to eliminate racial, economic and gender disparities

Evaluation Recommendations for the Juvenile-Justice Home-Based Initiative

Table 8: Evaluative Questions for JJHBI: Diverse Perspectives and Experiences

LEVEL OF ACCOUNTABILITY	EVALUATIVE QUESTIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE
Level 1: BASIC ACCOUNTABILITY	<ol style="list-style-type: none"> 1. Geography. To what extent are perspectives from across the state represented in data and decision making? 2. Data. How consistently is demographic data on youth and families collected? (race/ethnicity, culture/language, economic class, gender)
Level 2: ACCOUNTABILITY FOR IMPACT AND EFFECTIVENESS	<ol style="list-style-type: none"> 1. Geography. How effectively are differences in program experience documented and addressed across geography? 2. Race/Ethnicity. To what extent do outcomes vary for youth of different racial or ethnic backgrounds? 3. Culture/Language. How effectively are needs of immigrant and refugees families addressed? 4. Economic class. To what extent do outcomes vary for youth of different racial or ethnic backgrounds? 5. Gender. How effectively are needs of youth of different genders addressed? To what extent do outcomes vary for youth of different racial or ethnic backgrounds?
Level 3: ACCOUNTABILITY FOR LEARNING, DEVELOPMENT, AND ADAPTATION	<ol style="list-style-type: none"> 1. Guiding principles. What are we learning about how people understand the guiding principles as they relate to the different perspectives and experiences across the state? 2. Variability. What are we learning about how to address variability in outcomes and experiences for youth and families of different backgrounds?

FACTOR 7: SURROUNDING CONTEXT

In any system, the political, economic, and social dynamics in which the system operates significantly influence what happens within the system.

RECOMMENDATIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE

- Track major developments in policy that may impact the Initiative
- Diversify funding sources to eliminate major impacts of budget shortfalls
- Communicate short-term successes to build ongoing support

Evaluation Recommendations for the Juvenile-Justice Home-Based Initiative

Table 9: Evaluative Questions for JJHBI: Surrounding Context

LEVEL OF ACCOUNTABILITY	EVALUATIVE QUESTIONS FOR THE JUVENILE JUSTICE HOME-BASED INITIATIVE
Level 1: BASIC ACCOUNTABILITY	<ol style="list-style-type: none">1. Policy. How are we tracking2. ICWA. How is data on how ICWA's application to the juvenile justice system documented and tracked?
Level 2: ACCOUNTABILITY FOR IMPACT AND EFFECTIVENESS	<ol style="list-style-type: none">1. Legislative support. What are we learning about how to most effectively work with legislators and work towards longer-term outcomes?
Level 3: ACCOUNTABILITY FOR LEARNING, DEVELOPMENT, AND ADAPTATION	<ol style="list-style-type: none">1. Guiding principles. What are we learning about how people understand the guiding principles as they relate to the surrounding context?2. Policy. How are the world and the systems we work in changing, and how do we understand those changes so as to learn, adapt, and develop?

CURRENT EVALUATION SUPPORTS AND GAPS

In addition to providing a framework for learning, we compiled information from stakeholders on what is and is not already being measured in the system that can support the Juvenile Justice Home-Based Initiative. This collection will allow the Juvenile Justice Home-Based Initiative staff to know where there are existing resources and allies as it relates to the evaluation recommendations. Knowing where there are gaps helps the staff identify opportunities ‘build their own’ or being convening people around the purpose of more robust measurement.

Bright spots in data use in some or all of the system

Based on stakeholder interviews, we compiled a list of the indicators that are currently being tracked in the system that seem relevant to this initiative:

State-wide intake data

Probation tracks intake data across the state, which can be broken down by district, race, gender, offense:

“So when say a young person does find themselves in trouble and law enforcement brings them to us and law enforcement feels they need to be detained, we have a tool that’s a statewide tool that’s used across the state that are officers use to use as a guide to help determine whether or not that kid if you will qualifies for detention. And so we keep track of data on the number of intakes we do across the state. We can break it down by district. We can break it down by race. We can break it down by gender. We can break it down by offense, on why the kid is being brought in. And so from that what we can see is we can see how many kids are actually admitted to detention. So we can see when those numbers go down that I think that we’re being more effective.”

Related factor(s): Diverse perspectives & experiences

Related guiding principle(s): Culturally responsive

Length of time on probation

Probation tracks the length of time youth spend on probation:

“Do we see a reduction on how long they’re on probation so, you know, hopefully if we’re able to reduce that length of time on probation, then the work we’re doing is being effective. Because of course in theory you would not let them off probation if they’re not successful. And so I think that we have those things in place.”

Related factor(s): Lived experience of youth & families; Staffing & leadership

Related guiding principle(s): Less is more

Successful discharge

Cedars has developed a definition of successful discharge and what that looks like for youth across a range of services and programs:

“What is exciting to me is how we are doing as an organization toward our mission, which is really to your point. Over the past two – we started probably three years ago, and we just completed the first full year of measurement and then subsequent reporting. Every program of the organization has a definition of what is a successful discharge, which is no little thing. A definition of successful discharge is going to be different in shelter versus Tracker versus a childcare center. Then you have to get enough of a level of buy-in from the program leadership and staff to adopt that definition. So I’m really proud of our work with that. We just completed our full year of reporting now, so we know now the percentage of successful discharges for every program of the organization.”

Related factor(s): Lived experience of youth & families; Staffing & leadership

Related guiding principle(s): Less is more

Family functioning

Boys Town has created a high-level family assessment based on the assumption that all families want what is best for their children:

“So when we help a family they come to a parenting class. They access care coordination, which is a kind of a long-term case management service. They get in-home family services where we actually go in the home and help them with some parenting skills and some other things. We do six and twelve-month follow-ups with those families. And there is five kind of key questions, we do this with our residential program too. But the key ones we look at is, is your family still intact? So are your kids still living with you? Are they here? Are they safe? Have they been arrested or re-arrested, and are they attending school? So we use those high level, and they're very high level, but the assumption is if you have school age children, I have school age children, what do I want? I want my kids living with me. I want them going to school. I want them out of trouble. And I want them safe. So those four high-level indicators we do follow-ups with those families. We're able to get probably 80 percent participation rate to connect with them at six and twelve months. So those are the kind of things we look at, those very very high-level indicators.”

Related factor(s): Lived experience of youth & families

Related guiding principle(s): Strengths-Based Family Involvement and Support

Family satisfaction

Boys Town has also developed a strategy for evaluating family satisfaction and giving families voice.

"We always ask. I mean the family satisfaction, you know, were you pleased with the service? Were you treated with respect? Did we communicate well? We ask that of all of programs. That doesn't get to an outcome, but it's also important. I mean that's not a kid outcome. We'll have some families say, 'I didn't like you and I didn't want to work with you.' Or, 'Somehow you helped my kid, and he didn't get in trouble and I'm really thankful.' Or, 'We won't be going to dinner tonight cause I didn't want to get help from anybody.' I mean these are people living their lives, so I mean the kid and family outcomes are the real important ones. Are you going to school? Are you at home? Are you safe? And I've got families, you know, if we serve a family for six or eight months to keep Nick from dropping out of school and getting arrested, and six months later you're not at South High, and you got arrested. I mean that's data for us to go we didn't accomplish our goal together, you know, but those are the kind of things we look at."

Related factor(s): Lived experience of youth & families

Related guiding principle(s): Strengths-Based Family Involvement and Support

Gaps in Tracking (not tracked well or at all)

Recidivism State-wide

Several stakeholders indicated that there is a move towards developing an agreed-upon definition of recidivism, but they are not there yet:

"You know, one of the things that I think, a couple of years ago the state legislature appropriated 200,000 dollars to look at a program that would provide better collaboration in identifying Nebraska's kids and who's in what program, where they're at and what they're doing. They applied that money, there hasn't, you know, yes, we need a centralized data point so we can effectively, you know, monitor this across all different sections. And that's acknowledged but it hasn't happened yet. So sometimes what you're doing is you're taking probation data, you're taking CPS data, you're taking, you know, data coming out of committee, you're taking education data and stuff and you're just kind of, you know, mixing it all up and looking at it and seeing, you know, which, you know, how things are turning out."

"We can't even get into an agreement yet on what indicates, you know, what's rescinded. You know, so it's kind of tough to talk about recidivism rates when you've got 4 or 5 different ideas what that is. That's something we've really got to shore up and press."

"Well, that's unfortunately something that hasn't been built. So our system didn't really allow us to communicate all the data we could pull and so it really is an area where we're trying to focus on what is it that I need to know. I'm hoping with the new

tools sometime in January there's a way that our systems will be able to - we're supposed to be able to pull from that the recidivism data from the state system so that we can check and crosscheck recidivism....I think other areas it's easier for them to look at data but this area of recidivism around the out of home youth it's collected in two different systems. So there's just not a good way to pull the data we needed without hundreds and thousands of other irrelevant data."

"I don't think we have a common agreement yet as to what are good outcomes. Does that make sense? I think everybody will say, "When we're done with these kids we don't want to see these kids anymore. And we don't want recidivism. Well obviously. Well then let's define recidivism. That was a day-long debate on what recidivism is. So it's really coming to a consensus, for me, on some of those higher level, definitional terms that, "This is what we're working on." And I haven't been trying to go that way. But that's going to be a very slow process."

Related factor(s): Communication & Collaboration; Data collection, management and use; Surrounding Context; Lived experience of youth and families

Related guiding principle(s): Relationship-based collaboration; Coordinated Holistic Continuum of Care

Individual experience/stories

Beyond the statistics, many feel that it is the stories behind the numbers that tell the whole picture of how the system is impacting youth and families:

"And so obviously it's data driven to that extent but I also don't think you can leave out the individual's experience with the system either. So I'm really striving to that youth and family voice out there too because reality you know it's shaped by a person's experience with it, right? Nothing is real without it. So like I'm at an individual level with the cases talking with their client but then that's another thing to struggle with our project is – you know, we'll repeat the surveys later to see if there's been improvement. Not with that same kid – you know, protecting the kid's anonymity, but that's a way to measure that. But I do think that something that's lacking from a lot of this reform is more of asking families what is it that you need and what – it's not bottom up, is it better for you and we're going to put it down."

Related factor(s): Data collection, management and use; Lived experience of youth and families

Related guiding principle(s): Youth and Family Voice and Empowerment

Long-term youth educational outcomes

Some feel that it is important to look beyond immediate outcomes of youth in the system to the longer-term outcomes that society hopes to see youth achieve:

"A lot of times we're tinkering with one point at a time but it seems like there's

probably some other long-term indicators like related to education that I think we should be looking at. I think I'm just sensitive to this now because we just released the Foster Care Review Office's annual report and a lot of these kids are the same kids. They're in both sides of the system." (Bev)

"You know, education is a piece of this because, you know, if kids are struggling in school but we don't have access to that information because of some federal laws. And so I think there's some barriers that, you know, are in place because of that. That we can maybe do a better job of seeing where we have gaps and what we can do differently to improve or enhance kids that are involved in the system."

Related factor(s): Data collection, management and use; Lived experience of youth and families

Related guiding principle(s): Coordinated Holistic Continuum of Care

Delays in access to interventions

Some stakeholders were concerned with tracking how long it takes youth to access the services they need:

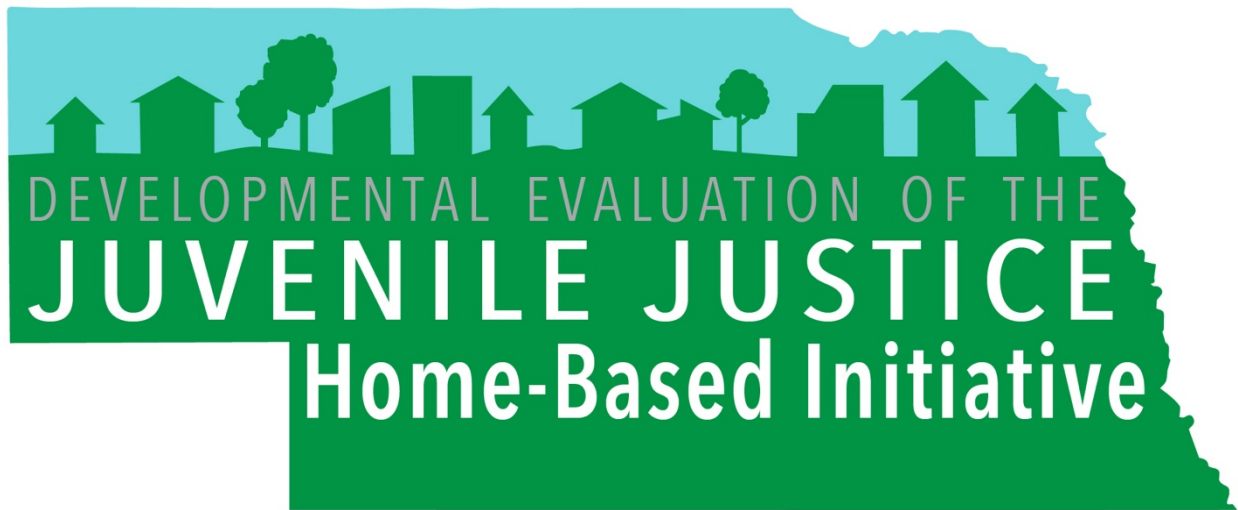
"I'd really like to get access to someone who doesn't have to be a full-time position. It probably doesn't need to be a professional. It could be a community volunteer that works two days a week with the families on helping them, know how to call East Central Nebraska Mental Health and set up a substance abuse evaluation for an adolescent ...that's why I'm talking to the county attorney's office. They were just writing their grant to the crime commission. They were really interested, but they didn't think we had enough supporting data. We need to figure out what we almost have to do is capture the delayed interventions that are delayed because people don't know how to access services."

Related factor(s): Data collection, management and use; Allocation of resources; Lived experience of youth and families

Related guiding principle(s): Coordinated Holistic Continuum of Care

CONCLUSION

This learning plan is intended to support learning and development of the Juvenile Justice Home-Based Initiative. As such, it is not meant as a static document, but rather as a learning tool that will adapt and change as lessons are gleaned and applied to the initiative. It provides a starting point for that learning journey and a framework that can be used to guide the journey as it unfolds. We encourage people to use this document to determine which factor areas or learning questions to address first, work with stakeholders to determine who needs to be involved in addressing the question, and work with evaluators to select the best method(s) to answer the questions.



VISION FOR THE FUTURE AND GUIDING PRINCIPLES

Part 3 of the Developmental Evaluation of Juvenile Justice Reform in Nebraska

Prepared for the Nebraska Court Improvement Project

Prepared by TerraLuna Collaborative

March 2017



terraluna
COLLABORATIVE

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OVERVIEW

This document is intended to support successful implementation of the Juvenile Justice Home-Based Initiative by providing a common vision and set of guiding principles. The vision and guiding principles are one component of the Developmental Evaluation TerraLuna Collaborative conducted for the Nebraska Court Improvement Project from July 2016-March 2017. The purposes of the Developmental Evaluation of the Juvenile Justice Home-Based Initiative were to 1) describe how the initiative fits into the larger picture of reform, and 2) identify what systems changes are needed to make the grant a successful endeavor. To support this purpose, TerraLuna Collaborative conducted a multi-method processes that engaged stakeholders in sharing their perspectives on the Juvenile Justice Home-Based Initiative, and on the broader reform efforts. Data was collected through interviews with 90 key stakeholders across Nebraska's juvenile justice system, listening sessions with 25 adults, workshops with 25 system-involved youth, and a review of historical and current documents related to the system. For more details on the project and methods, please refer to the Developmental Evaluation Summary Document.

VISION FOR THE FUTURE

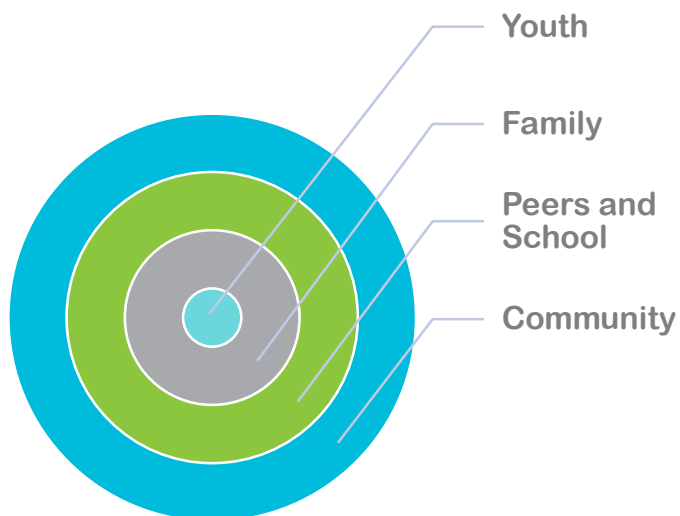
Based on an analysis of the factors influencing Nebraska's current juvenile justice system, along with insights drawn from past reforms based on the Retrospective Developmental Evaluation, as well as current research on juvenile justice nationally, we have developed a set of seven guiding principles to help achieve the vision of a Youth-Centered Holistic Approach to juvenile justice reform in Nebraska. Youth-centered holistic reform in the juvenile justice center would put youth experience at the center and build systems and structures to support and build on the youth's strengths and meet their mental, physical and emotional needs.

Guiding Principles

A principles-based approach contrasts with prescriptive models or recipes in which standardized directions must be followed precisely to achieve the desired outcome. In these models, there is a focus on following specific steps with fidelity. In contrast, guiding principles provide direction, but must be interpreted and adapted to context and situation. The guiding principles presented in this document provide a direction for continued juvenile justice reform in Nebraska while also allowing for variation in how this work happens in different settings and locations. The following guiding principles collectively form the youth-centered holistic approach. Each principle is distinct and important on its own and at the same time, these principles inter critical component of the overall vision.

7 GUIDING PRINCIPLES FOR A YOUTH-CENTERED HOLISTIC APPROACH TO JUVENILE JUSTICE

Taking a Youth-Centered Holistic approach means seeing the youth person as a whole person, and working with not only the young person's behavior, but also their health (mental, physical, and emotional), family system, school system, and other important systems and networks in their lives.



Relationship-Based Collaboration

Work towards positive outcomes for youth in context of supportive, collaborative interpersonal relationships with youth, relevant family members, and colleagues.

Coordinated Holistic Continuum of Care

Be responsive to the whole person, including their mental, physical, social and behavioral health and coordinate across systems – schools, communities, agencies – to provide a seamless continuum of care.

Inclusive and culturally Responsive

Recognize that young people's lives are powerfully shaped by their developmental stage, culture, family, and community. Address the documented disparities in the Nebraska juvenile justice system including geographic-based disparities, racial disparities with inclusive and contextually responsive strategies.

Trauma-Informed

Design interventions, responses, and solutions based on the recognition that some of the behaviors that youth are striving to change may be maladaptive responses to trauma, and that recovery and healing may be essential to addressing any other types of behaviors or lifestyle changes.

Strengths-Based Family Involvement and Support

See and respond to the strengths and resilience in youth and families by providing services that strengthen the family's capacity to provide guidance and supervision and to prevent involvement in the juvenile justice system.

Youth and Family Voice and Empowerment

Provide young people and families consistent, formal opportunities to have input into how decisions are made, and how services are implemented and evaluated.

Less is More

Ensure that young people are diverted from juvenile justice system involvement whenever possible so they do not get drawn further into the system than necessary.

Relationship-based Collaboration

Work towards positive outcomes for youth in context of supportive, collaborative interpersonal relationships with youth, relevant family members, and colleagues.

What this looks like in Nebraska

Taking the time go get to know young people and their stories

“So my approach really is that we have to be a little realistic about what our expectations are so each one of these youths is an individual with an individual story. People make decisions because – they don’t make decisions to get themselves into bad situations. They make the best decisions based upon their worldview and the situation that they’re in. So we really have to take the time to ask those questions to find out their story. Most people when given the chance want things to be better and not worse and so if they help fill in the gaps of what it is that they’re trying to achieve and what do they want.”

“[E]ach one of these youths is an individual with an individual story. People make decisions because – they don’t make decisions to get themselves into bad situations. They make the best decisions based upon their worldview and the situation that they’re in. So we really have to take the time to ask those questions to find out their story. Most people when given the chance want things to be better and not worse and so if they help fill in the gaps of what it is that they’re trying to achieve and what do they want.”

Building and sustaining positive relationships with colleagues that support collaboration

“I think it has to be a team approach, and when I talk about us operating more like a smaller county, primarily that’s because we work very closely together as a team. [...] Our probation officers, for instance, know a lot of the people in the different school districts, the five different school districts within [our county]. The NFC workers and the probation officers have developed relationships. We have some former NFC workers who are now probation officers, so that relationship issue is really important. I think it really benefits our kids in [our county] that we have the ability to work together as a team.”

“So much of this work is about developing those relationships and you can see the difference when there’s relationships across divisions or across different systems. That can make the world of difference and when there’s no relationships or even harsh relationships, it plays out all the way down to the frontline worker.”

Learning from each other to improve outcomes for young people

“We, as a resource team, have the opportunity to meet every month with our peers in other districts. Specifically, we meet with peers from district 2J, which is the Sarpy County area, and district 4J, which is the only other separate juvenile district in the state and that’s in Omaha. So we have about, I think when we’re all there about 12 to

15 heads together that we can talk about what are we each experiencing. Is it the same? Is it different? If it's different, how you problem solved it. So that's been very helpful."

"I think the collaborative nature, which has not always been there. It's very positive. We have monthly meetings amongst the agencies just talking about what are the issues we're seeing. How do we solve them? [...] Like Health and Human Services, Child Welfare and with probation and with the Court Improvement Project, Foster Care Review Office and Inspector General. We meet every month or every other month to talk about what do we see? How do we help solve it? [...] And then I'm also hearing at the same time, "Probation, what are you doing with Health and Human Services?" Because I'm not a part of their individual meetings. So it's nice for me to hear they are working on that. So I can take that off my plate because I'm working on it. So I think you need something like that just to share the information."

Why this matters

Collaboration is essential and involves formal and informal relationships, and people inside and outside of government agencies, and including people with the power to make decisions for their organizations or agencies.

Collaborating creates an increased capacity to know and respond to the whole person

"[K]nowing all the pieces of a young person's life, or a family's life or most aspects of their lives, is certainly helpful in developing any kind of a treatment plan for that family or that child. So, I think that's one of the benefits of the team approach."

"I would say that I have a collaborative approach. And I think that approaches should be individualized to meet the unique needs of the children and family that we serve. I think there are very few kids that really have needs that can be served by one agency. I think often they have multiple agent involvement. [...] I try very hard to always be collaborative, to engage others. I think, at the end of the day, a lot of what we do is about relationships and building the relationships we need with other system partners so that we can help youth that we serve and their families access the services that they need when they need them, where they need them, and for the amount of time that they need them."

Knowing and responding to the whole person can improve outcomes for youth

"I think when officers have had a long-term relationship with the child and/or their family, that impacts some things. That, I think, changes potential success. It changes an understanding of okay, this kiddo didn't come home tonight not because they were trying to run away or they were trying to not follow a court order, it's because dad has some mental health issues and at that point in time, they needed to be someplace else for themselves to be successful. Not long term, but I'm just saying there are so many things with our kiddos that it's not just about the child. The child exists in an environment and based on how that environment looks and how

supportive it is or is not at any moment in time, really is a huge factor.”

Challenges

It’s hard to build positive relationships in a critical and highly visible environment

“Well I think that collaboration is so complicated because you have disconnects involved, you know? The legislature right now is very critical of juvenile justice movement and critical of child welfare as well. They look for what’s wrong instead of looking for let’s build on what’s right and figure out how to fix what’s wrong.”

Core Strategies

Send clear signals as leaders that people are expected to build collaborative relationships in support of the best outcomes for youth

“I think the approach works best when, just being really honest, when it’s expected by leadership to work well. When leaders are very clear about their messaging and communication and when they’re saying ‘this is going to work, and you’re going to partner, and you’re going to work together to meet the needs of the family’. [...] When leaders aren’t clear about that, or give mixed messages, or have not made that a priority, the staff for many good and not so good reasons probably, but they don’t make it a priority. I have yet to have known a JJ youth that hasn’t had multiple needs that need to be served by multiple agencies.”

“[A] lot of leadership from Probation, from the Court Administrator, the Chief Justice, from Senators, from providers. I mean everyone really had to pull together to make these changes happen. So I think strong leadership that’s been helpful in Nebraska.”

Intentionally build relationships to strengthen the network and fill in gaps

“It’s also part of my responsibility to continue to build existing relationships with stakeholders in the community and figure out where our gaps and services are in the district and reach out to new stakeholders who might be able and willing to fill those gaps and then help to guide them to the direction of applying and becoming one of the registered service providers for probation.”

Working beyond what’s listed on a young person’s probation order

“I think my perspective on how I work with youth is I feel it’s a therapeutic manner of dealing with their particular situation. It’s not just a matter of working with the juvenile on probation. We have to work with the family, sometimes extended family, sometimes siblings. All of this requires that we address issues that are beyond what is just listed as their probation, the reason that they’re on probation. For example if a juvenile is on for truancy generally there is other issues in the household, such as they’re living with grandparents, or uncles, or aunts, or even with an older sibling. The parent themselves may have issues that also need addressed. And it really requires us to many times think outside the box and look at helping these other issues or helping the family with these other issues.”

Identify the unique the Eyes of a Child committees can play in supporting collaboration

“I think our Eyes of a Child committee does a really good job with getting together all the providers and other people that are involved in the system, and helping us to establish relationships, and to learn what each person’s role is in the overall picture, and what services are available, and services they provide. So, I think that’s a very important part of it is to have those relationships with the other people involved in the system to know what their philosophies are to some extent and what programs and things they have available.”

Coordinated Holistic Continuum of Care

Be responsive to the whole person, including their mental, physical, social and behavioral health and coordinate across systems – schools, communities, agencies – to provide a seamless continuum of care.

What this looks like in Nebraska

Recognizing and addressing a specific problem or behavior means while simultaneously seeing and addressing the whole

“I would say I try to look at the whole. I try to look at the child's background, what brought them here, what their family life is like, what their school situation is like, what their mental health situation is like. I guess I just try to deal with the whole because fixing just one piece doesn't really usually solve the problem. There's a reason why they got to this point when they're having problems.”

“[A] lot of times we really have to understand that the juvenile is not going to make progress unless these other things are also taken care of. Now a lot of those things are outside of what we can do anything about. I mean with payment of vouchers or counseling or anything like that, because our services are directed at the youth. However, we have to find creative ways on helping them figure out these other things. And so I think that our approach for juvenile probation is really a holistic and therapeutic approach, where we have to deal with everyone in that child's life. It's not just the child themselves.”

*“A juvenile is also a component of a family. The decisions that are made regarding a juvenile don't just impact them. They impact the family as a whole. Then, the family is part of the community as a bigger component and looking at how everything just builds on top of each other and how we can bring services and resources together that will benefit **the individual persons, the individual family and the community as a whole.**”*

Why this matters

Allows providers to be responsive to the unique needs of each young person and their family

“Each young person is, and each family is so different, they really have some

uniqueness about them that we have to take into consideration if we're going to meet their needs well. And help them meet their needs. So I've really kind of developed over my career the thought process around a continuum of alternatives, that there's not one size fits all for any of the kinds of families that we've ever worked with.

"We will try to treat the individual because everybody is unique and different. And what works with one kid may not work with another. And something that worked one time with a kid may not work again. So you're always continuing to change things up. That's probably the biggest is that flexibility and patience."

Increased ability to see what's working and what isn't from a system, rather than siloed, perspective

"We truly have to look at where – how our youth are doing and what the outcomes are. And I think that change is something that doesn't happen easily and I think that our stakeholders, our judges, attorneys and legislators all have to step back and take a look at what's working. And I think more importantly what's not working and what we do need to change because we know that it's not a perfect system yet and may never be there but we've got to do the best we do."

"We need a greater partnership between the academic community, the legislature and the judicial practice participants to begin to really talk about what works."

Coordination can decrease recidivism

*"I think we've made some changes in programming and treatment and things like that, but I think probably the biggest difference, the biggest impact we're making is just enhanced coordination with the Office of Probation Administration because once those youth leave the facility we're no longer involved. And I think to an extent that we can continue to be engaged with probation regarding those youth, both while they're on campus as well as shortly after they leave the facility, **the coordination can lead to more positive outcomes** because one of the metrics we track - we track a lot of outcomes and metrics - that recidivism rate, you know? How many of those youth, once they're placed back in the community, wind up coming back to the facility."*

Challenges

Different and conflicting philosophies

It's hard to coordinate a holistic continuum when philosophies are so different that people find themselves working against each other.

"The other major challenge that we have that is a consistent, major challenge for us is just our general collaboration with HHS. We want to collaborate with everybody. We work really hard to make sure that we're collaborating with everybody. There are fundamental system differences [...] in that HHS decides what they believe is right. They want to implement what they want to implement. We really strive to take in the voice of the youth and the family along with all of the other collaborative entities."

Generally when we have dually adjudicated kids, it's really difficult for us and HHS to come to the agreement on what's right for those kids. Really, it's nothing bad about HHS. It's nothing bad about us. It's that our system philosophies are so, so different and so we believe totally different things."

"I think we're still battling some old philosophy. I think there are still areas where not understanding the right system for youth is still difficult and you know there's youth and families with multiple issues and they have both you know child welfare and juvenile justice involvement. And where's the right system or the best system or how do those systems truly work together. So I think we're still working through those cases."

"Like for example, with the detention piece, really shifting the philosophy about why we use detention and that's been difficult particularly for law enforcement, sometimes judges, county attorneys, because people want accountability in helping people understand that accountability doesn't necessarily mean locking youth up and that there's other ways to hold youth accountable and teaching about trauma and what's really going on with these young people and how those decisions can further traumatize youth. So I would say kind of the biggest, one of the biggest things is just changing people's philosophy."

People saying one thing but doing another

Other times, people sound like they are on the same page philosophically but their actions day otherwise.

"But the other thing that has really, I don't know, I guess gotten under my skin is the segregation between the agencies and kind of this, well, we do it this way so we're not necessarily willing to look at it from your perspective or understand it from your perspective. That's the different branches in government and the way that they do business. It's crazy because we'll all sit at a meeting and everybody agrees we need to work together. We need to put our difference aside. But when the rubber meets the road and somebody has to humble themselves to say, you know what, I'm putting my perspective aside. I'm going to go ahead and listen to you, see it from your viewpoint, and maybe we can try it that and whatnot. I'm not seeing a whole lot of that happening. It's not just juvenile justice. You know I've been working in the criminal justice system now for almost 10 years and that is prevalent throughout."

Knowing who is responsible for what

When multiple people and agencies are involved across the full continuum, it can be hard to know who has responsibility for what.

"There's still constant jockeying between whose responsibility is what, and who has to pay for that. And so, I think again the challenge is keeping the discussions around the needs of the youth, and collectively working together on how can that be met. You know, there's been changes in regards to 561, legislatively, to be able to try to clarify when it's a county responsibility for a service, or transportation, and when is it

probation's responsibility."

Diminishing and underused resources

People spoke of a trend of diminishing resources, often monetary, that make it harder to create a holistic continuum of care.

"The approach has changed many times over the last few years I've done this. There's been contracted service providers. [...] We've lost a lot of services since the change in the reform in 2013. So our approach now has to be very outside of the box because we are very limited. Being in Nebraska, we're limited to begin with and we've lost a lot of providers because of all of those changes."

Unless a different intention is set, a scarcity of resources can foster competition rather than collaboration.

"Then whatever you're looking at, JDAI things, you've got some of the, you know, some programs within, you know, certain areas that have been operating for years and years and years that might see that the JDAI initiative is competitive, you know, to their business and so you've got a little conflict of interest there about, well, you know, I don't want to support the JDAI, the alternatives and stuff, because that would mean that I would have less, you know, business coming in to my program. So, there's some of those issues."

In other cases, people described organizational structures that favor silos over coordination and collaboration.

"Structurally, I think we just have to get in and look at how vertical those organizations are. They're not collaborative. They're very vertical, lots of regulations that are about get the report in, not about serve the kid. We need a real shift in the whole thing to a more horizontal, less vertical, a far more collaboratively ... we ignore, basically, the service community and the faith community that are usually very strong in small towns. The small-town rotary club is always looking for something to do."

Too far away from services to respond in a holistic way

"I think most institutions try, but again, I mean if we place a child at a home, either in a group home or a treatment facility or something like that, they are so far away from the home here, their parents, that it's very difficult for the parents to be involved in the therapy. I mean they do so over the phone, that type of thing. But it's hard to keep visits with the kid. It's hard to be involved in the therapy and the whole process. So I don't know that it's a problem with the facility or with the institution or any of that, it's just logistics. It's we are so far away from the services here."

"Well hopefully we're getting more – and you have to understand that out here we don't have access to services like they do every place else. So we have to be a little more creative. I mean we probably have to go an hour at least to counseling, to travel and missing school. And I think we work well – the school at least in [name] County

attends most of the hearings. They have a teacher here that works the kids and attends most of the hearings. I ask for the school's input. I really think we think we try to work as a team to do as best for the kid and try to get educational substance abuse and everything. Behavior and home life handled."

Easy to get "tunnel vision" in one's professional role

"[W]ith my role now I kind of see cases from an outside perspective since I'm not actively supervising the cases. And so I feel like sometimes I can give some new ideas to officers that can sometimes get very tunnel vision with cases because they have to deal with them on an ongoing basis and there can be frustration. So I think at this point I have the advantage of kind of being on the outside and being able to look at a case as a whole and be able to offer maybe some more alternatives and maybe give some – I don't know the right words I'm trying to say but just give maybe some other opportunities that the officers might not have thought of in a case."

It's challenging to uncover and address various systemic barriers to success

"Well, there's a lot of different reasons. And that's where you have to kind of keep asking questions to figure out what the reasons are. Sometimes it's because they don't know what to do. Even if you've given them step-by-step instructions, maybe they can't remember or don't understand. Sometimes it's a lack of involvement and I have to try to figure out by talking and working with them how to get them to buy into what we're doing or to be engaged. Sometimes they don't have the resources. You think everybody's got a cellphone, but they don't. You think everybody's got transportation, but they don't. There's a lot of other issues that are involved when it comes to whether or not the family does their part or the youth does their part. Sometimes it's attitude. So you just have to keep working to figure it out and find a way to get them to do what they need to do or get rid of those barriers if possible."

Danger of providing too many services, involving too many people

One person shared that, "when a family becomes "system" involved there are so many different people that come into their lives as a result of it." They continued to describe that even as an insider, they don't always know who the different involved people are or what their role is. How then, they asked, are families supposed to make sense of this? Many other people interviewed talked about the danger of having too many people or systems involved.

"That's when we talk about full court press we're talking about any kind of services that we can get in place to help that kid get through that crisis, that's what we do. And we don't try to overdo it. We try to be very strategic in how we do it. I think sometimes you can get kids with too many services."

"I guess what I've seen and what I'm hearing is that one kid who goes through the system has so many people to answer to. So I guess what I've heard about system involved youth is it's hard for them to identify who they need to talk to, how they need to sort of get out of trouble. I think they feel like once they've entered into the

system they have a stamp on their forehead for all time.”

Inadequate funding for community-based supports and programming

“So if I had that magic wand I would have those systems in place – those resources in place in the community and most every penny we have is going towards that. We have service dollars now where you probably know is that the biggest budget item for us is out-of-home care.”

Core Strategies

Be diligent about recognizing and breaking down silos

One person shared that the system works best for youth,

“when the adults in the room get on the same page. It doesn’t work too well when you continue to have all these silos that go on when all of your programs are separate and, you know, you don’t think across those kind of guidelines. And I would say the same with, you know, the state of Nebraska, we’ve made some gains. I’m sure we’ll get into that. We’ve made some gains, but our biggest challenge is still getting people on the same page. We’ve just got too many silos that go on.”

You know, so we’ve got to keep that collaborative voice, we’ve got to keep working together. And try to say out of those silos. And I think within administration probation and HHS administration there is much more openness now than there ever was, you know, to work together, and that’s just, we’ve got to just make sure that continues.”

Create the circumstances by which people can communicate effectively within and across organizations

One person shared that the system works best for youth,

“And then just any informal collaborations that help improve processes. Not everything is tied to funding. Sometimes it’s as simple as trying to improve those flows of communication. And it can be as simple as a checkbox on a form. We find out that agency A doesn’t necessarily share a very important piece of information with agency B, but if they would just add a checkbox to this form, then all of the sudden that information is flowing freely. So it can be very, very small things that make a difference.”

An educator shared their frustration with not know what happens with a student when they “disappear” into the juvenile justice system.

“But the most common complaint I had when I was teaching [...] was just kids would disappear. You would kind of pour yourself into a kid that you could tell was struggling or had a chaotic home life and then one day he never came back to school. You found out months or years later, that he’s been put in care. And that’s a problem that I saw 20 years ago when I was in the classroom, that I see still continuing on today, just that communication and collaboration piece is just really missing”

Pay particular attention to coordination during transition points, when youth move between people and systems

“Now I’d like to see us do, you know. We’re trying to work on enhancing our - use a shared supervision for youth in out of home placement. So that’s a focus where, you know, having officers on both ends engaged with that youth and working to enhance our reentry planning and supervision as they transition back to the community. Just to – we know that’s the riskiest time so making sure that we’re doing quality case management. But that’s – there’s really no good way to pull any of that data.”

“I am worried about kids exiting either of our systems, if they don't have connections to either family or supportive adults.”

Integrate school and community efforts

“Our involvement with the families, and the family team meetings, or identifying supportive people in their lives, and that may be a teacher or a face community person, or a neighbor. So kind of widening or expanding the opportunities for a support system are helpful. [And] the education piece is huge, one of the things when I came up here that I didn’t realize. When I started reading files, how many kids had IEPs in junior high and they’d get to high school and what happened to the IEP? I don’t know. So the parents didn’t advocate, the school system didn’t pay attention, and then they’re in high school and they’re failing because they’ve never really been engaged, and their not successful, and there’s other things going on in their lives.”

“I think it’s important to have a more broad approach, and get information from important people in that youth’s life. So if they’re involved with, for example, a probation officer, consulting with that probation officer. School, if anything is involving school, contact the school and teachers, as well as the family and the youth themselves. So, just getting information from a lot of different areas, I think helps the most. And involving as many people as possible to help improve behavior and goals for that youth and their family.”

“If we're sitting at probation kids with a 44 percent recidivism rate, and institutionalized kids sitting at about 48 percent and the few that we actually do keep in community-based things sitting below 20, in most cases, should be pretty obvious that institutionalizing and much of our probation approach even has been misplaced that we're not reaching the problem. We're not reaching the kid.”

“It would be collaboration between the community and the kids. Then, the first step is to make sure the community understands the kids are part of them. They're not 'them'. They're 'us'. As soon as they understand that they do have an investment in their own kids and troubled kids need the help of the community and they can turn around and be really, really forceful in their communities.”

“These young people are much more ready to transition earlier than they were in the

old culture but we don't have a lot, I think they're developing some, but we don't have the, I mean what I'd really like to see is I'd really like to see, I'd be working with YRTC to look at this, I'd like to have some tentacles back in the community, whether it's through an agency like ours or directly done, where these young people can begin to spend more and more time in the community getting ready to face the reality of that before they get cut loose."

"I'm hopeful that as we continue to implement and really enforce our beliefs and our philosophy and continue that movement forward, hopefully with more services in the community. Sometimes that can be a barrier to where you've tried everything and there's nothing left. But hopefully to keep youth in the community where they need to be."

"We've got some great providers in the community who—I kind of joke that we have some providers who they just seem to work magic. [Y]ou can have a kiddo that refuses to do anything else, but they're go to that program. And they're refuse to go to that program initially, and then you essentially force them to go. Two or three days later, they love it there. And it's appropriate. They're having good role modeling. They're getting good programing. They're building relationships. The folks there are advocating for them, but in an appropriate way. So I think we have some really, really dedicated people to working with our kids. That's a huge highlight for me."

Create a Range of Effective Community-Based Programs

Having a variety of community programming available for youth provides options for decision-makers and therefore options for youth.

"Being able to offer the professionals in the community more skills and resources to do their jobs better. Also increasing the amount of services in the community through the allocation of those community based aid funds. If we had unlimited financial resources to be able to really expand and enhance the capacity of the programs that are needed in the community, that would really be it. And to go along with that, the ability to provide professional development to them to really bolster their capacity as service providers."

"So as we get better at engaging more people, whether it's in a mentor role, or the faith community, or things like that I would look for opportunities for people to be reaching out to families before they would get to the point where their children would be in trouble. I think that would be helpful."

Community supports allow youth to stay home longer.

"We have an array of services that are available to us in our district. Obviously, we still have some gaps. Our officers do have a lot of community-based services that allow them to work with the juveniles and the families in the community until there comes a point when those services have shown that they are no longer effective and higher levels of care or placements outside of the family and current community are

required. So I do feel very fortunate that we have those services.”

Inclusive and Contextually Responsive

Recognize that young people’s lives are powerfully shaped by their developmental stage, culture, family, and community. Address the documented disparities in the Nebraska juvenile justice system including geographic-based disparities, racial disparities with inclusive and contextually responsive strategies.

What this looks like in Nebraska

Taking the time to understand the young person and their family’s culture

“There is no one therapeutic intervention that’s used uniformly with every family. Every single case is completely customized to that family including the things that make their family unique, whether that’s a racial culture, whether that is the culture of the community that they’re in, whether that’s you know, particular belief systems of the caregivers, you know, trying to guide this youth’s life. And so everything is very much focused on highly individualized treatment strategies, not only for the youth but also for their caregivers.”

Contextually targeted initiatives that address race and culture head-on

People interviewed described specific initiatives in Nebraska that have with targeted cultural or racial components, specifically the Juvenile Detention Alternative Initiative and the Traditional Wellness Courts.

About JDAI:

“You know that’s one of the big pieces or core strategies of the JDAI work is looking at special populations and looking at everything through that racial and ethnic disparity lens. [We] certainly do still have disparities and youth of color are over-represented in almost every decision point in our state. We’re under-represented in those areas where it’s like for example in diversion and having access to diversion or points where they can divert out of the system, they tend to be under-represented there. Youth of color are definitely over-represented in our detention centers. And so that is a piece we’re working on through JDAI.”

About Traditional Wellness Courts:

And the diversion programs that I was able to help create, we have a traditional wellness court. It’s called traditional wellness not in the traditional court. That’s one of the terms they use. Nationwide is traditional court. We use it as, when I say traditional wellness, it’s our cultural way of, our cultural court. But it’s for first time offenders. I have less numbers and it’s due to having that diversion program so they’re not in court, but they’re sitting around with the elders in our community learning things the way that our elders used to talk to us. We try to bring out the best in my family, my father, my older brothers, they may come and share with the kids. I was lucky, other people are lucky because we have that upbringing, it’s a positive

upbringing and it's not so cultured in alcoholism, drug abuse. It's more cultured into all the positive beautiful things about being Native.

Taking into account that juveniles are fundamentally and developmentally different from adults.

"[We have] a lot more knowledge about brain development and how different things such as drugs, alcohol, and trauma can really affect brain development and how children and adults respond to those things. And becoming more informed in those areas I think helps us to more properly deal with things that maybe we didn't deal with appropriately in the past because we didn't know what was going on."

"[T]here's still that cultural philosophy that yeah they're a kid, but they still should be punished. So I think there's still a long way to go, but I feel like there is more of an understanding that kid's brains are different. They might look like an adult, but they're certainly different, and they need help rather than straight punishment."

"I think we need renewed emphasis on the fact that kids are different than adults. I think people are beginning to embrace a little bit neuroscience, what they're teaching us about the adolescent brain development. Unless an adult understands why these kids just drive us crazy is because they're wired to. It's their job."

One person described that in their work, the toughest young people to work with are categorized as life-course, persistent, juvenile offenders. They go on to say, "I think [this] is the most goofy definition on the planet. Nobody who is 14 is a life-course anything. With what we know about adolescent brain development, they're just a work in-progress."

Why this matters

Language barriers and a lack of interpreters can lead to prolonged stays in the system

"We do have some cases that do stay on longer and I think sometimes there is a cultural difference whether they're Hispanic or – we have reservations in our district and so we do have a lot of Native Americans on our caseloads. And so there are unique situations with all of those that sometimes create complications and so sometimes we see those youth stay on maybe a little bit longer than others do."

"We have some real barriers with some of our families for which interpreter services are required. We have specific challenges in finding interpreters and matching services for families who speak Burmese and Arabic. We have a couple hearing impaired families that require sign language interpretation. [...] So we get an influx of populations and that's, I think, wonderful. But from our system perspective, without adequate resources from interpreter services, we don't have the means to provide those services in as timely a manner as we would want to."

Language and cultural barriers prevent people from being able to work best with youth and families

Multiple people interviewed spoke about the challenges of working with families whose

primary language isn't English.

"[L]anguage barriers. Just speaking specifically to not only immigrants here from the south, but also our refugee population. There's a huge, I think, barrier to effectively working with those who are not native English speakers because the system, specifically here, is not set up to handle all of the different languages of the families that we're serving. So it creates a large problem, I think, for those families who first they're here because they've experience this horrific trauma being a refugee and then to find themselves involved in a system that they don't understand is just compounding what they're going through."

Another person explained that they can offer the pay necessary to compete for people who have the language skills to work with a diverse population of families.

"Being able to draw more people into our world who would be willing or have a passion to help families in that regard would be good, but a lot of times what we see is when people have the ability, or the talent, or the skill, or the education to speak multiple language is companies will hire them and pay them about four times as much as they can make in our world. So it's hard."

Challenges

Change around disproportionate minority contact seems particularly challenging and slow

Some people seem to have tremendous awareness about this issue and a commitment to change.

"The Crime Commission has a DMC Committee, and they're charged by the federal government to have like a plan in place for how the state is going to address racial disparity in the juvenile justice system. And I have been just woefully - what's the right word - disappointed in the ability for that group to actually effectuate change. I think everyone on that, it's the right people. I think even it's the right leadership, but for whatever reason they have not been able to move the ball forward."

When asked specifically about variations in treatment or experiences based on race or culture, many interviewees were uncomfortable talking about race and culture based disparities. Some said they don't see a problem in this area.

"I don't know that we really, well we have a number of Hispanics, we are having more African Americans are coming into the court system in this area of Nebraska. It's one of those things that certainly I don't feel like I treat them differently, certainly that could be possible. I don't really see that the Department of Health and Human Services or probation really treats them much differently."

Core Strategies

Each person doing the work to understand their own implicit or unconscious bias

Understand the young people's cultural context and your own, and how both influence what we seem what we know, and our interpersonal interactions.

“So, my thoughts have changed a lot in terms of how to respond to kids, how to see kids; understanding the mental health needs, understanding – and seeing each child uniquely for themselves. Sorry, I’m getting on my soapbox; but in our new world, where we don’t know what’s coming, people like myself – meaning white middle class women or men, but especially juvenile judges and in all fields – need to always be checking ourselves for that implicit bias.”

Hiring people who have the same racial, ethnic or cultural background, shared lived experience, or shared language

“I’m afraid that we’re not going to have enough therapists or enough teams. I’m very anxious about the fact that these agencies are going to hire, don’t take this the wrong way, but that they are going to hire blonde haired, blue eyed young 25-year-old therapists to go into the homes. And I have said over, and over, and over, and over that you have to go out into the community and recruit people who grew up in the community, who look like the families they’re going to serve, and who are bilingual. I think people understand that on an intellectual level, but I don’t think they understand how important that is going to be to make this work.?”

Training practice that support linguistic and cultural competency

“Yeah, training is a pretty significant piece. All the people that work in any of our programs, all the ones that work here, they will go through a minimum of three-week pre-service training, which is competency based. So before somebody here gets to meet with a family and do that kind of in-home work they’ve been through pretty intensive training, have met some of that competency. Here because of the work that we are doing the cultural and linguistic competency is a deal breaker. Well 13 of the 15 people that come to work here every day are bilingual. Half of them are native Spanish speakers who have learned English. A third of them came to this country, we have several new citizens. So the cultural piece in this particular community, we have the training, we also have people that understand immigration. They understand the language piece.”

Using language that youth and families can understand

“[O]ne of the things I talked about out there was using more developmentally appropriate language for kids in [institution]. I went through an order of probation, which is a fairly standard term of probation. The kid’s looking at me with a blank stare. I said, well, I want to bring that down to their level. So we’re working on that. So getting more into that hands on; age appropriate, developmentally appropriate situations so the kids maybe have a better understanding of what’s going on.”

Providing education for consistent understanding of ICWA

“Some caseworkers just don’t know about ICWA. Some few would intentionally try to ignore it, which causes more problems in this case than trying to comply with it. From the court perspective, it really is just individual ... And I think DHHS, again, has done

better with this to the extent the administration has taken a stance that they want to do better and they have been working towards it. But the individual court stakeholders, county attorneys, guardian ad litem, juvenile court judges sometimes, depending on which judge you're talking about, don't understand the law or the statute very well. And it's difficult when none of the other court stakeholders understand it. So I'd say on the court side, it's probably attorneys and judges that could use a little bit more education."

Trauma-Informed

Design interventions, responses, and solutions based on the recognition that some of the behaviors that youth are striving to change may be maladaptive responses to trauma, and that recovery and healing may be essential to addressing any other types of behaviors or lifestyle changes.

What this looks like in Nebraska

Meeting young people where they are

"Obviously, when kids or their families are resistant to speaking with you. Sometimes that happens because they've been through that experience before. That may happen because they don't have trust because of prior experiences. Or they may just have so much trauma, or mental health, or substance abuse issues that they're really not in a place where they're quite ready to address what's happening. So I think, like I said, sometimes you just have to meet them where they're at and be very gentle in the approach and understand that it's going to take some time. [...] So not everyone's going to be willing to just jump in. So those are some of the barriers are just that intergenerational traumatic and poverty sort of type stuff that makes people just really guarded and unable really to even verbalize what it is that's going on."

Looking for opportunities for appropriate communication and data sharing that would allow others in the system to work better with youth

"Looking at trauma, that's one piece that we've got to get better as a System is the trauma, the previous trauma that these kids have had. We need to be able to get better at sharing information from DHHS to Probation. So, if there was an open prior 3A, what took place? What happened? What triggers worked? What triggers didn't work? So that can help us in formulating the case for the Juvenile Officers as well. So, all those things is where we've made huge strides in but we need to continue to improve and get better at."

Increased focus on hiring and training has it relates to working in a trauma-informed way

Many people described working in environments that have seen a shift in how people about them are think or talking about trauma.

"[What] I just am most impressed with, is that in this growth in juvenile reform. We have focused on hiring just this much more juvenile probation officers focused on

increasing our training about juveniles, and brain development, and trauma and motivational interviewing.”

“I now have a trauma-focused therapist who is really a valuable tool for me. I've been ordering trauma assessments for the last two years. I was first met with, "Nobody does those." I said, "They will." It's just like Field of Dreams. Build it, and they will come. If I order a trauma-informed, then a psychologist will go get the training so they can do it because that's how they make their living. I now have four clinical providers who went and got the training and can do a trauma-informed assessment.”

“But I think training and the participation of the lawyers in that training and judges has helped. You know the adolescent brain development, what we know about the brain, what we know about addiction, what we know about mental health. You know, even as recently as 10 years ago we didn't know some of this. Trauma, how trauma affects youth, how trauma affects parents wasn't even a discussion 10 years ago.”

But every person who spoke about gains added that there was still much more work to be done to become a trauma-informed system.

Why this matters

Trauma often underlies the behaviors that result in placements in the juvenile justice System. Many of the people interviewed referenced the fact that a high proportion of the youth and families they work with have experienced or are currently experiencing trauma.

“And that you know that there were things going on in their lives, their families experienced trauma, whatever. But it's not getting addressed. And so eventually they find themselves in the juvenile justice system, and we're forever playing catch up you know, trying to do that. So I think the system is trying, so you know, I think that HHS and the probation administration have done a lot of work to try to, you know, to bridge those gaps and identify youth earlier that are having needs that maybe have been identified as perhaps experiencing some trauma and get ahead of that.”

“I am a huge believer of trauma-informed justice that it's been the key ingredient that we were missing. It's that we need to identify the trauma that kids have suffered because so much of what they do in the behavior world is simply symptomatic of an underlying trauma, a girl that was molested and never told anybody, a boy who was molested and never told anybody, kids that watch their parent get beat up by the boyfriend.”

“One of the key things that has happened in the past couple of years is dealing with the trauma of what families are going through is key to a happy future, a happy family. You can have clients that drink, and do drugs, or maybe cut themselves, or abuse casino, going to the casino, they're still going to continue to do that if you don't deal with the trauma of why it is they do that. So that whole conversation—I don't know if you went to the Nebraska Juvenile Justice Conference this year, but there was a lot of sessions on dealing with trauma. And that, to me, is really important because

I always tell my coworkers and cohorts that unfortunately, we're always going to have jobs because people are always going to suffer from addictions. And until we can start dealing with the trauma of why they're doing it, we're going to keep having these issues."

"I think in the former system in general it appeared to be pretty punitive, and focused in on naughty kids. And how do you correct their naughty behavior? I think it took us a while to learn a lot more about trauma informed care, and the impacts of trauma on children, and the impacts of their environment. And how trauma and mental health concerns are really expressed in children. And so yes, I think that historically it's been very much so about residential care. That if a child is not behaving in the way that people are expecting them to that we're going to remove them from the home. So that we can get those behaviors corrected, I still believe that that's occurring. I don't think it's occurring to such a degree as it used to. And I do think that people are really invested in making changes. But I absolutely see it happen every single day."

Working through a trauma-informed lens can help ensure the right people are at the table to support the youth

"I see that when you use that coupled with better trauma-informed justice principles that we have a chance of really identifying what's wrong and getting the right collaboration of people to do the intervention. I think it's going to work." – Youth participant

Because it matters to youth

"Trauma. I think that defines the whole justice system. That's an issue that they rarely touch on. When a youth goes to the court system, all they see is what they did, immediately. This is why you're here. This is the issue. This is how you're going to be punished. The system says what's wrong with this kid. What we're trying to do here is asking what happened to this youth. That's something the system never asks. If it has, it's rare when it does." – Youth participant

"I really think the juvenile justice system needs to look into trauma, instead of just looking at the problems kids are getting into. It's looking at the resources of why. There are so many things being addressed – anxiety, depression, suicidal ideation." – Youth participant

Challenges

Lack of high quality and financially or geographically accessible mental health services

"[We have a] service of provision is always an issue and whether you're in a rural county or a suburban one, particularly in certain arenas. Children who are sexually harmed, for instance, the kinds of treatment ... there's only certain therapists that are really trained in providing those services. In placements, if there's a need for an out of home placement, there is a lack of placements as a result. And good treatment as a ...

so and that's just an example of sometimes there are gaps in those systems, even when you've got a fairly wide array of services that you have difficulty providing those appropriate services."

"[W]here there's a lot of mental health factors that youth and adults face that impacts the children because some of the parents have mental health issues and aren't able to get the proper help that they need either because there's not programs available in the area or the finances. The finances are a big deal as well because some of those things are if they're a sliding pay scale type situation, some of the people are, I don't know if you want to call them working poor or what you might call them, but they basically might not qualify as some of the other people would that would have no income, but at the same time, there's so many medications that can be very expensive."

"And then also there's just some problems that are beyond the scope of our services. Maybe there's some really significant mental health problems and yet the family really is not able to access the appropriate care and so we're there just because they don't know what else to do to help this family. So you know, that's a barrier. That can be a barrier not being able to access the right service at the right time."

This is important to move towards the intention of 'less is more', or as one person shared,

"If they're not high risk to reoffend, they should be able to be served, their mental health needs, in their communities; through community resources, nine out of 10 times."

Refugee families have experienced unique trauma

"There's a huge, I think, barrier to effectively working with those who are not native English speakers because the system, specifically here, is not set up to handle all of the different languages of the families that we're serving. So it creates a large problem, I think, for those families who first they're here because they've experience this horrific trauma being a refugee and then to find themselves involved in a system that they don't understand is just compounding what they're going through."

"But I think training and the participation of the lawyers in that training and judges has helped. You know the adolescent brain development, what we know about the brain, what we know about addiction, what we know about mental health. You know, even as recently as 10 years ago we didn't know some of this. Trauma, how trauma affects youth, how trauma affects parents wasn't even a discussion 10 years ago. So I think people are better able to identify some issues and hopefully get the right resource in place."

Addressing trauma, loss, and grief can take longer and add layers of complexity

"It's simple, yet complicated. It's simple in that you're really just trying to find ... learn about them, where they come from, kind of get to their level and assess, figure out

how best we can help, rather than assume or take cookie cutter approaches, all that kind of thing. So, but it's complicated, because once you find that out there might be several layers of challenges that cause barriers for you to get that youth to a better place. Be it their parental and home situation or sometimes it's their ... you know maybe just school is just a big hurdle for them, an aversion. Or they have deficiencies that they're not successful there, or they have behavior disorder where they are throwing things at teachers every day and then causing that daily chaos to interrupt their ability to achieve and have a good educational foundation. To mental health and depression, to just grief sometimes. It's just kind of a personal observation on my part from doing a lot of court reports. But there's a lot of loss and grief in kid's lives that come through the system, more-so than kids that aren't in the system. You know what I'm saying? And I think sometimes we miss that a little bit."

Some people see being trauma-informed as contrary to accountability

"Like for example, with the detention piece, really shifting the philosophy about why we use detention and that's been difficult particularly for law enforcement, sometimes judges, county attorneys, because people want accountability in helping people understand that accountability doesn't necessarily mean locking youth up and that there's other ways to hold youth accountable and teaching about trauma and what's really going on with these young people and how those decisions can further traumatize youth."

Core Strategies

Youth perspective – support me, don't punish me

"Every time I got whooped, I don't even remember why I got whooped. It's a system. It's a punishment. You did this. You're a bad kid. You guys aren't bad kids. You make mistakes and make more choices, yeah, but the question is why are these things happening? That's not the question they're asking. All they're saying is this the thing that happened, and this is how you're going to be punished. That's it. Is behavior being changed? Not really. I know youth that follow the rules – their probation is [overlapping noise]. Nobody's tracking them anymore. Are behaviors being changed? It's rare. Also, when behaviors change, is it changing because these youth are growing and learning, or is it changing just because of fear. Living in fear is not living." – Youth participant

"They have this journal, and they write down every single little bad thing you do. When you have a good day, that's all they put: good day. They didn't put, oh, she went to the mall. She had a good day. She didn't steal. She didn't run. Nope, just a good day – but when they do a bad thing." – Youth participant

Be aware of and address times when youth may be punished for parental behaviors

"I think from a district perspective, we experience some real frustration in cases where we truly believe it's a 3A filing. It is an abuse neglect filing but because of the

standards of that, and I understand it, because of the age of the child, because it's not imminent risk, for any number of factors those filings are not made. So then the kid becomes, I'm going to just say it, the kid becomes the victim of a system. And the kid gets punished for parental behaviors because all they're trying to do is figure out how to survive."

Ensure staff have adequate support for their own self-care

"I'm constantly telling, and talking, and messaging to staff about self-care, and doing the work in a trauma informed manner. When their bucket's empty, they don't have much to give to our kids and families. So how do they fill those buckets when they're not at work? And yet it's hard to model that for them."

Strengths-Based Family Involvement and Support

Support the family by providing services that strengthen the family's capacity to provide guidance and supervision and to prevent involvement in the juvenile justice system.

What this looks like in Nebraska

Seeing strengths, not deficits

"Having recently been a part of the probation conference and having listened to a presentation by functional family therapy, I was super impressed. Because it did the kind of things that I talked about. She used an example of working with the family and they were never going to eat dinner at a table. The way they ate dinner was on TV trays in front of the television. It's okay. Not every family's going to look like what I think my family looks like or needs to look like. It's being able to meet people where they are and say this is a strength and how do we define success."

"It kind of goes to a therapy model where, you know, it used to be that if you had problems, you came in and talked to the therapist and the therapist told you what you were doing wrong. And now, you know, that line of thinking is, you come in to the therapist and the therapist builds on the strengths you have and you know, it's much more important on, you know, that involvement of the person you're working with towards a positive outcome. And that's the same with juvenile justice. And I think that the professionals, those stakeholders in Nebraska that are involved in this have accepted that very, very well, and it's pretty much across the board."

Recognizing and building upon the strengths of the family to better support the youth

"And we do that with a very strength based approach. We try and leverage the strengths the family brings to the ecology, and use those strengths to help them build a new part of the ecology or change part of their ecology in ways that help the youth be more successful."

"I think what's important to note is it's a strength based model. [T]he first job of the therapist is to engage the family and that's family members and other key

participants like probation officers. But at the family level that really is driven by the therapist working to understand the culture of the family, the values of that family. And how they would define success in this particular instance. And each time that there is a barrier to progress that the family has said, yes we'd like to make progress in this area. And then they work together with the therapist to develop strategies, when there are barriers to that progress the assessment of those barriers is always very specific, you know, to the context of that family. And that may sound kind of simplistic, but there is no one thing other than being strength based and using a disciplined approach to the work."

"Because you've been practicing that for a long time with a lot of people, and so being able to get in and get that investment of the family I think is absolutely key to the youth's success. And also to the family's success, the family's, individuals are complex but families are even more complex. And they have a variety of things that are occurring that are contributing to whatever is occurring with that youth. And really being able to focus in on the entire unit, and then also I think the strengths of the family and how to build on those strengths is really key and important."

"I think that my passion with respect to working with youth and families is that I'd like to be able to intervene and break patterns in families that are occurring. And I think the best way to do that is to work with the youth and the family as a whole. And I'm very passionate about the work that our program does in terms of, and we get to be, we're fortunate to be a voluntary service. So we do have some of that creativity and flexibility to really encourage that the families are the drivers of the service and drivers of what we're doing. But with that engagement and buy in I think we're really able to impact the trajectory when we're working with them."

Why this matters

Rehabilitating the youth without strengthening the family can cancel out all progress

"Because what we know to be true, those of us who have been doing this work forever, is that you can give everything to a kid in residential treatment or a residential placement and they can be completely on track, and they can be doing very well academically, and very well from a behavior standpoint, and they're clean, and they're sober. But if you throw them back into the same environment from which they came where there may still be substance abuse going on in the home, there's still unstable home environment, lack of supervision, whatever the chances of them maintaining that success are much lower. So I think it's very important that we're bringing these services that will work with the whole family. And I think that's a step in the right direction."

The family needs community support to make lasting change

"And then getting the children to work within their family home when they return to an environment that hasn't changed, and we expect their behaviors to change, is very difficult. So it's really a community approach because you really have to wrap around

those families in order to get any positive long-term change.”

Juvenile ≠ Bad

“I didn't even find out until two years ago that juvenile meant youth. I thought it meant just kids who were in trouble – not adults, but just kids. An adult will call you a kid or teenager. They don't say juvenile unless you're in trouble. They don't really say that unless you're in the court system.” – Youth participant

“...when you think of juvenile, you think of the word trouble. Pretty much society ruined the word juvenile. Juvenile just means youth, but every time you think of juvenile, you think of a child in court, because they only refer to you as juvenile when you're in the system.” – Youth participant

Challenges

Poverty is sometimes seen as synonymous with deficiency

“We’ve got poverty issues. And we’ve got to be careful not to look through the lens of poverty when we are responding to these families. We need to show respect. This is not about being middle class or whatever class you want to pick. It’s finding strength within their own sphere and building it. So there’s a lot there.”

“We’ve got to be careful not to look through the lens of poverty when we are responding to these families. We need to show respect. This is not about being middle class or whatever class you want to pick. It’s finding strength within their own sphere and building it.”

Core Strategies

Treat every youth and family as unique

“There is no one therapeutic intervention that's used uniformly with every family. Every single case is completely customized to that family including the things that make their family unique, whether that's a racial culture, whether that is the culture of the community that they're in, whether that's you know, particular belief systems of the caregivers, you know, trying to guide this youth's life. And so everything is very much focused on highly individualized treatment strategies, not only for the youth but also for their caregivers.”

Youth and Family Voice and Empowerment

Provide young people and families consistent, formal opportunities to have input into how decisions are made, and how services are implemented and evaluated.

What this looks like in Nebraska

Seeing the person first, the case second

“I think having really good communication with the family or with the kid. Most kids

that are involved in the justice system are not there because they want to be. So really allowing them to tell you who they are before you begin working with them is so very important because most times they feel like you already are judging them. So letting them have a voice first, letting them become comfortable. And then you can see that things are working well because they're communicating with you. So the evidence that things are working well just comes through in their willingness to talk with you, and answer your questions, and be receptive to the feedback that you're giving them."

This involves taking the time to listen to youth.

"We need to learn to listen to kids. We don't do that very well. We tell kids. We don't have conversations with them. It's hard to get kids to open up in court, so they have to see that you're willing to listen. Most of my colleagues aren't. They think these kids just need to be told what to do. They will not embrace the fact that telling the adolescent brain to do something works for the retention cycle of the adolescent brain, which maybe we're on the third floor to about half-way down to the first floor. Then, it's gone. Kids don't think ahead. The adolescent brain is not wired to do that."

Creating scheduled opportunities for youth and families to provide input

"I don't think you can really advocate free youth without giving them voice, right? So, my approach with my clients is to even with this type of schedule you'd have give them the opportunity to speak. And you know I would come to a meeting with my agenda what I need to find out for the next hearing, right? But what I needed to know might have not met up with what their immediate needs were. So, giving that space for them to talk about like the food here is so bad. You know, like to get those immediate needs off their mind to kind of open so then they would have more ability to answer the questions I have later. So, I guess my approach is to start with them and really try and make sure their voice is heard. "

"You have to empower their voice. You have to find a strength. You must treat the children and their parents with respect. You model that behavior, and then they can see, 'Wow, this guy is not looking down my nose at me, he's finding some worth in me. He's encouraging that.' And so, I try to empower that youth, and if it's a juvenile justice case, to say, what do you think about this? Here's what they're suggesting would be helpful. What do you think? And then have a dialogue about it, and...Do you understand why you need to make it right with this person that you hurt? And there's many ways we could do that. I could set up a mediation, and there might be some way of making it right. You know? So, I might not use the word restorative justice, but that's what I'm doing."

Why this matters

Progress happens faster when you address the most pressing needs first

"So we do really believe that the change agents are the partners that we work with

the family that are working directly with the kids. So it's going to be the parents and the consultant. My role is to make sure that the staff are following our model to fidelity and doing the things that we know works with kids and families to ensure that there's a partnership and that families have a voice and the kids have a voice. And that we're addressing the needs that are the most pressing for them. And then helping them access the resources and support they need to get better. So then basically we can get out of their lives because our goal is to not have them need us. We want them to move on and have a normal life and not have to have [redacted] services."

Empowered families are more likely to reach out for the help they need

"The families that have completely embraced the changes. I've seen some parents that are very relieved that their child is not a state ward, or was not made a state ward, that we are here to support them and get their kid back on track and work with them as a whole. There has been a lot of families that have engaged in that and felt empowered that they didn't lose custody of their child. And so I've seen that that has been a huge success for some families that previously may not have even called for help, because they were afraid they were going to lose their child to the system. And now that they don't lose custody, they're more willing to ask for help and get assistance, and ask for direction."

"I think most officers, they want the best for these kids, and, you know...I think that we're more cognizant, like, okay, this can harm youth to try to put them in detention, and not just going to throw them in detention because they did this, you know. But just continuing being more willing to work with them, and also recognizing that there are certain things – like if we supervise them at too high of a level, or if we put them in too high of a placement or service, that can be more of a negative effect on them than a positive effect. So I think that that's a change that we've seen. Being more willing to work with them."

Challenges

Adults in the system thinking that they know better than the youth or family members

"I just want to reiterate how important, as [name] said, the voice of the youth and the voice of the family are in this process. Overall, we always do what we feel is best for the youth and their family while still trying to incorporate their voice in the process. We just believe that collaboration with our other entities is key to all of this as well. I think we do a really great job of working with our stakeholders and making sure that they're involved in the family team meetings in the process with these kids but making sure that we are still the leader in trying to decide what's going to happen. [...] Some of our stakeholders don't necessarily want to do what the youth or the family thinks is best. We leave it up to our officers to help guide through this. We, unfortunately, run into this a lot. We just had a case yesterday where a kid wants to go to college and all the stakeholders are saying, "That kid's not going to make it

through college. He can't go to college. Force him to go to Job Corps." My officer says, "If he wants to go to college, we're going to give him a shot at going to college.""

Seeing youth as numbers, not people

"Hopefully we're looking at the kids as individuals more rather than just – hopefully we're looking at each individual kid as a kid. That's always been my frustration – that we don't see the kid as a kid. We see him as No. 250 on our caseload."

Core Strategies

Make sure there's at least one core person responsible for ensuring that youth and families have a voice

"On the court's side, I love CASA. I love CASA and CASA really only goes to child welfare kids. We rarely, rarely get them in juvenile justice. But a program like CASA for juvenile justice kids, wave my magic wand and that's where it would be because so many of these kids needs someone who cares about them and who gives them voice. Because the court system – you know, just the very nature of it is difficult and kids don't know they have a voice."

Less is More

Ensure that young people are diverted from juvenile justice system involvement whenever possible so they do not get drawn further into the system than necessary.

What this looks like in Nebraska: Adult Interviews

Prevention and early intervention efforts to keep youth out of the system

"When I look at some of the things we're doing, whether it's alternative response or whether it's community response collaboratives, and even whether it's older youth foster care; to me those are all about prevention. Either keeping families from coming in in the first place or in the case of older youth foster care, giving those young adults the supports and resources so that their children don't eventually come into the system."

"If we're able to provide that intervention at an earlier point and help that kid from going further into the system, we're actually doing greater good for them and for the community. The more you push them deeper into the system, then the greater likelihood for recidivism as juveniles and even greater so as adults."

"I probably think of it only because I started in one area but, you know, Crisis Response was just a phenomenal addition to what other rural communities I worked in and allowed us to engage without having to ever get a judge involved because it was voluntary and it happened that the point of contact was law enforcement. And so it's only available in a couple of areas. I know it's a priority to implement but if we could have Crisis Response available statewide to manage, you know, family and youth disruption. That yes, we could issue a ticket for but it really is more of a family

functioning issue and then assistance with, you know, some crisis intervention and some follow up. It's probably a better use of resources rather than deep system involvement."

"I think my ultimate dream would be is in school, once the kids first start exhibiting some behaviors that are problematic, that we're able to get them assessed properly to decide how can we get in there and help the family, and then get out, so we can avoid them formally being involved in either system."

"And we've got to be able to create different options to meet them where they are, but the earlier that we can get involved with them, the less intrusive those options can be."

Creating more options for diversion

"I think right now, as of recent, we're really taking more of a holistic look at what juvenile justice means. It used to be that juvenile justice really was looked at as the courts and probation, but now we know that it actually starts, you know, diversion, and any of our prevention are a part of that continuum as well. And so again, I think that in the state of Nebraska, we have a coordinator now for our diversion, which are county-based, so they're very autonomous themselves, in themselves, but now there's more collective focus on how can they target even a diversion program to what that youth's risks are."

"But this now focusing on how can we begin to intervene very early, and how can we divert low risk youth out of the system. Diversion obviously doing that with prevention programs, but then also, at the very front end of the juvenile justice system, which is my purview as well, which is even prior to adjudication, if a youth is able to get services and some intervention, which the court can do, they can have the supervision of a probation officer, and some intervention prior - in those early stages of the court system, to address issues, kind of what we talked about front loading services. And if we're able to do that effectively, and that young person's able to swing things around, and we can see there's a reduction in risk, we're very focused on assuring then that there may not be a need for that young person to go any deeper in the system."

Shared commitment to ensuring youth have the lightest engagement with the juvenile justice system possible

"We're doing what we can to try and prevent them from going deeper into the system which is why it's great that we have pre-adjudication and predispose levels through the court system and making sure that those judges are aware of, "Hey, we can do some of this stuff. We don't necessarily have to have the juvenile on probation to help them be successful.""

"I think that we're showing our out of home numbers are down. We're showing our YRTC numbers are down. We're showing our detention numbers our down. Obviously,

all of that ebbs and flows, but I do think as a district, we are much more attentive to what can we do that will allow this child to remain in their family home and in their community.”

Holding each organization and person accountable to the commitment for less

“Well as a judge obviously to make sure that everyone in the juvenile system, to make sure that everyone's rights are protected. To make sure that the county attorney and everyone involved follows the law, that the case follows the procedure such as and protects the rights of the parents to their children, at least initially. To aim for reunification as quickly as possible, and to make sure that everyone is provided the services that they need. And they receive everything that is set forth in the case plan to try and reunify if possible. And then if not to try and bring the case to some other conclusion in the best interests of the child if reunification is not possible.”

“I think there’s much more accountability on probation just to make sure that we’ve tried everything we can in home first, that we’re not just becoming frustrated and saying well, time for the kid to go out of home. We really want to make sure that we give honest efforts to different services in the home, give this kid several opportunities to make change with the implementation of different approaches, and not kind of go into the out of home placement as quickly as possible.”

Why this matters

The deeper the youth penetrates in the system, the worse the outcomes

“All the data shows, the deeper the kid penetrates in the system, the worse the outcomes. We want to keep them ... one of our goals ought to be to keep them out of our system as much as possible.”

“The longer you keep a youth and a family in the system the more dependent they become on the system, the more opportunity there is for technical violations and other types of failures that aren't necessary but it's because we've kept them in the system too long.”

“Well I think my thought process around working with system-involved youth is making sure that we're only bringing youth into the system that really need to be. And that every point in our system that we have opportunities for youth to divert out of the system so that we are using the least amount of intervention and service and restriction necessary in order to address whatever the need is that's identified and be able to help that youth and that family at that point in time and surround them with informal supports within the community and other supports so that they only have to be system involved for the least amount of time necessary.”

“I really think the whole purpose of the reform in Nebraska is to understand that kids and people make mistakes. And especially if it’s non-violent mistakes, we’re really trying to provide them the rehabilitation and the intervention that they need to make

healthy choices, move on with their life, and not have a system attached to their name.”

“I think we all can agree, getting involved with the system is typically the least likely way to get the kinds of outcomes that we want. The longer our kids stay in, doesn't matter what system it is, the less likely it is, they're going to be able to achieve the goals that they have and do well.”

Challenges

Not everyone agrees with this philosophy

“So that’s a challenge. I mean, we still do have challenges where we have areas where they have all the tools available, but, you know, we’re still in a world of changing culture, which is - again we’re dealing with judges who maybe haven’t changed their perspective, some county attorneys, you know, GALs perhaps, or GUARDIAN AD LITEM’. But again, there’s still - for lay people out there, there’s still that general perception in juvenile justice, that more is better; that throwing the kitchen sink at their problems is a good way to make sure we don’t miss anything. There’s also still a general perception that out of home is, you know, preferable in certain situations.”

Rural areas have a harder time providing services to keep youth out of the system

“I think the home-based initiative needs to be such an important deal to try to get those options so that, you know, we may have a young person that in Lancaster County we’re able to serve quite differently, and we’re maybe able to keep them home longer, because we have wraparound kind of services available, where perhaps in Valentine, Nebraska, we don’t have that, and so that young person may get tracked into out of home placement much quicker than another young person. So, I think in general, just across the state, though, having home-based, more intensive options, is really a critical, critical piece, even when you’re talking the metro areas. I think that’s still a very important piece of the puzzle, and it’s going to help us avoid utilizing out of home placements for that purpose.”

When parents want a more restrictive setting for their child

“I’m just saying when that happens, you go, “The reason this didn't used to happen is because OJS could put them in shelter.” They were anxious to put them in a place that's less restrictive and less expensive. Sometimes you'll actually get a parent who is like, “Nope. This is good for them.” There were judges and it's really hard. That's a tough call as a judge.”

Core Strategies

Keep low-risk youth off probation

“At least in our area I think that the...I think that the attorneys, the courts, or whatever, some of the diversion services, are working more effectively because we’re

not seeing a lot of low risk youth placed on probation.”

Pay specific attention to crossover youth

“The other population that we’re really focusing right now on how they track through the system is our crossover youth, so youth who are involved with the Department of Health and Human Services due to maltreatment issues, so either formally adjudicated, or they have a voluntary case that’s open. And if those youth then have a behavior that calls them to the attention of juvenile justice, or the attention of the courts, identifying that right off the bat so that we are able to communicate with each other early to say, does this young person need to have a filing in juvenile court, or is this an issue that can be handled through their current involvement with the department? Because we know that those kids are tracked into juvenile justice at a much higher rate than the general public.”

Strengthening and supporting the family with the goal of keeping youth at home

“[S]ome of these uncontrollable youth...we’ve been able to avoid them going all the way through court through disposition because we’ve been able to implement some services within the home to get some things worked out there. And so we have a youth that hasn’t lingered in the system like they once would have.”

CONCLUSION

The Juvenile Justice Home-Based Initiative is uniquely positioned to embody the vision of a youth-centered holistic juvenile justice system. The set of guiding principles provided above provide a roadmap, not a recipe, for how to achieve this vision. They are intended to provide guidance without being prescriptive, to allow for adaptation in the various context in which the Initiative will operate. Yet they also provide a framework against which the initiative can be evaluated. In the concluding document of the Developmental Evaluation, we provide a Learning Framework that includes suggestions for how to use the vision, guiding principles and core strategies to support ongoing adaptation and development of the Juvenile Justice Home-Based Initiative.

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