



State bar association, local probation officers anticipate big changes as LB 561 goes into effect

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The Nebraska State Bar Association hopes that changes to the juvenile justice system in this state will lead youth toward more positive actions instead of deeper into the corrections system.

LB 561 was passed by the Nebraska Legislature in May of this year. This bill and the associated legislation bring extensive reform to the juvenile justice system in an effort to expand services and allow alternatives to detention for youth in Nebraska, according to the NSBA.

The bill states that, "...the services available for the treatment and rehabilitation of juveniles in the juvenile justice system...are insufficient to meet the needs of such juveniles..."

The most important portion of the bill transfers control of juvenile offenders from the Offices of Juvenile Services to the Office of Probation Administration.

The changes put in place by the bill include expansion and improvements to diversion programs in the state. These are all efforts to prevent youth from entering the juvenile justice system.

Pre-trial diversion programs will attempt to lower juvenile incarceration. These programs can include counseling, mediation, community service, pay-

ing restitution, educational programs, mentoring or referral to mental health programs and professionals.

"When operated according to best practices, pretrial diversion programs hold youth accountable, provide restitution to victims, link youth and families with appropriate services, save taxpayer dollars and prevent youth from penetrating deeper into the system," according to NSBA information.

Nebraska incarcerates youth at the third highest rate in the nation, according to Voices for Children in Nebraska, a children's policy advocacy group. In 2011, Nebraska detained 3,930 young people and incarcerated 589 youth at youth rehabilitation and treatment centers, according to VCN.

Many youth in detention facilities are in for minor offenses and pose little or no threat to society, according to the NSBA.

According to VCN, 40 percent of children made state wards in 2011 were older than 14. This is done to ensure these young people gain access to treatment and other services, but could be harmful by pushing them farther into the system.

"Study after study has shown that youth who are incarcerated are less likely to finish school, more likely to struggle with mental and behavioral health challenges, to find gainful

employment, to commit crimes in the future," VCN literature claims.

National research shows that detention facilities are ineffective tools for rehabilitation and in many instances cause more harm than good, according to the NSBA.

Juvenile detention facilities are also extremely expensive. The state spends about \$20 million a year on Kearney and Geneva, according to the NSBA.

This bill also makes grant money available to Nebraska counties to create more community-based services and alternatives to locking up young offenders. This will allow young people to stay close to home. It limits who can be committed to Nebraska's two youth rehabilitation treatment centers, where youth are detained in Kearney and Geneva.

In addition to this, the bill requires community based re-entry plans for young people leaving youth residential treatment centers. This means that young people will not go directly from a treatment center back home without any help adjusting.

These changes to the juvenile justice system will be implemented in a three step program which began July 1 of this year and are set to be completed by July 1, 2014.

The program which inspired

LB 561 was piloted in Omaha and Nebraska probation districts 11 and 12.

This new law is causing and will continue to cause big changes for local probation offices.

"We'll need more employees," said Linda Buehler, chief probation officer for district 12, which includes Cheyenne County.

Probation district 12 encompasses all of the counties in the panhandle.

The allotment from the bill for Cheyenne County is \$7,595. The required match from the county is \$3,038.

This summer, Buehler worked with the county on applications to approve some of the money to go toward rent for larger office space to house the additional employees needed for implementation of changes due to the bill.

Although Cheyenne County Sheriff John Jenson believes probation offices should help youth who need it, he thinks the real problem is much deeper than incarceration verses diversion for young offenders.

"It's sad when we have to raise so many children that belong to other people," Jenson said. "Yes, that's our job and we will take it whole heartedly."

He thinks the state is working on this problem in a backwards way. Jenson believes legislation and law enforcement should work toward somehow persuad-

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ing parents to take care of their own children and to ensure that family comes before criminal activity.

“I don’t think we would be in the situation that we have to rehabilitate the children if the laws we have in affect would focus on the problem,” Jenson said. “Children are not the problem, they’re the result of the problem.”

Jenson cited a recent case

involving a juvenile in which the justice system used many local resources to help a young man who Jenson said truly needed it.

“The problem is where he came from,” Jenson said.

Methamphetamine use continues to be a problem in this area, one which tears families apart and sends children into to juvenile justice system, according to Jenson.

One of the probation dis-

trict’s new duties will be to do intensive supervision for young people recently released from youth rehabilitation and treatment centers like the one in Kearney. In the past, these kids would have been on parole and under the supervision of Health and Human Services.

“Probation is pleased to have the opportunity,” Buehler said. “It’s a challenge but we feel comfortable moving forward.”