

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee and Judiciary Committee December 18, 2019
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HOWARD: [RECORDER MALFUNCTION] Health and Human Services and Judiciary Committees this afternoon. My name is Senator Sara Howard, I represent the 9th Legislative District in Omaha and I serve as Chair of the Health and Human Services Committee. Do you want to introduce yourself?

LATHROP: Yes. Steve Lathrop, District 12 and Chair of the Judiciary Committee.

HOWARD: I'd like to invite the members of our committees to introduce themselves, starting on my right with Senator Murman.

MURMAN: Senator Dave Murman, District 38, from Glenvil, Nebraska.

MORFELD: Senator Adam Morfeld, District 46, northeast Lincoln.

CAVANAUGH: Senator Machaela Cavanaugh, District 6, west-central Omaha.

WAYNE: Justin Wayne, District 13. north Omaha, northeast Douglas County.

CHAMBERS: I'm a quick learner and since people always say it, I need no introduction.

ARCH: John Arch, District 14, Papillion, La Vista, and Sarpy County.

PANSING BROOKS: Hi, I'm Patty Pansing Brooks. I represent Legislative District 28 right here in the heart of Lincoln and Vice Chair of Judiciary.

WILLIAMS: Matt Williams from Gothenburg, Legislative District 36, Dawson, Custer, and the north portion of Buffalo Counties.

BRANDT: Tom Brandt, District 32, Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster.

B. HANSEN: I'm a newbie, so I do need an introduction. Senator Ben Hansen, District 16, Washington, Burt, and Cuming Counties.

DeBOER: I'm Wendy DeBoer. I'm from northwest Omaha and Bennington, District 10.

HOWARD: Also assisting the committee is the HHS legal counsel, Jennifer Carter, and the Judiciary legal counsel, Josh Henningsen, and

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committee clerk, Sherry Shaffer. We do have one page with us, Erika, so she'll be very busy this afternoon. A few notes about our policies and procedures: Please turn off or silence your cell phones. This afternoon we'll be hearing one interim study. And on each of the tables near the doors to the hearing room-- room, you'll find blue testifier sheets. If you're planning to testify today, please fill one out and hand it to Sherry when you come up to testify. This will help us keep an accurate record of the hearing. Any handouts submitted by testifiers will also be included as part of the record as exhibits. We would ask if you do have any handouts, that you please bring ten copies-- I think actually more than that-- and give them to the page. Hopefully we'll have enough copies. We do use a light system for testifying. Each testifier will have five minutes to testify. When you begin, the light will be green; when the light turns yellow, that means you have one minute left. And when the light turns red, it's time to end your testimony and we'll ask you to wrap up your final thoughts. When you come up to testify, please begin by stating your name clearly into the microphone and then please spell both your first and last name. Each interim study hearing will begin with the introducer's opening statement. After the opening, we will take testimony. We do have three invited testifiers that we'll start with today. And just a reminder that interim study hearings do work a little bit differently, testimony is not grouped by supporters or opponents but taken in turn, unless we have invited testimony. If the legislative resolution is a committee resolution, like this one, I as Chair will introduce it and then return to my seat to proceed with the rest of the hearing. We do have a very strict no-prop policy, at least in the HHS Committee we have no-prop policy. You might want to consider it. And with that, we'll begin today's hearing with LR163, and I'll pass it to Senator Lathrop.

LATHROP: Just while you're walking up there, I don't know that we've ever had a prop in Judiciary Committee.

_____: Yeah, we have.

PANSING BROOKS: Yeah, we have.

_____: We have, yep.

LATHROP: Have we?

PANSING BROOKS: Yeah.

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LATHROP: Oh.

BRANDT: Yeah.

LATHROP: All right, well--

WAYNE: I don't recall.

LATHROP: I bet there was a good reason for it.

WAYNE: There was a great one, pretty sure.

BRANDT: Yeah.

HOWARD: We've had several--

LATHROP: Senator Howard--

HOWARD: --several attempts at props.

LATHROP: --LR163, you are recognized to open.

HOWARD: Thank you. Thank you. Good afternoon, Chairman Lathrop and members of the Health and Human Services and Judiciary Committees. My name is Senator Sara Howard, H-o-w-a-r-d, and I represent District 9 in midtown Omaha. Today I present to you LR163, an interim study to examine issues under the jurisdiction of the Health and Human Services Committee and one issue-- bless you, bless you-- that has required the committee's careful attention this interim is the current state and future of our Youth Rehabilitation and Treatment Centers. As a result, we'll be using LR163 to further examine these issues. The state has a legal obligation to care for children who enter the child welfare system as a result of abuse and neglect and the children in our juvenile justice system. When children enter the juvenile justice system, the goal is to provide them with treatment and rehabilitation to address the issues that have led to their behavior and to help set them on the right course for their future. The Youth Rehabilitation and Treatment Centers, or YRTCs, in Geneva and Kearney have played a crucial role in this system. Geneva is, or was, the treatment center for girls, and Kearney is the treatment center for boys, or was. Sorry. That's-- this is an old in-- opening. The homes at what are now YRTC-Kearney and YRTC-Geneva were originally created in 1879 and 1882, respectively, and became the Youth Rehabilitation and Treatment Centers through statutory changes in 1994. Responsibility for the

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YRTC is housed within the Office of Juvenile Services, or OJS. The Office of Juvenile Services was originally a part of the Department of Corrections, but in 1997 it was moved over to Health and Human Services through LB1044. This summer, the conditions at YRTC-Geneva, which serves our female youth, reached a crisis point. On August 12, I was informed by-- by CEO Smith that the conditions at YRTC-Geneva were unsafe and that some of the girls living at Geneva would be moved immediately. At that point in time, the conditions had deteriorated significantly. The girls were not receiving treatment. There was little programming. There was little recreation offered. The girls were not allowed to go outdoors. And two buildings on campus, LaFlesche and "Sac," had been closed. On August 19, CEO Smith informed me that all the girls at Geneva were moved to YRTC-Kearney and they remain there today. The girls are segregated from the boys, have received new mental health evaluations, and are attending school. While there are many challenges with keeping the girls at Kearney, the situation has stabilized for the time being. Construction is being done at Geneva to repair the facilities, or at least that's what the committee saw in October. Work on LaFlesche has been completed. And then when we spoke with workers, they were doing some mold remediation in the other buildings. Members of the HHS Committee and other senators have spent a great deal of time visiting the facilities and speaking with the girls, parents, and current and former staff. In October, the HHS Committee once again toured the facilities and held public hearings in both Geneva and Kearney. The hearings in Geneva and Kearney were very well attended and the committee heard extensive testimony, and I actually applaud my committee for hanging in for the entirety of both hearings. It was extremely helpful to hear from former staff and members of the community at those hearings and several themes emerged regarding challenges at YRTC-Geneva with-- regarding facilities maintenance, staffing, and programming. Since our last series of hearings in October, the department has released their business plan, an immediate interim plan regarding the YRTCs. The plan would create a third YRTC-Lincoln in space to be leased at the Lancaster County Youth Services Center, which is a detention center. The girls placed at YRTC by the courts would first go to YRTC-Kearney to be evaluated. Then, if they were found to have higher needs, they would be moved to YRTC-Lincoln. Once they have stabilized, they may be returned to YRTC-Kearney. And finally, when they are ready to transition home or to a lower level of care, they would be moved to Geneva. It was reported in October that the department had signed a five-year lease for the Lancaster County space, and we have invited

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the department to speak at this hearing and they're going to be coming first. In addition, the department is working on a plan to address the education of the girls. While at YRTC-Kearney, the girls have not been able to be in school for the regular period of time. As of December, the girls were missing about 368 hours of education. And I know CEO Smith is working with the Nebraska Department of Education and the State Education Association on a plan to make up those hours. And so we've invited the-- Matt Blomstedt from the Nebraska Department of Education to speak to us at this hearing. And finally, the Office of the Inspector General for Child Welfare has been actively engaged on this issue from the beginning and has opened an investigation into the conditions at Geneva, and so we have also asked her to come speak to us today. All of the work the HHS Committee has done over the interim, including this hearing, is part of an effort to understand how we got to this crisis point and, most importantly, how we move forward from here. The potential solutions span the jurisdiction of many of our committees and, most importantly, our two committees today. I'm grateful for your time today so that we can all get a better understanding of these issues. And in addition to our invited testifiers, I know there-- there will be many other stakeholders who will be able to offer a helpful perspective. Thank you again to the members of my committee, in particular, and Senator Arch, Senator Lathrop, and Senator Pansing Brooks and others who have been so engaged on this very important issue. I am confident that, together with the department, we can find a path forward, one that will better serve our youth and give them a chance at a brighter future. I'm happy to try to answer any questions you may have.

LATHROP: Any questions for Senator Howard at this point? Seeing none, thank you--

HOWARD: Thank you.

LATHROP: --Senator Howard, for the introduction. Senator Howard is going to run this hearing, so when she gets back to her chair, we'll let her invite the first invited testifier.

HOWARD: All right, CEO Smith.

DANNETTE SMITH: Good afternoon, Chairperson Howard, Chairperson Lathrop, and members of the Health and Human Services Committee and the Judiciary Committee. My name is Danette R. Smith, D-a-n-n-e-t-t-e, middle initial "R," last name Smith, S-m-i-t-h. I am the chief

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executive officer for the Department of Health and Human Services. I am here to testify on LR163 and provide an update on the Youth Rehabilitation Treatment Centers, the YRTC's, on behalf of the department. Much progress has been made since I last appeared before-- before the HHS Committee in early October of 2019. We continue to enhance programming and look for opportunities as we provide services to youth at the YRTC's. Before we move forward, let's review what brought us to this current state today. On August 19, 2019, female youth from the YRTC-Geneva were relocated to the YRTC-Kearney after conditions on the-- on the Geneva campus were deemed insufficient. Vandalism incidences at the cottages early in August, coupled with existing programming and staffing issues, created a critical situation. The move to Kearney was needed to ensure the safety and well-being of the youth. Relocating these youth to Kearney provided an opportunity for the department to offer more consistent programming to the female youth as we assess their needs for specific programming and clinical support. Three areas are needed to develop and maintain a successful youth rehabilitative system and treatment program. The very first one is creating a continuum of care that serves the youths' diverse, diverse needs. The second is exceptional physical plants for accommodating and housing the youth and, finally, the ability to recruit and maintain credentialed staff. The department developed and released a business plan on October 21, 2019, that identified next steps to strengthen services and programming at the YRTC's, including the development of a YRTC system. The current plan is an interim and immediate step that addresses facilities, clinical and-- clinical and program needs. It continues to evolve as we learn, research, and develop programming for a diverse youth population. The goal of the YRTC-- the goal of the YRTC systems are to provide appropriate levels of care and security for youth as they progress in their treatment. It's also to implement targeted interventions for highly acute at-risk youth separated from the core group of youth who positively respond to programs; and finally, develop population-specific programming appropriate for gender, acuity, culture, linguistics, and ethnically appropriate programming based on the youth's progress needs for transitioning back to the community. The YRTC system is based on a three-pronged approach that includes three campuses: the YRTC-Kearney, the Lincoln facility, and the YRTC-Geneva. Let's start with talking about the YRTC-Kearney first. The YRTC-Kearney is the hub for the YRTC system and will be responsible for providing intakes, assessments, programming for the core group of youth. Currently, there are 17 female youth and 92 male youth on the Kearney campus; they remain

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separated at all times from each other. Programming is based on a phase model which assesses youths' behavior from admission through discharge. The phase model is an incentive-based program through which youth are scored daily and on-- daily on their compliance with the program and interactions with their peers, staff, and family. A youth score dictates their involvement through the program and identifies which incentives they are eligible to receive. A master treatment plan is developed for each youth. The youth and their families help lead and-- the-- the discussions related to treatment. Everyone is involved in treatment, is around the table, including case managers, therapists, healthcare providers, probation officers, and teachers. This collaborative approach engages everyone in treatment and empowers the youth and family. There is also a full complement of therapists who provide therapy and clinical support to the youth at the facility. The department has also contracted with Boys Town to provide additional therapy and medication management through telehealth. We've been working very closely with Nebraska Department of Education, our commissioner, Dr. Matthew Blomstedt, and members of his team on educational offerings at the YRTC. Youth will follow the same curriculum throughout their time at the centers, but it will be specific to their educational needs. He will be providing more information following my testimony today. The department is currently evaluating its educational offerings at the YRTC-Kearney for both female and male youth. We've identified some opportunities. When we moved the female youth to Kearney in August of 2019, our highest priority was ensuring their safety and well-being. Because of this, my staff and I-- my staff and I weren't immediately able to address their educational needs. The female youth are facing a shortfall of 242 instructional hours for the current school year. These instructional hours are also a requirement for accreditation. I take full responsibility for this oversight and I am working swiftly and closely to remedy the situation. Here are the steps that I have taken. We met with the YRTC teachers from both the Geneva and Kearney campuses and the State Code Agency Teachers Association, SCATA, on November 15, November 27, and December 6, as well as the Nebraska Department of Education and our own DHHS legal team. With input from our teachers and principals, along with the Nebraska Department of Education, we have developed a plan. The plan includes a staggered schedule to include extended school days that will start January 6, 2020. The modified schedule will allow us to meet the state's mandated-- mandate for hours by the first part of June of 2020, ensuring accreditation and graduation for any eligible female youth. We are working with our

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teachers and the union to finalize the schedule so that we are ready for implementation on January 6. Some additional educational developments at the YRTC-Kearney include the following. We are adding two portable classrooms to provide additional instructional space for the female youth. Those will be delivered and installed on February 2020. The YRTC-Kearney continues to bolster and highlight vocational opportunities for youth and is creating a quality preapprenticeship program with Associated Builders and Contractors, which was developed in cooperation with Nebraska's Department of Labor. The program will focus on youth becoming either electricians or welders. On December 20, we'll be holding a high school graduation ceremony for seven of our male youth. This is one of the largest graduating classes in recent years. Thank you to Senator Lowe for accepting the invitation to be our commencement speaker. As educational hours for the female youth get back on track, if any are eligible for graduation this summer, we will also hold a graduation ceremony for them as well. We have also been actively recruiting teammates at the YRTC-Kearney. We held a career fair on December 4. We hired 19 team members to start the work of-- on January 6, 2020. I'd like to turn your attention to the Lincoln facility. The department executed a lease with Lancaster County and will establish services at Lancaster County Youth Services Center. The department has the capacity to operate 20 individual rooms divided into two separate living spaces, a day room, separate and secure outdoor recreational areas. Youth who are not responding to treatment at Kearney will be transitioned to the Lincoln facility as they require more intense intervention, such as targeted behavioral and trauma-based programming. We are currently finalizing our clinical program. Applied behavioral analytics will be utilized to positively reinforce prosocial behavior, which means it will identify behavioral triggers and then change the consequence to the impacted behavior positively. Additionally, a new trauma-focused care, evidence-based treatment will be employed, called TARGET, for all staff and youth at the Lincoln Facility. We plan to expand TARGET training and treatment to all staff and youth in the YRTC system. TARGET retrained and requires the brain of a young person in how they deal with stress and trauma. Clinical staff at Lincoln will be trained January 7th through the 9th and all staff at this location will be trained January 10. The facility provides the appropriate physical structure and security required to serve high-acuity youth. We will offer individualized educational programming at the Lincoln facility, as well as some classroom-based instruction, depending on the needs of the youth. Once the youth's behavior has stabilized and they are responding to

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programming, they-- responding to programming, they will return to the main campus at Kearney to continue their commitment and treatment. The department will utilize a phased approach to implement services at the Lincoln Facility starting mid-January 2020. We are currently recruiting teachers and other teammates at the Lincoln location and have recently hired the facility administrator. Finally, let's talk a little bit about the YRTC-Geneva. The YRTC system also includes realigning and repurposing the YRTC-Geneva campus. The primary purpose will be working with female residents who will be transitioning back to the community. And I have sticky fingers right now for some reason. The program will serve three to six female youth who will be living in the newly renovated LaFlesche Cottage. Youth transitioning back to the community have different needs from those within the core population. The YRTC-Geneva will be an environment that is least restrictive and has a more home-like setting. This 60-day reentry program will include the following: discharge to a home environment service plan; school reentry plan; employment opportunities, if applicable; medical and psychiatric outpatient treatment plan; youth and family engagement treatment planning. Educational offerings include classroom instruction, distance learning, and reintegration into the community, utilizing juvenile probation and family navigators. We are finalizing a contract with the City of Geneva to provide recreational and fitness programming, and our citizen advisory board in Geneva is working on volunteer and community engagement activities. YRTC-Geneva is fully staffed and we are on track for some of our female youth to transition to the center starting mid-January. In closing, moving forward and establishing the YRTC system is the first step to reforming Nebraska's youth services. The three-pronged approach provides a continuum of care to serve youths' diverse needs. It also allows for long-range strategic planning done in collaboration with key system stakeholders. We have been meeting and speaking with numerous stakeholders about the YRTC system since October 2019. Our goal is to create an awareness of the system and the positive impact it can have on youth in Nebraska, as well as soliciting feedback and encouraging future engagement. In 2020, we hope to reconvene our group of key stakeholders who participated in our community visioning process back in July and August of 2019. The department will work in concert with this group to evaluate possible consulting firms that can conduct a systemwide, 360-degree comprehensive evaluation on not just the YRTC system but on all services offered to our most vulnerable children and families in Nebraska. I deeply appreciate the support you've provided to me and the department, and I know that I can count on each and every one of

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you for your continued support. I encourage you to dialog with me regarding next steps. Thank you for the opportunity to testify before you today. I'm happy to answer any questions you may have. Thank you.

HOWARD: Thank you. Are there questions? Senator Arch.

ARCH: Thank you, CEO Smith.

DANNETTE SMITH: Yes, just one second, Senator.

ARCH: Sure.

DANNETTE SMITH: Let me get myself organized here. Yes, sir.

ARCH: The events of the summer have raised a number of-- or the fall-- have raised a number of questions about the YRTC program itself and-- and one of the more fundamental questions that I've had that I've not had a good answer in my mind is, is the use of the terms "treatment," the use of the term "rehabilitation," I notice in your testimony and-- and even in the-- even in the goal that you've provided, it talks about-- it uses the term "treatment." Most of the time, treatment is a-- is a-- is a medical terminology that also includes a diagnosis. That's not necessarily true of all of the youth in our-- in the YRTC system. So we also use the term "rehabilitation." In your mind, do you-- do you use those two terms interchangeably, treatment and-- and rehabilitation? Do you draw a distinction? The-- the background to the question obviously lies with we're talking about Corrections and we're talking about HHS all in the same sentence, so it's difficult to-- to clarify exactly. But I think that is one of the issues that we have is we need to articulate it very clearly as to what this is. So if you-- a lot of questions in that question, but if you could-- if you could address that, I'd appreciate that.

DANNETTE SMITH: So, Senator Arch, thank you so much for that question. Here's what I've been kind of explaining to the community as I go out of. The YRT [SIC] system is becoming like correction, as appropriate under our OJS office, with hybrid treatment. Treatment, you are correct, sometimes represents a diagnosis. But in this instance, because we're doing behavioral health and we will all-- I mean behavioral modification strategies, as well as some clinical strategies. There may be a piece there that may have a-- a significant behavioral health. So that's why I use the term of soft-touch/light-touch corrections as appropriate. But we're really, particularly at the Lincoln facility, looking at a treatment modality.

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At the Kearney facility, there will be a sense of using treatment, as well, because we know that kids that are involved in the correctional system many times have had significant trauma. We want to be able to treat that trauma, but we also want to be able to provide services to the families as well. That's why you hear family treatment, treatment modalities. I hope that's helpful.

ARCH: Just a follow-up question: So then the term "rehabilitation," how does that-- how does that fit? Is that the umbrella that you're using here? How does that-- how does that fit?

DANNETTE SMITH: For me, the rehabilitation is really on the criminal justice side. For me, I believe, because the program is up under DHHS, we have the responsibility to look at that treatment component. And I think for many of our children, that's the piece that has really been missing. Behavioral mod is one thing, but the ability to treat the symptom is another, and that's what we're trying to address.

ARCH: OK. Thank you.

DANNETTE SMITH: Um-hum. Thank you.

HOWARD: And before other-- I meant to ask this question first, but one of my major concerns is about having girls and boys at the same campus. And so can you talk to me a little bit about what it looks like, what segregation between boys and girls looks like? Are they-- are there activities where they're together? Are there activities where they're not together? And how-- how are we managing shared spaces, like dining rooms and schools, and making sure that everybody is getting sort of a fair shake on the same campus?

DANNETTE SMITH: Thank you, Senator Howard, for asking that question. All of the services and offerings that the children get on the campus are totally separate. Boys go to school with boys. The male youth go to school with only male youth. The girls go to school with only the girls. We have had to reconfigure our whole schedule with the girls being on campus so that the girls have enough time in the classroom and have offerings for recreation, the same thing for the boys. The boys and girls do not intermingle on the campus. The girls are in a separate, freestanding building away from the boys. It is on the same campus, on the middle-- in the middle of the campus, but it is very separated from the boys. So all program offerings, all educational opportunities are all completely separate, and they are rescheduled

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and repurposed for them to have those offerings at different times during the day. One of the reasons why you heard me mention about the portable classrooms is because we recognize, having the girls on the campus, we have really bumped up into the schedule for the boys. And the girls really need their own space for classroom, so what will be happening is the girls will have some classes where they are now, but they'll have more expanded classes out on the campus in two portable classrooms. And again, those will be in place in February.

HOWARD: Thank you. Other questions? Sure, Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for coming, Ms. Smith, or Director Smith. I-- I have a number of different questions. First, I want to-- why do you think that we got into this situation, because YRTC-Geneva and YRTC-Kearney were working really well for a number of years. We were getting high ratings on-- on all this. And now all of a sudden everything's bad. We've got to send all the girls to Geneva and we have to totally change what we've been doing for years that was working. And now we're looking at it more from a corrections standpoint. We're talking about, you know, not one of these kids has been-- has been sentenced for a crime. It's supposed to be rehabilitation and treatment. So what has happened all of a sudden to cause this grand change in moving forward pretty well with Geneva? From my understanding, the Geneva citizens loved having the girls there, liked being able to help, those girls, were not afraid of the girls, and now all of a sudden, there's this giant change. What-- what happened that-- why can't we just reopen Geneva and put people back? I saw it and it's a beautiful facility.

DANNETTE SMITH: Thank you for that question. As I've shared with the-- with the committee and as I have shared with the community, there were really three things that were not happening on that campus. One had to do with well-trained staff and enough staff to do the work. That was the first thing. The second thing was having appropriate programming. The programming, both school, recreation, was not at the level that it needed to be. And the conversations between staff and teaching staff sometimes was tumultuous.

PANSING BROOKS: OK.

DANNETTE SMITH: The third thing was also good facilities that could house the girls appropriately, keeping themselves safe and providing the kinds of services that they need. What I saw during my short

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tenure here was a decrease. But quite honestly, Senator Pansing Brooks, I think that there had been a slow decline in the program over time. Because we were at a catastrophic state where I did not have enough staff, I did not have good programming, and the facilities were being damaged "ongoingly," and not having the staff to maintain them, the decision I made was to move those girls immediately. I cannot speak, ma'am, for the decisions that were made in the past. I can only speak for what I saw when I've arrived here in Nebraska, I would say to you that it was deeply, deeply concerning to me to see girls living in the kind of conditions that I saw, without appropriate programming, without appropriate staff.

PANSING BROOKS: OK. Thank you. I-- I would agree that it was highly disconcerting, what we saw. But I just-- I am not necessarily in agreement that-- that moving everybody to a fenced-in quarters at Kearney is-- is necessarily the right answer. I'm also interested in how to square the YRTC-Lancaster-- the Lancaster County building, the detention center, with the statutes that make clear that the YRTC kids are not to be sentenced to detention.

DANNETTE SMITH: So they're not-- thank you again for that question. They are not being sentenced to the detention center. They're being sentenced to the OJS program, which is the Kearney-- I mean the YRTC system. The Lincoln facility is just one of the programs where we're going to be serving high-acuity kids at the Lancaster facility.

PANSING BROOKS: Yes, the Lancaster detention facility.

DANNETTE SMITH: That is correct, which is a separate program.

PANSING BROOKS: And-- and so how-- are there changes being made to that detention facility so that those girls are not under such strict detention?

DANNETTE SMITH: So there is going to be some modifications that will be made to the facility.

PANSING BROOKS: What kind of modifications?

DANNETTE SMITH: There will be additional furniture and supplies that will be ordered there. There will be cameras there so that we can not only make sure that we're taking care of the girls, but that we're also taking care of the boys as well.

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PANSING BROOKS: OK. So it's still going to be a detention facility detaining these kids. Is that correct?

DANNETTE SMITH: Well, what I would say to you is it will probably be more along the line of a secure treatment facility where we're able to care-- care for the kids with more high acuity.

PANSING BROOKS: OK. And you talked about this as an interim step, but the lease with Lancaster County was five years. So could you speak to that?

DANNETTE SMITH: Absolutely, Senator Pansing Brooks. Here's my thinking. I'm thinking that where we are right now is a good first step, but as a community we have the responsibility to put together a long-term plan. And so the Lincoln facility, what we're doing out at Kearney, what we're doing out at Geneva gives us a pause, but an opportunity to do some long-range planning for kids who come to our attention, both in the child welfare system and in the juvenile justice system. It gives us an opportunity to truly plan how we'd like to see those services here in the state of Nebraska.

PANSING BROOKS: So you're new enough that you may not know that I care about disparate treatment of different groups of people, so one of which is male and female; the others are the kids of color, of course. But I'm concerned about the fact that the-- the females are supposed to be at three different sites. They lose their long-term relationships with staff. They learn-- if somebody is moved from-- from Kearney to Lancaster and they've been working with staff for a while and they-- the staff at Kearney learns don't touch this kid on the shoulder because he has some sort of response, trauma-informed response, that that will cause that kid to lash out. So how do we have some kind of consistency that helps these kids grow, that helps them develop and-- and thrive?

DANNETTE SMITH: As-- thank you, Senator Pansing Brooks, for that question. And I think one thing that we have in common, being a woman of color, I'm equally as concerned that children of color, all children in Nebraska, get treated fairly.

PANSING BROOKS: Yes.

DANNETTE SMITH: So one of the reasons why you see the development in this program is that it gives breadth, it gives rise to all kids being able to have the treatment and care that they need, no matter what

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nationality they are. Second part of your question is, as we are transitioning children from one position, from one facility to the other, we will be making sure that there is a transition plan in place. So in other words, when a child leaves Kearney and has to go to the Lincoln facility, the Lincoln staff will be prepared to receive that child. They will know the needs of that child. They'll know the special issues that their child may have so that they can address it. At the same time, when that child returns back to Kearney, the staff at Kearney are going to understand what improvements, what are the strategies, what are the techniques and treatment that they're going to need to implore to be able to help that child now that they have returned back to Kearney. Also, when a young lady leaves Kearney and goes to Geneva, there's going to be transition planning and discussion about what that looks like, not only when they go to Geneva but what their long term-plan needs to look like when they move to the community, because, after all, Geneva is going to be a reentry program. So I'm expecting my staff at Kearney to not only address them going-- the transition to Geneva, but I'm also expecting that they're going to address what that reentry program is going to look like going back to the community.

PANSING BROOKS: And again, I know you know the importance of a trusted adult and how--

DANNETTE SMITH: Absolutely.

PANSING BROOKS: --how if you have somebody-- I think that's what's really difficult and I really can't figure out why they aren't being kept at one facility, really. Is it because of the space? Is that what the issue is? Because moving these kids from one space to the next, to the next, and expecting them to thrive and to be able to know that they have adults who-- with whom they can make connections and contacts and grow and learn from, it's just-- it's very, I think, very cumbersome to move them from place to place.

DANNETTE SMITH: You know, Senator Pansing Brooks-- and again, I-- I thank you for the question-- I think one of the things that this program is really going to help our young people with is how to develop really good relationships. Some of the problems that our young people have had is they have not been able to develop trusting and thriving relationships, not only with their peers but also with other adults. The ability to be able to move throughout the system allows them to grow and to develop a variety of different relationships with

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a variety of different youth, as well as adults. I don't see this as traumatic. Here's what I would see that would be traumatic, is if they weren't allowed to develop those healthy relationships. Many of the 109 kids that we're taking care of at Kearney have had significant problems in developing those relationships, both at home, in the community, and at school. Here, they're going to get to develop that in a system and be able to test the new skills that they've learned. They don't get to do that when they are out in the community. So this is a wonderful opportunity for them to test the things that we've been working with them on.

PANSING BROOKS: OK, just a couple of more things. I'm interested in-- I just found out last week that HHS is educating the kids. I have had no idea that the Department of Education-- and I know that Director Blomstedt is coming. But I had no idea that-- I mean, because you have their care, that doesn't mean that you-- that you are all experts in education. It would be like the Department of Transportation, because they move the kids, put the Department of Transportation in charge of their education. I-- I think you would probably agree that isn't your total mission. So could you speak to the fact that HHS is educating these kids? And, you know, in Lincoln you're not. In Lincoln, the kids are being educated by LPS. So I was just blown away to find out that HHS is in control of education for these kids. So do you have something to say about why it's good, why it's not, what-- why you think you should continue it? Because it seems to me the Department of Ed should be in control of education across our state--

DANNETTE SMITH: Well--

PANSING BROOKS: --no matter where the kids are.

DANNETTE SMITH: I totally agree with you. Senator Pansing Brooks, I think the one opportunity that I've enjoyed has been the ability to work with Commissioner Blomstedt. He has been able to shine light on areas of education for my principals and my teachers in terms of not only just meeting the accreditation hours and graduation requirements, but really helping us look at curriculum and what it is that we should be offering the students. The education offerings have been set up, I understand, for decades. I have well-trained principals, I have well-trained staff who understand the children that are under our care and have been educating them. The beauty of working with Commissioner Blomstedt is that he has now brought his talent to the table, as well as the talent of his staff, to help us embellish the curriculum, make

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sure that we're meeting the education offerings that state of Nebraska-- Nebraska requires, and that we are really offering the state-of-the-art kind of education program. And so I look forward to working with him and his team even more. I also would say to you that we've had a fantastic working relationship with the union. They have been fantastic in guiding me, as being a new Nebraskan, on what the union contract says and how I must work with my teachers has just been awesome. And so the ability to work with the union and also with the Department of Ed has been very, very important to us being able to have a good educational offering throughout the YRTC system.

PANSING BROOKS: OK, I didn't hear anything from Director Blomstedt. That was not what directed my question, so I'm not trying to put you two at each other. He was very supportive of working with you. Just finally, what I was dismayed to discover, and what many of us were dismayed to discover when we went to Geneva, was the excuse-- the use, the high use, in my opinion, of solitary confinement. That is something that has not been going on in my-- from the knowledge that I have previously, certainly not for the-- the extended hours. I know there have been studies and-- and supposedly the frequency is up, but the timing is down, but that may be because people are taking-- not counting the time when they're in their rooms to sleep. I don't know yet about that. But I am very dismayed about that and what we-- what we saw there. So could you speak to solitary? And I'm sure you know best practices, of course, Director Smith, are to only have them if the-- in a very short time, maybe a couple of hours, not days, if they're a danger or risk of harm to self or others. So could you speak to the fact that you do have children in solitary for days at a time?

DANNETTE SMITH: I don't know, Senator Pansing Brooks, that I can speak to having children in solitary confinement on days on end. But what I would share with you, that it has been my deep concern of using room confinement. I think that the reports that my staff and I have been reviewing suggest that solitary confinement has been used as a way to manage behavior, and I'm deeply concerned about that.

PANSING BROOKS: Well--

DANNETTE SMITH: We--

PANSING BROOKS: --I am, too, Director Smith, and-- and I also hope that we don't continue to use the misnomer "room confinement" because I was lulled into believing that meant they were in their rooms where

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they had their books and their papers and they could write letters and they could do whatever they want and they were in their rooms. But, no, what's happening is they are put into a solitary room, two without lights, one without a mattress, on a wood-- wood panel. And I think it's not only cruel, it's cruel and unusual punishment, and I think that our state could be liable for such behavior by our state. So I hope you will really attend to it, since you can't speak to it right now, and recognize how we are not following best practices and we are not taking the best care of our children that we can. Thank you for answering all these questions, Director Smith.

DANNETTE SMITH: Thank you.

HOWARD: Senator Lathrop.

LATHROP: It's CEO Smith? I-- I do have a few questions. And sort of the reason the Judiciary Committee is here, along with HHS-- and I-- and I-- you'll appreciate that we weren't at all the hearings that Health and Human Services had. And I may be covering some ground that they covered this summer. I hope not. But our concern is when a judge orders, is this a-- is this a place that a judge, juvenile court judge can send somebody to, and that that process of actually sending youth to a rehabilitation center. To start with, when I toured-- and I was involved in going out there in August, as you know, shortly when this-- when the problems at Geneva surfaced, not when they started but when they became acute and the-- and a number of us went out there. It was evident to me that there was no programming taking place. When did the decision-- when was the decision made to not provide programming to the girls at Geneva?

DANNETTE SMITH: I don't ever think, Senator Lathrop-- and thank you again for the question. I don't ever think that there was ever a decision not to have programming. I think we simply didn't have enough staff to do it--

LATHROP: There was a point in time--

DANNETTE SMITH: --in an appropriate manner.

LATHROP: There-- pardon me. There was a point in time when there was programming and when we got there in August, there was no programming. So somewhere between those two dates, somebody said, we're done doing programming and we're just going to watch the girls, as opposed to be engaged in programming that's intended to provide rehabilitation or

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treatment. Did that happen before you got here, sometime after you arrived in Nebraska? Can you tell us when whatever program was in place for programming stopped being the practice at Geneva?

DANNETTE SMITH: I don't know that I can answer that question sufficiently. What I can say to you is that we were deeply concerned that there was not enough staff to provide the appropriate programming. And quite honestly, Senator Lathrop, it got to we were simply just watching and supervising the girls. That deeply concerned me, hence why the move.

LATHROP: Yeah, it stopped being rehabilitation and treatment and was simply basically incarcerating them, and they couldn't even leave their cottages except maybe to go to the gym or to the-- to the mess hall. True?

DANNETTE SMITH: For the most part.

LATHROP: You've described this transition to where the girls will go, they'll be evaluated. The boys and the girls will be evaluated at Kearney. They will receive their rehabilitation and treatment at Kearney. And then girls will then transition to Geneva in their last 60 days before returning to some community placement. Am I understanding you so far?

DANNETTE SMITH: You are correct.

LATHROP: And some of those that you've described as high needs, high acuity, will be in this process, sent to Lincoln at this new facility that you've leased from the Lancaster County. Is that also the case?

DANNETTE SMITH: That is correct.

LATHROP: When you use the term "high acuity" and "high need," what are you describing?

DANNETTE SMITH: So--

LATHROP: Are these-- are these people young people with high mental illness, significant mental illness? Are they behaviors? Who are we selecting for removal to the facility in Lancaster County?

DANNETTE SMITH: So, Senator Lathrop, you are speaking of kids that we would be transitioning to the Lincoln facility. And when I think of

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the kids that would be transitioning to the Lincoln facility, I think of kids who often not only have some behavioral health issues, but they also have some behavior, as well as relationship problems, as well. These are kids who have a very, very difficult time responding to being redirected by adults, by their families, oftentimes having a very, very difficult time having a relationship with their peer.

LATHROP: OK.

DANNETTE SMITH: So in that instance-- if I may?

LATHROP: Sure.

DANNETTE SMITH: In that instance, we wouldn't just be transitioning a young person just to Lincoln because of a bad behavior, but it's when we consistently cannot redirect the behavior, provide the guidance, the support, the clinical strategies that we're using at Kearney aren't working where they need more individual support.

LATHROP: OK.

DANNETTE SMITH: They would then transition to Lincoln.

LATHROP: That's lead-- that leads me to two questions I want to ask you. Why can't they get that care and services, rehabilitation and treatment at Kearney?

DANNETTE SMITH: So--

LATHROP: What is it about Kearney that makes having to set up a separate facility in Lancaster County at a detention facility necessary?

DANNETTE SMITH: OK. So here's the reason behind that, Senator Lathrop. The thought is that we have kids-- and we've seen this since I've been here. We have kids who work very, very hard on their program and on their commitment at Kearney. Most of the time, we have a few kids that need that intensive attention that can't respond to the group work and strategy that's happening, both on a group basis and on an individual basis. They may need more individual attention where we could place them in a facility where we could work more intensely with them, and hence the reason for that transfer. We have kids who have significant behavioral, as well as behavioral health issues where working and being a part of a group has been very, very difficult and it's

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needed-- it has necessitated that they be moved to a separate program where we could work more individually with them.

LATHROP: OK. These people that you've described, these young people that have behavioral issues, are they-- are some of them folks who have been or young people that have been diagnosed with serious mental illness or are we talking about people that are not mentally ill but behavioral issues?

DANNETTE SMITH: I would say that we're probably looking at some dual-diagnosis things where there's some conduct disorder, where there's some significant depression, where there may be significant trauma and their ability to function in groups and to function individually and take direction has been difficult.

LATHROP: OK.

DANNETTE SMITH: I think we'll be seeing a mixture of both.

LATHROP: All right. A little bit ago, you said that these youth have been-- I think you used the term "sentenced." I'm not sure that's the right term, but they've been-- they've been sent to, or I think you used the term "sentenced," to OJS. And my understanding-- by the way, I'm not a juvenile court practitioner. I think Senator Wayne is. I'm not. But I have talked to some juvenile court judges over the last week and my understanding is that they have entered orders directing that these children be placed in a YRTC. And the new system you're setting up is judges are entering orders thinking they're sending somebody to Kearney, there's no judicial intervention, and HHS is making a decision to change their placement to Lancaster County. Is that a fair summary or an explanation of what's going to happen going forward?

DANNETTE SMITH: So thank you, Senator Lathrop, for that question. I don't know that I quite interpret it that way, but we assume that when the judge has court-ordered a child to Kearney, that that means that they are court-ordering that child to our system, and we would continue to do the work with the child at Kearney. That--

LATHROP: See, that's where I'm going to have to disagree.

DANNETTE SMITH: OK.

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LATHROP: And I know the question has been asked whether or not you or your agency believes that any change in the law needs to be made or whether we need a different order for the youth that were sent to Kearney or to Geneva, whether you have the authority to move them to any place other than what's in the court's order. And I've heard concern from these juvenile court judges that essentially they-- they enter an order sending someone to the YRTC and it's HHS that's making a decision to send them to what is now essentially a converted detention facility in Lancaster County. And I'm just going to offer this because we're the Judiciary Committee, those of us that serve there. I have some concern about that assumption that's being made that when a juvenile court judge says I sentence or I-- I want this youth at the YRTC, that that means we're just turning it over to HHS and asking you to use your best judgment on where they should be placed from there. Fair enough?

DANNETTE SMITH: Thank you for the feedback.

LATHROP: OK. I think that's all I have. Thank you.

DANNETTE SMITH: Thank you.

HOWARD: OK. Senator Cavanaugh.

CAVANAUGH: Thank you, Chairwoman Howard. Thank you, CEO Smith, for being here today. I want to start by saying that I appreciate the time that you and everyone in your department has given to the YRTC. In October, we spent a great deal of time together, the HHS Committee, Senator Quick, Senator Lowe, and Senator Brandt, traveling around and visiting these two facilities in Geneva and Kearney. I very much appreciate all that you and your department have done in that regard. With that said, after we-- we did that, we received your business plan, which you have stated is an interim business plan. And I will say that I share Senator Pansing Brooks's concerns that we have a five-year contract as part of that business plan, which to me is not very interim. That business plan does not seem to reflect any of what we have heard from the Geneva and Kearney communities or any of what the HHS Committee has expressed as our-- are our concerns with what is happening within the YRTC system. So I want to just state that, first of all, clearly. And nothing seems to have changed, or at least we have not received an updated version of the business plan since October. It does say "draft" on it, but it has since been implemented, which to me indicates it is not a draft, but it is a working document.

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So I'm also concerned that we haven't received an updated business plan or at least the same business plan with "draft" removed from it to indicate that it is the actual document that everyone is-- is operating from. I think these are important details when we are looking at how we are administering these issues. I also share Senator Lathrop's concerns about the changing of location of the children. We have spoken with the judiciary-- or the juvenile court judges in Lancaster and Douglas Counties. And when they issue court orders of where they want a child placed, there is a high expectation, and I think it is a reasonable expectation, that those children are placed where the court orders them to be placed. And those-- those placements include out-of-state placements. So I am very concerned that the Department of Health and Human Services is taking it as an interpretation of a court order that they can change that placement when the placement includes a location. It doesn't say YRTC. It says YRTC-Kearney, and so that is pretty clear and not open for interpretation, to me. I am not a lawyer, but I would suggest that the department look at that more closely and actually have a conversation with the juvenile court judges to inquire if they view it as open for interpretation. There is nothing in our statute that says that there is a YRTC-Lincoln or a YRTC-Lancaster. And so to Senator Lathrop's point, you do seem to be creating something that doesn't exist in statute and is not being ordered by the courts to be utilized and also seem to be creating something that does not align with the purpose of the YRTC. It is a detention center, and without doing significant renovations to that center, it remains a detention center. I do have questions for you, but I want to give some context to those that have not been a part of this whole conversation, or I-- I guess I have concerns about your specific testimony today. I want to raise those concerns and I-- my question to you is just to allow you to respond to those concerns. In your testimony today, you talk about how we got to where we are. And on the first page, you talked about the existing programming in Geneva, and to Senator-- I believe it was Senator Lathrop or perhaps Pansing Brooks's point, that the programming didn't exist. And you said that there were the staffing issues. And I think that our language here really matters. We do have young people here today. And I'm assuming that there are young people watching this. And I want those youth that are involved in the juvenile system to understand that we care about them. And there's a lot of implication that they're at fault here. There wasn't staffing and there wasn't programming. And you put any child, no matter their behavioral issues, the most perfect child, and you lock them in a room and give them

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nothing and do nothing for them, and you're going to see them begin to act out. And I want to know when you personally knew that they were not receiving programming. Was it in that August timeline or was it much earlier than that? Because in talking to staff members within DHHS, it is my understanding that it was well known months before August that there was no programming.

DANNETTE SMITH: And so let me answer that. And thank you so much, Senator Cavanaugh, for your feedback to me about the juvenile justice-- juvenile court judges, as well as your sentiment about my testimony. I thank you very much and I--

CAVANAUGH: I do have more to say on that--

DANNETTE SMITH: No, no, I--

CAVANAUGH: --but we'll just start here.

DANNETTE SMITH: No, no, we're going to start here. And I want to be able to respond if that's okay.

CAVANAUGH: Yes. Yes.

DANNETTE SMITH: OK. I think that the move was because the programming and facilities and staffing weren't up to par. OK?

CAVANAUGH: But when? When did that become apparent to you that there was a lack of staffing and programming? Was it in August or was it much earlier than that?

DANNETTE SMITH: It had become apparent, I would say, around the timeframe of July and August that we were not able to turn the corner and get back where we needed to be.

CAVANAUGH: OK.

DANNETTE SMITH: OK, and so--

CAVANAUGH: It is my understanding from your staff that there were daily calls to discuss what was happening within the YRTC system and this was happening-- these daily calls were happening as early as May. Is that correct?

DANNETTE SMITH: That is correct.

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CAVANAUGH: So if these daily calls were happening-- and it is also my understanding from our previous hearings that there was damage done to these facilities, to LaFlesche in particular, as early as February, and those repairs had not been made, is that correct?

DANNETTE SMITH: That I'm not clear of. I got here in February. I know that the LaFlesche was under some renovation and there was work to be done. But what I'd like to do is to go back and talk with you about the cadence calls--

CAVANAUGH: OK.

DANNETTE SMITH: --if I may?

CAVANAUGH: Yes, please.

DANNETTE SMITH: OK. In May, I think, we began the cadence calls, and they were daily cadence calls, and there were times where we saw improvements in daily census and daily programs and there time-- there were times when there were-- when we didn't. When I began to see consistently that I was not able to maintain the staff, I was not able to maintain the programming, and my facilities were beginning to diminish, that's when I made the decision to move the girls. You don't necessarily, as an administrator, because you have a problem in a facility, immediately move. What you try to do is to see if you can fix the problem. And there were things that we were trying to put in place to try to fix it, to see whether or not we could turn the corner. When it became clear to me that I was unable to do that, then it necessitated that the girls needed to be moved.

CAVANAUGH: So the girls needed to be moved not because of the vandalism, but because of staffing ratios and lack of programming.

DANNETTE SMITH: Senator Cavanaugh, as-- as I have said continuously, is that our facilities, our programming, and staffing were an issue. The behavior of the vandalism kind of created that perfect storm where everything came together.

CAVANAUGH: So if the van--

DANNETTE SMITH: Whether or not--

CAVANAUGH: If the vandal--

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DANNETTE SMITH: Ma'am.

CAVANAUGH: If the vandalism had not happened, where would we be today?

DANNETTE SMITH: We probably would have moved the girls.

CAVANAUGH: OK.

DANNETTE SMITH: We would have moved the girls.

CAVANAUGH: OK. I want to be cognizant of everyone else's time--

DANNETTE SMITH: Absolutely.

CAVANAUGH: --and interest here. There is a continued issue with staffing and a very great concern of staffing in Lincoln. So we've entered into a five-year contract that is, I think, highly debatable whether or not that you can execute said contract, and I think we're going to have a robust discussion with the judicial branch on that. But in addition to that, it is my understanding that we are not able to get staff in the Lincoln facility, and your testimony did not even indicate that you have hired staff for the Lincoln facility. So I am concerned about this plan in regards to moving children to the Lincoln facility when we don't have staff and why we would be executing a contract with a facility that we can't staff when we could staff Geneva.

DANNETTE SMITH: So may I provide clarification?

CAVANAUGH: Yes, please.

DANNETTE SMITH: OK. So it is a misunderstanding that we were able to effectively staff Geneva. We had significant problems staffing Geneva, not just for our cottage staff and our supervisory staff but also for our mental health staff and therapy staff. In Lincoln, we have been able to hire. We are estimating that we will need approximately 25 to 30 positions. We've already hired approximately 16 positions with another 5 to 6 offers out there. We've also hired the administrator, so we are on-- we believe that we are on track to be able to have enough staff to be able to open the Lincoln facility. We've also been able to recruit some teachers. And so, again, we believe that we're on track to be able to open up the facility in mid to late January.

CAVANAUGH: OK. Thank you. That--

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DANNETTE SMITH: Thank you.

CAVANAUGH: That is very helpful to know. I think I'll pause there.

HOWARD: Senator DeBoer, then Senator Brandt.

DeBOER: So I just wanted to follow up. Thank you for testifying, CEO Smith.

DANNETTE SMITH: Yeah. Thank you for having me.

DeBOER: I'm on the Judiciary Committee, so I haven't had-- I don't have all the background, so I may be pressing an issue that maybe I'm missing a piece of, and so you can fill in the gaps. That would be great for me. But I do want to follow up on a strand that Doctor-- or that Senator Pansing Brooks and Senator Lathrop brought up about this transition to different locations.

DANNETTE SMITH: Yes.

DeBOER: So I'm curious, when the discussions were happening around this more intensive rehabilitation and where to-- to move youth who needed that more intensive rehabilitation, were there sites that were explored within Kearney for that more intensive rehabilitation?

DANNETTE SMITH: I don't know that we necessarily explored Kearney. I can't say that we did. I don't know. I can't say that we did.

DeBOER: And because I'm very curious about why-- and-- and you're going to have to help me with the geography around the Kearney facility, because I don't-- I don't know it. Are there other options where instead of moving them to an entirely different location, they could be in a nearby, maybe even adjacent location instead of-- it just strikes me as odd that we would be going to a completely different city, to a detention or former detention building, like--

DANNETTE SMITH: So what I can tell you is that we-- we looked to see if there was any other facilities. To my recollection. I cannot remember whether or not we looked in Kearney. I don't believe that we did. And if we did, if it came up, I would have known about it. We thought of Lincoln because we knew that Lincoln had the space. We knew that it had the type of security. We thought that it was a warm environment, yes, being a detention center, but it is new. It is

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equipped with everything that we need to be able to do the work, and hence why Lincoln.

DeBOER: OK. I think that's probably it for right now.

DANNETTE SMITH: Thank you.

DeBOER: Thank you.

HOWARD: Senator Brandt.

BRANDT: Thank you, Chairwoman Howard. Thank you, CEO Smith. This is, what, our fourth meeting, probably?

DANNETTE SMITH: It is.

BRANDT: It is, yeah.

DANNETTE SMITH: It seems like we-- we meet every couple of weeks.

BRANDT: Yeah. Because the Geneva facility is in my district, you've been very gracious about coming out, meeting with us from the community. In your testimony, I guess there's a couple of things that I would like to clarify maybe a little bit. You know, we've been there 137 years. Three years ago, Geneva YRTC scored a 100 percent on its accreditation. We had people from other states flying into Nebraska to look at what was going right with our YRTC, and in three years it sort of went into the ditch to where we're at today. We keep talking about maintenance and these fire sprinklers. Shortly thereafter, DAS took over maintenance of that facility. Up to that time, it was a local maintenance staff that did it. They took a lot of pride in what they did. Some of the staff has indicated to me, when DAS came in, they told them to quit fixing things. Are you aware of anything like that?

DANNETTE SMITH: I am not aware.

BRANDT: OK. And then when I toured Kearney, I brought that fire sprinkler up with-- with those gentlemen over there and they said, well, if they break a sprinkler off, we go turn the valve off and we go on fire watch until it's fixed the next day. And at Geneva, that protocol was not in place, not in force. And so somewhat, I guess, I view the maintenance issue at Geneva, it sort of happened out of Lincoln. It didn't really happen because of the people in Geneva. Would that be a fair statement?

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DANNETTE SMITH: Can't really answer that. You know, Senator Brandt, if you don't mind me having a conversation as we move forward--

BRANDT: OK.

DANNETTE SMITH: --one of the things that we want to do in Geneva in Kearney that I have found successful, both in my career, in other places, is to make sure that my maintenance staff is a part of my leadership team. And so part of what Jason Jackson and I have been talking about is ensuring that as we're running programs and Kearney and in Geneva, that our maintenance staff are well aware of what the needs are to operate the facility. I think that in some regards, our communication just kind of went downhill. Jason and I are committed to making sure that DAS is at the table with DHHS as we are running our programs, both at Geneva and Kearney. At this time, it's very difficult for me to answer anything about the past, but I can tell you what the path forward is, and the path forward is that DHS [SIC] will be sitting with DHHS as we're looking at operating our facilities, both at Geneva and at Kearney.

BRANDT: And I think that's commendable. But when you had success up to a certain point in time and then we no longer had success, maybe we need go back to what was successful and maybe go back to that model. We talk a lot about staffing. Geneva had 75 FTEs there. They had capacity, I believe, for 74 girls. Does that sound about right? OK. Because I'm on the Judiciary Committee, we've spent a lot of time with Corrections, who also has staffing issues. And I think we've had some success in meeting with Corrections. They need more money to get their-- their levels up to correct the staffing situation. If we knew staffing was a problem, why didn't somebody from-- and this may have been prior to you coming here. Why didn't somebody from HHS come to us and say we need more money or we need something different to get our staffing up?

DANNETTE SMITH: Can't answer that.

BRANDT: OK, because we don't have enough staffing and-- how many people do we RIFed at Geneva? How many actual bodies?

DANNETTE SMITH: There were 46.

BRANDT: Forty-six. I had 47.

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DANNETTE SMITH: Yeah, 46, 47, you're right.

BRANDT: OK. So with the current model of three to six girls, we're going to have how many people on the YRTC side?

DANNETTE SMITH: I want to say it's going to be between 20 and 25, and then I'm going to do the Medicaid. I'm going to have a team, if you remember, of Medicaid staff there as well.

BRANDT: Right. But that's outside of the-- there will be 25 YRTC, and then these Medicaid jobs--

DANNETTE SMITH: Yeah, and then there's the extra-- yes.

BRANDT: --would be--

DANNETTE SMITH: And, please, I can get you those direct numbers because I don't want to say something where I'm incorrect.

BRANDT: And I guess the last point I would like some clarification on, LaFlesche was repaired in October. LaFlesche can hold 20 girls. Why did we not, when the crisis was over, move the girls back to Geneva, to LaFlesche, because we would have had enough staff to staff that? My conversations with the people from Geneva, and they will testify later and-- and they can air what they want to air, but by and large, I think they're sort of in favor of what we're doing in Lincoln just because it-- it-- it moves the girls around. But what I hear from the people that work in the YRTCs, and-- and they hopefully are contacting you also, is having both boys and girls at Kearney is not a good situation. And I can't imagine you're going to find a lot more staffing in Kearney than you did in Geneva, because we've got a veterans home that's brand new there. We can't even find enough people to open up a wing. We've got a waiting list of 200 people. We got 68 empty beds. And the YRTC is on the other side of town and that's some more state jobs and-- and, I mean, great if Kearney can find them, but do you think staffing is gonna be an easier issue in Kearney than Geneva?

DANNETTE SMITH: We believe that we've had some success in being able to recruit staff in Geneva. In fact, we did a job fair December 6. We were able to hire approximately 19 teammates and those teammates will start January 6 of 2020.

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BRANDT: OK. Thank you.

DANNETTE SMITH: Thank you.

HOWARD: Senator Murman.

MURMAN: Thanks. Thank you very much, Chairwoman Howard, and thank you for testifying, Dannette. I think most of my questions have been kind of talked about already, but maybe just a little more focus on them. When-- in August, when Geneva was kind of temporary closed down, I guess, there was, I think, 32 girls there.

DANNETTE SMITH: Yes.

MURMAN: And I think, as Senator Brandt mentioned, there was about 72 or more staff.

DANNETTE SMITH: Of 46.

MURMAN: That, just off the top of my head, seems pretty adequate on staff. Is that-- is that similar to the staff at, for instance, Kearney now or--

DANNETTE SMITH: I have more staff at Kearney. But, Senator Murman, thank you again for your question. Let me clarify that the difficulty that I was experiencing in Geneva was that I was not always able to staff my evening staff, my evening shift as well as my midnight shift. Oftentimes I had supervisors coming back in and working 12 to 14 hours to cover. One of the reasons why it became important for me to close Geneva was because I had staff when I visited the campus that almost-- it almost felt like they were at the campus for 24 hours, many of them working 16 and 17 hours because I didn't have enough staff.

MURMAN: But the staffing ratio at Geneva was about the same as it is at Kearney then or--

DANNETTE SMITH: I think the staffing ratio at Kearney is better--

MURMAN: Is it?

DANNETTE SMITH: --now than it was at Geneva, yes, sir.

MURMAN: So it's more than two-and-a-half to one or something?

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DANNETTE SMITH: Yes.

MURMAN: OK. And then-- so-- so-- but I-- I would assume that staffing-- I just assumed it was more professional staff that was more difficult to get in Geneva, but that wasn't the case then.

DANNETTE SMITH: It was a little bit of both. But my clinical staff, it was difficult to recruit them. In fact, some of the clinical staff were actually transported or they were coming from Kearney to provide services in Geneva.

MURMAN: OK. And then because of the vandalism, whether you-- wherever the blame is on the vandalism, you were a little bit short of rooms in-- in Geneva at that time. But as Senator Brandt mentioned, now I think we have-- is there 20 that they can house in LaFlesche?

DANNETTE SMITH: Yes.

MURMAN: And I think there are 17 girls at Geneva right now.

DANNETTE SMITH: Yes.

MURMAN: I realize that's pretty close but--

DANNETTE SMITH: Yes.

MURMAN: --the other two facilities, residential facilities at Geneva, could house the remainder, or we could have an access of housing, I guess, that-- for expansion, possible expansion. Those two facilities are more residential and, in other words, easier to vandalize, I guess, is what I'm trying to get at. So in the situation now where LaFlesche is-- could handle the more-- some of the more acute girls because it's not-- you know, higher ceilings, harder walls, harder floors, not as easy to vandalize. And you could use the more residential buildings also for the girls that are maybe about ready to be transitioned out or less-- less acuity. It seems like to me it would be much more cost effective to the state and also better for the girls that they aren't moved all-- all over the state, as we talked about also, to consider keeping Geneva open. And I just wanted to make that point.

DANNETTE SMITH: Thank you.

MURMAN: Thank you.

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HOWARD: Just a few more. Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you again, CEO Smith. Sorry that I used the wrong title. I guess I'm just interested. Can you tell us what you planning to do with Geneva? Because it's an amazing facility and it seems like it's clearly set up for residential use. So I'm just interested in what your plans are.

DANNETTE SMITH: Absolutely. And thank you for asking me that question.

PANSING BROOKS: Thank you.

DANNETTE SMITH: Again, we're going to be using the LaFlesche program or building/cottage as our reentry program. And I talked a little bit about looking at it as a more home-like setting. And when you come out to take a tour this time, you will see that it's going to look and feel a whole lot different than it did in the past. We're looking to use that-- utilize that facility for girls who are on their way back into the community, and so they-- we will be looking at more of discharge planning, furloughs, more reintegrating them back in the community. We've talked about a partnership with the juvenile probation and developing a family navigation program that would be able to follow the girls for the next 60 days that they're away from our custody to ensure that they're making a good integration back into the community. But I'd also say that we want their families to make a good in-- integration back into the community. One of the things that I've heard from parents as I've talked to them from August to now is that the families, the parents need support. And the family navigators, along with the juvenile probation officers, can provide that extra set of hands to be able to provide support to their children once they return home. In the administrative building, and I've had a number of conversations with Senator Brandt that we will also be housing our Medicaid. We're going to have some Medicaid staff out there who will actually be able to process applications. We're also going to have a couple of child welfare staff located in the administrative building. So the way we see it, it will be a total of about 50 to 55 staff that will be on the campus. You are correct. The campus is beautiful. We are also entering into a relationship with the city of Geneva, who is agreeing to provide therapeutic or-- and I shouldn't say therapeutic, but more residential services for the girls who are there on the campus. We're looking at ways to better partner with Geneva to be able to work with our girls, both on the campus and off the campus, because, again, the experience is to get them ready to

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go back to their home community. And that's what the Geneva program is all about. It's a reentry program.

PANSING BROOKS: So how many employees will be necessary for three to six girls?

DANNETTE SMITH: We're looking at, I think I said, between 20 and 25. And again, Senator Pansing Brooks, what I'd like to do is to get you the specific numbers.

PANSING BROOKS: OK. Again, there's four major buildings there that I think are beautiful. And if DAS can fix a couple of them, they're highly usable again. So I don't-- it just feels like we're reinventing the wheel again and not using that property in the best way possible because it is clearly residential. And, you know, you-- you said 50, 50 people. But with the administration buildings, those-- those dormitory-type buildings are still open then, correct, and not being used?

DANNETTE SMITH: At this time, they're closed.

PANSING BROOKS: And they will-- I know, but they will be just sitting there not being used.

DANNETTE SMITH: At this time.

PANSING BROOKS: And do you see-- foresee them being used in some way?

DANNETTE SMITH: I can't answer that. Again, you know, as I said in my testimony that the plan that we've put together really allows us to do a pause, to really do some planning, to look at what we want residential services to really look like, whether or not we want more services to be housed in a child's community, less coming to a campus-like setting, and maybe looking at using some of the campuses for reentry.

PANSING BROOKS: So you can hire for Medicaid and for welfare services, but not for correctional services for those girls.

DANNETTE SMITH: Have not had that success in being able to do that.

PANSING BROOKS: But you believe that for some reason that you are going to have success, on the other hand.

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DANNETTE SMITH: I do.

PANSING BROOKS: OK. Thank you.

HOWARD: One last question from Senator Cavanaugh.

CAVANAUGH: I just wanted to give you the opportunity to speak to some of the safety concerns at Kearney. We had previously discussed the fence when we were together in October. There was a lot of conversation over the fence and children climbing over the fence. Some people had given the fence a nickname of "staff stopper." And I wanted to give you the opportunity to kind of follow up and give us a follow-up on what is happening with the fence and, in addition to that, maybe expand on-- when I spoke with various staff at Kearney in October, it-- and this is, of course, anecdotal, no-- I haven't been provided any information, nor have I formally requested it. But the staff was indicating to me that there was a significant increase in staff assaults since the fence went up in August. And I also realize that since the fence went up in August, we've also dramatically changed what the population at Kearney looks like. But are you tracking assault-- staff assaults in Kearney and are any changes being made to the fence?

DANNETTE SMITH: So there have been some staff assaults. I want to be honest with you. I can't say whether we've seen an increase or decrease. I don't want to say that I know that, per se. But I know that there have been some staff assaults. I know that we are in a prebid right now to put up what is called "candy cane" fence. That's the candy cane that looks like that, that was a prebid that was had-- had-- that happened on December 16.

CAVANAUGH: OK, thank you.

DANNETTE SMITH: Thank you.

HOWARD: OK, and I will be the last question. And it's not-- it's related to the YRTC's, but it's separate. So one of the things that we keep hearing from stakeholders is that we really need an adolescent psychiatric unit. Yes, we're both-- for the record, we're both nodding. And we need that sort of-- has the department considered looking at LRC? There's-- there's space at LRC. There is a joint commission accreditation at LRC. We're willing to give you some money to fix the ligature points at LRC. Have we considered-- even I know the-- that the Lincoln setting, if we have a problem with the

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detention center setting, may-- may be an issue. But what we really need is that psychiatric, that intensive mental health service that's no eject, no reject. And have-- can you tell me a little bit about the considerations that you've made around an adolescent psychiatric unit, given that we have this-- a facility at LRC and an-- and an accreditation that's appropriate at LRC?

DANNETTE SMITH: So what I would say to you, Senator Howard, is that we've considered everything. And I think what I'm hoping this pause is going to give us right now is to really look at how we plan that out. I think the state of Nebraska needs a continuum of services that help children from the beginning, that identify mental health or behavioral health issues occur, all the way through the continuum. I think a psychiatric facility, I think a PRT is just one strike along the continuum. But the state of Nebraska needs a plethora of services from assessment all the way to treatment. And what I'm hoping that we're going to get done in less than the five years is to be able to plan that out, look at how we fund it, and then look at who needs to actually manage it.

HOWARD: All right. Thank you so much for meeting with us today--

DANNETTE SMITH: Thank you all for having me.

HOWARD: --in a marathon session.

DANNETTE SMITH: Yes.

HOWARD: I know we're very grateful for your time today.

DANNETTE SMITH: I'm very grateful to be here. And thank you all and have a wonderful holiday.

_____ : You too.

HOWARD: Thank you. All right. It's 3:05. We're going to take a break until 3:15. OK? And after that, we'll have the commissioner come up.

[BREAK]

HOWARD: [RECORDER MALFUNCTION] ask that you take your conversations outside and we are now joined by Matthew Blomstedt, the Commissioner of Education. Welcome, Dr. Blomstedt.

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MATT BLOMSTEDT: Thank you. So, yes, I am Matt Blomstedt. The last name is B-l-o-m-s-t-e-d-t. I'm the Commissioner of Education and soon that will actually be-- I'll meet the six-year anniversary of that mark. And I-- I'm actually very proud to be in this particular role. And for those-- I suspect you all know, but I-- I-- we have a very dedicated State Board of Education, eight members of our State Board of Education, and I'm hired by the State Board to do this work. And I-- you know, it's-- it's interesting because I-- often we have conversations about how we're going to communicate something to the Legislature around a policy issue. And I can tell you, they trust me to be able to do this work almost enough, except for the president and the board sit in the back of the room, so-- no, I'm-- no, I-- honestly, I believe that what I can share with you today, first of all, about the-- the current state of YRTC's and kind of a little bit about what I-- what I think are some areas in which we as a state need to do some particular work, and I'll certainly be happy and willing to take questions as-- as I complete some comments. I did share with you kind of a bulleted list of things that I want to talk about. I am going to skip some of those because I believe you already heard about them enough today, and so just for time's sake, be able to do some of that. But I do want to give you a little bit more background about the role of the Department of Education in the education settings that take place in YRTC's but also in other places around the state. There are-- underneath Rule 10, which is the accreditation of our-- of our schools, and that applies to public schools but it also applies to the-- to the situations that we have with YRTC's, also the Department of Corrections that runs education programs, that falls underneath provisions underneath Rule 10, as well as the Pine Ridge Job Corps, which if you're not familiar with that, that's near Chadron. It's actually a USDA-provided educational setting and, again, residential setting where students actually are provided education from-- well, I'd say this region, because across several states are actually included in that. So we have some unique circumstances around schools for students that are otherwise systems-involved youth in-- in the state of Nebraska. And there's-- the responsibility for the department, there was a moment in time, actually, where school district-- where schools, a few schools, might have been run by the Department of Education. Those would have been schools for the deaf and blind and visually impaired, two separate schools that were run up until the mid-'90s-- I'm not going to get the date exactly right-- mid- to late '90s where changes were made on that particular front. So when you mention what our role is in the YRTC's, we do not actually run

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the school system in that sense. We-- we provide some oversight and accreditation based on expectations underneath Rule 10. So what those expectations are actually are different for both Y RTCs, Department of Corrections for their school programs, than other schools have. We already have kind of a reduced number of hours that are expected within the Y RTCs compared to our regular public school setting. Part of that, I think, if you reviewed that history, you would find that's in part due to the-- the needs that students have for other types of treatment and how you condense a school setting to be adjusted for-- for those purposes. And I-- I think-- anyway, I think there's some logic behind how that-- that may function. The other-- the other reality is that underneath Y RTCs, and actually the other-- the other schools, there's not necessarily the same exact structure. Obviously, we don't have a school board of sorts. You've already mentioned how they-- the education program in the case of Y RTCs are run by HHS. The employees of the education setting are employees of-- of HHS. One of the-- the issues I think also with Y RTCs is you have a principal but not a superintendent, so you do not have necessarily an educator supervising a principal. That's a somewhat more unusual circumstance from an educational standpoint. And I-- I raise that just as background so I can talk about that a little bit more in a-- in a while. There is a process in which we annually look at what the offerings are, what the staffing is in these schools based on a plan that's submitted, what we call a special purpose agreement that's submitted for Y RTCs. And and the way that has worked is that Y RTC-Geneva and Y RTC-Kearney submitted separate-- separate plans. I would highlight that underneath Department of Corrections, they submit one plan for all of the different entities that are in place. And again, that's some context as we keep talking. Among the other things is there is kind of a self-reporting mechanism in this. We-- we have very few staff that actually do the accreditation across the state. So we have-- you know, when we do site visits, it's sometimes when there's an emergency or sometimes when there's some other need. Our regular site and school improvement processes kind of kick in on occasion. And then obviously, as-- as we started to hear about the disruptions around Kearney, you know, there were immediate concerns being raised around what's the education, what's the replacement for that education. And we're, you know, as of this fall, still in a deficit relative to the expectations that-- that the-- at least the girls are receiving at this moment in time. I can tell you that through the course of the fall, I've had many conversations and CEO Smith, I mean, what she-- what she said, I've actually enjoyed working

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with CEO Smith as well. And I appreciate many of the things that-- there's a need for some vision and direction and I think part of that comes into play that I've appreciated at least the willingness and ability to kind of interact and say we need to do something different around these education settings. And I-- I've probably had more access to YRTC's in this fall than I've had ever before. And I actually see that right now as a good thing. Obviously, you never want to be in a crisis moment and that's the good thing. But the reality is, I think for a long time we've needed to have deeper conversations about what the educational setting looks like. Schools, basically, if they do run into a situation that for-- for underneath accreditation, we do expect that they mitigate those challenges and they submit a plan to us. It is due February 1, once you've had a-- had-- had some something, some disruption in the school year. So we are working with HHS on trying to identify what that plan is based on the plan of where they're going to have students and how that would come together. And so we are working, the Department of Education staff, working with HHS staff to-- to sort that out. I will say, I mean, and I know there's differences of opinions about where students should be and how that should work. It's not something I'm bringing to the table as my opinion on how that structure should necessarily be in place. I don't know much about the other expectations that-- that might exist for those institutions, but I will say there was a history of it-- of it working pretty well, it felt like, in the past. And I know that's kind of the perception of it. But I have had time in the past several years where we've had concerns, where we had concerns that happened at Kearney in particular. And I think a few years ago and it was the past CEO of HHS and I had conversations at that moment in time. We actually-- for those who don't know, we actually have vocational rehabilitation underneath the Department of Education as well, and we felt that was a particular need and an advantage to be able to provide some VR services in Kearney. So a few years back, and I'm sorry I don't have the exact time frame, but that was a point of service that we thought was necessary. And again, it helped us to start building-- building relationships on how to further the educational opportunities for students in-- in-- in that setting. So I am not going to dive deep into the plans because I think-- I think you understand at least what's being proposed. What I will expect from the Department of Education standpoint is looking through-- in fact, we've done it already-- looking through schedules and staffing and how they're going to carry it out based on the plan that was-- that's presented with the three different locations. Right? I mean, those are decisions. Once

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they're made, my-- my point of contact on that is to say these are things that should be in place, need to be in place for an educational setting. And so we'll continue to look at that. I think it's-- there's some deficits, I would say, just overall in the system that I want to talk about a little bit more, deficits in the current system and-- and-- and probably deficits in the plan because of where it's-- is based on what the current system has required. And then I-- I will tell you that we'll continue to do that. I continue to be concerned about the level of staffing around-- that's not the education portion, even though it's not my-- my level of expertise on that side. But it has a huge impact on the education staff that work in the schools. And I-- the-- I don't remember the exact date, but I believe Director or-- see, now you've got me saying it, "Director." CEO Smith had indicated that when we went out and met with staff, you know, one of the-- one of the challenges of just talking to the education staff is you know there's a relationship between what happens in the-- in the 24/7 environment with what happens in the education setting. And so I'm kind of very aware that-- that I think there's work to be done on that particular front yet. One of the things that I-- I want you to think about somewhat for the future is that there's a lot of distance-- different system barriers that are in place for systems-involved youth. I just want to be able to highlight one: special education responsibilities according to the law. If you are a student and made a state ward, and I'll just use right here in this place, you would be in Lincoln Public Schools, right? And then you might be made a state ward and then you're moved into foster care or moved into some other-- potentially some other type of setting. And you could bounce around through several different settings while you're going through an education career. So you might find yourself at Norfolk or Kearney or, you know, in a public school setting but still there. And then over time, you're actually-- maybe something happens and you're-- and you're adjudicated and put into-- into a YRTC setting. Suddenly you move special ed responsibility not from the school that you were last at, but to the school that you were actually made a ward in. It-- it-- that makes no sense to me and I-- there's logic behind it, I know. But in the current setting, that makes no sense to me. I'm concerned in the YRTC settings that we are dropping our responsibility as it relates to special education services. When you're starting to talk about behavioral issues, I think when we've gone out there and met with staff, you know, roughly half of the students that come through have an identified IEP. My suspicion is that if we had a different type of responsibility around special education, I believe you might

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see that you actually had more. But again, it's one of the things that I believe is missing from the current system that needs to be addressed. And I will-- I will also say that the other types of barriers, including the one around what the structure looks like, I think is problematic. And again, CEO Smith and I have talked about it many different times. I don't believe it makes sense to be in a situation where our level of control over the education system is one at much of an arm's length. I-- I-- I've proposed and I've talked to Senator Howard in the past before about one-- one particular option is looking at-- beginning to look at this system and questioning whether or not, like with special education and other things, why don't we have a statewide responsibility for all of those things? Right now, they're being bounced around through the system and I'm asking myself-- that's not serving our students very well. It's not serving this-- this set of students very-- very well. There's a state wards funding model for education. Right? And I-- I know our-- the efforts that take place between probation and HHS, there's a lot of handoff that's taking place with students. And I think we never want to be losing track of students. But I can tell you, as we build data systems that can track students and student's outcomes, it's appalling about how educational services are actually serving the students and whether or not they're serving-- serving them well once they're in our system. So I would propose that we would have a chance at least to look at what's the proper educational structure that would go along with our-- certainly with YRTCs. But even when you start to look at responsibilities from foster care and through systems-involved responsibilities, that it maybe it should look different. One way I think it should look different is special ed funding itself. These students, where we don't have funds that come behind these students, we're actually relying on a school district somewhere to provide those services. It's a challenge. I would suspect if you asked the YRTC staff that are responsible for special ed, they might spend their time tracking down the school district to find out what the IEP was and the proper placement. You might find a school district says, I haven't seen them forever or we haven't seen them in years. Or maybe the folks that are there have never seen them, right? That's-- that's irresponsible from a state perspective. And again, it's not something that I can lay at the feet just of HHS but I have to lay at my own feet. And by the way, I'm going to lay it at your feet as well. I-- this is-- this is a matter of what the law and the construction of the law currently looks like and I think it needs a substantial amount of work. Now I've-- I've-- there's other models that could work as well.

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I mean, I think there's other models that the education could be the responsibility of a local school district or a different entity on those fronts as well. And I think it's something that we should be exploring as we resolve this issue and be-- begin to build what should be a better vision for the students that are in this system and other-- throughout the state on systems-involved youth, that we begin to look at that. I-- we've done a lot of work with the judges across the state and the Court Improvement Project and looking at how we improve data and tracking. And it's really struck me this-- this fall around this issue that it's our-- it's truly our responsibility. It's a responsibility that I think, even when you-- even when you hear Dannette, whether you agree with all the rest of it, I believe there's a set of responsibilities that need to come to bear around the proper actors within the system, and that-- that includes education, in my view. And we have to build something that's going to make a difference for students in this case. My last point, and-- and I think it's really true, and I-- I-- there are some really great people that work at the YRTCs and work in DHHS and work in education across the state. But I do think there's some barriers that can only be removed by the Legislature. There are some laws that need to be examined relative to those types of responsibilities. And the sense of responsibilities that should be placed in the-- in the proper place hopefully can be-- can be at least examined as we look at this. When I-- I'll-- I'll go a little bit further. We have not properly invested in these facilities around these students. You know, I've been-- I've been to Kearney many times before the girls ended up in Kearney. I've been to Kearney now that the girls are there as well. And, you know, we're-- we're piecemealing things together, not-- not because anyone wants to piecemeal things together, but we don't really have a continuum of services, as-- as CEO Smith mentioned. But we haven't invested in the facilities that are necessary, I think, to make a real difference for our students. Our-- our education system in these settings as antiquated compared to what our expectations are in-- in school settings across the state. We've isolated the education of these students to be kind of in a siloed environment that's not helpful for the rest the system. Those are the types of things that I think we're going to have to be-- be willing to take on, and I am willing to take on. I will do my level best, and I know the State Board will, as we review plans for this current circumstance. I don't know what the best thing is in the long run, but the best thing can't be just making it look like it has. I think there's more work to be done and I'd be very

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dedicated to rolling up my sleeves and helping-- helping us all make that possible. So I'll end there and take questions and--

HOWARD: Thank you. Are there questions from the committee? Senator DeBoer.

DeBOER: I just want to clarify. So if there's a student in the YRTC who has an IEP or has special education needs currently when they enter the YRTC, then the funding for that special education cost comes from where?

MATT BLOMSTEDT: That's a good question. I mean, it's actually hard to track down unnecessarily. So if you-- the example I used where a-- that state ward would have been there, one approach you could use is you're billing the school district. That probably wouldn't go over as well, especially for a student that they hadn't seen or didn't even know was still their responsibility. Otherwise, I believe it's coming out of kind of the general appropriation for the education of those students. And I think that's a-- that's a broken-- a broken model. I think there ought to be a specific special ed. And it would have to look different than the way we currently do special ed, by the way, because we do a reimbursement model. It's a-- it's a little different now. Now, if you do have a school district that has been tracking that student, they might be providing services and some supports in addition to that. And that's-- but it's very hit and miss and I feel like that's something that needs to be worked on.

DeBOER: So-- so who's paying for it now? I mean--

MATT BLOMSTEDT: Under the appropriation, probably to HHS for the-- for the school system.

DeBOER: So HHS, and how does that affect with the maintenance of effort? And so those kinds of--

MATT BLOMSTEDT: It's also a good question, so---

DeBOER: OK.

MATT BLOMSTEDT: I mean I-- and I-- I'm not saying that someone doesn't know the answer. I don't, though, right off the top of my head, so.

DeBOER: OK. All right. Thank you.

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HOWARD: Other questions? Senator Brandt.

BRANDT: Thank you, Chairman Howard. Thank you, Director Blomstedt. A real quick question on accreditation. Currently, we have Kearney North and Geneva North. Both are strictly, on paper, YRTC schools. I did not address this with Director Smith, but she had indicated it was all going to come out of Kearney North and she was going to get rid of the accreditation at Geneva. Don't we need the accreditation at Geneva?

MATT BLOMSTEDT: Yeah. Currently-- I mean, so maybe talking kind of, you know, perspective of short run, long run. Short run, we would be requesting and working with them on a corrective action plan for Geneva. Even though it's taking place in a different, different setting, we're still maintaining two separate plans for the rest of this year. We haven't started a deep look at the next-- you know, it could be that it's set up as a singular system. It wouldn't have to look exactly the way it does based on the locations that they have and other things. Just again, kind of like my example with Department of Corrections, we only have one agreement with all of the Department of Corrections places, so just as an example, so.

BRANDT: All right. Thank you.

HOWARD: Other questions?

LATHROP: Maybe just one.

HOWARD: Oh--

LATHROP: Oh, I'm sorry.

PANSING BROOKS: That's OK.

HOWARD: Senator Lathrop.

LATHROP: I'm sorry.

PANSING BROOKS: No, go ahead.

LATHROP: OK. So you've just--

MATT BLOMSTEDT: You're so cordial.

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LATHROP: --you've just described a number of things that need to be fixed. Do you have a dialog going with the Education Committee or the Chair to--

MATT BLOMSTEDT: Well, there's four-- four committee members on these two committees. I-- yeah.

LATHROP: I-- yeah, I noticed that. But I'm just wondering if--

MATT BLOMSTEDT: Yeah.

LATHROP: You talked about a bunch of things that you're like that's a bad model and we don't do that very well and this is going to require--

MATT BLOMSTEDT: I'm going to tell you this--

LATHROP: --statutory changes.

MATT BLOMSTEDT: Yeah.

LATHROP: So are you talking to the chair or the committee members about making whatever changes you feel like are necessary in the upcoming session?

MATT BLOMSTEDT: We haven't really started a dialog with them on this front. What I can-- when I can tell you is these-- some of these issues have been around for a while, even when I was committee staff for the Education Committee. These are topics that were raised at that point in time and not necessarily resolved. And I can tell you almost with some certainty, if I was raising these points a year ago before this broke, I'm not sure I would have anyone to listen to me, but maybe I will now.

LATHROP: No, I'm-- exactly.

MATT BLOMSTEDT: Yeah.

LATHROP: Maybe that's the point, which is I think we've had enough testimony. The light's been shown on the difficulties. You've described them today, and the next session starts in three weeks.

MATT BLOMSTEDT: Um-hum. I'm good at bill drafting though. [LAUGHTER]

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LATHROP: Oh, OK.

MATT BLOMSTEDT: No, I'm not.

LATHROP: Well, I'm not sure-- yeah. Well, whatever--

MATT BLOMSTEDT: But there's a lot of work to do, yeah.

LATHROP: Whatever it is, I would encourage you to--

MATT BLOMSTEDT: Well, and I would--

LATHROP: --because you have a-- you have an educated Legislature--

MATT BLOMSTEDT: Yeah.

LATHROP: --or much more so than normal, and this is the time to strike, it would seem.

MATT BLOMSTEDT: And I think there's still-- but I think just to give kind of each committee kind of their due in this setting, right, it's-- it's-- it is very complex. I couldn't-- I couldn't-- I couldn't describe all of the aspects, even the ones that I make sound simple in the moment. The solutions are-- are more challenging than that. But I do-- I do think we need a-- the broader conversation of who's going to be able to help champion these conversations across, and it is multiple committees, because I will-- I will tell you, there's plenty of education issues as it relates to-- to this topic that need to be addressed. So, yes, I-- and I-- I will be talking more about the other stuff.

LATHROP: By the way, I'm not on Education Committee--

MATT BLOMSTEDT: I know. You're--

LATHROP: --so I'm encouraging you to fire up the Education Committee.

HOWARD: Before we go to Senator Pansing Brooks, will we need a modification to their accreditation for the-- the Lincoln campus?

MATT BLOMSTEDT: So that would-- I would be trying to include that whole sys-- what they're proposing right now as part of their structure.

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HOWARD: Into one?

MATT BLOMSTEDT: Yeah, for that modification, yeah.

HOWARD: That will come to you on February 1.

MATT BLOMSTEDT: Yeah. Yes.

HOWARD: OK. Senator Pansing Brooks.

PANSING BROOKS: Thank you very much, Chair. Howard. I guess I'm just interested. So if-- if we're hearing that-- that we're not going to keep Geneva accredited, is that correct or--

MATT BLOMSTEDT: Yeah, I-- I don't know if I can explain this well. So we are-- we are talking about keep-- it's not that we accredit a place. It's actually that we accredit a-- the-- the school and the education setting that they're in. The only-- the best way I can maybe try to explain this, we had-- when we had disruptions with school districts due to flooding, for instance, right?

PANSING BROOKS: Yeah.

MATT BLOMSTEDT: And they would lay out a plan of how they were going to address that. So it's not so much accrediting that. We accredit the program to be run by HHS. I hope that helps anyway. It's not just Geneva, right? It's not just-- it's not site based in that sense.

PANSING BROOKS: OK, I guess I'm just interested. So there are-- supposedly three to six girls are going to be placed at Geneva at some point during the year when they're able to--

MATT BLOMSTEDT: I would want that in the modification, too, I guess, if-- if that's what you mean by that. Just like with Lincoln, how that's going to be done and how that's going to be accomplished would be within-- need to be within that educational plan as well.

PANSING BROOKS: How many teachers would be needed for those three to six girls during a-- if it happened during a semester?

MATT BLOMSTEDT: So it's not atypical for students that are moved to kind of have-- and she-- I believe-- I believe CEO Smith kind of mentioned some distance ed, and so they're planning to maintain a set of curriculum and access to materials and teachers even at the other location to be able to provide some of that. So I-- those are details.

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I don't know exactly every-- every part of that puzzle yet, but that's-- that's, in broad, broad strokes, my understanding of it.

PANSING BROOKS: Do we have the capability to educate remotely for what would probably amount to basically a semester or at least half a semester in-- yet?

MATT BLOMSTEDT: Do we-- you mean in these settings? I--

PANSING BROOKS: Do we in the state of Nebraska have the ability to educate?

MATT BLOMSTEDT: We would in the state of Nebraska. Here's the challenge, right? For historically in these types of settings, the access to technology and otherwise creates some barriers for that.

PANSING BROOKS: OK. That's what I was thinking.

MATT BLOMSTEDT: So that's something that would have to be looked at.

PANSING BROOKS: OK.

MATT BLOMSTEDT: Yeah.

PANSING BROOKS: Thank you very much for your time.

HOWARD: Thank you. Any other questions? Seeing none, thank you for visiting with us today.

MATT BLOMSTEDT: I know your chairs are harder than mine, so it's-- I-- and, truly, if there's anything else that-- I mean, we'll still be here working on this, right? I mean, this is not going away for us. But thank you for your attention to the matter.

HOWARD: Thank you. We'd like to invite Bobbi Taylor to come testify. Good afternoon.

BOBBI TAYLOR: Good afternoon, Senators. My name is Bobbi Taylor, B-o-b-b-i T-a-y-l-o-r, and today I'm representing myself as an advocate and as a young person who has lived experience in the YRTC's. Today, I want to cover some concerns that I have of the business plan that they are not addressing-- two of those are staff training and new programming-- and then also what switched my whole life around. In my experience, the staff were more damaging to my mental health than the whole program as a whole. I had went on run for an extensive amount of

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time, and when I came back, they would tell me that you're going to end up in prison, Bobbi, there's no chance for you, you're wasting our time trying to complete this program so close to you aging out. And it was really defeating. The truth is, the staff had no idea how much I wanted to change, but they just weren't taught or given the knowledge on how to reach young people like me coming from trauma. Since then, I have made steps to be an aspiring young professional in this field. And so I have become a trainer in a Youth Thrive framework. And I believe that this is what the staff need in the YRTC's to best serve their young people. It is a framework that is research based and is developed by the Center for the Study of Policy-- or Social Policy and has been implemented in juvenile justice divisions around the country. The second thing is the programming. In my experience, it was not as intensive that it needed to be at the highest level of care. In fact, the highest level of treatment that I had was at the Boys Town facility that I was at for a year and a half. And with the Boys Town facility, I still implement the skills that I took, what I learned from there throughout my whole life, and continue to utilize those skills. I believe that the YRTC programming is a conditioning for obedience rather than rehabilitation. The-- the one thing that changed my life after I was in solitary confinement for four days after getting into an altercation, one, the staff had been telling me, you're going to end up in the York County Jail, we don't know what's going on with you, you may get transferred. And so I didn't know what was going on and I was in there for four days. The one thing that changed my life was Dan Scarborough. He was the director and he gave me a fighting chance. He allowed me to get recommitted into the program with my group. I had since graduated the Geneva North High School program. And so he allowed me to go into the community of Geneva and do some service work for an elderly program that they had there and tried to get me as best transitioned to a home life as he could. I only had two weeks prior to aging out of the system when I got released from Geneva. And so two weeks is not a lot of time to get a job, get enrolled in school, have a placement. And the only placement that I did have was a foster care home for two weeks and then I was just kind of let go from the system. They didn't have a plan after that. But I-- I turned it around and it was his second chance that he gave me that really allowed me to tell myself that this is not where I want to end up, I'm going to defy everything that they had told me I was going to end up being, and have since been

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successful in my life so far. And that concludes my testimony. Thank you.

HOWARD: Thank you. Senator Cavanaugh.

CAVANAUGH: Thank you. Thank you, Ms. Taylor, for being here today. I have the great pleasure of knowing Ms. Taylor and having worked with her on some issues. And I just thought maybe you could share a little bit more about what you're doing now with your life, because I don't think it can be stated enough how spectacular you are of a young person and a mother.

BOBBI TAYLOR: Thank you.

CAVANAUGH: And it-- whether you had been in a YRTC or not, you have achieved great things and I'd like you to maybe share a little bit of that with us.

BOBBI TAYLOR: Yeah. So currently, at a local level, I have a couple internships with some nonprofits such as Appleseed. I have been appointed by the Governor to the Juvenile Justice Coalition. I have been-- I don't know if you guys know who Jerry Milner is, but he's the Acting Commissioner for the Child Welfare Division of the United States. And I have been in dialog with him and he recently asked me to publish an article in his magazine regarding prevention work. I am also a Jim Casey Fellow. I've also done some work with Senator Cavanaugh about an LR regarding parental rights and things such as that. I-- I really believe that fathers really need a lot more support than what they have, especially in the Juvenile Justice Division. And then also I am working with Senator Hunt for an LR on youth rights.

CAVANAUGH: Thank you so much. And do you have children?

BOBBI TAYLOR: And-- and I'm a mom of three, yes.

HOWARD: Any other questions? Senator Brandt.

BRANDT: Well, thank you, Bobbi, for testifying today. When were you at Geneva?

BOBBI TAYLOR: So it's definitely not a recent commitment, but I was in Geneva in 2014, and altogether I spent 15 consecutive months in the program.

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BRANDT: And I realize the staff and programming, you weren't too wild about that. Were there any positives you took away other than Dan?

BOBBI TAYLOR: You know, it has been five years and honestly, it was more mentally taxing of a program. There was so much idle time that I-- I don't take anything that they have there. Although they have these outcomes and this structured treatment that they have there, they're not followed up with what the paper says and they give you packets. In my experience, they give you packets to work through and then the staff observe you on your behavior through the time of your outcome. And that's if they pass-- or that's when they pass or deny you your outcome.

BRANDT: All right. Thank you.

BOBBI TAYLOR: You're welcome.

HOWARD: Any other questions? Seeing none, thank you--

PANSING BROOKS: Oh.

HOWARD: Seeing none--

PANSING BROOKS: I-- I guess I'm going to ask a question.

HOWARD: Oh. Senator Pansing Brooks.

PANSING BROOKS: OK. Thank you for coming. I appreciate it. Two thousand and fourteen isn't that long ago for some of us. So it is-- it is helpful to hear what you went through. Do you have an-- have an opinion about being place-- you've heard that they're going to place the girls at three different places. And do you have a feeling about that, of having experienced it and having had interconnection with staff? How would that have affected you?

BOBBI TAYLOR: One, I don't believe that bouncing just young females around is the answer. I also believe that if they're going to have a coed facility, they need to embrace that. And if they're going to keep them separated, then they need to have separate facilities. It just doesn't make sense and it will cause so many more problems to have them both at one facility. Cross-communication, relationships is a really big issue for staff there. I don't believe that young women should be with the young men, and if they are, it should be like a coed, like Boys Town is. They go to school together, they do

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programming together, but ultimately they're housed and they have their own therapy, individual or just female based.

PANSING BROOKS: Thank you, Ms. Taylor. And also, were you aware of solitary confinement going on when you were there or--

BOBBI TAYLOR: So yes. In LaFlesche, that is where they typically hold the extended solitary confinement young people. And so I got into an altercation and typically they let you cool down and debrief. In my case, that was not the answer. And so they moved me to LaFlesche for four days. But, yeah, I don't know about LaFlesche holding people for a long amount of time, but in my case, they did.

PANSING BROOKS: And when you were moved into solitary, were you-- it wasn't your room. It was another room with nothing in it. Is that correct?

BOBBI TAYLOR: Yeah. I almost went crazy in there. I slept the first two days and then I just kind of lost track of time. It was dark. I was only let out to shower twice. I was actually just looking at my paperwork because I saved it. But that's how I found out it was four days because I could have guessed that it was five or six days that I was there. I wasn't notified of what was going on. I didn't know-- I didn't get to speak to a counselor. I didn't know the steps moving forward. I was just kind of left in the dark.

PANSING BROOKS: So you had no working lights then?

BOBBI TAYLOR: They were dimmed. I think I could turn on one, but they were-- they were not like this. They were very dimmed and so it was kind-- and there's no sunlight either. There's no window. So I didn't really know what time of day it was unless I came out to shower or the meals.

PANSING BROOKS: And the requirements are that there be-- that those in solitary have nurses or psychiatrists or psychologists checking in on them. So you did not have that going on?

BOBBI TAYLOR: I did not. I did not until I requested it and then they brought somebody in.

PANSING BROOKS: Not--

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BOBBI TAYLOR: And they said they didn't know what was going on either, so I was like, OK.

PANSING BROOKS: OK. Thank you very much.

BOBBI TAYLOR: Thank you.

PANSING BROOKS: We appreciate your courage in coming forward and talking about all this.

BOBBI TAYLOR: Absolutely.

HOWARD: All right. Thank you. Any other questions? Seeing none, thank you for your testimony today.

BOBBI TAYLOR: Thank you.

HOWARD: We'll now invite Mayor Eric Kamler from Geneva to testify.

ERIC KAMLER: Since we have a working light system here, right?

HOWARD: Yeah.

LATHROP: Yes, we do.

HOWARD: Kind of exciting.

ERIC KAMLER: We had a hearing in Geneva that we used the card system. I apologize. I don't have enough copies for everybody, so I'll pass it on to you. All right. Well, good afternoon, everybody, and thank you very much, members of the committees, the committee and legislative staff, DHHS. And I don't know if there's DAS team members here today. Visitors and fellow Genevans that are also here today joining me, good afternoon. I am Eric Kamler; that is E-r-i-c K-a-m-l-e-r, mayor of Geneva. On behalf of our community, thank you, everyone, for your attention and work on this important issue for not just our community, but for the future of so many young people's lives that are in need of change of direction. Speaking on behalf of all Genevans, we're thankful you've all taken the time over these past several months to listen to the stories of so many about the impact the Youth Rehabilitation Treatment Center in Geneva has had on its employees, the people of our community, and especially the young girls who have received help there over the past many decades. As we're well aware of, however, several major problems have occurred throughout the past several years that have changed the reputation of our facility from

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the well-respected center for health and behavioral treatment that it once was. Although everyone here today and many in our community want to right-- want to rightfully find an answer to the question of what happened, a greater desire exists to find an answer to the question of how can we fix it and where do we go from here. Geneva wholeheartedly welcomes the YRTC facility and its residents. There are countless stories that many of you have heard already and will hear again today about the quality of life and life lessons that our town has-- excuse me-- that our town-- our town has and can provide to the young girls in need of behavioral health. From volunteering across Geneva as referees at our youth soccer games to working concessions at our theater to wrapping gifts at our volunteer-driven Christmas store, the residents of YRTC have grown to be welcomed and well-known across our community. In my conversations with past employees of YRTC, this unique small-town environment is one that has provided young girls staying here with an-- with an opportunity to build the needed relationships to get their lives back on the right track that at many times they never got being raised in their homes. Leading up to today's hearing, I have had several productive meetings and built up very positive relationships with both the Department of Administrative Services Director Jason Jackson and the Department of Health and Human Services CEO Dannette Smith. The city of Geneva has offered and continues to provide our full support to both of these departments to finding resolution that gets the facility fully back online and once again makes it the primary home of Nebraska's juvenile girls' rehabilitation center. Along with aiding in recruitment efforts to fill the open positions at YRTC-Geneva, as Dannette Smith mentioned, the city of Geneva is stepping up by working with DHHS in providing programming and management of the recreation program for their residents. The Fillmore County Hospital is stepping up by providing meals and food services to the facility once it partially reopens in January. Although workforce concerns have been cited many times as one of the major reasons for the change-- the major changes at YRTC, our community has proven otherwise for over 125 years and there's no doubt we have the workforce and the people in Geneva and the surrounding communities to not only continue the operation of YRTC but, given the right tools and opportunity, rebuild the center back into the pride of our community that it once was. We're all one team on this, and all of us want what is best for the young people that YRTC has been known for helping over the past century and the YRTC team members there in Geneva. As mayor, I will wholeheartedly continue to work with DAS, DHHS leadership, and every senator here today on these committees to

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serve as a liaison of bringing the YRTC back home. Thank you all once again for your time today, your dedication to finding a resolution or hometown, and for the YRTC program. I'm happy to take any questions that the committee members have at this time. Thank you.

HOWARD: Thank you. Are there questions? Senator Murman.

MURMAN: Yes, thanks a lot, Howard, and thanks a lot for-- Mayor, for coming in. I would like to ask you just to talk a little bit about the facilities that are there in Geneva that won't be used to their fullest potential without the full YRTC being there.

ERIC KAMLER: Absolutely. I've had the chance to tour the facility, I believe, on at least five occasions now with CEO Smith and her team. And I believe several of you have-- maybe all of you have as well. There are three buildings in particular that come to mind that will, it is my understanding, as now sit empty. I can't remember the names of all of them, but they're the-- they're three older living units. Believe they were built in the mid '50s and the mid 1960s. I have toured them. The issues, the maintenance issues, the facility issues were pointed out. There's-- there's a lot of work that needs to be done there, frankly, to make them up to what I believe they need to be, and it needs to be similar to what LaFlesche is. And LaFlesche, I believe, is up to living standards now, is my understanding. And after touring it, it-- the renovations there are complete. There's also a church on campus that will probably not be used, obviously, as much for fewer girls on the facility. There's, I understand, a mothers living unit as well on the northern edge of the campus that will probably also be idle for a large part. In addition to that, the administrative buildings, I understand that there is a move to hire Medicaid and-- Medicaid workers there. There will be some renovations, most likely in several of the classrooms that I imagine need to be done. So a large portion of the campus, as I understand, will probably be idle at this-- in the current plan that's moving forward.

MURMAN: Yes. Thank you very much. I-- you know, I only live 36 miles or so from there, and I didn't realize there was as great of facilities there--

ERIC KAMLER: It is.

MURMAN: --until I went and toured it.

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ERIC KAMLER: I'm not sure at the peak of how many young gals lived there. Maybe in the '60s and '70s there was more. But the-- to me, the-- the purpose and intention has changed drastically over the last decade as to-- as to the purpose of the facility. So I think that those buildings are simply being-- they're out of date for what I think their-- the intent is from DHHS, frankly.

MURMAN: I mean, there is a beautiful school building there--

ERIC KAMLER: Yep.

MURMAN: --that is as good as--

ERIC KAMLER: As--

MURMAN: --as many schools that I've seen--

ERIC KAMLER: Large, yes. It's a good building there.

MURMAN: --nd an indoor pool--

ERIC KAMLER: Yep.

MURMAN: --that was very adequate also, and a nice gym, a softball field. All those things will be a lot harder to provide, I guess, if they have to share it with boys and girls together in one facility.

ERIC KAMLER: And that's-- I should touch on that with the rec facilities there. That is something we're working with DHHS on to assume essentially management over. It'll be a comanagement with DHHS. Part of that will also be opening up to the community. I don't know the exact date and there-- there will be some folks here to testify later that can maybe shed some history on that. But at some point in the past, the community was shut off from using that facility, and I think that was sort of the start of this disconnect between that center and the community, because over the last decade, that-- that slow transition began.

MURMAN: And I-- I'd just like to emphasize that the support of the community is so important for facilities like this. I had a nursing home in my-- at Blue Hill in-- in 38th District that--

ERIC KAMLER: Um-hum. I'm familiar with that, yep.

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MURMAN: --was in danger of closing. It was actually bought, and the-- the people that bought it realized that-- from the community's support that they needed to keep that open, so they completely changed their mind and kept that facility open. And I think, you know, if we really think through what we have at Geneva and what we've had in the past, and there's no reason that we can't have that in the future, that maybe it could be turned around and then this facility could be kept open. It's best for the girls to have that kind of support. I think in the long run, it's more cost effective and efficient for the state to use one facility like that and not have to completely redo things. So thanks a lot for your testimony.

ERIC KAMLER: Thank you for that, Senator. I agree with that. We're hopeful, and that's partly why I'm here today, along with several of us from Geneva, to hopefully see that turnaround and-- and welcome the girls back. That's our hope.

MURMAN: Thank you.

HOWARD: Other questions? Senator Pansing Brooks.

ERIC KAMLER: Senator.

PANSING BROOKS: Thank you, Chair Howard. Thank you for coming, Mayor Kamler.

ERIC KAMLER: Hello.

PANSING BROOKS: I was just interested. So you heard, I presume, the discussion about putting-- just using some of the buildings for Medicaid and possibly welfare services.

ERIC KAMLER: Correct, yes.

PANSING BROOKS: And I was interested in why anyone thinks-- or why the department may think that there are more people available for those kind of positions versus the kinds of positions that Geneva has been used for. And can you speak to that? I'm so glad you've met with the various people in your community and the various businesses--

ERIC KAMLER: Absolutely.

PANSING BROOKS: --because you can directly talk to us about.

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ERIC KAMLER: That's frankly difficult for me to answer. We had-- as I say, we as a community had almost at the time of the closure in August, I believe-- I know that short staffing was an issue, but I believe there were still 58 staff that were working there. I believe that's the correct number. Senator Brandt maybe can back up--

BRANDT: Yeah.

ERIC KAMLER: --on that a little bit, too, if I remember. But there was enough staffing for keeping the program at least somewhat there, and then the decision has been made, obviously, to change those jobs drastically to essentially office jobs there now at the facility. I can't speak to whether or not that's going to be easier to fill or not. That's-- that's-- the jobs were there and they were being held by some staff members in town, good staff that were there for 25, 30 years in some cases, and-- and have since been-- been RIFed. So I can't answer that one. I'm sorry.

PANSING BROOKS: That's-- no, that's good. But I think that's about how-- 56 was about how many CEO Smith discussed filling the cert--

ERIC KAMLER: Correct.

PANSING BROOKS: --the Medicaid.

ERIC KAMLER: Yes.

PANSING BROOKS: And so it's about the same numbers.

ERIC KAMLER: Correct, yes.

PANSING BROOKS: Hmm. So I guess also you talked about the fact that the community felt a little bit of a disconnect when they didn't allow opening sort of that center, that gathering center, and probably more interaction with the girls as well.

ERIC KAMLER: There was, yes. That changed drastically. Again, there's-- there's people here that will testify after me as to that exact time frame. I want to say it was around 2010, 2009 time frame, but a lot of people looked forward to swimming lessons at the pool facility there or-- or using those-- those recreation facilities there. There's a gymnasium that's in very good shape there as well. I think there would have to be more history research on when that

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happened. But I think it was around 2009 or 2010 when the policy was made to close it off from the public.

PANSING BROOKS: So that was not a decision by the community, by any means.

ERIC KAMLER: Oh, certainly not, no. A lot of people-- a lot of people look forward to that every-- every wintertime, especially, with--

PANSING BROOKS: Yeah.

ERIC KAMLER: --obviously the-- the winter months. But, yeah, it was heavily used.

PANSING BROOKS: Well, I had also heard that there was a lot of interaction with community members and teaching cooking and really interacting with the girls, and knitting and different-- give, you know, just different skills.

ERIC KAMLER: Very much so. It's-- I appreciate the testimony of Ms. Taylor with Mr. Scarborough being mentioned. Dan did a very good job running that program for a long time. And again, there's more people behind me that will probably speak to the time frame as to when the change was made. But I'm not sure the exact year Mr. Scarborough was either transitioned to a different job or I-- I'm not sure if he was traveling to Kearney. I'm not sure exactly what his particular situation was, but he did wonderful work there and it seemed to be that things changed more rapidly upon his departure.

PANSING BROOKS: Well, thank you for coming today, Mayor Kamler.

ERIC KAMLER: Thank you very much, Senator.

HOWARD: Senator Brandt.

BRANDT: Thank you. Chairman Howard. Thank you, Mayor Kamler, for your testimony. I'd like to echo what Senator Murman said about community involvement. I see a lot of "Genevians" out here in the audience.

ERIC KAMLER: Genevans, Senator.

BRANDT: Genevans. How many Genevans are here today? Raise your hand.

_____ : Oh, wow.

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BRANDT: How many from Kearney? Let the record reflect ten from Geneva, zero from Kearney. Thank you.

LATHROP: You're starting to sound like a lawyer. [LAUGHTER]

HOWARD: No, Judiciary too.

LATHROP: Spending that time on Judiciary Committee--

BRANDT: Yeah, Chambers.

LATHROP: --he's leading the witnesses and talking about the record reflecting this and that.

ERIC KAMLER: Thank you, Senator.

HOWARD: Any other questions? Seeing none, thank you for visiting with us today.

ERIC KAMLER: Thank you all very much, and I look forward to working with all of you, as well, on this. And hopefully this has some progress today, as well as in the upcoming session. Thank you all.

HOWARD: Thank you. Our next festifier will be Julie Rogers, the Inspector General for Child Welfare. Good afternoon.

JULIE ROGERS: Good afternoon, Chairpersons Howard and Lathrop and members of the Health and Human Services and Judiciary Committees. My name is Julie Rogers, J-u-l-i-e R-o-g-e-r-s, and I serve as Inspector General of Nebraska Child Welfare. As you are aware, since the events at the YRTC in Geneva and then Kearney during the middle weeks of August this year, our office is conducting an investigation into conditions at the YRTC-Geneva leading up to those events. I regret that our investigation has not yet concluded, but I wanted to give you an idea of what we have been doing as part of the investigation. Please note that since the investigation is ongoing, in order to protect the integrity of the investigation, I will not discuss any information that will potentially be part of our final report or potential findings and recommendations. At the end of August, we identified several issues surrounding the YRTC-Geneva to necessitate the girls' move either outside of the Office of Juvenile Services system or to the YRTC-Kearney. They included the deterioration of living units, inappropriate use of room confinement or isolation or seclusion, lack of mental healthcare, lack of programming, lack of

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physical activity, and staff shortages. So far, the work that has gone into this particular investigation includes conducting 35 case reviews of the girls' files ordered placed at YRTC-Geneva, reviewing and analyzing 46 Nebraska child abuse and neglect hotline intakes occurring between July 2018 and September 2019 regarding YRTC-Geneva-- five were accepted for out-of-home assessment by the Division of Children and Family Services-- traveling to either the YRTC-Geneva YRTC-Kearney campus on average a little more than once per week, conducting over 60 interviews, reviewing camera videos of certain days in July and August, requesting information from various agencies, researching various issues and best practices, and reviewing sources of information, such as the latest YRTC-Geneva Prison Rape Elimination Act audit, internal YRTC investigations, youth grievances, and the like. Some challenges that we have run into while conducting this investigation included difficulties in reviewing camera footage, folks declining interviews, and several new significant issues surfacing during the course of our investigation. As was noted in our last annual report, our offices have received 19 critical incidents from DHHS regarding the YRTC-Geneva in the last fiscal year, 1 regarding sexual abuse was-- which was determined to be unfounded, 1 attempted suicide, and 17 escapes. We did not receive any formal complaints about the YRTC-Geneva in what-- during the last fiscal year. But from August through November of this year, we've received 13 formal complaints so far. As you will-- as the legislation-- legislative session nears. statute changes that could be considered from our point of view include, but are not limited to: items such as how reentry into the community should look after a stay at a YRTC, including possible parameters around 60- and 30-day notices so youth are better transitioning and are not aging out directly from a YRTC; making language relative to YRTCs in statute. more general-- Nebraska Revised Statutes 43-407 and 43-286 are examples of statutes that specify YRTC-Geneva and YRTC-Kearney; clarifying where the Office of Juvenile Services should reside within DHHS-- right now, statute-- pursuant to statute, the Office of Juvenile Services is within the Division of Children and Family Services, but that is not how it operates; the organizational chart is confusing on this topic; a better place may be the Division of Behavioral Health-- require the YRTCs, no matter where they reside, to be licensed by the Division of Public Health in some sort of licensing scheme in order to have more oversight; and then provide more specificity around utilization conditions of room confinement, also known as isolation or seclusion, at a YRTC. I look

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forward to further discussion about how best the system can help youth committed to a YRTC. Thank you.

HOWARD: Thank you. And then you've included this letter. Do you want to tell us about that?

JULIE ROGERS: It's just to refresh your memory about the letter that was sent. It's dated August 16, just about the week leading up to the girls being moved and that Monday. Assistant Ombudsman Jerall Moreland and I had, after CEO Smith had apprised us on August 12 of the whole situation at YRTC-Geneva, Mr. Moreland and I had done a lot of work that week, so that was the letter that I think each of you received.

HOWARD: Thank you. Sorry. Senator Cavanaugh.

CAVANAUGH: Thank you. Thank you, Inspector General Rogers, for being here and for your work on this important issue. And in looking at the letter that you shared with us back in August and that you shared with the department, I wanted to go to page 2 towards the bottom, before your-- your "following actions." The paragraph before, you stated some allegations of neglect have surfaced.

JULIE ROGERS: Right.

CAVANAUGH: I just-- I'm just going to read this for those that don't have it in front of them: inappropriate use of room confinement, overmedicating youth, youth not getting her psychotropic meds prescribed before arriving at the YRTC-Geneva, lack of mental healthcare, lack of programming, lack of physical activity, PREA violations, and staff shortages. "Some of these issues were raised by you on Monday morning and some were not." And then you give some recommendations. So I have two questions.

JULIE ROGERS: OK.

CAVANAUGH: One is, what of the recommendations have been implemented or undertaken and what have not? And I think it's been-- I've been pretty clear on my concerns on PREA violations within Kearney. But could you speak to if PREA violations are being addressed at Kearney. And if that's not something that you can speak to right now, I understand.

JULIE ROGERS: OK. The last first, it's-- I don't think it's something I can speak to at this point. In terms of the recommended actions,

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this was before the girl-- so this letter came on Friday. The girls were moved on Monday. So "alternate plans for the girls will safely go," I mean, at that moment, we were worried. They were-- we were down-- they were down to two-- two living units. And they-- there was parts of the living room-- unit that had to be ripped out because of the sprinklers being pulled. So if another unit had to be shut down, there had to be plans for what will happen next.

CAVANAUGH: Is it your understanding that any safety-- even though they have been moved, have any safety plans been made for the YRTC system for such a--

JULIE ROGERS: Not at this point that I know of.

CAVANAUGH: If--

JULIE ROGERS: Nothing has been shared.

CAVANAUGH: If, say, they pulled all the sprinklers in Kearney and there was mold infestation and they had to be moved--

JULIE ROGERS: I don't--

CAVANAUGH: OK.

JULIE ROGERS: I have not-- I know of no such plan.

CAVANAUGH: Thank you.

JULIE ROGERS: Legal parties were contacted as to the following move, so that Monday. I mean, some of this is a little old because of the--

CAVANAUGH: You don't have to go through it all if it--

JULIE ROGERS: OK.

CAVANAUGH: If it doesn't apply now, I understand, but--

JULIE ROGERS: Yes.

CAVANAUGH: --if there's anything that you feel has been addressed or if there are specific things that our two committees should be aware of that have gone unaddressed that still would apply to the care and safety of the youth.

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JULIE ROGERS: I mean, an overarching concern is planning and making sure emergency plans are in place for crisis situations and making sure that there is a-- I mean, one of the things that I think is well documented, there were four girls who were moved on that August 12 to Lancaster County, and then they were moved-- well, they were brought back to Geneva, I believe, on Thursday and then to-- straight to Kearney.

CAVANAUGH: And they were brought back to Geneva-- just to clarify for everyone, they were brought back to Geneva because the courts deemed it that they could-- they did not have jurisdiction over holding those youths at the very detention center that we have leased for Lincoln, just--

JULIE ROGERS: Yes.

CAVANAUGH: I know-- you don't have to agree or disagree. I just want that stated for everyone.

JULIE ROGERS: OK. Yes. So there was a lot of starts and stops that week in terms of trying to handle the situation. And so it seems like both emergency planning and long-term planning; interim planning is good, too, but plans on what to do in case of these emergencies.

CAVANAUGH: Thank you. That's very helpful.

JULIE ROGERS: Yes.

HOWARD: Senator Murman.

MURMAN: Thank you, Senator Howard. And thank you for your testimony, Inspector Rogers. You mentioned in your last annual report there was only one critical incident regarding sexual abuse.

JULIE ROGERS: Yes.

MURMAN: And that was determined to be unfounded.

JULIE ROGERS: Yes.

MURMAN: Are you-- I don't know what's the right term to use-- nervous or concerned that there will possibly be more sexual abuse incidents because the girls and the boys are-- are housed in such close proximity now?

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JULIE ROGERS: Not at the current time. My observation has been that they have been adequately supervised and their-- their movement across campus is very controlled at this point.

MURMAN: OK. Thank you.

HOWARD: Other questions? Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for all of your work on this, Inspector General. I just have-- have a few things. You-- you talked in your-- in your testimony that-- that the investigation-- I know you're not supposed to talk about necessarily what you're doing, but you said reviewing and analyzing 46 Nebraska child abuse and neglect hotline intakes. Are-- are those the calls from the girls?

JULIE ROGERS: Yes. But it could be from girls or parents or--

PANSING BROOKS: But clients of YRTC--

JULIE ROGERS: It-- it could, yes.

PANSING BROOKS: And do we have a feel for how many of those were valid or were they just the girls gaining some attention or was there-- were there actual concerns that--

JULIE ROGERS: So-- so five were-- were accepted for out-of-home assessment--

PANSING BROOKS: Oh, you did this. OK, sorry. I didn't see it. Right.

JULIE ROGERS: --so out of those 46. And we look to see-- sometimes when hotline calls do not meet the definition of abuse/neglect, that doesn't necessarily mean there aren't still concerns about what is happening--

PANSING BROOKS: What's going on.

JULIE ROGERS: --yes, or what's being reported.

PANSING BROOKS: So I--

JULIE ROGERS: So--

PANSING BROOKS: It was my understanding that the girls called the hotline, the child and abuse neglect hotline, when they were being

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forced to live in the wet quarters in whichever of those, that that's how the state sort of understood the alert that things were going awry. Is that correct that they did call CPS? It's my understanding, and so did parents. And so with that, my question is they-- those probably wouldn't be counted among the five calls that were accepted. But the-- so-- so among the 46, how many calls were there? Forty-- yeah, 46 calls. There would be some that were just we've got to react and the sheriff came out. That's-- that's what I heard is that the sheriff came out and that's how the state was alerted to what was going on.

JULIE ROGERS: And when a call is accepted for an out-of-home assessment, then Children and Family Services has 30 days to get that assessment done. So if there is something that needs-- it's called priority one if something-- or if it's a possible criminal allegation, then law enforcement is called right away from the hotline. So the hotline and law enforcement works together very well.

PANSING BROOKS: OK. Well, but-- so I'm just saying it's my understanding that-- that law enforcement did come out and they-- that incident that raised the alarm for the state wouldn't necessarily be included in the five here because they would be classified--

JULIE ROGERS: It might not, and I would have to--

PANSING BROOKS: --classified differently. OK. Also, I was interested, is aging out about the same as jamming out?

JULIE ROGERS: Um-hum.

PANSING BROOKS: Is that what you use it for? So we're talking about young people jamming out without the programming and--

JULIE ROGERS: Yes.

PANSING BROOKS: OK, and the-- you talk as one of the things that could be done is to generalize language relative to the YRTC statutes. My concern about that is that it could allow greater freedom to just place wherever, whatever whim--

JULIE ROGERS: That's right, and-- and I just recommend thinking about that. I'm not sure anyone else is going to suggest that that is a legis-- legislative change. But without, I-- I would hate to see kids like that, the week of August 12, be moved to a situation, have no

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idea what's going on, and then be moved to another town and then another town and to another campus. So whatever the solution is, I just-- I think it should be thought through so either it's very specific in statute or you give--

PANSING BROOKS: OK.

JULIE ROGERS: --some maybe left and right parameters. I'm-- I don't know the exact solution, but it's something to think about.

PANSING BROOKS: But you think something needs to be done because the statutes aren't being followed at this point, possibly. OK. I'll say that then. The statutes aren't being followed. So then I guess the other thing is I really appreciate the-- the report that you did on solitary confinement and/or room confinement, which, again, I call a misnomer. But I-- I think it's-- it's so important. And in that report, the incidents, the number of kids that are going into solitary had gone down, but the incidents had increased. Is that correct?

JULIE ROGERS: Correct.

PANSING BROOKS: Or do I have that backwards?

JULIE ROGERS: No, that's correct overall.

PANSING BROOKS: Overall.

JULIE ROGERS: I would have to look. I believe that's true at the YRTC-Kearney, and I don't recall whether that's true-- it could have been flat for YRTC-Geneva, at least for the last fiscal year, and that report was just up through June 30.

PANSING BROOKS: OK. I really appreciate your doing it. As you know, putting kids in solitary for five days is not best practices at all. So-- so I guess the other thing that I'm interested in is, why would those incidences have gone up and yet the number of kids has gone down? Do you think that it could be a way that it's being calculated so that when the kids are in the room for nighttime sleep, they aren't counting it, so they have to like count daytime today and then take them off and then daytime tomorrow and then--

JULIE ROGERS: Right. It could be, and some-- some facilities might do it that way. What some administrators have said, if you're going to do a culture change and not rely on isolation for these youth as a

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culture or a tool for modifying behaviors, then you would expect there to be more instances for less period--

PANSING BROOKS: Right.

JULIE ROGERS: --for a shorter period of time.

PANSING BROOKS: Shorter periods.

JULIE ROGERS: I think that's probably true for the first few years of trying to change that culture. I'm not-- I think we would need to see more of a change if you-- if you truly are not relying on that as a tool.

PANSING BROOKS: As an administrative tool.

JULIE ROGERS: Right, for behavior modification.

PANSING BROOKS: Modification, yes.

JULIE ROGERS: Yeah.

PANSING BROOKS: And I loved what Ms. Taylor said, that they were-- that the programming was conditioning for obedience rather than rehabilitation. And I presume you can't really comment on that but, again, that seems to be the same thing with the use of this solitary, extensive solitary. Thank you for your--

JULIE ROGERS: Yes.

PANSING BROOKS: --input.

HOWARD: Any other questions? Seeing-- oh, Senator Murman.

JULIE ROGERS: Yes.

MURMAN: One of the problems you identified there in end of August was lack of physical activity.

JULIE ROGERS: Yes.

MURMAN: And I-- I heard that when it was gym time or pool time, if the girls didn't want to go, or individuals didn't want to go to those activities, they could just-- I forget what the term was used, but

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just opt out and stay in the residence hall, play video games or whatever--

JULIE ROGERS: Right.

MURMAN: --or do something together.

JULIE ROGERS: Yes.

MURMAN: Typically, teenagers, many would probably take that last option rather than go to the gym or the pool.

JULIE ROGERS: Yes. The allegation--

MURMAN: Can you address that? Yeah. Yeah, go ahead.

JULIE ROGERS: --for lack of physical activity was that they were getting one hour or less of physical activity during the summer per day. So even if they want-- I mean, so the-- whether they were participating or not, the allegation was that they weren't even being given the opportunity for more than that, for-- for more than one hour a day.

MURMAN: OK. Thanks.

JULIE ROGERS: Yep.

HOWARD: All right. Any other questions? Seeing none, thank you for your testimony today.

JULIE ROGERS: Thank you.

HOWARD: I'd like to invite our next testifier up for LR163. The floor is open.

RAEVIN BIGELOW: Hello, Senators. Good afternoon. My name is Raevin Bigelow, R-a-e-v-i-n B-i-g-e-l-o-w. Thanks, Senator Howard, thanks, Senator Lathrop, for everything you're doing. I have always wondered how some people sleep at night knowing what they are doing for their job is hurting innocent children. It makes me wonder, do they get a joy, fulfillment seeing terror in children's eyes? Nine years ago honestly feels like this last summer. Nine years ago was when I was on this campus doing what they called a program with treatment individualized. Yes, for a short period, I spent three-and-a-half to four months in general population after I spent nine days in solid--

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solitary confinement while on orientation. After that, I spent another two-and-a-half, three months on an individual plan. I sat in this room, maybe 10 by 15 feet, by myself. I had three movies a day that I got to pick new every morning. Came 3:00, 4:00 p.m., I had already finished all three. I had a handful of coloring sheets, broken-up crayons with colored pencils that weren't sharp-- sharpened, along with no sharpener to go with them, I had to sharpen the pencils by picking the wood off by my fingers on all side of the pencils. Here I was, doing my program, being rehabilitated all by myself. There was no such thing as schooling in my individualized plan. When I was in general population, I had the choice to finish my diploma or do packets until I was released-- until I was released. I chose to do packets because I had already heard stories from youth who had graduated or were on track to graduate from Geneva High that the credits didn't even count when they went back to a public school, which caused them to further be behind in their education. I knew growing up you could strip me from my freedom, but you couldn't ship me from my education. I wasn't going to settle because I was falling through the cracks of the juvenile justice system in regards of my education. I-- when released, I had to take summer school to get back on track to graduate on time. Let's move on. The whole outcome of building a relationship and understanding what's healthy and what's not healthy was out of the picture for me. I passed my outcome of healthy building relationships while I was on my individualized treatment plan. Yay me! Such great knowledge to take back to the community and use when I'm released from treatment-- I'm kidding you, Senators. I had no idea what a healthy relationship looked like or even felt like. I wish I knew what it was like to be able to face a problem with a peer and be able to work it out as a functional society member would have been and not being labeled a menace to society because the only thing I knew how to do was run, fight, and be by myself. You would think on a campus with treatment and a rehabilitation program, there would be this sense of family, sense of problem solving as a normal family would or society would. However, that wasn't the treatment that I had. Moving on, let's talk about the meals and how we ate together as a family and felt the normalcy in a family. Actually, I don't have nothing to talk about. I didn't get that type of treatment with my-- with half of my stay. You got it right. I ate every meal alone, away from everyone else. Sometimes my food would be late than normal and I was told I needed to wait and learn patience; it's coming shortly-- no sense of normalcy, but more like a feeling of a dog having to wait for the crumbs to fall on the

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ground from my family that is eating together as one, not to mention, even with a correct home, a toxic environment with neglect and abuse within my family, we still ate most of our meals together as a family, as one. Let's continue. I'm so thankful I always had a faith of my own growing up in a fam-- in my family because if I would have relied on the system, and from the treatment I have received on campus, I would have no faith and no rights to my faith. I am so thankful for books because that is all I had in my treatment, trying to be rehabilitated. I didn't get to attend mass or Sunday services because that would mean I was in-- I was not in cooperation with my treatment plan, which would only have pushed my stay longer. The Purpose Driven Life book gave me a purpose and gave me hope that I was being neglected, too, while on campus. Even with the pain that I was experiencing, my right as a human being violated, I was able to find a purpose to push through and make it out successfully without going crazy and being labeled as a threat to society before I left, treatment rather than being labeled a threat to society after I had left treatment. As I wrap my story up, Senators, and as you push forward the plan with the YRTCs, there are some points I want to leave you-- I want to leave you and not forget. My story was almost a decade ago. A decade later, youth are going and experiencing the same things I did. Things that happened nine years ago still have a negative effect on me and the others now as well. My points are: (1) The campus I was talking about was Geneva. (2) There was no such thing as programming and rehabilitation on the campus. (3) There was no sense of normalcy for a child-- for a child trying to learn skills on how to function in society. (4) There was no right to the children and all the basic rights as a human being was being violated. (5) There is no credentials for the education system. (6) There is no type of safety and a secure-- and security a child must have in life. Children was and still are being abused mentally, physically, emotionally, and sexually. And most importantly, number (7) There was no hope for my future as a young child headed to the adult things, adult side of things. The children that are on campus today are trying to give us a warning the best they know how to of what they are enduring as we speak. This pattern of being an ongoing pattern that-- this is a pattern that has been an ongoing pattern that needs to be taken seriously and changed. Children are being destroyed while adults are going home to their family and sleep peacefully at night knowing they are safe and not having to worry about their futures. Thank you, Senators, for your time, thoughts, and efforts around this crisis. So that was the wrap-up of my testimony. But with listening to everything

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kind of moving on, there is a couple of points that I kind of forgot and I want to talk about. So with the whole solitary confinement and being in solitary confinement, I mean, the only great thing out of it was I did learn how to French braid hair, because that's all I had to do was French braid my hair in this little mirror. So that was a good thing. But I didn't have books. I didn't have papers. I didn't have blankets. They called it a night light. So there was like a dim light for our light. I barely had access to a shower. I might have got a shower that day; if not for sure, the next day, I would have gotten a shower. When I was released, I was released on parole, like an adult would be, and was threatened from Geneva, from DHHS: If I continue, I'm going to land up in York. After care, after services, there was no services. I was just given back to the community, told good luck, and then sent back to JDC and waited another 15 days, rather than 14 days, to see a judge for the judge to say it's not appropriate to send her back. And then also, what-- one thing that I really, really want everyone to not forget about while we're talking about children is the children's children. So I know mayor mentioned something in regards of a cottage-- that's what we used to call them-- cottage of moms. But I guess I never experienced that. I had seen two parents that-- or two moms that were in the system in Geneva and they had their baby. And when they came back four days later and no baby, I couldn't understand it. And so obviously, I asked questions and, long story short, one child lost her child because she didn't have family to take the child. And then the other child, it was sent home when released from the hospital to her family. And so I just, you know, want you-- I wanted to be, you know, aware that the children's children we need to be worried about as well. And then also, I don't-- I'm here on my-- behalf myself, so I don't really know if I should say this or not, but I'm going to say it. So obviously, with the whole crisis around Geneva and YRTC in Kearney, I have reached out to the community on Facebook, to friends and family. And some of the things that have come across, very concerning is, and whether I know it's true or not, obviously it's a rumor, is the word is, is Kearney's cameras shut off at a different-- at a certain time. And during that specific time, children are being abused; children are being sexually assaulted. There is a story that one of the girls that moved to detention center and came back was one of the little girls that was assaulted after the cameras had went off. And so I don't-- I don't know how that's true or not, but I just want that to be known. That's it.

HOWARD: Thank you.

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RAEVIN BIGELOW: Thank you.

HOWARD: Are there questions? Senator Cavanaugh.

CAVANAUGH: Thank you. Thank you, Ms. Bigelow. Again, I will say that I have had the pleasure of getting to know and work with M. Bigelow, and I really appreciate you coming here today and sharing your story. It's an important story and I appreciate you sharing that with all of us. We're basically strangers to you, so that's very brave of you. Thank you. I wanted to know if you-- first of all, thank you for bringing up the parenting youth piece, because that is something that we have discussed here and is of great concern to me. You said that when you were in solitary, you had no books and no blanket. Do you recall how long you were in solitary?

RAEVIN BIGELOW: I was in solitary confinement nine days.

CAVANAUGH: Consecutively?

PANSING BROOKS: For how many? Sorry.

RAEVIN BIGELOW: Nine days.

CAVANAUGH: Nine.

HOWARD: This was nine years ago.

PANSING BROOKS: Yeah, so it would be--

RAEVIN BIGELOW: Nine years ago.

PANSING BROOKS: --before you.

RAEVIN BIGELOW: And-- and the reason what got me that continuance is because I didn't comply with them in regards of being the solitary confinement, you know, so they came to your door, I guess, in a sense, just kind of harassed you. And because I didn't engage with that harassment, they kind of just extended it and continued and continued until I finally had a, like, conversation with them and had to make an agreement or in a term of my condition being at the YRTC.

CAVANAUGH: And then you also said that you were not allowed to attend mass or Sunday services. Was that while you were in confinement or was that while you were at the YRTC?

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RAEVIN BIGELOW: Well, that was definite, for sure, while I was in confinement and when I was on my individualized plan. So I was in general population. I really can't really remember what had happened that moved me into my own individualized plan. But once I became into my own individualized plan, I couldn't eat with nobody, I couldn't take that showers with nobody. I couldn't have activities with nobody. I would be lucky to have an hour a day for exercise going onto the basketball court. I never-- I never-- I seen the gym maybe once or twice playing in it. Otherwise, I was like the tourists, so I seen the gym doing that. The pool that was talked about, there-- I don't-- I don't-- we-- I remember going to it like-- for like a PE class. But other than that, I-- when I got back-- when I got into my individualized plan, I didn't get nothing. I couldn't talk to nobody. I couldn't look at nobody. It was all by myself.

CAVANAUGH: Thank you.

HOWARD: Any other questions? Senator Pansing Brooks.

PANSING BROOKS: Yeah. Thank you. Thank you very much for coming, Ms. Bigelow. I appreciate your-- your honesty and courage. What-- are you able to talk about what you're doing right now?

RAEVIN BIGELOW: Oh, yeah, sure. So I'm a mom of four children, all under the age of seven.

PANSING BROOKS: Oh, my.

RAEVIN BIGELOW: I know. It's fun. But I am going to school part time for human services and then do I-- and then I am an intern with the Voices of Children.

PANSING BROOKS: So help us know what to say when people say, well, look at how she turned out and look at how Ms. Taylor turned out, obviously we're doing something right because look at this, the fabulous people that they're turning into, and they're responsible, good adults. What would you say in response to that?

RAEVIN BIGELOW: Well, you know, I really hate to toot my horn, but I-- I'm only there because of me, you know, like I had to make that decision. I've always had-- like I've always had this connection with my faith. And so that faith just kind of always kept me going and kept

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me pushing. But it-- it-- it-- I don't remember like a life-valuable information that I needed that I learned from Geneva.

PANSING BROOKS: And would you agree with the previous testimony, because I saw that you were here, that Ms. Taylor said that it was more obedience training than programming or life skills training that you were receiving?

RAEVIN BIGELOW: Yes, absolutely.

PANSING BROOKS: OK.

RAEVIN BIGELOW: Absolutely.

PANSING BROOKS: I'm just so sorry that you had to go through what you did. But thank you for growing out of it, being a strong person that you are, and coming today.

RAEVIN BIGELOW: Thank you.

HOWARD: Any other questions? Seeing none, thank you for visiting with us today.

RAEVIN BIGELOW: Thank you.

HOWARD: Our next testifier for LR163. How-- just by a show of hands, how many folks are still wishing to testify? Got one?

ARCH: There are two, OK, one back in the corner.

HOWARD: Two-- I'm sorry, I couldn't see. OK. So I've got two more testifiers. OK. Frank, we're glad you're back.

FRANK HEINISCH: Good afternoon. Good afternoon. I've been quiet too long. Chairman Howard and Lathrop and committee members. Thank you for the opportunity for me to speak. My name is Frank, F-r-a-n-k, C. Heinisch, H-e-i-n-i-s-c-h. I am a lawyer in Geneva, Nebraska. I grew up in Omaha, went Rose Hill, Monroe. Benson. Omaha, University of Nebraska, Creighton Law School. Been well familiar with Omaha, as well I've been practicing law over 50 years, and I've been in Geneva for over 40 years, 42; '72 is when I came, whatever that works out. I've been a volunteer and active in the Geneva YRTC as a community advisory board, been chairman of it for, I don't know, probably a couple decades or whatever. I have-- the advisory board, one of the things that's interest, we've served as the school board for a number of

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years as well. All the testimony, I've got stories galore to talk about, and I'll try to keep those at a minimum. What I really want to talk about, I've handed out all the thought-- things I wanted to think-- you folks to think about. But I want to talk about something, lean back and talk about something a little bit different. First of all, CEO Smith has been extremely cooperative after we've gotten to know each other. She has allowed me to have access to meetings that she's had. She has not allowed my committee to have access, but at least for me to have access. She's in a real, real tight position and I-- I recognize that. Oh, we saw the problems when LaFlesche, the girls put down-- stuff down the plumbing, stopped it all up, clothes or whatever, and they couldn't get the plumbing to work in one-- one side, one pod of LaFlesche. So they ended up digging. I was in there. They're three- or four- or five-foot deep holes where they're digging out the plumbing and that. I learned later that they had at one time some grinder that would solve that, but they didn't-- they took that out of the system or whatever. But the girls had successfully got the plumbing tightened up and then they went to the ceiling on the other side and got the sprinklers going. What I really enjoy is the way nobody with authority in Geneva to turn off the water and it was hours before the water turned off. And if we would've known, I would have sent-- we would have sent somebody out on the street, turned off the water, parked a fire truck there or whatever it took. But we were not attuned to that. Now, if we had local people. they would have known who to talk-- call or how to deal with it. We were outvoted with that. But that's-- once we lost the capability to put those girls that are really the more difficult ones into a special facility and then they went to the general population, we had a turnover of 20, 30, 20, 25 percent of staff. Why did people not want to work there? Assaults, they were getting themselves beat up, simple as that. Why will they want to work with Medicaid issues Well, they're not going to get beat up. And so that's where our labor pool dried up a lot. If we could control the assault issue, we'd be a lot better off. I want to talk about-- I-- CEO Smith was extremely kind, gave me an open opportunity, myself and Della Crutcher??? to go out to YRTC-Kearney and work with the girls. And I did that about two weeks ago, and that's what I really wanted to talk about. When I went out to see the girls at Kearney, CEO Smith did a marvelous job, just a fan-- fantastic job of incarcerating the girls. I have never seen such a nice jail situation for them. The building is wonderful. They've got view of the sunset. It's a marvelous building. I've never been in such a sterile operation though. At Geneva we would have, you know, posters. There's nothing on

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the walls except the rules. And we would have places that are comfortable to sit. I came in there and there are three or four girls laying on the floor. A couple of them had blankets. There was no pillows, nothing to sit on, cushions. They take great deal of pride in their chairs. They're 200 pounds. No girl can pick it up and throw at a staff member. That's a good idea, but they're not too comfortable. I hardly fit in the thing. The tables are bolted down. The benches are bolted down. I was real impressed. I said, well, how does this work? You got your own room. She said, yeah, but we can't go to them except to go to bed. Oh, oh, okay. Well, do you have to keep your clothes in there? No, not really. We have lockers in the locker room to keep our clothes. Oh. But they're not locked. Huh? Yeah, you know, I had one of my friends dump milk in mine, kind of made it difficult. I had another friend got her clothes torn up in there. The girls have access to the ways where they would get into the lockers and destroy the clothing of the other girls. Well-- well, but how does this work? Well, we-- we do have lockup lockers. But two weeks ago, we got two. We-- we've been having one. Oh, it's probably about-- I didn't go stick my head in, but I'd say 16 inches wide, 18 inches high, maybe 20 inches deep. OK, so-- but that's not in the locker room, so you have to keep stuff, all your worldly possessions in this little lockup area. And there's somebody watching each girl when they're dealing with their stuff, when they lock it up. Real good incarceration, they see-- keep close supervision of those girls. I was intrigued with the telephone on the wall right next to the TV. That's a little-- in the-- in a big room, hard for private conversations and with the TV blaring-- uh-oh, I'm done. Well, it was interesting to see the girls out there. I was given the privilege of going to the girls that were in lockup. That's another story that if you want to ask questions what happened, I'd be happy to tell you.

HOWARD: Frank, do you want to tell us? Also, you mentioned something about the library in Geneva.

FRANK HEINISCH: Oh, OK. Well, the-- the library in Geneva has got gender specific that we've had for the girls. We've got a lot of books in the-- and when I went to Kearney, I saw no evidence of any books, magazines, or reading material. When I was in lockup, the girls told me they had two pieces of paper and pencils, all they were allowed, period. I-- I'm getting different commentaries as to whether they could take their books to their room. I just didn't see any evidence of any reading material. And these girls are just being warehoused; they're extremely bored. So I got a call a couple days ago from-- I've

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got a lot of resources around, staff members say, hey, you know that I've gotten instructions to empty the shelves at the Geneva Library and put them in a dumpster, all those books in the dumpster. Huh? Wow. We have decades of collection of--

PANSING BROOKS: Oh, my gosh.

FRANK HEINISCH: --gender-specific books that the girls would enjoy reading that the boys may not enjoy so much. Yeah, the girls are given like access to the library so-- but there might not be as much reading material they would be interested in. So, yeah, we were real-- I was real shocked at the things they're taking apart at Geneva, taking apart our staff, taking apart our library, that we're going to have-- we're going to cooperate, first of all. I have had a meeting with the girls at-- asking for volunteers of people that have a passion to take-- help take care of these girls. We had a meeting with about 20 citizens about ten days ago, and we're going to provide whatever services that CEO Smith wishes us to help with. We-- we're not going to abandon any girl; if it's two or three, we'll take care of them. We think that, of course, that there should be more than two or three out there. We think we can take care of the full population. My experience over decades is there's going to be 30 to 40 girls that really need to be out there. And if they put just the hard, hardest-core girls out there, they're not going to end up with a successful program. You need to have some of the girls that are having success and then the hardcore girls will see those girls with the advantages they have with their success and that will mold them along. Sometimes in laFlesche, it takes six months-- not six months, probably nine months or a year before we finally get a girl that sees that there is a better lifestyle and better things that she can be-- that she can do. I was surprised with the girls in lockup. There were three girls, all African-American-- that intrigued me-- in lockup. And those three girls in lockup, I said, well, what happened? Well, it's being-- they were being investigated for an altercation. And the altercation took place on Thursday and this was Sunday, so they've been in there from Thursday to Sunday. I don't know where you treat lockup, but here there-- I was impressed. The bed was a concrete bed. You know, you put concrete blocks up, the like, and I sat on the blooming thing. I was in all three cells and-- and took 15, 20 minutes with each of the three girls. And their mattress, they do get the mattress back for sleeping at night, but otherwise they have no-- nothing padded to sit on even. It's-- we have a wonderful jail in Geneva. You know, I-- I thought, well, hey, these girls, really, they've been to jail. They

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really know what a lockup is there. You know, it's pretty nasty. I said, you ever been here before? All three of them said yes. But, boy, it didn't seem to work too well to educate them into that facility of that lockup if they'd already been there before and yet-- of course, they were observing the altercation now, what their-- I didn't-- I don't ask what happened, what happened. I don't want to. Interesting, the girls have a common area they can come out to. The-- there is an exercise area right outside the common area. OK, boys are out there exercising. If the boys are out there exercising, the girls have to be in solitary confinement lockup. They are not allowed to be out there. I-- I said, well, what kind of things go on? Well, I guess there were some girls flashing the boys. I don't know if the boys are flashing girls or whatever. These are teenagers. They're going to do whatever they can stir the pot with. But they have a real problem with a mixed community. I think all the kids in Kearney have to walk by the facilities where the girls are at right now. And, yeah, there's going to be-- they-- they cut down the salad bar. I like that one. Why did they delete the salad bar? I was always in a campaign that Geneva never had a salad bar and the boys had a salad bar. Well, it turned out they were passing notes in the salad bar so, therefore, they turned off the salad bar. The girls' TV was not on. I asked, well, why? They said, well, the boys broke their TV, so in solitary confinement, we have to be equal; the boys don't have TV, you can't have TV. I thought that was a good equalization. I was-- I was-- the girls were complaining, well, we don't get to select-- here, select the radio station; the boys always select the radio station. I talked to the girls in the general population and they said, wow, we are treated as second-class citizens, we are-- there are levels and to get a level, you have to be graded. Every day, it's grading and it's a very complicated system and that's a lot of questions there. But the bottom line is that the staff at Kearney seem to treat the girls differently than the staff from Geneva. And now they're trying to get up to their upper levels and they cannot achieve the upper levels. You have to get to a level five, we're told, before they can come to Geneva and work your way out. We'll love to have those girls here. But I've talked to their three girls at level four. One is probably going to end up-- she says, I-- I'm being graded down by the local staff. That means it takes me three to four weeks to get back up. We were told we're having girls coming out the 6th of January; everything is going to be ready to roll. I heard testimony today maybe middle of January. They don't have girls that are qualified. The girls think, well, maybe if we make level four, we can get to Geneva. I don't

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understand how we can really help that much with girls with 60 days. But that's-- that's a whole nother discussion as to how we can-- the trick with these girls is you bond with them. You create relationships and then, all of a sudden with the relationship, grow into a meaningful how do I become a citizen, how do I get out in the community. We learn about other people in the community. We work-- we have the girls work with the senior center people. We have girls work at our volunteer theater. We have girls work with a lot of different programs. We had 50 and 60 people in Geneva volunteering to work with the kids at one time. Geneva, yeah, the testimony was, well, I don't know how many kids were out there. One hundred and-- I think they topped out at 132, if I recall, something like that. We had boys out there for a while too. They were evaluator boys. I go back too far, but--

HOWARD: Frank, let's see if there are any other questions.

FRANK HEINISCH: Oh, excuse me.

HOWARD: You're our favorite testifier from Geneva, so it's nice to see you again.

FRANK HEINISCH: I did it too much already and that--

HOWARD: Are there-- are there any questions for Frank while we've got him?

LATHROP: Think he covered it.

HOWARD: Thank you so much for-- for coming and visiting with us today.

FRANK HEINISCH: That's why I wrote up something to hand out.

PANSING BROOKS: It's very helpful. Thank you.

HOWARD: Thank you.

BRANDT: Thank you, Frank.

HOWARD: Our next testifier for LR163.

JOSEPH CASEY: Good evening now. Senators, my name is Joseph Casey. I'm a "Geneva-ite." J-o-s-e-p-h C-a-s-e-y. And I got involved with this cause when you first came to Geneva a few months ago. Until then, I had been a recipient of all that the girls do for the city. They had a

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great choir. They would come to church, and especially around the holidays they would be there, and it was just great. We have an event also that's called "Wacky Wednesday," and some of the volunteers in church would bring the girls in, and it was just nice to-- to have them around. We don't have any children around anymore, so it was nice just to have them there. I would see them out of Jacki's when she had them riding horses. They're not there anymore. And I wasn't going to testify this evening. But when CEO Smith said that there was a plethora of things that need to be changed in the state of Nebraska, that concerned me. We're Nebraskans. If there's something wrong, we fix it. We don't have to-- the only thing I could think of while I was sitting there was the fabled Chicken Licken: The sky is falling, and an acorn dropped. And we're just running full speed for the edge of the cliff. I don't know. I-- I'm saddened. This isn't that difficult. This isn't brain surgery here. Geneva's been doing it right for a long time. We all know why things got derailed a little bit. I mean, if you're sitting here wondering why and don't know why, you're in the wrong-- on the wrong side of the seat now. Let's act like Nebraskans and fix it. That's all we have to do. You know how to do that. That's why we vote to put you there. That's all I've got.

HOWARD: Thank you, Mr. Casey. Are there questions? Senator Pansing Brooks.

PANSING BROOKS: Sorry. I just-- I'm interested in what your ideas are or what you think it needs to be done. You said we all know and I'm interested in what you think.

JOSEPH CASEY: The-- I had an opportunity to talk to-- to-- you can call me Joe, by the way. I don't have to be CEO Joe or--

PANSING BROOKS: OK, well, Mr. Casey.

JOSEPH CASEY: The-- I had an opportunity to talk to CEO Smith when she was in Geneva. She has some very good ideas. I thought she was a very educated woman. But this isn't-- this is Nebraska. We're-- we're bootstrap people. We're-- we're "pick it up and get it done" people. There are some-- there-- one thing that I have noticed that-- that has come out of this so far is there's been a lot of good ideas and a lot of shortcomings have been noticed. So somebody needs to just make a list of them and we just need to start clicking them, clicking them off. I'm-- I'm sorry. I'm-- I'm an engineer. I think of things like this and what do you got to do to get over here, and through this

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process so far, you've identified these things and now you need to get over here. But we-- we don't have to go to such great lengths and do-- if you got a hole in the bottom of the boat, you just plug the hole; you don't build a new boat.

PANSING BROOKS: Thank you, Mr. Casey.

HOWARD: Thank you. Any other questions? Seeing none, thank you for visiting with us today. Our next testifier.

JULIET SUMMERS: Good evening, Chairperson Howard, Chairperson Lathrop, and members of the committee. My name is Juliet Summers, J-u-l-i-e-t S-u-m-m-e-r-s. I'm the policy coordinator for child welfare and juvenile justice at Voices for Children in Nebraska. We all benefit from a juvenile justice system that is structured to ensure youth receive meaningful rehabilitative services so that they can grow into healthy adults. Every investment that we make in this system is an opportunity to set youth up for success, to improve lives and to heal families, to keep communities safe, and to disrupt cycles of recidivism and incarceration that drive the overcrowding of our adult correctional system. This applies across the spectrum of our system response, all the way from prevention and community interventions up to commitment to Youth Rehabilitation and Treatment Centers at Geneva and Kearney. The crisis at Geneva that was brought to light this summer and the ongoing conditions for the girls and the boys placed at Kearney are tragic and unacceptable. But it is not my intent to give you a litany of everything that isn't working or even everything we see that is wrong with the proposed business plan, though I would be happy to answer questions in that regard should you have any. Rather, we see this moment as providing an opportunity for the Legislature to boldly rethink and reshape the future of these facilities, which have been the subject of too many Band-Aid solutions over the years. So to Mr. Casey's suggestion, I would like to offer you that list of solutions that we see as both possible and necessary to protect the rights and the futures of the youth who are committed to YRTC. So a short list of immediate solutions that can be accomplished in a short session would be to clarify the role and purpose of a "youth rehabilitation and treatment center," with quotes, in Nebraska and articulate firmly in statute that they must be rehabilitative rather than correctional in nature. I was really concerned to hear "corrections light" thrown out earlier because these are facilities that function with our-- within our juvenile justice system, not our criminal justice system, and our juvenile justice system is explicitly

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and exclusively rehabilitative in nature. So something that is corrections or even "corrections light" has no place within that system. That's for the adult criminal system where young people can still be charged. We should clean up sections of code that are old and contribute to ambiguity about the intended scope of the Office of Juvenile Services' power and responsibilities. Perhaps most importantly, I think, to me, we should provide for judicial protections for youth placed at YRTC, committed to YRTC, such as having regularly scheduled reviews, just as we do for any other state ward, so that families, attorneys, and judges are able to monitor progress, protect youth safety, and ensure youth are remaining on track to reentry and not forgotten. We should require increased community and family engagement throughout the treatment progress from day one to improve reentry planning, as well as to maintain those-- those strengths that youth may have with their family. We should track down and recapture any cost savings from the closure of the Geneva-- Geneva facility this fall, where in the most recent state fiscal year there was an average per diem of \$511. So when those facilities close, I'm very curious to know what has happened with that money and would like to see it-- to designate the use of a fund toward community-based interventions and, more generally, increase investment in the Community-based Juvenile Services Aid Fund, which operates at the front end of our system to stem the flow of young people into juvenile justice in the first place, because this all ties together, it's all part of the same [INAUDIBLE] I think that taking some of these steps are very possible in the short term, but ultimately this is-- this is another opportunity for the Legislature and the state to consider, you know, what do we really want out of our juvenile justice system and these facilities in particular. And to that end, some longer-term solutions that can be groundwork laid and a time line set would be to close the gap in our system of care by providing for a dedicated, state-run youth psychiatric residential treatment facility that does not eject or reject; creating a plan for the closure of the Kearney campus; reinvest the money saved from closure into a network of community-based interventions and/or small licensed treatment facilities throughout the state, which would be structured to respond more flexibly to regional need and keep kids safely close to home and community as they undergo intensive evidence-based behavioral and mental health treatment programming. These could be licensed as treatment facilities, rather than accredited through the American Correctional Association, and could respond to things like the gap that, for instance, Scottsbluff has in no group home level of care

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anywhere close, no longer have a detention facility, etcetera; incorporate into that plan ongoing external evaluation conducted by a state university of the facility's role, purpose, and the short- and long-term outcomes that they produce for youth and for Nebraska. So we just-- we need to stop asking what to do about the YRTCs and instead ask how we can build an infrastructure supporting young people facing challenges and what will set them up for future success. And in creating a path toward that future, it is imperative that we start with young people and families with lived experience of YRTCs and that they be at the policy table. That's my red light. I do want to just say thank you so much to both these committees, but particularly the Health and Human Services Committee, for all the time and care you have put into this. We know it is weighty and a difficult subject and you've taken so much of your hours to look at it, so thank you for doing that.

HOWARD: Thank you. Are there--

JULIET SUMMERS: I'd be happy to answer any questions.

HOWARD: Are there any questions?

JULIET SUMMERS: Looks like I went late enough in the day. Thank you for your time.

HOWARD: Thank you for your testimony today. Is there anyone else wishing to testify for LR163? Good evening.

JENNIFER PRUE-SCOTT: Good evening. A little nervous here, bear with me.

LATHROP: You don't have anything to be nervous about. Trust me. We're glad that-- we're glad you're here.

JENNIFER PRUE-SCOTT: Thank you.

HOWARD: You get five minutes. You can use it however you prefer.

JENNIFER PRUE-SCOTT: How do I do this?

HOWARD: Five minutes, and then you state and spell your name.

JENNIFER PRUE-SCOTT: OK. My name is Jennifer Prue-Scott, J-e-n-n-i-f-e-r P-r-u-e, hyphen, S-c-o-t-t, and I am a mom of one of the girls in the YRTC. I have some serious concerns about what this

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tiered system is going to do for these girls, these boys, for all the kids. My daughter, as well as other daughters out there, have already been told by staff that they are moving. Some of them, like my daughter, has already been told that it doesn't matter what the judges have said, it doesn't matter what anybody has said, that they are-- that she is moving to Lincoln, to the JDC, on January 6. Another young lady has already been told that she's moving to the Geneva campus on January 6. That bothers me, that-- that scares me that this can go on, I feel, without oversight. Is-- can-- can this happen? My daughter is terrified. She's already been moved from Geneva to Kearney and she's wondering how many more moves are in her future. This is traumatizing to the kids to be moving back and forth because they can't keep those trust-- those trust relationships with people if they're going to keep being ripped away. Then that, wanted to talk about the kids being trauma kids. Isn't this going to be more traumatic for them? This is not fixing the problem. It concerned me, listening to Dannette today and hearing some of the questions that were asked of her about the education piece. I hold education very highly with all my children. And for her to have missed out on so much when she has so much potential, when she's fallen so far behind, is not OK. And to find out that it was basically under the HHS and not the Education Department, that-- that really bothered me. My daughter has problems just like any other kid that's out there or otherwise they wouldn't have been placed out there. But these girls have been through so much and a lot of them are still dealing with retaliation from staff members because of the situation that led them to move from Geneva in the first place. These girls are still getting threats from staff. They're still getting assaulted by staff. They're called names that no kids should be called. This is a very broken system. And I just-- I haven't seen as a parent how building a third facility is supposed to fix all this. These kids-- these kids are our future. It's their lives at stake. It-- it kills me every time I go back and read any of the articles and stuff because, Senator Pansing Brooks, the-- the picture in the report about the girl in the room with no electricity, with no mattress, that was my daughter. She's autistic and has medical issues. And for the 30 days she was in Geneva before the move, she spent 15 of those days like that, and she'll never be the same. My daughter used to be happy. Yeah, she had some issues, but she used to be a happy child. And ever since the move to Kearney, she has been nothing but suicidal, and that-- that really scares me. What is this doing to our children? Sorry. This is kind of an emotional issue for me. But I would like to

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know, you know, that these kids are going to be OK. And I guess that's everything.

HOWARD: Thank you. Let's see if anyone has any questions. Senator Cavanaugh.

CAVANAUGH: Thank you. Thank you so much for being here today and for being a voice for your daughter and for everyone else's sons and daughters that are part of this system and for sharing a very difficult story with all of us. You mentioned that your daughter is autistic.

JENNIFER PRUE-SCOTT: Yes.

CAVANAUGH: Is-- when she entered into the YRTC, was any plan for her care or any accommodations made to incorporate her autism diagnosis?

JENNIFER PRUE-SCOTT: No, and I was told that there would not be, and she still does not have a plan. OK. She has not had a plan since she entered the Geneva system.

CAVANAUGH: Did they state why there would not be?

JENNIFER PRUE-SCOTT: Because the-- the staff don't feel she is autistic.

CAVANAUGH: Does she have a diagnosis from a doctor?

JENNIFER PRUE-SCOTT: Yes, she does, but unfortunately, the-- the psychologist that did the extensive testing on her and diagnosed her passed away in 2017. It was Dr. James Carmer.

CAVANAUGH: And--

JENNIFER PRUE-SCOTT: I'm having trouble accessing those records.

CAVANAUGH: They-- OK.

JENNIFER PRUE-SCOTT: But Lincoln Public Schools, I had given those-- those records and her results and everything to them.

CAVANAUGH: And she had an IEP with Lincoln Public Schools?

JENNIFER PRUE-SCOTT: She had come off of her IEP because she no longer needed it for speech and at that time, academically and behaviorally,

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she was OK, so she didn't meet the qualifications, even though she is autistic.

CAVANAUGH: And she hasn't been reevaluated since she's been at Kearney or Geneva.

JENNIFER PRUE-SCOTT: No. I've been fighting for reevaluations.

CAVANAUGH: OK. Thank you. That's very helpful to know. I have one more question.

HOWARD: Sure.

CAVANAUGH: If it were up to you, would your daughter be in Geneva, Kearney, or in the Lincoln facility that's soon to exist?

JENNIFER PRUE-SCOTT: I think, in a perfect world, if the YRTC's were to stay open and be at the original model of the YRTC-Geneva and the YRTC-Kearney, then the YRTC-Geneva because there needs to be consistency. There needs to be stability for all these kids.

CAVANAUGH: OK.

JENNIFER PRUE-SCOTT: The-- the kids know it as a system of Geneva is girls, Kearney is boys, and one of the things that bothers me is boys and girls, I have seen for myself, commingling on the Kearney campus, as-- as recent as Sunday.

CAVANAUGH: Sorry to hear that. Thank you again for being here. Your daughter, at least she knows that she's got a mom who's advocating for her, so thank you.

HOWARD: Thank you. Any other questions? Senator Pansing Brooks.

PANSING BROOKS: Thank you. Well, thank you for your courage in coming forward. And it is especially difficult as a mother to know what's going on and have a feel for what is going on there. When I spoke with your daughter, she said that-- that they-- she's basically getting no help from nursing staff or from any kind of psychological help. They just yell in and say that-- are you OK? And then they walk on. Is that your understanding of what's going on and the-- the help that she's getting, either mental or physical healthcare?

JENNIFER PRUE-SCOTT: Yes, I did fight to get her back on her medications for adrenal insufficiency and hypothyroidism. YRTC-Kearney

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just recently took her off of her meds, saying that they don't feel she needs them anymore. She is not on any kind of psychological meds and since she's been at Kearney, you know, the-- the psych-- the psych meds kind of bother me, too, of her not even on them, because so far she has tried to hang herself three times. She has cut her arms numerous times, as well as some other girls out there have done. And one of the girls there was "cheeking" her meds and storing them in the shower room, and my daughter and another daughter had gotten ahold of those meds and overdosed on them, and they did not receive any medical attention for them. It was on Seroquel.

PANSING BROOKS: Pardon me?

JENNIFER PRUE-SCOTT: The medication was Seroquel that they overdosed on.

PANSING BROOKS: OK. I'm just so sorry that you're going through this and we're going to do what we can. I-- we're-- this is not appropriate. Thank you very much, very--

HOWARD: Any other questions? I know Destiny is very grateful that you're here and we're very grateful that you shared your story with us.

JENNIFER PRUE-SCOTT: Thank you.

HOWARD: All right. Thank you. Is there anyone else wishing to testify for LR163? Seeing none, I will waive closing and this closes the hearings for today.