



## Refocusing on Juvenile Justice Reform

March 07, 2014

Juvenile justice reform has been a constant topic of legislative discussion for years in Nebraska. While the overall rate of juvenile delinquency in Nebraska is relatively low and has generally declined over the past fifteen years,<sup>[1]</sup> those young people who are accused of delinquent acts are not being held accountable for their actions in a manner that is most likely to result in positive outcomes for the juveniles or their communities. As the Platte Institute's December 2012 policy study described in detail, there are a number of "pressure points" in the Nebraska system that impede its effectiveness.<sup>[2]</sup>

The report called for a reduction in the use of the adult justice system for juvenile offenders. Young people sent to adult court are a third more likely to recidivate than those whose acts are addressed in the juvenile system.<sup>[3]</sup> One method suggested to direct more juveniles away from the adult system was the adoption of a default presumption that juvenile offenses will be addressed in juvenile court, except where a judge makes a specific finding that the youth must be handled by the adult system.<sup>[4]</sup>

Another reform opportunity suggested in the study was making the response to truancy more school-centered and seriously reducing court referrals for truancy. Referrals by schools to the Greater Omaha Attendance and Learning Services Center (GOALS)<sup>[5]</sup> have reduced both truancy and related court involvement through pro-active engagement with serially absent youth and their families.<sup>[6]</sup> The study pointed out that community-based approaches often achieve better outcomes. Keeping young people closer to their families, churches, and community non-profits makes for better results all around, not just for the young people and the communities that they live in, but for government budgets, too.<sup>[7]</sup>

In 2013, Senator Brad Ashford introduced LB 464 to change the process for directing juveniles to either juvenile court or the adult court system. The bill advanced to Select File, and was carried over. It is now Senator Ashford's priority bill for 2014. After a hearing on the senator's AM 1734 in early February, both Senator Ashford and Senator Bob Krist have filed further amendments to address concerns raised during the General File round of debate last year.

With the proposed amendments, the bill would implement a number of the policy recommendations from the 2012 Platte Institute study, including the default rule that Class IIIa and IV felony cases involving a juvenile defendant will be filed in juvenile court. Once filed,

upon a motion by the prosecutor each case would be evaluated by a judge to determine whether it ought to be transferred to the adult system. Once a judge has made this determination based on the relevant factors in the case, that case will remain in the juvenile system unless a prosecutor shows by a preponderance of the evidence that the case ought to be transferred to the adult system. Class I, II, and III felonies could also be more readily transferred to juvenile court, though prosecutors will retain discretion over whether to file in adult or juvenile court initially. The evidence suggests that this greater preference for juvenile court for juveniles will mean fewer repeat offenses and more effective rehabilitation, both outcomes that will save public dollars in the long run.

Pending amendment language would put the emphasis on schools and families in dealing with chronic absenteeism, requiring schools to develop a plan with parents and students to address poor attendance. Schools will still have the option of referring truancy cases to the county attorney, but only if the plan fails to prompt better attendance. Schools would be required to record services provided by the school pursuant to the plan, and total absences would have to exceed twenty days in a school year before the school could refer the case to a prosecutor. This approach is more likely to result in students returning to school, and it will save the expense of court involvement.

The proposed legislative changes would prioritize community-based services and alternatives to detention for juveniles who are adjudicated delinquent. These proposals represent a serious effort to implement evidence-based juvenile justice practices that will both save Nebraska taxpayer dollars and more effectively address juvenile offenses and the factors that cause them. Nebraska taxpayers deserve a justice system that enhances public safety and reduces crime instead of merely reacting to it. Juvenile justice reform is an essential part of attaining those goals.

---

1 McCollister, John and Jeannette Moll. “Right-sizing the Juvenile Justice System. Platte Institute for Economic Research. December 2012. p. 2. [URL: <http://www.platteinstitute.org/research/detail/right-sizing-the-juvenile-justice-system>]

2 *Ibid.*

3 *Ibid.*, p. 6.

4 *Ibid.*

5 GOALS uses a multi-disciplinary team to assess individual cases and then coordinate and deliver services to young people and their families in order to promote school attendance. [URL: <http://www.goals-center.org>]

6 McCollister, p. 4.

7 *Ibid.*, p. 9.