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Judiciary Committee
September 28, 2018

[LR402 LR418 LR428 LR429 LR447]

The Committee on Judiciary met at 9:00 a.m. on Friday, September 28, 2018, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR418, LR447, LR429, and LR402. Senators present: Laura Ebke, Chairperson; Patty Pansing Brooks, Vice Chairperson; Roy Baker; Ernie Chambers; Steve Halloran; Matt Hansen; and Adam Morfeld. Senators absent: Bob Krist.

SENATOR EBKE: Welcome. Welcome to the Judiciary Committee. My name is Laura Ebke. I'm from Crete, representing Legislative District 32, and I chair the Judiciary Committee. Like to start off by having my committee members introduce themselves. We'll start over on my left with Senator.

SENATOR HALLORAN: Good morning.

SENATOR EBKE: (Laugh) It's not working.

SENATOR HALLORAN: It's not working. Senator Steve Halloran, representing District 33, which is Adams County and parts of Hall County.

SENATOR PANSING BROOKS: And I'm Patty Pansing Brooks and I represent Legislative District 28 right here in the heart of Lincoln.

SENATOR CHAMBERS: Ernie Chambers, District 11 in Omaha.

SENATOR MORFELD: Adam Morfeld, District 46 in northeast Lincoln.

SENATOR BAKER: Roy Baker, District 30, Gage County and part of southern Lancaster County.

SENATOR EBKE: Okay. Senator Hansen may be joining us at some point. We're not sure. If you're planning on testifying today, please fill out one of the yellow testifier sheets in the back.

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Can I see a show of hands how many people are planning on testifying on...we just have invited testimony I believe for LR418. And then how many are planning on testifying on one or both, how about both of the LR447 and LR429?

SENATOR MORFELD: Senator Morfeld and Pansing Brooks's.

SENATOR EBKE: Yeah, Morfeld and Pansing Brooks. Hands held high. Okay. And then LR402, the Halloran interim study, how many are planning on testifying on that?

SENATOR HALLORAN: Some will be coming later.

SENATOR EBKE: Okay. Okay. Well, we have a lot of people here to observe then. We will...I want to introduce Laurie Vollertsen, our committee clerk; and Tim Hruza, who is our legal counsel for today. We have a couple of committee pages, right, Austen and Corey (phonetic)?

LAURIE VOLLERTSEN: Grady.

SENATOR HOWARD: Grady.

SENATOR EBKE: Grady. I'm sorry. Yeah. We will begin testimony with an opening statement by the introducer of each resolution. We will then hear from those wishing to testify on the resolution and we will finish with a closing statement by the introducer if they wish to give one. This is not proponent/opponent or anything like that. These are interim studies. Please begin your testimony by giving us your first and last name and spell them for the record. If you have any handouts, please bring up at least 12 copies, give them to the page. If you don't have enough copies, the page can make more for you. We will be using a three-minute light system, in the interest of time. A number of us have another meeting at 1:00 so we're going to try to finish by 12:30. When you begin your testimony, the light on the table will turn green. The yellow light is your one-minute warning. And when the red light comes on, we ask that you wrap up. There will be an audible beep at that point. As a matter of committee policy, I'd like to remind everyone that the use of cell phones and other electronic devices is not allowed during public hearings.

Senators may use them to take notes or stay in contact with staff. Basically, we want to just make

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sure that things aren't getting noisy, so please don't talk on the phone or anything. And with that, we will begin today's hearings. Senator Howard. [LR418]

SENATOR HOWARD: (Exhibit 1) Good morning, Senator Ebke and members of the Judiciary Committee. My name is Senator Sara Howard, H-o-w-a-r-d, and I represent District 9 in midtown Omaha. Welcome to the Health and Human Services hearing room. I hope you enjoy time here. Today I present to you LR418, an interim study that examines racial disproportionality that exists in Nebraska's child welfare and juvenile justice systems. During the study, my office and stakeholders examined data surrounding the continued racial and ethnic disparities in both of these systems, especially for youth who are Native American, African American, Latino, or who identify as Hispanic. We have received input from diverse communities' members...diverse community members of color, including Nebraska tribes. We also encountered current data limitations, including inconsistent data collection and research on racial disproportionality. Ultimately, what this data shows is that the child welfare and juvenile justice systems affect children and families of color at a significantly higher rate than their Caucasian or white peers. Among the data collected was an information request from the Department of Health and Human Services, and the Office of Juvenile Services, which I have shared with you. You all have a...it looks like this. You guys all have that? Okay. And I asked for information regarding existing data gaps, perceived causes of disparity, and data on racial demographics. In the response from CFS, they listed adverse social conditions, such as poverty, unemployment, substance abuse, mental health, and childhood exposure to abuse and neglect, as the most likely contributing factors to disparity. These social factors aren't limited to the state of Nebraska but they're the same that we see across the country. Also contained in the letter is a table outlining race and ethnicity compared to count and proportion of youth currently in foster care. What you can see is that white children make up nearly half of the population while the other half is composed of other races. This does not match up with Nebraska's overall demographic population. And what this data shows us is that the child welfare and juvenile justice systems do affect children and families of color at a higher rate. The term "disproportionality" is often used to explain overrepresentation, the meaning...meaning that for African American, Native American, and Hispanic youth they make up a larger percent of the foster care and juvenile justice systems based on their population size. For some minority groups, there may not be data showing this disproportionality, but that does not mean there aren't disparities. As you'll hear today during

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testimony, research reports from Voices for Children and the Foster Care Review Office show this issue in our Nebraska foster care and juvenile justice system. This interim study allowed an opportunity to further explore the ways in which the child welfare and juvenile justice systems affect children and families in different Nebraska communities. There was continued assessment of data for this interim, investigation into best practices in other states for reducing this disproportionality, but most importantly we collected feedback from those most affected by these systems. Over 60 individuals shared their experiences through one-on-one conversations, listening sessions, and survey responses responding to questions on issues faced in the system and ideas on solutions to reduce disproportionality. These 60 individuals range from youth to parents involved in the system to foster parents, front-line workers, and advocates. And their experiences were documented and we've actually got a youth advocate who's going to come. She's one of our invited testifiers today. When looking at addressing these issues, we have to acknowledge the impact of systemic racism in many of our systems and policies. Issues related to race intersect with other social issues, such as poverty, substance abuse, mental health, and child abuse and neglect. The first step in finding solutions is a systemic acknowledgment of these issues and then working alongside those who have experienced the foster care and juvenile justice systems to identify and implement these solutions. It is important because we can reduce disproportionality and improve outcome for children and families of color, but it will also improve the system overall for all youth in the state of Nebraska. During the testimony that follows me, you'll hear from a number of coalitions that will be sharing their research and suggestions with you, along with testimony. I've invited Kim Hawekotte from the Foster Care Review Office and Julie Rogers, our Inspector General, to talk about their reports as they relate to disproportionality and disproportionate contact for kids in our juvenile justice system and our child welfare system. And I do appreciate your time and attention to this important issue and I'm glad that we were able to have a hearing for LR418 because I think it's something that's incredibly important for our state to consider. With that, I'm happy to try to answer any questions but it appears that you have a long day coming, so I will do my best to be brief. [LR418]

SENATOR EBKE: Questions for Senator Howard? Senator Chambers. [LR418]

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SENATOR CHAMBERS: Senator Howard, I'm able to talk to you so I'm not going to take a lot of time. I'll leave as much as possible for people who are going to bring us information today. [LR418]

SENATOR HOWARD: Okay. Thank you. [LR418]

SENATOR EBKE: Okay. Okay. Thanks. [LR418]

SENATOR HOWARD: Thank you. [LR418]

SENATOR EBKE: Okay. Do you want these in a particular order or do you...? [LR418]

SENATOR HOWARD: I think we...do we have an order? We're going to start with Kim. [LR418]

SENATOR EBKE: Okay. [LR418]

SENATOR HOWARD: Okay. Thank you. [LR418]

KIM HAWEKOTTE: (Exhibit 2) Good morning, Chairman Ebke and members of the Judiciary Committee. My name is Kim Hawekotte, it's K-i-m H-a-w-e-k-o-t-t-e, and I am the executive director at the Foster Care Review Office. I'm here to provide some of the data and testimony regarding the disproportionality that we see within the out-of-home placement system, both within child welfare and our juvenile justice system. As an independent agency, the Foster Care Review Office operates on two levels. Our first level is we do individual case file reviews. In this past year, we looked at over 4,500 children in out-of-home care and seeing what the situation was. At the time we go in and do these reviews, besides giving our recommendations on that individual case, we also collect data on each one of those children and youth that we are reviewing. That then is put into our database. And as you guys know, we also then have our quarterly and annual reports with regards to what our data is seeing. As a side note, our annual report that was due September 1 is available on the Web site. So first let's talk a little bit about all children in out-of-home care, because I think we have to paint the picture for all children, and

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then we will talk about both of the two systems. And attached to my testimony is some of the important and relevant graphs and charts that we feel are important. No region of this state that we found is immune from child abuse, child neglect, or children in need of professional assistance with behavioral or delinquency issues. On June 30 of 2018 of this year, there were 4,425 children in out-of-home care or trial home visits throughout the state, and that includes both the child welfare and juvenile justice system. If you look on page 2 of the attachment, you will see we have a map by county as to how many children in each county are currently in out-of-home care as of June 30 of 2018. Also, when we look at June of 2018, one of the things that we always do with our data is, besides looking at point in time data, we also look at average daily population, which gives you a better figure as within a month on an average how many children are in out-of-home care. Point in time can be very deceptive because that just happens to be that one date. So when you look at the average daily population for all children in out-of-home care, it breaks down to 3,773 were state wards, 868 are under probation supervision, and 115 are placed at the YRTCs. And if you look on the charts on page 2 or 3, we do have it broken down over this past year so that you can see whether the numbers are going up or going down. We also have those numbers broken out based upon the areas of the state, the service areas, and for probation youth based upon the probation district that they are in, so that you then can find each of your own areas and see what's going on within the state. Now with regards to child welfare, in our June 2018 quarterly report, we conducted a special study looking at the overrepresentation of minority children in out-of-home care and how that connects to their well-being. We wanted to see the interrelationship. We examined both the child welfare system and the juvenile justice system, and that data in that report was from March 31. But what we found when we did our annual report of September 1 is that those numbers have not significantly changed. It's still the same. So when you talk about child welfare, our child welfare system, there is no question that race and ethnic minority children are overrepresented children in foster care. African American, American Indian, children of two or more races are more likely to be in out-of-home care. Even more striking to us is that that disproportionality increases for African American children and children of two races the longer that they're in care. So, in other words, once they enter out-of-home care, they stay longer than their counterparts. Okay? So some of the key demographic findings in the attachments have it detailed out for your in detail, if you want to look. African American children are 6.2 percent of the population here in Nebraska. They make up almost 15 percent of the children in out-of-home care or trial home visit within child welfare.

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But they represent 24 percent of the children that are in out-of-home care two years or longer. So you can see the difference goes from 15 percent to 25 percent the longer they're in out-of-home care. So it's very clear to us that permanency for minority children takes longer. It doesn't necessarily occur. Would you like me to continue or stop? [LR418]

SENATOR EBKE: It looks like you're about done, so go ahead. [LR418]

KIM HAWEKOTTE: I am. [LR418]

SENATOR EBKE: Yeah. Okay. [LR418]

KIM HAWEKOTTE: With regards to American Indian children, they are 2.3 percent of the population but they make up 6.3 percent of the children in out-of-home care, so that's about three times the amount. What we then looked at is, okay, do these children, minority children, have different well-being needs than anybody else? And what our data showed is, no, they do not. They have the same mental health diagnoses, behavioral health concerns, educational concerns. We found no significant racial disparity with regards to these children so they are not entering care for that reason. There has to be some other reason as to why these children are entering care. We do know that white Caucasian children and non-Hispanic children are disproportionately more likely to be subscribed psychotropic meds. We have no idea why, but they are subscribed psychotropic meds in more detail. The one concerning data we did found...find was for African American children and American Indian children, they are more likely than any other population to be separated from their siblings. And we know how important siblings are. We don't know why that is occurring but they are in more placements and not being placed together. With regards to the juvenile justice system, that disproportionality becomes even more significant. So when you look at it, again, African American youth are 6.2 percent of our population, but they represent almost 19 percent of dually adjudicated youth placed out of home, in other words, they're in both systems; 25 percent of the probation population placed out of home; and 25 percent of the youth placed in our YRTCs. When it comes to Native American youth, they are 2.3 percent of the population. They are 12 percent of our dually adjudicated, so almost six times our dually adjudicated. They are 5.6 percent of probation youth placed out of home but, again, they are 21 percent of youth placed at Geneva and 11 percent of youth placed in

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Kearney. So finally, whether we're discussing the child welfare or juvenile justice system, all stakeholders really need to evaluate their systems to identify where and how disproportionality is occurring. We know what it is not; we don't know what necessarily the cause is. And I am more than willing to answer any questions or provide any other data. If you guys have any specific data about areas of your state, we are more than willing. Just please contact me. [LR418]

SENATOR EBKE: Thank you. Questions? Senator Pansing Brooks. [LR418]

SENATOR PANSING BROOKS: Thank you for coming, Ms. Hawekotte. What do you think are some of the solutions? Do you have solutions and thoughts? Is it training about minorities (inaudible) multicultural training? [LR418]

KIM HAWEKOTTE: Training definitely comes in but training only goes so far. To me, one of the areas we really need to look at as a state is our service array and availability for services and appropriate, culturally sensitive services for our minority population statewide. I mean we sit in Lincoln, we sit in Omaha, those services might be available. But you get outside in the state, that is definitely an issue, especially if you do not speak the language. So how do you get the appropriate services in that situation? I think that is one solution we have to seriously look at. When it comes to the juvenile justice system, because I've been in it so long, I think we really have to look at that front door at the very beginning. It starts with law enforcement. It starts with what happens with diversion. We need to be looking at diversion data and see if minority youth are being offered diversionary services at the same rate that Caucasian youth are. [LR418]

SENATOR PANSING BROOKS: Thank you. I agree. [LR418]

SENATOR EBKE: Senator Chambers. [LR418]

SENATOR CHAMBERS: Again, I won't take a lot of time at the hearing and I will talk to you, but white people make assumptions and presumptions about our children without knowing anything about them other than their complexion. When they see this, presumptions, assumptions occur, and conduct and treatment will follow that. And the reason I'm not going to get off on this, because I would take from now until doomsday, but just to let you know some of

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the things that I'll be talking to you about later. And I do appreciate the kind of information you've provided us. [LR418]

KIM HAWEKOTTE: Thank you, Senator, and I'm more than willing to discuss it with you because I think we do have some other data that would be interesting to you as we look at this as ways to arrive at solutions. [LR418]

SENATOR CHAMBERS: Thank you. [LR418]

SENATOR EBKE: Other questions? Thanks for being here. Whoever is next. Is Julie? No? [LR418]

TAYLOR GIVENS-DUNN: (Exhibits 3 and 4) All right. Good morning, Senator Ebke and members of the Judiciary Committee. My name is Taylor Givens-Dunn, T-a-y-l-o-r G-i-v-e-n-s-hyphen-D-u-n-n, and I'm a practicum intern at Voices for Children in Nebraska here to speak on LR418 today. Our state system should be structured to ensure that every child has an equal opportunity to grow up safe, healthy, valued, and the state's response to child maltreatment or youth misbehavior should not be dictated by a child or family's race or ethnicity. Unfortunately, children of color, particularly African American and American Indian children and families, are overrepresented in nearly all child protection and juvenile justice systems in the country. To that end, you have before you fact sheets specific to your legislative districts with data as localized as we could get it. Regarding child welfare, research shows that families of color are no more likely to abuse or neglect their children than white families within similar income groups; however, African American and American Indian children are involved in child protection systems at a rate that is disproportionate to their presence in the general population. Numerous studies have shown that racial disparities occur at various decision points in the child welfare continuum. Once involved with these systems, children of color in Nebraska are more likely to be removed from their homes, spend longer periods of time in out-of-home care, and oftentimes their families have less access to relevant and helpful social services. Because the impacts of childhood trauma, including those caused by the system response itself, can last for a lifetime, the social cost of this inequity is devastating to children of color, their families, their communities, and society. The fact sheet that you have before you shows the rate with which

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children are being made state wards for your service region by race and ethnicity, the percent of youth in out-of-home care by...in your district by race, the length of time in out-of-home care by race and ethnicity for the state, and placement time by race and ethnicity. Switching gears a little bit to juvenile justice, all youth involved in the juvenile justice system deserve equal access to appropriate treatment in order to become healthy, law-abiding adults. However, both in Nebraska and nationally, the data suggests disparate treatment occurs through our juvenile justice system, with youth of color experiencing far different outcomes than their white peers for similar infractions. In Nebraska, as a percentage of Nebraska's total youth population, youth of color are more likely to be placed on probation than white youth. White youth are underrepresented at 43 percent of the detention population, compared to 71 percent of the total population.

Unfortunately, none of this is new. Nebraska and the country as a whole have been wrestling with the question of how to promote positive outcomes for all children, regardless of race, for decades. Voices for Children...in the meantime, from our perspective at Voices for Children, as a state we can and should meaningfully engage and build trust with families and communities that are most affected by the policies and practices of the child welfare system. We should also follow the data. You'll hear before you today different data points that really speak to what disproportionality looks like in Nebraska. We should also review agency policies through a culturally competent lens and increase the availability and accessibility to culturally competent services. I'd like to thank Senator Howard for bringing forward this interim study to create a forum to start having these meaningful conversations, and I'd like to thank the members of this committee for your time, attention, and commitment to all children in Nebraska. And I'm happy to answer any questions that you may have. [LR418]

SENATOR EBKE: Thank you, Ms. Givens-Dunn. Any questions? Senator Chambers. [LR418]

SENATOR CHAMBERS: As I've said to others, you'll be hearing from me. And thanks for coming and giving the information. [LR418]

TAYLOR GIVENS-DUNN: Of course. [LR428]

SENATOR CHAMBERS: And I just have to make this comment. I'm probably the oldest person in this room. I know I'm the oldest person in state government. I've been on this earth 81 years.

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I've been black all of my life. I never had a black teacher in my life. I graduated from Lothrop School, which primarily was white at that time. The...if you want to say the chronology of what happened to us: when we were little we were Little Black Sambo; I don't use the "N" word--in the middle like we're "Nigger Jim"; then in music we became "Old Black Joe." That was what white people did to us. I don't need anybody to show me a book. I didn't read about it; I lived it and I'm living it now. So I'm difficult for white people to deal with because they can't bring stuff to me that they can bring to others and say, well, I've read this, I've studied that. I say, I lived it. You studied me. I am me. So I appreciate seeing younger nonwhite people involved in these areas because there's a point of view that can be brought that nobody else can bring, just as I bring a point of view to the Legislature that nobody else can bring and it's resented more than any opinion that anybody else brings. But you stay strong, believe in yourself, trust yourself, but always save some of yourself for yourself. [LR418]

TAYLOR GIVENS-DUNN: Yeah. [LR418]

SENATOR CHAMBERS: And as Whitney Houston said, learning to love yourself is the greatest love of all. Thanks for coming. [LR418]

TAYLOR GIVENS-DUNN: Yeah. Thank you, Senator Chambers. There is a lot of hurt and trauma in lived experience and our hope by bringing disproportionality before you today is that we can begin to address our system in Nebraska to heal some of that hurt and pain that come from some of these system responses. So thank you for your time. [LR418]

SENATOR EBKE: Thank you for being here. Any other questions? Okay. Thanks. [LR418]

TAYLOR GIVENS-DUNN: Thank you. [LR418]

SENATOR EBKE: Inspector General Julie Rogers. [LR418]

JULIE ROGERS: Thank you, Senator Ebke. Members of the Judiciary Committee, my name is Julie Rogers, J-u-l-i-e R-o-g-e-r-s, and I'm the Inspector General of Nebraska Child Welfare. The Office of the Inspector General of Nebraska Child Welfare, our duties are to investigate any

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death or serious injury of a system-involved child, whether they are involved in the juvenile justice system or DHHS system, whether that's state ward or in a licensed facility, day care, group home. We do not collect data on all of the...we're not a data collection office like the Foster Care Review Office is, but...and we get so few, compared to all the children served in those systems. We get so few that come to our attention that the data we do collect is our own in terms of the complaints and deaths and serious injury that come to our attention. Each agency has a different way of giving us information and we do not get race and ethnicity information in every case. In the last...our office was created in 2012. There has been one death investigation where we have made a recommendation related to this interim study. It was the death of a child who was a state ward. And our recommendation was to assess the availability of training, information, and programs designed to prevent child abuse within immigrant communities. And that was made to the Department of Health and Human Services, Division of Children and Family Services. We reported in this last annual report that that recommendation is now complete. DHHS is currently developing a quarterly report to review information captured by N-FOCUS, their case management system, to develop outreach strategies in immigrant communities. Collaboration between DHHS and Bring Up Nebraska of the Nebraska Children and Family Foundation was developed as a means of furthering strategies to collect consistent statewide data, provide funding, and prioritize culturally appropriate, competent prevention service delivery. In May of 2018, DHHS partnered with the Nebraska Coalition to End Sexual and Domestic Violence and funded a community engagement coordinator position to collaborate with local and travel domestic violence programs and community-based organizations to address family violence issues in racial and ethnic minority populations and underserved populations. So that's the information they gave to us to report on our recommendation. In addition, part of our work includes knowledge about the Nebraska Commission on Law Enforcement and Criminal Justice and the funding they receive. One informational complaint that we received a couple years ago was about the Title X funding, available through the Office of Juvenile Justice and Delinquency Prevention that the Nebraska Commission on Law Enforcement and Criminal Justice decided not to apply for. Instead, Douglas County decided to apply for that and they received that funding. A DMC coordinator and compliance monitor was then hired in the winter of 2018. And I'm happy to answer any questions. [LR418]

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SENATOR EBKE: Questions for the Inspector General? Okay, Senator Pansing Brooks.
[LR418]

SENATOR PANSING BROOKS: Just quickly, so you said that you don't get the information, the demographic. Is that because you don't ask for it or because they don't want to give it or because they don't have it or what is the reason? [LR418]

JULIE ROGERS: So sometimes they don't have it. Other times we...there are different...we have access to different case management systems depending on the agency, yes. [LR418]

SENATOR PANSING BROOKS: So these are kids in custody... [LR418]

JULIE ROGERS: Yes. [LR418]

SENATOR PANSING BROOKS: ...that they don't have the demographic information on.
[LR418]

JULIE ROGERS: They may be in custody. They may be at a day care. They may be...it is not easily captured by us. For example,... [LR418]

SENATOR PANSING BROOKS: I know by you... [LR418]

JULIE ROGERS: Oh. [LR418]

SENATOR PANSING BROOKS: ...but by other...by those that are in care, right? [LR418]

JULIE ROGERS: Right. Juvenile room confinement, for example, they are...all of the facilities that report on juvenile room confinement are required to, by law, capture ethnicity and race, so that is reported, for example. [LR418]

SENATOR PANSING BROOKS: That's good. [LR418]

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JULIE ROGERS: But others...it is depending on if it's a private agency, it's... [LR418]

SENATOR PANSING BROOKS: I see. [LR418]

JULIE ROGERS: ...might not be... [LR418]

SENATOR PANSING BROOKS: Thank you. [LR418]

JULIE ROGERS: ...noted. [LR418]

SENATOR PANSING BROOKS: Thank you. [LR418]

JULIE ROGERS: Uh-huh. [LR418]

SENATOR EBKE: Senator Chambers. [LR418]

SENATOR CHAMBERS: To ruin her reputation, my god-daughter, whom I feel I raised right, you answered the...you asked the questions that were on my mind. But so that I can address something to you directly, the previous testifier I made a comment to that I had graduated from Lothrop Elementary School but now the rest of the story. I graduated from Tech High School. I graduated from Creighton University. I graduated from Creighton Law School. And some day I'll graduate from this earth and when I do it will be straight to the crematorium. [LR418]

SENATOR EBKE: Okay. [LR418]

SENATOR CHAMBERS: That's all I have. [LR418]

SENATOR EBKE: (Laugh) Any other questions? Thank you for being here. [LR418]

JULIE ROGERS: Thank you. [LR418]

SENATOR EBKE: Misty Frazier, next on my list. [LR418]

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NEDHAL AL-KAZAHY: (Exhibit 5) Hi. Sorry. I'm actually Nedhal. Hi, Senators. My name is Nedhal Al-kazahy, N-e-d-h-a-l A-l-hyphen-k-a-z-a-h-y. I am 20 years old. At the age of 5, I was put into foster care until I moved out to be a part of Independent Living Program at 17, and then aged out at 19. I am now part of the Bridge to Independence Program. I went into foster care and was separated from half my siblings because the state lacked the services my parents needed. My dad always asked for me back and my...asked for me and my siblings back and was constantly denied, although was never given a reason as to why. To me it seems like families of color are less likely to get reunified than white families. There was no attempt at reunification for my family. I experienced racism in foster care multiple times. One example was when a foster family changed their mind on taking me when they found out I couldn't eat pork. Another family forced me to go to church although I'm Muslim. There were also examples of caseworkers who did not understand and respect the culture and customs of my family and I. One thing I would suggest, working with youth and families of color to solve these issues instead...sorry. One thing I would suggest is working with youth and families of color is to solve these issues instead of just coming up with guesses of why we are targeted in the system. This is my story, but there are many other experiences of racism that youth and families in the foster care and juvenile justice systems face. I'm a member of Project Everlast and when I brought this issue up to the Omaha council, they expressed the same issues. For example, they talked about the bullying they faced in school due to their race or being adopted by white parents. This goes beyond just my story. Thank you, Senators, for listening to me speak and letting me share my story. I hope that this will help you all find solutions to these problems. [LR418]

SENATOR EBKE: Thank you. Are there any questions? Senator Chambers. [LR418]

SENATOR CHAMBERS: If you ever want to talk to somebody, you can contact me. You can get my number from the clerk and I'll just state my phone number is in the Omaha phone book, but just for the record it's 402-453-5378. I don't have a cell phone. I don't have a computer. But I did come to terms with high tech to the extent that I have an answering machine on my phone. (Laughter) So you can leave a message. [LR418]

SENATOR EBKE: Other questions or comments? Okay. Thank you for being here today.
[LR418]

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NEDHAL AL-KAZAHY: Thank you. [LR418]

SENATOR EBKE: Okay. I don't know who's next. Is...so somebody just come up that's on the list. [LR418]

EDISON RED NEST III: Good morning. My name is Edison Red Nest, III. I'm from western Nebraska. I have a little for-profit business called Native Futures and we do a lot. Well, a little bit on my background, I spent 14...from age 14 to 18 in the system: detention center, YRTC, jail, terrible group homes, you know? And I spent about three and a half years in three different prisons here in Nebraska. Well, since then, I've been sober nine years and, you know, it's terrible all the stuff that gets overlooked, you know, terrible, terrible for the Natives. We do a lot with what we can. You know, I worked with probation, District 12 Probation. I worked with the homeless youth program out of western Nebraska, youth leadership. We partnered with Nebraska Appleseed. We work with the Santee Sioux Nation. I'm their diversion officer for Box Butte County. I don't have the proper education, the degrees or anything, but you know I have lived that. And there's a lot of injustice that's happening in western Nebraska. I see no western Nebraska people here, you know? Where are they at? Things get overlooked. Kids get abused. Stuff is happening and that is just normal there. That's normal in western Nebraska for all the stuff to happen. You know, we're doing what we can with what we can, you know, and we're having a big impact. If you guys look at what we do, in five years we changed the system in western Nebraska. We're at a point to where we're finally able to put people in offices, people of color, and I'm talking Native people and color, and people are okay with that and people are backing that up, you know? But there's still a lot of stuff that's happening. You know, the lady testified earlier that services don't extend out west. You know, we don't see any of that. For the Natives or anyone else, there isn't anything happening there. You know, there are some state-run programs and people get Medicaid and stuff like that, but nothing specific, you know? And when we talk about Natives and tribes in Nebraska or anything that comes in as services for tribal members in Nebraska, what's being forgot is that we have a whole population in the Panhandle of Natives who belong to the Rosebud or the Oglala Sioux Tribe, which is across the border. So anything in Nebraska for tribal members, it doesn't get to them. You know, they're being left out. And we talk about foster care. You know, foster care for the Natives is just, you know, I can't...like Mr. Chambers said, I would take forever to talk to you about that. There aren't enough

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family members and a lot of families, a lot of family people can't meet the qualifications. You know, there's so much stuff that's wrong. But, you know, we are doing our best to do that, you know? On the end of juvenile justice, you know, just hearing some of the statistics, it's not any good. But again, we're doing our best. You know, we have in the whole Panhandle, like I said, I'm a provider. In the whole Panhandle, we have three Native youth assigned to us. And for all these big numbers, where are the other Native youth, you know? And we do our best, what we can. And another lady, I can't remember who it was, but she talked about diversion. I'm the diversion officer for Box Butte County and we have about a 90 percent success rate with what we do. And you can ask the county attorney; he'll back that up. You look around at the state, the rest of diversion programs are sitting about at 30 percent. You know, our kids, when they graduate, when they leave they're successful. They go back and they come back into our programs. You know, we're very fortunate and very lucky to be able to do this stuff. We just picked up a contract with CFS, DHHS. You know, we haven't signed it or anything, but we're looking to help. And nobody else is doing this in western Nebraska. You know, there are, like I said, there are those established programs but nobody is out there doing it. You know, everyone wants to talk about let's file a case plan, let's work with the families on this program or let's put them in a parenting course or circle of security or whatever that is, but nobody is talking about lifting up these families. Nobody is talking about getting to the root problem. Why is Mom and Dad drinking or why can't they get a job, you know? We have workers who go into homes, you know, who, like I said, they just do their job. They do what they're told to do. Going above and beyond, they don't get paid to do that. You know, we do stuff like that. We fix lights and we fix people's plumbing. You know there was a house we went to where every single one of their drains was plugged. And kids, the little kids are carrying out buckets of water. That's how they take baths in the morning, you know? So we go in and we fix that. You know, everybody is happy because that's one less thing, that's one less stress that this family has to worry about. And most people don't worry about that stuff. You know, most people, that's not even a thought--their drain? You know how much that affects you? And that's just one little, teeny tiny thing of what's going on within this family dynamic, what's causing all of this widespread chaos. You know, people here don't understand. You know, it's a lot different in western Nebraska and nobody is talking about it. And like I said, there's no representation. You know, I was asked here by people of Nebraska Appleseed to come out and talk and, you know, for me it's an honor to be able to do this stuff, to be able to talk in front of you guys, you know, and just...I don't have any fact sheets

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or anything like that, but I know what's going on. You talk to these families in western Nebraska, they'll tell you what's wrong and they'll tell you how to fix it. Problem is, is that there's nobody doing it. Services don't go out that far. You know, something has to change. [LR418]

SENATOR EBKE: Thank you. Any questions? Senator Chambers. [LR418]

SENATOR CHAMBERS: There is a pressure cooker that men like you and me live in just to survive, to not do the things that we are provoked into doing by what we see happening to our people, our children. They will say we are apathetic. They don't know the difference between apathy and hopelessness. We can give our entire lives. You will not...and I'm talking to my brother here. You will not find anybody with the qualifications I have to do any number of things, whether it's art, poetry, the law, will spend more than half his life in a place like the Nebraska Legislature, wasting all of those years, all of that time listening to white people say we're worried about young white men because somebody looks at them hard because they're conservative, and they have no idea what we live with and experience. And I'm glad that you came, brought a touch of the reality that we face. And they could not live under the circumstances we live and function. I ought to be insane. I ought to be in an institution and it ought to have mattresses on the walls and I should have physical restraints on me every minute of every hour of every day of every week of every month of every year. They have no conception whatsoever. And I know you understand what I'm saying so I'm saying it to you. And I want some of these people who come here and sit and observe and study us to understand that there's something inside of us that looks out and sees them, that understands them, that knows what they are seeing when they look at us. Don't you be discouraged. Every little bit that you do is going to be of great value. And when there are youngsters, blood of your blood, bone of your bone, flesh of your flesh who can see one of their own who has survived in the way that you have, that child may never say anything to you but you will be its shining example. So don't ever quit because you don't know who's watching you. You don't know who's taking sustenance from you, your mere existence. And in the same way that I mentioned that the young lady can call me, you're welcome to call me and I'll help in any way that I can. And I won't just say words here but I'll say it here to put me on public record, which a lot of these other people who hold these higher offices, get the big salaries will never do. So thank you, and I mean that, for coming here today. [LR418]

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EDISON RED NEST III: Thank you. It's an honor to talk to you. I watched you all the time when I was locked up. [LR418]

SENATOR EBKE: Any other questions? Senator Halloran. [LR418]

SENATOR HALLORAN: Thank you for being here. You're right, the Panhandle probably is, well, without question it is...it has been ignored in a lot of respects over the years. And some people might suggest that it might be better off being part of Wyoming. But that being said, what can we do? And a lot of people won't maybe understand my question but...or understand the intent of my question. But my question is, what can we do, not this committee but what can we do as a Legislature or as a state to help lift up the economy in the Panhandle because, that's not a total answer, I understand, to the problems, but it is a significant part of the problem. There's a lot of poverty and there should be some things that we can do or a group of people, maybe not even people in this legislative body but private individuals, can do to help lift up the economy in that part of the state so that there's less of these conditions? People can become independent. I'm speaking as someone that I would assume would really understand and respect that we haven't let the American Native Indians become independent. We haven't. We've kept them under the jurisdiction of the federal government, reservations, and very dependent upon government. So how...what can we do, in your mind or your estimation, to help lift that part of the economy up so they can become independent? Money is not the answer to everything but it's an answer to a lot of things. [LR418]

EDISON RED NEST III: Right. You know the economy is good in western Nebraska. A lot of people can get jobs. And, you know, for the Natives, they like to drink. A lot of it is their fault. They can't keep a job because they're addicted. You know, building jobs, creating jobs, that's the stuff that we're already doing. A lot of our kids, our youth groups, we're involved in four different school systems within the Panhandle. We hold meetings. We play lacrosse. We do our leadership work. But we're also creating businesses. We do fund-raisers but we also have a bike taxi business. I'm sure you've seen the bike taxis here in Lincoln. We purchased some from them and we have that going in western Nebraska. We hire our youth to ride these bikes to make them money. We let them keep the fares. We let them keep the wages. We have ideas on what to do on businesses to set up, infrastructure on basic needs, housing, food, transportation. You know, Mr.

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Chambers told me not to quit. I'm retiring in four years. I am building up all of this stuff. I am building up businesses. I'm building up my main business so that way our kids can take it over. Money is a big motivator. Money keeps these kids motivated because these kids grow up without it. When you give them access to that, continuous access to money, they're not wasting it. You know, we have kids who are buying flowers. We have kids who are buying food for themselves to eat with the money that they make. You know one of the biggest things that you could do is pay the social workers more. Pay the teachers more, because our teachers in western Nebraska, they get paid not any well. You know, our superintendent there I think makes close to a quarter million, you know, and he doesn't even want to be there. He was trying to apply for a different job and the different job didn't take him so his words were, oh, well, I guess you're stuck with me. You know, we can't have people with attitudes like that in the school systems. Our school system is terrible because our teachers, like I said, they're underpaid. They're not paid to understand why this kid is having a tantrum or why this kid is acting the way he is. They're paid to control their classroom, to educate these kids. There's a kid in western Nebraska, Native kid, who he couldn't see the board. He couldn't see that far. But because of who he was, he sat in the back. So the teacher is "popcorning" questions: answer this question; this student answers that question. It comes to the Native kid. Native kid doesn't want to answer the question. It's not that he couldn't. He couldn't see the board. But he wasn't going to tell this lady that, that he couldn't see the board. So he shut down. He withdrew into himself. Teacher got upset, called him being defiant, sent him down to the principal's office. [LR418]

SENATOR CHAMBERS: Uh-huh. [LR418]

EDWIN RED NEST III: Same thing happened to the principal. This kid got a three-day suspension. This kid took three-day suspension other...rather than telling them that he couldn't see the board--I can't see, I need help--instead of telling these teachers about a weakness, you know, because these kids should be confiding in these teachers, trusting these teachers with whatever information. This kid, instead, chose not to and take three days rather than just say, I can't see the board, I need glasses. You know, and I could go on and on about the school system in Alliance, Nebraska, when it concerns the Native Americans and it's terrible. And that's why I'm running for the school board there. Things have to change. It's not. It's not any good and it can be. And like I said, we're at a point where we are in western Nebraska with what we've done

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in the last five years that we are beginning to change the system on our own without any type of help, you know? We've done all this without grant funding. We've done all this just by ourselves, you know? But imagine what we could do in western Nebraska if we had help, major help, like what's being offered here in eastern Nebraska. You know, I don't know, I mean, I don't know what you guys can do or what you guys are all about, but you know what we're about is we're about helping people, not just the Natives. We're 50/50 percent split with everybody that we work with. We don't discriminate. Everybody has a tough time, but in my experience the Natives have it worse than everybody else. That's true. You can look that up in statistics all day. [LR418]

SENATOR EBKE: Okay. Thank you. Senator Chambers. [LR418]

SENATOR CHAMBERS: I just want to tailgate on what he mentioned about the little boy who would not admit he could not see the board and it was misinterpreted. That's what I mean by these presumptions and assumptions made by white people and people who don't care about us, this child is being defiant, all of these things, when none of that is involved at all. Then when the child is punished for what he is, it gives him an attitude toward these adults who have done it. And when he gets old enough to take revenge, he will. It's not that he hates all white people. He has a specific goal and target, somebody who did something to him. And others watch things done to their parents by the police. And if my father is mistreated by a cop, I don't feel good about the police. As a child, I can't do anything. But you let me get some size, you let me get in a place and a position where I can get even, but white people don't take the time to do that. This one point, this is what I'm working up to: I've always been concerned about what happens to nonwhite people all over the world. And some white guy had been in South Africa and he meant well. He was talking about how "the term that they use for us" do so much with so little. And he mentioned these little children that he would come across in an alley and they were making music with a penny whistle. That's what he called it. And they'd use these penny whistles and sound like miniature Philharmonic Orchestras. So when he got through, I said, well, it is wonderful that the children can make music from the penny whistle, but what I was waiting to hear you say, and you never did, and it's a shame that all they have with which to make music is a penny whistle. They never take the next step to understand we are human beings, if they could acknowledge that and accept it and know that we want for our children what they want for their children, that we care for our children like they care for their children. And as I told these people

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when I first came in the Legislature, I'll die and go to hell ten times before I'll let any white people abuse and mistreat my children. More than four decades in the hellhole, the backwater of this Legislature, wasting time, if I were to judge what I do by the way other things are judged, but my community, my people needed somebody strong enough, smart enough, relentless enough, determined enough so at 81 he will be a better man than any other male in the Legislature, and that's what I have to project. And it's been like that for almost 50 years. You show me any white man, I don't care what he's doing, who put up with what I put up with for 50 years and still counting. I used you for a sounding board. And what I'm going to say to you, and it's unfair, when you're 80 years old you be in the fight just like I am. It's our obligation. We have no choice. We didn't make the world. We didn't make ourselves, but we're here and we have to self-impose some responsibilities and obligations that others in this room would have no conception of and will never understand, but some people do. And I got to give Senator Halloran credit for the question that he asked and I believe he asked it in sincerity. [LR418]

EDWIN RED NEST III: Yes. [LR418]

SENATOR CHAMBERS: And he gained...well, I'm not going to tell him how many plus points but he gained some points with me this morning and that was not even his intent. (Laughter) [LR418]

SENATOR EBKE: Other questions? [LR418]

SENATOR HALLORAN: Thank you, Senator Chambers. [LR418]

SENATOR CHAMBERS: And I mean it. [LR418]

EDISON RED NEST III: Yeah, you know, I mean (inaudible) hired me. We can get it done. We've been doing it. [LR418]

SENATOR HALLORAN: Can I ask you another question? [LR418]

EDISON RED NEST III: Yes. [LR418]

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SENATOR HALLORAN: I'm not familiar with the community technical schools in the Panhandle or availability of those schools. You're near Alliance or in the Alliance... [LR418]

EDISON RED NEST III: I'm in Alliance, yes. [LR418]

SENATOR HALLORAN: Is there a community technical school there? [LR418]

EDISON RED NEST III: There's Western Nebraska Community College. [LR418]

SENATOR HALLORAN: Okay. And I'm not suggesting but we're a very mobile society so don't mistake my suggestion here, but in Hastings, Nebraska, it's where I reside, close to Hastings, we have employers longing for people that they can hire. And they're more than willing to provide the training and the schooling for it and pay for the schooling for it. But they can't...we can't...they can't find them. And so keep that in the back of your pocket. There are...there is a big demand for jobs, open jobs and good, decent-paying jobs. So keep that in the back pocket that if there's something that can be done that we can encourage some of these kids to take up some of these technical skills. It used to be in my generation parents would say, you've got to go for a college education, you have to have a liberal arts education or you're going to fail. Well, today that's wrong. Today there are technical skills, and by technical skills I'm talking about plumbing, electricians, construction jobs, very sound paying jobs that are going unfilled because we can't find the bodies to fill those. And people could make a good living at those technical skills. [LR418]

EDISON RED NEST III: That's true. I want to rebut that, you know, no offense or anything like that. You know, technical jobs and stuff, that's cool. That's the type of stuff that's been pushed on the Natives for years. You know, when there was the relocation program, they weren't teaching us to be doctors or lawyers or pressing any of that. They were pressing us into labor jobs. And, yeah, they pay good. I tell my kids, you can make a lot being a plumber. You can make a lot being an electrician. But we need doctors, we need lawyers, we need people sitting in rooms like this, you know? That's what I tell my kids, do that, do stuff like that, because in the history the government did not teach us any of that. You know, they were paying for our education in the back, I mean years ago, but it wasn't...they weren't pushing us to be doctors. They weren't

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pushing us to be anything that's effective within society. They were pushing us to places to where they could just leave us, let us be, and hope that we use these skills to our best advantage.

[LR418]

SENATOR HALLORAN: Well, don't misunderstand... [LR418]

EDISON RED NEST III: Yeah. Yeah. Yeah, I get that. [LR418]

SENATOR HALLORAN: ...what I was saying. [LR418]

EDISON RED NEST III: Yeah. [LR418]

SENATOR HALLORAN: I can, you know, what I tell the public schools back home, the superintendents and the administration, I say drive some of the students, and this is a mix of students, drive these students by some of the homes of people that have, what a lot of people kind of talk about, common labor jobs or have businesses that are common labor businesses.

[LR418]

EDISON RED NEST III: Uh-huh. [LR418]

SENATOR HALLORAN: And they live very well. [LR418]

EDISON RED NEST III: Yeah. Yeah. [LR418]

SENATOR HALLORAN: And there's...and I would not encourage anyone at this point in time to become a lawyer, no disrespect, (laughter) because we have a plethora of lawyers and we have a plethora of people that have graduated with liberal arts degrees that can't find jobs. But there's a huge demand for high-paying jobs that are, that there's nothing embarrassing about it,... [LR418]

EDISON RED NEST III: Yeah. [LR418]

SENATOR HALLORAN: ...common labor contracting jobs. [LR418]

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EDISON RED NEST III: Yep. I advocate very much to our kids for going to the power line school. You can go anywhere in the world with a power line education. Go to Job Corps. If National Guard, if they don't want to be away from the family, go to National Guard. So, yeah, we...like I said, we do a lot. We cover all the aspects of almost everything that's wrong with our society. [LR418]

SENATOR EBKE: Other questions? Thank you for being here. And as a former school board member, good luck. [LR418]

EDISON RED NEST III: Thank you. [LR418]

SENATOR EBKE: (Laughter) Okay. Are we back to Misty? Okay. [LR418]

MISTY FRAZIER: (Exhibit 6) Good morning, Senators of the Judiciary Committee. My name is Misty Frazier. I'm the executive director for the Nebraska Indian Child Welfare Coalition and I am here. NICWC is a new organization that has been developed from a grass-roots organization that was created to improve ICWA compliance in the state of Nebraska. From 1958 to 1967 the Child Welfare League of America and the Bureau of Indian Affairs collaborated on the Indian Adoption Project for purposes of placing Native American children with white families. In the 1950s and '60s, prior to the enactment of the Indian Child Welfare Act, 25 to 35 percent of all American Indian/Alaska Native children were involuntarily removed from their homes and a majority of them were placed in non-Native homes. This effort to assimilate the children into mainstream culture through the destruction of their families resulted in several generations of Indian children losing their identities. At the heart of ICWA is the importance of cultural identity. Today we have the next generation still affected by historical trauma going through the child welfare and juvenile justice systems. American Indian/Alaska Native children are still disproportionately placed in out-of-home care through the child welfare and juvenile justice systems. Nationwide, American Indian/Alaska Native children are overrepresented in foster care at the rate of 27 (sic--2.7) times greater than their population, and that was in 2016. That compares to the rate of 1.5 times greater in the year 2000. The foster care...the Nebraska Foster Care Review Office quarterly report issued June 1, 2018, and I believe that they have already testified, the Foster Care Review Office, but some highlights from their report: American Indian

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children are 2.3 percent of the population in Nebraska but make up 6.3 percent of the population of children in out-of-home care. Disproportionality is even more significant for juvenile justice involved youth. American Indian youth are 2.3 percent of the population but 12.2 percent of dually involved youth placed in out-of-home care; 5.6 percent of probation youth placed in out-of-home care; 21.4 percent of youth placed at YRTC-Geneva and 10.8 percent of youth placed at YRTC-Kearney. Our review of this report indicates that the numbers are reflective of what data is available to the Foster Care Review Office, and this is in no way reflective of the work that the Foster Care Review Office does, but it does not include 100 percent of the tribal data and tribal children that are in care. If we were to include all of the tribal data, we anticipate that the disproportionality would be even higher. NICWC has conducted one listening session in Omaha and have another one scheduled on October 24 in Scottsbluff to reach the population in western Nebraska. In Omaha there were several administrators from DHHS CFS and OJS departments and some community members there to share their stories. There were a few issues that were brought to the table that have sparked some ideas for solutions. There are some things that we're working on to partner with DHHS and the court systems and tribes, service providers, and action that we can take to higher levels. NICWC doesn't have all the answers and solutions, but we feel that the issues need to be examined and we all need to come to the table to brainstorm ideas to improve the outcomes for Native children and families and mend years of historical trauma that have been done to our people and disruption to Native families. NICWC is committed to improving ICWA compliance in the state of Nebraska through systems improvement. [LR418]

SENATOR EBKE: Thank you, Ms. Frazier. Questions? Senator Pansing Brooks. [LR418]

SENATOR PANSING BROOKS: Thank you for coming. So do you...I mean you're saying get together and brainstorm and...but do you have ideas? I mean this all seemed based in racism when you look at it, so I know everybody is sort of avoiding that, but especially when you look at Ms. Hawekotte's statistics that, you know, people aren't more...don't have more mental illness issues or more...I mean she went through all those statistics as well. [LR418]

MISTY FRAZIER: Uh-huh. [LR418]

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SENATOR PANSING BROOKS: So do you have suggestions on what...? I mean when you watch this happening, do you think in your mind, gosh, if only this, if only there was more training on diversity or if there's only more knowledge of the teenage brain or if there...? What are the kinds of things that you think? I mean you must have some feeling about what could be done. [LR418]

MISTY FRAZIER: There are. There's a lot that I can think of. We're already working with DHHS and we finally have caught their ear on some training that needs to be done with their caseworkers. We're going to start with the ICWA advocates in Nebraska and we've got a proposal in to do some training for them. I think some training across the board, you know, for every level needs to be done on cultural identity, racism, everything, you know? And I've been putting...trying to put my...wrap my head around that, and not in how do we present that. I know that Joyce James has come and she's talked about that; that, you know, the cultural...the systematic racism that happens and how do you change that. How do you get to the level of where we're making some systematic change. And it's, you know, the court systems as well. And dialogue has begun there with the court system as well. But, you know, like Edison was talking about service providers, we need service providers that are culturally competent in all those areas, especially mental health and substance abuse and all of those areas for children and parents. So those are some of the things like right off the top of my head, but we definitely need to do some more training. And I don't know, you know, how do you treat or how do you teach and train cultural competency, because, you know, it comes from your heart, you know, and how do you teach that to people that don't know and don't understand? [LR418]

SENATOR PANSING BROOKS: I think there are ways. I'm hopeful there are ways to teach (inaudible). Thank you for your testimony today. [LR418]

MISTY FRAZIER: Sure. Thank you. [LR418]

SENATOR EBKE: Senator Chambers. [LR418]

SENATOR CHAMBERS: Probably before you were born, my child, I persuaded the Legislature to enact the Indian Child Welfare Act with the hope that it would give Native peoples some kind

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of tool that they could use to get into the courts and maybe get more justice when it came to retaining custody of their children, keeping families together. I don't know that it did what I hoped it would do, but I hope it at least might serve as a tool that will give you a starting point. [LR418]

MISTY FRAZIER: Definitely, and a very important tool. I would like to see programs in place where we're keeping families, though, out of the court system and where we're doing more prevention and intervention before they get to the point where they're entered into the court system. Because I know that once they're entered into the court system, they're railroaded right to termination of parental rights. And once they're in that system, it's hard to stop that. And there's a program out of Ramsey County where the county contracts with a private nonprofit organization and they have what are equal to caseworkers that will staff cases and say what kind of services can we provide and can we keep this child in the home or can we do a voluntary agreement and that keeps the case out of court. And I think more programs like that would be very helpful, too. [LR418]

SENATOR CHAMBERS: Thank you. [LR418]

SENATOR EBKE: Other questions? Okay. Thank you for being here. [LR418]

MISTY FRAZIER: Thank you. [LR418]

SENATOR EBKE: Becca Brune, Nebraska Appleseed. [LR418]

BECCA BRUNE: (Exhibit 7) Hi, Senators. My name is Becca Brune, B-e-c-c-a B-r-u-n-e, and I'm the child welfare program associate at Nebraska Appleseed. As you've already heard from so many amazing testifiers on the importance and urgency of finding solutions to reduce disproportionality and the disparities in the child welfare and juvenile justice systems, so I will just focus on some additional solutions, although we've heard many. We were able to talk to over 60 diverse Nebraskans: young people, foster parents, family members, workers, and advocates. This interim study offered a chance for those who have been most closely affected and involved in these systems to share input and guide the process. You'll see a fact sheet attached to my

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testimony that includes a summary of the conversations. But I want to caution you, this is not a comprehensive list, in any way a system that will work for all of our many diverse communities. So as a social worker, I believe it's important to start with some system strengths. As a part of this interim study, Senator Howard received data on the racial and ethnic breakdown of foster family and kinship homes from the department and that showed a positive number for African American foster homes. And there are also department prevention programs, such as Alternative Response and the Families First Prevention and Services Act, which could positively impact families of color. And there are system and community services that are specific to working with diverse communities such as, as Misty mentioned, the Indian Child Welfare Advocates within the department and there's also a partnership with Inclusive Communities, a nonprofit in Omaha which is training all judicial branch employees on diversity. So moving on to challenges and solutions, the most commonly discussed that I heard was issues with caseworkers and probation officers. Individuals shared frustrations on the lack of cultural understanding and a lack of awareness on one's implicit bias and how that affects on issues of race and poverty. Advocates asked for improved training on working with diverse cultures and implicit bias but training that is ongoing, utilizes experts, and engages input from those in the communities. One advocate said all employees who work within child welfare and juvenile justice need to receive training to understand that each of us has implicit bias which reactionary, volatile, and largely under our radar. The need for more staff of color was also a common response, and DHHS data shows that there is room to improve here with hiring. Closely tied to hiring is also the ongoing challenge that you've heard about with high caseloads and turnover for staff. Large caseloads affect everyone involved in a case, and for other positive solutions to work caseloads must be addressed as well. Solutions also focused on culturally responsive services in the community, and to...just to highlight the names of them, are in Native Families for Native Children and also the Refugee Juvenile Justice Advocate Program. And I have more information on those in my testimony. But the most common response that I heard from families and youth was a desire to be authentically engaged in the decision-making process while they're involved in the systems, so that can be a youth being present in court, parents being more engaged as a whole unit and having input when they're involved in probation cases. So these are not all of the challenges and solutions cannot be simplified into a one-size-fits-all approach as there are many specific strengths and needs in the many diverse communities. So as we move forward I just hope that we can consider the racial impacts of policy decisions and continue receiving community input. Thank you. [LR418]

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SENATOR EBKE: Thank you, Ms. Brune. Any questions? Thank you. [LR418]

BECCA BRUNE: Thank you. [LR418]

SENATOR EBKE: Okay. I don't see any other invited testimony. Senator Howard. [LR418]

SENATOR HOWARD: I don't have much to add because I do feel like Appleseed sort of tied everything together very well. But more, I'd like to express gratitude to this committee for taking the time to talk about this issue. I think one of the challenges for us is that I have talked about caseloads, I have talked about paying caseworkers more, I have talked about training, but this is one of the first times where we really talked the larger systemic issue of racism and how it's impacting children in our child welfare system. And I think the sooner we acknowledge it, the sooner we can consider the solutions that are within our power to talk about it. I really thought that the whole conversation would be around work force training. I didn't anticipate that we would talk about service array or that we would be talking about the fact that if you look at the data that the department provided me with, 85 percent of their caseworkers, their front-line workers, are white. And so when you don't have the represent...but half of the kids that they're working with are of a minority or an ethnic minority. So I think we have to make sure that there's representation not just in our training but also in our work force. Ms. Brune, mentioned that OJS is working with Inclusive Communities to do training around bias and around discrimination and that sort of thing, but that's the type of thing that we would also want to see for our caseworkers in the CFS system that we're not seeing. I have a lot of concerns about their overall training and I'm certain that the department would fight us if we asked them to do more training, but it wouldn't be the first time that we've had a fight with the department. Right? And so I just...I have to say I am very pleased and grateful that you all took the time to be here today to talk about this important issue and to talk about these kids. You've worked with me for a long time. Kids in our child welfare system are some of the most important people to me because I feel like their voices aren't heard. And so I do appreciate the time that you took today. I'm happy to try to answer any questions, but I really look forward to working with all of you in January to try to find some solutions that are within our power. [LR418]

SENATOR EBKE: Thank you, Senator Howard. Questions? I see none. [LR418]

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SENATOR HOWARD: All right. Now you'll get to the fun stuff. [LR418]

SENATOR EBKE: Okay. [LR418]

SENATOR HOWARD: Thank you so much for your time. [LR418]

SENATOR EBKE: That closes our hearing on LR418. Okay, so because we have a fair number of people who are going to testify who are interested in both LR447 and LR429, what we're going to do is combine those two. That's on the list. I'm going to ask Senator Pansing Brooks to introduce LR429 and then I will ask Senator Morfeld to introduce LR447. And then I will ask Senator Morfeld, as part of that, to tee up his testifiers, who are students who need to get back to school, first, and then we will move on to anybody who wants to testify on either of the bills or both of them. And there are invited testifiers for Senator Pansing Brooks, so we'll do those first. So we have about one, two, three, four, we have ten, we have ten testifiers who are invited and then we will move to the general public. So, Senator Pansing Brooks and then Senator Morfeld. And because we have so many testifiers, we are really going to try to hold the time as tight as we can. We're already an hour and 15 minutes in. We've got two and a half hours at the most to get through both of the hearing...well, all of the hearings for the morning. So, Senator Pansing Brooks. [LR418 LR429 LR447]

SENATOR PANSING BROOKS: (Exhibit 1) Thank you, Chair Ebke and fellow members of the Judiciary Committee. For the record, I am Patty Pansing Brooks, P-a-t-t-y P-a-n-s-i-n-g B-r-o-o-k-s, representing District 28 right here in the heart of Lincoln. I am here to introduce LR429 today to study the role and duties of school resource officers in Nebraska schools. When Senator Linehan and I traveled to schools across the state last interim as part of our interim study examining dyslexia and reading literacy, I used that opportunity at the end of each discussion to ask school officials if they have SROs, school resource officers, and if so, how they were being review...how they were being used. I received a variety of answers and I also learned that in some schools that there were schools that were being told they must charge for every schoolyard fight. When I had heard...while I had heard that these practices were taking place in other states, I was quite taken aback by the revelation that this was happening in Nebraska. I do not believe that most parents want our juvenile justice system having jurisdiction over disciplinary matters that

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should be handled through restorative justice and conflict resolution interventions. Research shows that early interactions with the juvenile justice system puts more kids in the school-to-prison pipeline. I decided to bring this interim study to help us ensure that we are not using law enforcement's time on disciplinary matters but, rather, on keeping all students and staff safe. In the conversation I have had with law enforcement and education officials, I have found that the role of student resource officers isn't very clear statewide, nor is it always clear under what circumstances a problem should be handled by a school administrator, a teacher, or a student resource officer. Today's testifiers will shed light on programs, on various programs, teenage brain training, and also on memorandum of understanding requirements that offer the best protections for children, including children of color and those with special needs. I'm submitting for the record a letter from Darrell Fisher, the executive director of the Crime Commission, as they fund a very small number of student resource officers through Community Aid Grant dollars. This excellent letter details requirements that they have in place for SRO funding and the letter, further, offers a few best practices that we would probably like to look at as a state. We also have excellent testimony from people from Omaha and Lincoln regarding the work that's being done and, particularly in Omaha, the decrease in arrests for misdemeanors and felonies for kids pursuant to the Youth For Success Program that they have instituted up there in just one year. We have several testifiers today so I've kept my opening short, you'll be happy to hear. I hope today's measures...I hope today's hearing gives us a good starting point as we examine future policies to ensure children and school officials are kept safe, that the SROs are used appropriately, and that children are not unnecessarily poured into the school-to-prison pipeline. Thank you. [LR429]

SENATOR EBKE: Thank you, Senator Pansing Brooks. Questions at this time? Okay. Senator Morfeld, you want to go ahead and introduce LR447? [LR429 LR447]

SENATOR MORFELD: (Exhibit 1) Good afternoon, Senator Ebke, members of the Judiciary Committee. My name is Adam Morfeld, for the record spelled A-d-a-m M-o-r-f-e-l-d, representing the "Fighting" 46th Legislative District in northeast Lincoln, here today to introduce LR447, a result of a collaborative effort of students, school administrators, law enforcement, myself, and others aimed at taking important measures to ensure that our schools are safe and secure. I'm going to keep my remarks brief as well, as I want the students here today to do most

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of the talking. Over the past few months we have seen an incredible display of students rising up, taking action, and making their voices heard across the United States. I was so proud...I was so impressed and proud of the students of Nebraska who organized the various March For Our Lives events across the state this March, many of whom are here today to testify. Lincoln March For Our Lives saw over 1,000 students, parents, administrators, and everyday Nebraskans come out to support the basic principle that no student should fear for their lives inside their classroom. The students sitting behind me have dedicated enumerable hours furthering a cause they care deeply about. I'm grateful these young Nebraskans approached me with this interim study and have taken steps to hold us, as legislators, accountable for implementing sensible school safety measures. It is our obligation as policymakers, adults, parents, aunts, uncles, grandparents, or whatever else you may be to hear and address these students' concerns so that no senseless, horrific or preventable tragedy occurs within our state. It is my goal to have this process be student centered. As, unfortunately, it is their lives on the line, it's about time that they have a seat at the table. I said I was going to keep my remarks brief so that these students' voices can be heard in full. So with that, I'd like to thank all those who came to testify today and work behind the scenes for next steps. In addition, I also invited Chief Bliemeister of the Lincoln Police Department and John Neal of Lincoln Public Schools to also talk after the students so they could give some feedback and comments on what they're doing in our community as well. Thank you. [LR447]

SENATOR EBKE: Thank you, Senator Morfeld. Questions for him? Okay. I have four students, one is Jayden Speed. [LR429 LR447]

JAYDEN SPEED: (Exhibit 2) My name is Jayden Speed, J-a-y-d-e-n S-p-e-e-d. I'm here because of the disproportionate way gun violence affects America. We have seen tragedy after tragedy strike this nation. Our schools are not safe. Our children are not safe. Over 2,000 children and teens are shot and killed each year. Another 14,000 are shot and injured each year. This needs to change. Gun violence needs to be addressed here and now. We need to fix the epidemic that is plaguing our country, whether it's domestic abuse or another mass shooting. Gun violence has reached far and wide. My own family has experienced gun violence. Multiple family members and family friends have committed suicide by a firearm. They were in a bad mental state and they had access to a firearm. When you combine almost no restrictions on deadly weapons and

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little access to mental healthcare, that's what happens. I stand here today to propose stronger background checks on firearm services, close the gun show loophole, banning military-grade weapons, and expanding mental health detection and treatment. No other major country has problems with so often mass shootings because they implement legislation like this and much more. The Parkland shooter was known to have extreme anger and mental health issues, as described by his peers. Yet, he legally owned multiple assault-style weapons. Shooting after shooting, nothing has changed. Seventeen died in Parkland, twenty-six in Sandy Hook, and thirteen in Columbine. These are just three cases and there are thousands out there. It is time that we decide to put the well-being of our families and our children above all else, above party, above petty arguments, and most of all above money. Let it be clear, I do not, neither do my fellow students, want to take away your rights. My brother is a hunter. My family owns firearms. But anyone with basic knowledge of firearms know that you don't need military-grade weapons to hunt or defend yourself. So as a student and a Nebraskan, I'm calling on this Legislature to be the change that makes not only our schools safer but our state as a whole. Thank you. [LR429 LR447]

SENATOR EBKE: Thank you, Mr. Speed. Any questions? I see none. Thank you for being here today. [LR429 LR447]

JAYDEN SPEED: Thank you. [LR429 LR447]

SENATOR EBKE: I have...who's next? Okay. Bouthaina. [LR429 LR447]

BOUTHAINA IBRAHIM: (Exhibit 3) Hi. My name is Bouthaina Ibrahim, B-o-u-t-h-a-i-n-a, Ibrahim, I-b-r-a-h-i-m. As a student living within the generation of school shootings and proposals of gun reform, it is important to note the intersectionality of gun reform and gun violence. This highlights that gun violence is not limited to students and victims to school shootings but also the demographics of women and their domestic abusers, black adults in urban communities, and citizens battling mental illnesses. These problems exist on their own but are manifested through the culture and accessibility of guns in America. The proposals to gun violence in schools include arming teachers and heavier security that increases school resource officers are invalid when we look at the entirety of the gun reform agenda. Such advances

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disproportionately affect students of color. The school-to-prison pipeline is an inequitable national trend where minority students are funneled out of public schools and into the criminal justice system. A recent U.S. Department of Education study found that more than 70 percent of students arrested in school-related incidents or referred to law enforcement are black or Hispanic. As middle schools and high schools turn towards resource officers for discipline rather than safety, more students are harbored towards prison. The gun reform agenda must be racially conscious, especially in regards to students of color like myself. If we look towards the community, we see this racial disparity continues into urban gun violence. Black men make up less than 3 percent of Nebraska's population but account for more than 45 percent of the state's gun homicide victims. This dynamic is inequitable and must be examined. The intersectionality of gun violence follows into domestic violence and suicide. More than 42 percent of Nebraska's intimate partner homicides involve a gun. The accessibility to guns make domestic violence incidents far more likely to end in death. Nearly 70 percent of all gun deaths in Nebraska are suicides and more than 50 percent of all suicide deaths in the state involve firearms. The problem is clear. All people, affected by gun violence in Nebraska and its accessibility. We must support legislative change to ensure our right to live. [LR429 LR447]

SENATOR EBKE: Thank you. Any questions? I see none. Thank you for being here today. Lydia? [LR429 LR447]

LYDIA RATHE: (Exhibit 4) Hi. I'm Lydia Rathe, L-y-d-i-a R-a-t-h-e. In America the press is always quick to assume that a shooter's mental health is to blame for the tragedies that they perform. This has created an out for Legislature to avoid updating our gun laws. But what we should be talking about is what could have been done to prevent these actions from occurring in the first place. Over 50 percent of mass shooters were diagnosed with a mental illness prior to their crime. If we knew the mental state of these people and could detect their high-risk behavior, there is no reason they should have had access to the weapons needed to perform such a massacre. If we are going to keep pinning these incidents on mental wellness and not on access to guns and poor legislation, then we better be taking steps to offer mental health resources to those in need instead of cutting the funding for it. Mental health checks should be required of gun owners and customers before purchase, and weapons should be properly locked up when the owners are not using them. These two simple requirements would limit the amount of murders

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by gun by decreasing the availability of them. Another way we can lower these numbers is by providing more mental healthcare options in schools. In our public school systems, counselors are often overworked, underpaid, and not well trained. The treatment of my anxiety at school consists of me going to the in-school suspension room to calm down whenever I feel panicked. And if I'm not calm within 20 minutes, my parents get called. If school counselors are only there to fix schedules and prep us for college but can't help me through a depressive episode, then another source should be available for help. I am lucky enough to afford a personal therapist but there are many students who really need that help but can't receive it for one reason or another. There should be a trained psychologist on campus to help these students, as well as take this responsibility off of our other counselors who don't have the same education for it. We could offer group therapies so students don't feel alone with their struggles and can gain a community. Having just a small group of people who care for you can make a world of difference. And where we see a trend that a lot of shooters are considered outcasts or loners, talking about what's going on in their head could help us recognize who could be potential threat to others or themselves. If we can scope out these threats then we can take the proper action to prevent another shooting from happening. Thank you. [LR429 LR447]

SENATOR EBKE: Thank you. Any questions? See none. Thank you for being here today. Isabel? And then I will ask, I think Chief Bliemeister is here... [LR429 LR447]

SENATOR MORFELD: Uh-huh. [LR429 LR447]

SENATOR EBKE: ...and John Neal from... [LR429 LR447]

SENATOR MORFELD: Yeah. [LR429 LR447]

SENATOR EBKE: Okay. [LR429 LR447]

SENATOR MORFELD: Lincoln Public Schools. [LR429 LR447]

SENATOR EBKE: Yeah, from Lincoln Public Schools. They'll be next. They'll sort of be a transition between the two because I think they're testifying on both. [LR429 LR447]

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SENATOR MORFELD: Okay. [LR429 LR447]

SENATOR EBKE: So thank you maybe. Okay. (Laugh) Go right ahead. [LR429 LR447]

ISABEL BOUSSON: (Exhibit 5) Good morning, Senators. My name is Isabel Bousson, I-s-a-b-e-l B-o-u-s-s-o-n. Over the past year, I've become absolutely shocked by the lax gun legislation in this great state of Nebraska. We have been graded by the Giffords Law Center to Prevent Gun Violence and we were given a D. Now I don't know about you all, but if I ever received a D on a test or a quiz, I'd be extremely concerned. I would also not be able to participate in my school activities, so overall it'd be kind of a mess. This being said, I don't know why Nebraskans aren't concerned over our nonpassing grade given by the Giffords Law Center. If you look to states around us, like Colorado and Iowa, while still not being the best, they are at least passing the theoretical class of gun laws. This ought to change. Nebraska should be on the forefront of promoting gun safety and gun violence prevention within our state. We should be one of the states others look to for guidance when it comes to drafting of their own legislation regarding firearms. But to talk about the potential firearm legislation, we must first understand our current reality. Today in Nebraska, amongst the many ways we fall short in gun legislation, we do not have a written law requiring the statewide safe storage of firearms. Where we fall short could have led to these harrowing statistics. Nearly 70 percent of all gun deaths in Nebraska are suicides and more than 50 percent of all suicide deaths in Nebraska are committed with firearms. With the saddening statistic comes one more: Guns are the third leading cause of death for Nebraska children ages 1 to 17. Now how do we prevent or lower the number of gun-related deaths in Nebraska? One of the most important ways to prevent deaths like suicide and the deaths of children is to introduce a statewide safe storage law. Safe storage laws are put into place to require gun-owning citizens to responsibly store their firearms and ammunition when they are not in use. Safe storage laws are passed in order to prevent minors, thieves, and other people who shouldn't have permission to our guns from gaining unsupervised access to firearms. Currently, Massachusetts is the only state in the country to require firearms to be stored with a lock device in place in all cases when the firearms are not in use. This has shown a dramatic decrease of youth suicide in the state, which is 9 percent, compared to the national, 39. Next to Massachusetts are California, Connecticut, and New York, which also require that guns must be securely stored around people who cannot legally possess a firearm. If safe storage should be

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unattainable, Connecticut, Massachusetts, and New Jersey have laws mandating gun locks must be included in the sale of a handgun by any party. And in California any firearm sales, which means both handguns and long guns, must include a gun lock or other approved safety device. Alongside safe storage, I would ask the Unicameral to consider a child access prevention, or CAP, law. These laws are put into place in order to protect the safety and well-being of a child in a home where a gun may be present. CAP laws also hold gun owners accountable for the safe storage of firearms, which puts the liability for not taking the correct measure to prevent guns from falling into a minor's hand, into the firearm owner's. With CAP and general safe storage, I would ask, should the bills be drafted, include in them the criminal liability aspect which could be put on to the persons who negligently store their firearms even when unloaded. Should Nebraska put into place CAP and safe storage laws, I believe it could be a positive first step into becoming a nationwide leader in gun safety and gun violence prevention. Thank you. [LR429 LR447]

SENATOR EBKE: Questions? Thank you for coming today. [LR429 LR447]

ISABEL BOUSSON: Yeah. Thank you. [LR429 LR447]

SENATOR EBKE: Okay. [LR429 LR447]

RUSS UHING: Hi. My name is Russ Uhing, R-u-s-s U-h-i-n-g. I'm the director of student services for Lincoln Public Schools and I'm here to talk today about the idea of school security is really we take it as a multifaceted approach. We appreciate and value our relationship with Lincoln Public School...or Lincoln Police Department, with the school resource officers in our schools. We devote annually about \$4.4 million on various security measures. But we also understand the importance of relationships and building a positive culture and climate to have a welcoming and safe environment. We do this through a multitiered system of approach called Positive Behavioral Interventions and Supports, or PBIS. We began this work in 2012-13 and PBIS is being implemented by about 28 percent of the schools in the U.S. or 26,000 overall. The continuous supports includes effective classroom management and practices, consistent routines and procedures, and teaching all students three to five building-wide expectations in classroom and common areas. We use active supervision to reinforce appropriate behavior and address

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inappropriate behavior and use of data to problem solve and provide additional supports as we know some students need a little bit more and some students need some individualized support. Schools that do PBIS well see a welcoming school environment, positive school culture that leads to fewer incidents of bullying, a calm and orderly environment conducive to learning, and decreases in discipline office referrals and suspensions. We also utilize a research-based curriculum in preschool through 7th grade called Second Step, which promotes the safe...social, emotional development, safety, and well-being in four key areas of skills for learning: empathy, emotion management, and problem solving. We have committed additional resources to mental health professionals, such as our school counselors, that help students develop to be successful in academic career and social interactions; social workers that help families and students overcome barriers that prevent them from being successful, such as homelessness, poverty, and mental illness; and our school psychologists that work individually with school students on learning and behavior issues. We also value our community partnerships. Family Services therapists will be in 24 of our schools. We're able to add some additional six schools through our interlocal agreement. Child Guidance is in 16 of our schools. They also work with us on a refugee/immigrant mental health services to provide support to those students that have been impacted by significant trauma. Blue Valley Behavioral Health is also in a number of our schools to provide and assist us with crisis situations as well as through a youth assistant process. We partner with the Lincoln Medical Education Foundation to provide a skip process that provides additional mental health support and also drug and alcohol supports. We have members of LPS staff are part of our community suicide coalition, and we work with the Mental Health Association to provide wellness recovery action plans to our students in our high schools. Last spring we completed a three-year training for trauma for all of our buildings, which looks at the impact of trauma on children and also poverty but also provides strategies to assist those students impacted by trauma, as well as suicide prevention, which is required for all Lincoln Public Schools and Lincoln or, excuse me, public schools in Nebraska over the last three years. So again, this was just a quick review of the importance of a multifaceted approach to school safety. [LR429 LR447]

SENATOR EBKE: Thank you. Questions? Appreciate your time today. Thank you. [LR429 LR447]

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JEFF BLIEMEISTER: (Exhibits 6 and 7) Good morning. Senator Ebke and members of the Judiciary, I want to thank you for providing this opportunity to contribute to these interim studies. Any improvement to the state... [LR429 LR447]

SENATOR EBKE: Just, for the record, name and... [LR429 LR447]

JEFF BLIEMEISTER: Oh, I'm sorry. And it's Chief Jeff Bliemeister, B-l-i-e-m-e-i-s-t-e-r. [LR429 LR447]

SENATOR EBKE: Thanks, Chief. [LR429 LR447]

JEFF BLIEMEISTER: I agree with Russ Uhing in that any improvement to our safety of our schools has to be multifaceted. There is no singular solution. Everyone in our community shares this responsibility and school resource officers are only one component of school safety. SROs have been part of the Lincoln Police Department and Lincoln Public Schools since 1971. The number of officers assigned to the schools has varied during the last 47 years but the focus on opening lines of communication, building relationships in advance of unthinkable events, sharing experiences in the classroom, and serving as another positive influence has remained consistent. Today we have six SROs who serve in the six Lincoln public high schools. Each of these campuses has a combined student, teacher, and support staff that exceeds 1,820 individuals. In January of 2019, six additional SROs will begin serving in the 12 Lincoln public middle schools. Adding school resource officers takes time and resources. We do not have the staffing capacity to immediately supplement officers serving in the schools. We must recruit, extensively vet, and train new officers to fill the positions so we can have dedicated, experienced officers to serve as SROs. The addition of law enforcement officers has also a fiscal impact on the taxpayers of our community. The cost of salary, benefits, and equipment of a tenured officer who are selected to serve as an SRO can approach \$100,000 per officer annually. Each of the 12 officers that will serve students, families, and staff receive 40 hours of training from the National Association of School Resource Officers this summer. Eight hours of that curriculum encompass the topic of "Policing the Teen Brain." In partnership with Region V, the SROs receive up to 40 hours of Behavioral Health Assessment Training, training on implicit bias. And annual cultural competency training is mandated by our general orders. Deescalation skills are a significant

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component of our mandated training each year. And by policy and practice, school resource officers employ discretion. We recognize that every time we're called to quell a disturbance in a school, we do not need to make a formal referral into the criminal justice system. School resource officers in Lincoln have a passion to serve and be part of the success of a child's life. Their roles are distinct from that of the administrative disciplinary processes best performed by school staff. They believe, as does everyone at the Lincoln Police Department, that children should be educated and not incarcerated. National studies do show a causal relationship between the presence of school resource officers and a deeper juvenile migration into the criminal justice system. Our local data, however, indicates that this complex national narrative simply does not reflect in the culture in Lincoln. A 2013 study of juvenile referrals from the high schools in Lincoln where an SRO was assigned showed only 3 percent of 146 total juvenile referrals were the result of proactive work by an SRO. The majority were the result of investigations initiated by school officials, parents, and students who were victims of crime. This analysis was replicated last year. The percentage of referrals initiated by the SRO remained consistent at 3 percent. That being said, gender and racial disparity exists in society and in the criminal justice system. We must continue our vigilance to study and improve by partnering with juvenile justice professionals in order to mitigate disparity and ensure equity in processes. Community collaborations will be key to addressing these issues. Physical assaults make up the majority of the school-based incidents that lead to juvenile referrals. That's why initiatives like Project Restore, the school-based alcohol and marijuana intervention, and Operation Tipping Point are so important. Project Restore, which you have a packet on, was the result of proactive work by the Lancaster County Racial and Ethnic Disparities Committee. The program began in 2015 and is backed by the Expertise for the Center for Juvenile Justice Reform at Georgetown University. Program partners: the Lancaster County human services, Lancaster County Attorney's Office, Lincoln Police Department, and Lincoln Public Schools. The contract with the University of Nebraska-Lincoln is part of our ongoing efforts to study the outcomes of Project Restore and strategies employed through school-based alcohol and marijuana intervention. Evidence-based strategies, like Restore and SAMI, hold students accountable for their behaviors and provide strategies for success through restorative justice practices. All of these programs are designed to prevent future contact with the criminal justice system. The city of Lincoln and Lincoln Public Schools work together on a number of school safety initiatives. The most recent, formalized through the Safe and Successful Kids interlocal agreement, reflects our community's

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commitment to safety and security. The SSK recognized that school safety is more than just police officers. Along with the long-term funding for resource officers and a threat assessment officer, the SSK agreement funds additional mental health services for kids and families experiencing crisis, as well as enhanced community learning center programs, which is offered to families during those more critical nonschool hours. I want to talk a little bit about the MOU. [LR429 LR447]

SENATOR EBKE: Go ahead. Yeah. [LR429 LR447]

JEFF BLIEMEISTER: Okay. The Lincoln...the city's partnership with LPS included a memorandum of understanding that defines the roles of SROs and distinguishes between law enforcement and school discipline, which is, and should be, the purview of LPS administration. The MOU sets forth goals for the SRO program, including employing best practices so students are treated impartially and without bias. The MOU also mandates an evaluation process to ensure continued accountability on the part of law enforcement and Lincoln Public Schools and measured progress towards the program's objectives. The MOU details the expectations of LPS, LPD, and Lincoln without creating barriers to communication. Success occurs when school systems, law enforcement, parents, and behavioral health professionals, and the community work collaboratively. I'm proud that the women and men of our agency are part of an ongoing dialogue and action that will advance the future success and safety of our most valuable members of our community. Thank you. [LR429 LR447]

SENATOR EBKE: Thank you, Chief Bliemeister. Any questions? Senator Pansing Brooks. [LR429 LR447]

SENATOR PANSING BROOKS: Thank you for coming for both us of today. I appreciate it, Chief. And thank you for all your work on all of this because I know you've been very active. I just had a question. In the middle of your testimony you talked about that 3 percent of the referrals were due to the proactive work of the SROs and then the rest were basically school officials, parents, and students. So I guess I don't understand exactly. So that leaves 97 percent of the interactions of those kids are because it's been initiated but the police don't always have to

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file something just because it was initiated by a parent or school official. Correct? Could you just speak to that little bit? I just am trying to understand that part. [LR429 LR447]

JEFF BLIEMEISTER: Absolutely. And I tried to provide some context of 146 referrals in an entire school year over a population that's probably over 40,000 kids, and so it's a relatively small number. But you're right, we don't have to and we do not every single time that we're called. Our officers employ discretion every single day. A lot of these are coming when there is significant physical injuries that have occurred as the result of some type of interaction. Some of these are felony offenses. Some involve weapons. And a lot of them, too, are the impetus of the victim themselves and we have to give the attention to the victims that they deserve. [LR429 LR447]

SENATOR PANSING BROOKS: Okay. [LR429 LR447]

SENATOR EBKE: Other questions? [LR429 LR447]

SENATOR PANSING BROOKS: Thank you. [LR429 LR447]

SENATOR EBKE: Senator Hansen. [LR429 LR447]

SENATOR HANSEN: Thank you, Senator Ebke. Thank you for coming, Chief. Going off this data, I was curious about that, too. So it sounds like you have some pretty extensive data on law enforcement interactions that happen on school property. [LR429 LR447]

JEFF BLIEMEISTER: Yes, sir. Yes. [LR429 LR447]

SENATOR HANSEN: Okay. And so I would be curious if it would be possible to also get some more data, that data broken down by, as you said, kind of different levels of offense to see what kind of the categories that end up in school...going from school into a referral as well as if you tracked other levels outside of a high school. [LR429 LR447]

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JEFF BLIEMEISTER: Yes. And some of that information is going to be contained in the packet provided by Jeff Chambers of the University of Nebraska. And I apologize, it's nine pages long. [LR429 LR447]

SENATOR HANSEN: Sure. [LR429 LR447]

JEFF BLIEMEISTER: But we can provide you what offenses that are leading or end up actually being referrals. I can get that information to you, especially based upon the 2013 and 2017 intrinsic look that we took. [LR429 LR447]

SENATOR HANSEN: All right. Thank you very much. [LR429 LR447]

SENATOR PANSING BROOKS: Thank you. [LR429 LR447]

SENATOR EBKE: Other questions? Okay. Thank you very much. Okay, we're going to proceed with the invited testimony for LR429 and then after they're done, anybody who wanted to testify on both can... [LR429 LR447]

SENATOR PANSING BROOKS: Or either? [LR429 LR447]

SENATOR EBKE: ...or either or both or whatever, yeah. Okay. So Spike Eickholt with the ACLU of Nebraska. [LR429 LR447]

SPIKE EICKHOLT: I didn't realize I was invited. [LR429 LR447]

SENATOR EBKE: Well, I guess you are. You're on my list. [LR429 LR447]

SPIKE EICKHOLT: (Exhibits 2, 3, and 4) Hi, good morning. My name is Spike Eickholt, S-p-i-k-e, last name is E-i-c-k-h-o-l-t, appearing on behalf of the ACLU of Nebraska, testifying on LR429 only. You've got a copy of my written testimony. I know time is limited so I'm not going to read it, but I would just point out a couple of things and summarize it generally. We are committed to challenging the school-to-prison pipeline. You've heard about that today. I think

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one of the students described it very well and that is the established and disturbing trend where school and children become subject to school discipline policies and are funneled or moved in the juvenile and criminal adult system. That's established. You heard that today in Senator Howard's interim study. That can be demonstrated. That's clear. It's also clear it has a disproportionate impact on children of color and children who are categorized as disabled. To be clear, with respect to school resource officers, we do not support permanent police presence in our schools. We view that as a threat to civil rights and civil liberties of students. Again, particularly for those children who are adversely impacted by the criminal and juvenile justice system. The subject of school resource officers, as Chief Bliemeister said, school resource officers have been existence for a number of years, but increasing their presence, the debate now sort of relates somewhat to school safety. We are appreciative to that issue because that is an important public issue and students do have a right to be safe, as their parents have a right to expect that their children are safe in schools. So there are other issues that are involved with school resource officers, not simply with respect to public safety however. And perhaps the right solution, if there is one, is to find an appropriate balance between school safety and security and the protection of the civil rights and liberties of students. We are in the process of writing a report that looks at Nebraska and the use of school resource officers. We don't have it completed yet. We will have this fall. You will receive a copy of it. But even though we don't have it completed, we did send a public records request to...or a series of public requests to the school districts that do have at least one school resource officer at a school in our district. And even though we have not finalized the report, some conclusions can be made. First, the federal data, and you've got copies of that for Lincoln Public Schools an Omaha Public Schools, and I think that a testifier who testified and Senator Howard referenced this data. The federal data that's collected by the Office of Civil Rights requires schools to report demographic data of those students who are referred to law enforcement or disciplined in some manner. And you can see there's a clear trend, if you will, of the disproportional minority impact and an impact on minority...or impact on students with disabilities. If you look on the second page of both of those handouts you see the graph at the top left that references referrals to law enforcement. That's the federal data. We know what it does. And I give you an example of Lincoln and Omaha Public Schools. There is no uniform policy in Nebraska that explains which cases are referred or which instances are referred. There are a handful, of the 34 school districts, 6 do have at least some general description explaining the reasons for that, and that's important because if we are going

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to try to somehow control, monitor, or prevent, or limit this pipeline, which exists, we need to know for what cases, what instances cases are being referred to. So that's one thing that we've identified in some of the work that we've done so far. A second conclusion that we can make is that there is no consistent policy in place in Nebraska schools with school resource officers to ensure parental notification and involvement. You're talking about having police officers at school with access to students. I think Senator Hansen did a bill last year that kind of addressed this issue. I think a lot of parents, even parents maybe who support school resource officers in the schools, have this idea that the police are going to contact them before their kids are questioned regarding criminal activity. There's nothing in law that requires that at all. And what could be a simple, and I give this as an example not to trivialize the issue but it kind of highlights it, kids do things at school, kids do things on school property that can be serious and not realizing it. For instance, these iPhones. They're worth a lot of money. A kid can steal one on school grounds, be questioned by a teacher, be questioned by a principal, and then be questioned by the school resource officer with the parent knowing nothing about that. The value of many of these new phones is a felony level valuation. And you get that anecdote to kind of see how easily it can slip in there. But there's nothing, even a notice to the parents that their kids might be questioned some time during the school year, there's nothing consistent in policy across the state. Similar to that, there's inconsistent policies advising kids that are students of their constitutional rights. There is some actual disclosure and notice to students with respect to their Fourth Amendment rights, searching lockers, drug tests, that sort of thing, but as far as being questioned by police or having an opportunity to call a parent or an attorney, the regulations are silent on that. And finally, there is a consistent lack of school resource officer specific complaint process. In other words, if someone is not happy with the school resource officer and wants to take an issue, there's just no process. These are officers employed by law enforcement agencies. Going to the school is not going to be an address...or an avenue for them. And those are some of the issues that we saw. And I think that perhaps a minimum standard with respect to memorandums of understanding, kind of like what Chief Bliemeister talked about the MOUs, that try to sort of balance these different issues might be the way for the Legislature to look at it. [LR429 LR447]

SENATOR EBKE: Thank you, Mr. Eickholt. Any questions? I see none. Thank you. Deputy Chief Gonzalez...or not. Okay. We've got...we've got...I've got one, two, three, four who were...it doesn't matter? [LR429 LR447]

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SENATOR PANSING BROOKS: No. [LR429 LR447]

SENATOR EBKE: Okay. (Inaudible) if there was an order or not. Okay. [LR429 LR447]

LISA THURAU: (Exhibit 5) Good morning. Thank you for inviting me, Senator Pansing Brooks, and it's a pleasure to be testifying in Nebraska before this Judiciary Committee. My name is Lisa Thureau, L-i-s-a, Thureau, T-h-u-r-a-u. I am the executive director of Strategies for Youth. We are a national nonprofit organization that exists solely to improve police-youth interactions by providing training and policies to law enforcement agencies. Our goal is to reduce disproportionate minority contact. As has been suggested in a couple of people's testimony today, it's really important to look at the front door of the juvenile justice system and I think it's important to make sure that all the gatekeepers to the juvenile justice system, namely, law enforcement, are equipped to deal with the nation's youth. In the United States today, one-sixth of American children under the age of 18 are...I'm sorry. Of all Americans, children represent one-sixth of the population under 18. Fifty-seven million are receiving free and reduced lunch. The opioid crisis and other issues, including inconsistent employment of parents, means that the kids are not all right. More and more kids are having issues and the level of poverty and stress and calls for service law enforcement receives to address these issues requires, in our view, that officers be equipped; that they be developmentally appropriate, trauma informed, racially equitable resources and skills at hand to present and work with youth. Right now we think the lack of strong partnerships between law enforcement agencies and community-based organizations hobbles how law enforcement agencies can react. Unlike what the chief of Lincoln just described and what Deputy Chief Gonzalez will describe happening in Omaha, most law enforcement agencies do not prepare their officers to be developmentally skilled, not to have developmental confidence, not to understand trauma-informed approaches, and not to understand how bias plays into arrest. Nebraska recruit training only gives six hours of training on juvenile justice, and most of those six hours, in fact, none of those six hours have anything to do with mental health or how to communicate with youth. And as anyone of a parent of a teenager knows, this is an interesting time of life where listening is a skill that needs to be developed. We find that only 6 of the 600 hours in the academy are focused on this age group and those 6 hours focus on law, not on how to work with young people effectively. Resource officers in Nebraska are not required by any state law to attend any special training. That is the option of the law

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enforcement leadership. And officers with skills and partnership who can work effectively with youth, serving community-based organizations, are well-suited to address some of the increasingly complicated issues they are asked to face in schools and streets and in returning calls for service, responding to calls for service. But I want to reiterate that not only should you consider having a statewide law requiring training, especially of school resource officers who are going to have the most direct impact on the largest number of kids, but you need policies. Training is necessary but not sufficient. As you just heard, school resource officer policies don't exist often at the agency level. They don't always exist at the school level. And when you merge two agencies with very different impetuses and very different goals, you're necessarily going to have some challenges. This opens up officers to liability and I don't like to see officers over the fold of the front page of any newspaper arresting a six-year-old any more than the officers do. It opens up law enforcement agencies to liability, too, all of which could be avoided if there was thoughtful effort and concentration on creating policies that would avoid these problems and support officers with the skills they need. We know from recent research that the way officers have historically been trained to work with youth is actually found to increase delinquency. Intimidating youth into being good does not work--other approaches work much better--and this vicious cycle repeatedly undermines public safety when used. If you're going to embrace and provide meaningful support to the children of your state, a key way to do that is by training officers and to avoid officers inadvertently or unknowingly arresting youth for distress, for the child who comes in out of sorts because he watched Mom get arrested the night before or the child who comes in and acts out because they've seen something terrible in their neighborhood or because they're hungry again. Our solutions we recommend and are doing so have the... [LR429 LR447]

SENATOR EBKE: Go ahead. Yeah, keep going. [LR429 LR447]

LISA THURAU: Okay. Thank you. [LR429 LR447]

SENATOR EBKE: Go ahead and finish up. Yeah. [LR429 LR447]

LISA THURAU: We're seeing in Omaha working with the school resource officers there, and I can tell you the officers were hungry to have more skills to work with youth. And when you give

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the officers these skills, when you give them alternatives to arrest, they use them. And I think Chief Gonzalez will tell you in detail how well that worked by demonstrating a 55 percent decline in school-based arrests for misdemeanors and equally for a reduction in felony arrests, too. Our training, called Policing the Teen Brain Training or Policing the Teen Brain in School Training, focuses on teaching normative development and that age-old trouble young people have of self-image trumping self-interest, right: I'm doing it because it looks cool, even if it means I'll get arrested. Understanding mental illness of youth: One of five youth has a mental illness that's diagnosable, according to the National Institute of Mental Health, and the onset is during adolescence. So we must train officers to understand that and respond effectively. And trauma: With so many children living in toxic stress, we have to equip officers to understand traumatized responses of fight, fleeing, freezing, and re-enacting the very behaviors kids are trying to arrest, as well as the traumas caused by the very institutions that are supposed to care for kids, including foster care and schools. For school resource officers, we train officers on emotional behavioral disabilities and learning disabilities and special education law, which remarkably most school resource officers have no knowledge of. How could this be? I'll tell you what happens when they have no knowledge. When an officer touches a kid who turns out to have autism and the child, for instance, responds by pushing the officer away, in many places in the United States that's assault and battery on a police officer, which is a felony. It is also entirely avoidable. These problems are fixable. There are solutions. We also teach on the third day of our trainings how demographic factors and cultural messages to youth put them in conflict with law enforcement and authority figures in schools. We interpreted Omaha's case law and Supreme Court case law that bind officers to take certain strategies, and we provide officers opportunities to meet, connect, and speak with youth-serving organizations and youth themselves. And youth will tell officers why they're going to comply and why they're going to resist, what they find important in working with law enforcement and how it will encourage them to toe the line and be accountable. After our trainings, officers routinely tell us three things: one, I wish I'd learned this in the academy; two, I had no idea all these services existed in the communities where I police; and three, I feel better equipped to work with youth. We give them skills that they can immediately apply in the schools, in the streets, and in responding to calls for service from parents who are at their limit. We give them skills that are more than yelling "calm down." There's different ways to deescalate a 15-year-old. In conclusion, the five top reasons this is in the interest of Nebraska as a state is: you will promote respect for law enforcement among youth

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if you have officers who are skilled to work with them; you will reduce arrests of youth for minor offenses that cost you a great deal of money and routinely push kids into the system deeper; you will reduce your disparities, racial disparity, special ed disparities, because kids with special needs are arrested at much higher rates than kids who have no such special needs; you'll increase the network of supports for youth by having officers collaborate with those networks; and you will see positive outcomes for youth that you all are here to ensure and support. I have in the last page of my testimony prepared five or six different kinds of resources. Of those, I strongly urge the Legislature to consider the last piece, which is called the "Parents' Checklist for SROs." If your legislation could answer the questions in this checklist and make sure they were consistent across the county, consistent across...I'm sorry, consistent across the state and didn't vary wildly by county or within departments within a county, you would be doing the state a great service and saving yourselves, I think, quite a bit of money while promoting the legitimacy of law enforcement. Thank you. [LR429 LR447]

SENATOR EBKE: Thank you. Questions? Senator Chambers. [LR429 LR447]

SENATOR CHAMBERS: You came all the way from Massachusetts? [LR429 LR447]

LISA THURAU: I certainly did, sir. [LR429 LR447]

SENATOR CHAMBERS: Thank you. [LR429 LR447]

LISA THURAU: Thank you. And I would like to recommend, I know Massachusetts has this reputation of being a bastion of frizzy-haired liberals, but let's just be clear. (Laughter) I mean not my hair particularly. But let's be clear that Massachusetts has serious disproportionalities, too. For every one white youth arrested, ten youth are arrested and incarcerated. So our relative rate index is enormous and may even surpass that of Nebraska. Massachusetts, and I'd be happy to share this documentation with you, just enacted a law requiring all SROs be trained in schools and it has just developed a model MOU which details key facts that must be addressed by law enforcement and by schools. And thankfully, it doesn't put all the responsibility or the blame, frankly, on police. It requires school personnel to think very carefully about how they use school

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resource officers in their schools and not to use them as the bagmen or the bad guys to address students they don't want to address. Thank you. [LR429 LR447]

SENATOR EBKE: Thank you. [LR429 LR447]

SENATOR PANSING BROOKS: Thank you. [LR429 LR447]

SENATOR EBKE: Okay, whoever is next. I seem to have lost control of who is going in what order, so that's okay. Chief Gonzalez looks like. Good morning. [LR429 LR447]

GREG GONZALEZ: Good morning, Senator Ebke and members of the Judiciary Committee. My name is Greg Gonzalez, deputy chief, Omaha Police Department. Glad to be back. I don't want to belabor all the points that Lisa just made because she's been a wealth of information for Omaha police and kind of some of the neighboring jurisdictions in what she's done with some of our SROs. But I just want to touch on a few points, kind of the genesis of where we were with the Omaha Police Department back in about 2015. We developed a school-based arrest task force--that was really created in Douglas County--because there was some feedback that some of our arrests in schools were a little bit higher than probably what that was acceptable. So what we did was we developed a team. In 2015, a team from Douglas County attended Georgetown University's Center for Juvenile Justice Reform, School Justice Partnership Certification Program. And what that consisted of was a team of law enforcement, probation, juvenile court judge, county attorney's office, child welfare, county government, and school representatives. So we all went up to Georgetown and really learned some of the best practices that were surrounding the schools and particularly school-to-prison pipeline. We relied heavily on the U.S. Department of Education guiding principles, roles and responsibilities. And there was two that really stood out to us and that was law enforcement officer should focus in schools on assuring the safety of school community by addressing and preventing serious real and immediate threats to the physical safety of the school and the wider community. And I think some of that's been echoed today. So part of that relies on school administrators to ensure that law enforcement officers do not become involved in routine disciplinary actions. So the onus was kind of on school officials, too, that we learned to be part of the solution and not just routinely call police officers to the scene of a situation that could have been handled by them. So NASRO, NASRO,

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which was talked about today, the National Association of School Resource Officers, has a definition of an SRO as a career law enforcement officer with sworn authority who is deployed in community-oriented policing and assigned to work in collaboration with schools. So we really want our SROs to be embedded in the schools, to be part of the team, to develop solutions to not arrest and put handcuffs on juveniles when those situations can be handled in school, simply put. An SRO...and we have an MOU with all our districts in Douglas County, Millard District 66, OPS, and it's pretty specific. And the main talking point is they're...an SRO is not a disciplinarian of school sanctions. We make that clear with all our SROs in training and I think that's going to be echoed, because every jurisdiction does a good job. I think everyone kind of doesn't have maybe some of the funds and some of the philanthropic help that with Lisa that kind of helped us get to where we are today, and I think if they did then they'd probably be where we are, lock in step with us. But what has happened as a result of the training, our capstone project really wanted to reduce discipline and arrest, so that took a lot of mentoring, training, getting all our school resource officers in one room. We have retired officers that are still certified that work in the middle schools in Douglas County, and we have 13 that work in high school. So unlike any jurisdiction in the state, we have the most. So training is very important, especially when you're dealing with youth in our community. So two of those strategies, two main goals: we wanted to improve collaboration, communication between schools, probation, and law enforcement, because it's just not on police and it's just not on school officials. They needed some resources. We wanted to build those skills and capacity through professional development and training. Talked about that today with Teen Brain, the Teen Brain Training, which is a wealth of information, like Lisa had mentioned. But we send every SRO through NASRO training, which there's a cost to that, and we send them all through advanced certification for school resource officers to make sure they are trained. And every police officer in the city of Omaha at one point down the road, because we're going through a train the trainer course, will go through the training of Teen Brain Training. So that training, like Lisa had mentioned today and I think police officers will tell you that have been through it, it really gives them a deep dive into when you're dealing with youth and some of the problems they deal today. And so when they have a bad day sometimes at school doesn't necessarily mean it's personal to the police officer when they say things to you that you may not like, but it's because something that happened at home or they have been a victim maybe of some unfortunate circumstances. So I think once police officers understand the gravity of that, it's really helped us at the end of the day. We just started

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to measure all our statistics and our incidents with individuals as it related to charges because the law has changed, as you know, in how we deal with juveniles. So that has really been a big piece of some of the reform. However, we tell our police officers they do have a lot of discretion. I think the chief of Lincoln had mentioned that. And we know there's going to be situations in school that we can deal with and there's going to be some that, you know, statutorily that we have to do, we got to do and make an arrest for the well-being of the school. However, I think with our training, being in kind of sync with school officials, our arrests for misdemeanors in the last couple years have went down significantly. I have statistics that, I apologize, I will e-mail everybody a copy because I didn't bring enough copies. So my apologies. But in the past two school years, felony counts in Douglas County, at least for Omaha police, have decreased 19 percent and misdemeanor counts have decreased 76 percent to date. They continue to trend downward. We're proud of that. I think there's a lot of good work going on in the county and it's not just in law enforcement. But I think if you have a robust MOU, you work together collaboratively with the school districts, like is being done in Lincoln and other jurisdictions probably that you'll hear of today, including Sarpy County, you can make some positive strides in school-based arrests so kids can stay in school and then we can kind of address those higher priority issues, if you will. That's...in addition to that, I just wanted to let you know that for all our police officers...and I'll touch a little bit on threat assessment. I know that's going to dovetail into this conversation today. There's a lot of good work going on in Douglas County for that. We're talking about a regional threat assessment team and I know some other jurisdictions are doing really good in that respect. But school safety is very important, obviously, for the state of Nebraska, and we will continue to work and follow the letter of the law any way we can to make sure that we have safe schools. So I won't get into too much of the threat assessment because I could be here another ten minutes and I know my time is up. But I appreciate your time. [LR429 LR447]

SENATOR EBKE: Thank you, Chief. Questions? Senator Pansing Brooks. [LR429 LR447]

SENATOR PANSING BROOKS: Do you...thank you for coming, Chief. I really appreciate it. And what's happening in Omaha is really significant with those numbers of the arrests going down. So do you feel that Omaha...that the schools are safer in Omaha? Obviously, there's incidents and particular things that happen, but generally you feel they're safer? [LR429 LR447]

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GREG GONZALEZ: We have a good team. What I know is awareness is a lot higher. You know, you're always going to have those situations, and we'd love to have a crystal ball to be able to prevent everything in schools. But one thing about our MOU, especially as it relates to the school resource officer program, we met with the school districts. We met with all the superintendents and we've had meetings and we've talked about the importance of teamwork and that our SROs need to be part of the team. And they're actually stakeholders in selecting the SRO. So we just don't tell them who they're going to get. We actually have an interview process and we allow them to pick and be part of that selection process, which I think helps facilitate some of that growth in their schools to make sure that it is a safer environment, because that's going to be important to everybody involved, so. [LR429 LR447]

SENATOR PANSING BROOKS: Thank you. [LR429 LR447]

GREG GONZALEZ: Yeah. [LR429 LR447]

SENATOR EBKE: Other questions? [LR429 LR447]

GREG GONZALEZ: Thanks. Appreciate it. [LR429 LR447]

SENATOR EBKE: Thanks for being here. [LR429 LR447]

GREG GONZALEZ: Yeah. [LR429 LR447]

MADDIE FENNEL: (Exhibit 8) Good morning. My name is Maddie Fennell, M-a-d-d-i-e F-e-n-n-e-l-l. I'm the executive director of the Nebraska State Education Association and I'm here representing our 28,000 NSEA members to discuss both LR447 on school safety and LR429 on school resource officers. My comments have been provided to you in writing and much of them dovetail what's already been said, so I'm going to edit some of my comments for time. However, as a teacher, you don't ask a teacher to come to a study without bringing information, so that's the packet that's being passed out to you now. As a classroom teacher for 27 years, I can attest to the fact that safety is essential to student well-being and learning. Students who do not feel supported and safe at school, both physically and psychologically, simply do not learn to their

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fullest potential. Creating safe and supportive schools is central to this purpose and must be a state priority. Effective school safety starts with prevention, and engages schools, families, and communities as partners. Schools need the resources to implement and sustain the practices that will truly make our children in school safe. We need to be willing to take a hard look at where we are and how we got here. Our schools are a microcosm of our society. The problems we see with safety, discipline, and violence in our schools reflect the breakdowns occurring in our communities. But schools and learning are built on relationships. Students don't care how much we know until they know how much we care. We have not yet struck the proper balance between caring for our students as young, developing people and providing a safe environment. Let me be very specific. My concern is that the pendulum has swung too far towards end stage punitive measures. Studies show that behavior that once led to a trip to the principal's office and detention, such as a lack of homework, profanity, and talking back, now often leads to suspension, expulsion, or arrest. And once our students have been arrested they are too often set on the path of the school-to-prison pipeline that many people have described today. The Council for a Strong America, a national bipartisan nonprofit that unites over 8,000 members across five organizations comprised of law enforcement, retired admirals and generals, business executives, coaches, and athletes has said that overly harsh and punitive measures, such as zero tolerance policies, lead to reduced safety, connectiveness, and feelings of belonging, and have historically been unsuccessful at improving student behavior or the overall school climate. Additionally, utilizing SROs or other school personnel primarily as a substitute for effective discipline policies is inappropriate, does not contribute to school safety measures or student perceptions of being safe, and can perpetuate the school-to-prison pipeline. As I mentioned, we've prepared a packet for each of you with sound research from a number of resources, including that of the National Association of School Resource Officers. I echo what many have said before me, including the need for mandating training and memorandums of understanding through legislation as well as consistent data collection that is broken down by ethnicity. This needs to be based in legislation, not left to the discretion of schools and law enforcement. We also need to be providing more training for our teachers on things such as...and our administrators on things such as trauma-informed practices. We need to follow the best practices in school safety design, including identifying vulnerabilities, installing doors with functioning locks on all spaces where students are present, and designing building access that balances the need for schools to be welcoming to their community while providing protection for students and staff. Let me reiterate that the

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primary responsibility of school resource officers should be to protect schools from outside threats and serious criminal violations by students that may occur in school. Teachers and administrators must maintain their role as classroom and building disciplinarians, only calling SROs for extreme infractions. I do want to mention two things that were not previously mentioned by other speakers that I think is important. We could use legislation that would help us provide the resources needed to make our schools safer, specifically: authorizing school districts to increase their levies and budget authority for school safety and security. LB633 from 2018 authorized a levy of up to 1 cent for school districts to use for school security measures. We also need to expand the scope of QCPUF to include school building safety and security upgrades. The NSEA appreciates the opportunity to work on these issues further with you. And as educators, we accept our responsibility for developing an environment that is conducive to learning, working with you as legislators, with our local school districts, and communities. I want to say one last thing. I want to fully applaud the students who were here. Honestly, they are my only hope that we are ever going to get this right and serious gun reform. Since 2009 we have had 288 school shootings in the United States. The second most county is Mexico with eight; India, which has four times the population of the United States, had five; and Canada had two. They have mental illness there. They have violence there. What they don't have is ready access to weapons and weapons that can kill so many people so fast. I am angry that we have not done something about this. I think we are being derelict to our children. Thank you. [LR429 LR447]

SENATOR EBKE: Senator Chambers. [LR429 LR447]

SENATOR CHAMBERS: I cannot tell you how glad I am that you used that term to "ready access to weapons." I've been complaining about this literally for years. I had a public access television program that Councilman Ben Gray, Mayor Jean Stothert, and some others didn't like what I said, so it was taken off. I wrote a column in The Omaha Star and wrote column after column. I wrote to the chief. I wrote to the FBI. I wrote to Homeland Security. In most cases I didn't even get a courtesy acknowledgment. And I said when the guns start bleeding into white communities, maybe something will be done. Former City Prosecutor Marty Conboy and I had conversations and he said, Ernie, you're right, if we had this going on in the white community it would have been addressed a long time ago. So as long as we have the guns available, nothing

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else is going to make any difference. Guns do something to people. A coward becomes dangerous. A weak person with strong weapons, like a deranged President with strong weapons (laughter), will risk the welfare of the world because there's not a comprehension of how dangerous these things really are. So until something is done about the guns, nothing, nothing is going to make a difference. I'm glad you compared what happens in this country to other countries. There has been mental illness in this country forever. There has been everything that exists now in this country before. The new element in the equation is the guns. The NRA, the gun industry, and these people are going to have to be called out; otherwise, there will be no change. They don't care about the welfare of our children. They don't care about the safety of society. They care about selling guns. And one thing, and then I'm going to stop because I'll talk about this all day and that's not what people are here for. But I want you to know I'm listening to you. It resonates with me to use, a cliché. But...well, I'll just....I'll just stop. (Laughter) [LR429 LR447]

MADDIE FENNEL: Senator Chambers, can I respond with one thing? You know I've brought many of my students to see you--I've taught in north Omaha for 27 years--and I always thought this was about other people's children. But my desperation became even greater when I realized that when it wasn't just about other people's children. When 20 babies, white babies, at Sandy Hook were shot, not even that, not even that broke people out of their reverie. We can't say we care about our children and we love them when we allow them to die in school, a place where they're supposed to be safe, and we won't do what every other country has done to provide for their safety. We cannot hide behind the words that we use when our actions do not equal our words and we won't actually protect them by standing up and being the adult. That's why the only hope I have is the voices of the youth who are going to be smarter than us and demand what the adults in our country have become complacent to demand because too many politicians are bought out by those who care about guns. And I'm in a family where we have firearms and we have them locked up and we use them safely. I don't think we're talking about taking away everyone's guns, but we're talking about being responsible. And our laws are not responsible. [LR429 LR447]

SENATOR CHAMBERS: And you know, I tried to be an example of what I talk about. I probably get more threats on a daily basis than anybody other than maybe the President. I get

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phone calls. I have notes slipped under my door. I mean threats of violence. I've even been, on occasion, notified by the FBI that they had a credible threat against me. I don't carry guns. I don't carry knives. I don't have a weapon. I'm an easy target. First of all, if somebody wants to do something to you, you cannot stop them. I'm not going to carry a weapon. I'm not going to threaten anybody with a weapon, and I'm not going to look over my shoulder and live in fear. I walk these halls all the time. I drive the streets of my community at night. I walk the streets. I'm not a streetwalker but I walk the streets. (Laughter) So I'm readily available, accessible. I'm not inviting anything, but I'm trying to show, especially these white men, don't be so terrified that you feel you've got to carry a gun if you go into the store, you've got to have a hidden gun if you go to a restaurant, you have to have a hidden gun everywhere you go. And yet you all are supposed to be the heroes. I'm supposed to be the inferior one. Why is it that a little harmless 80-year-old man is going to get all these threats but not carry a gun? And then all these big, strapping, masculine men want to carry these hidden guns, it tells me something about white men. And I think they are detrimental to the cause of masculinity. They are extensions of the gun, and without the gun they're nothing. Now there are some people who are in a profession such as law enforcement where that is an accoutrement that goes along with the type of work that they do, but they have reached the point where they resort to the gun too soon. Now they can say, well, I thought somebody was a burglar, and kill them. A cop just was in a case that resulted in a hung jury or a mistrial because he thought somebody was a burglar. I could do this. He'd say, I thought Chambers was reaching for a gun which he could have had hidden in his eyebrows. (Laughter) That is the kind of flimsy thing that these cops can use. And instead of just looking at the people who might get guns to see if there's some way to determine they shouldn't have them, there has to be more in the way of screening the people who become cops. You have dangerous, mentally ill people on the police force and cops will lie. Fortunately, there were cameras, but a young black man was shot 16 times in Chicago and the lying white cop said, he lunged at me with a knife. And he was going over here and the cop who shot him is over here. Those are the things that they do to us and get away with it. And when I said that the police are our ISIS, oh, everybody went up in arms. You know why? Because FOX got it and they put it on. That's what I found out happened and all these people suddenly were terrified. They said that I'm a threat to the police. So the senators stood up, one after the other, condemning me, and I didn't run off like these cowardly white men. I stood there like I always do and I spoke back to them, and I'll always do that. And here's what led me to say that and I'm going to not take much more than

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three hours. (Laughter) Uh-huh. I'm not going to be forever. What led me to make that statement, there was a senator, he was a former military man who wanted to have a bill that would let people carry guns into bars. And I said, why in the world are you white men so afraid? I said, in the rural areas you have guns. You only live around each other. You all scared of each other? The Native Americans are not going to try to take their land back. Black people are not going to come over there and try to get even with you all for lynching us. What are you worried about? Well, you know, ISIS and al-Qaeda. He brought it. I said, what? You're worried about those people? You think that somebody from al-Qaeda is going to be in the tavern when you go there? I said, you talk about ISIS. Nobody from ISIS ever harmed our children. Nobody from ISIS has terrified our community. The police are our ISIS. Now you know the way the news media said it? Chambers compared the police to ISIS who cut off heads, who do...and they put all this stuff in which I did not say. But since I'm the resident villain, these white people jumped on it and they said I'm saying that the police cut off people's heads, and all these things that I didn't say. And that's why I don't waste my time, a lot of time, talking to white people. I don't have time for it. But when somebody like you comes along who is in a responsible position and will focus on the nature of the problem, the ready accessibility of guns, you may be listened to. There's not a knee-jerk reaction of fear to you. And I'm saying this because everything we say is recorded, it's transcribed. I want what I've said to go on record because people also think I'm against all teachers, I'm against all education. My trying to argue with white people would be like Einstein arguing with somebody about, well, higher math, and that person doesn't know how to do short division. If there are law enforcement people who take seriously what those of us are really trying to get to get done, our concern, they should be trying to help us get some of these guns off the street. And my final comment. When, in my community, kids as young as 14 years old can wind up with guns, they know where to get the guns but the police don't? Here's what I've said, then let the chief deputize these kids and they will tell them where to get these guns. I genuinely believe...and they can do anything they want to with this statement. I genuinely believe the police have something to do with the providing of guns in black community, making them readily accessible. If they wanted to stop the guns, they could. When this country was really upset with Cuba, you could not get a Cuban cigar into this country. If they want to stop something, they can stop it. When the guns proliferate, the police know. And I hold them responsible. The FBI knows. They spent years secretly monitoring me. I got some of the information on that. And where's why I'm saying it. They're going to spend all that time on somebody who never was

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convicted of an act of violence, never, all those years and all those person hours, but they can't give the time it takes to find the source of these guns in my community, our community. But I'm very concerned about it, upset about it, and all I'm doing today is inconveniencing people a little bit because of the time that I'm taking, but it's literally a matter of life and death in the community where I live, which means so much to me. I have not left that community. I have had opportunities to move where I would have five digits in my address. I've been offered jobs. I've been offered all kind of things. One of the big law firms in Omaha had offered me money to let them put my name of counsel or something such as that on their stationery. I said, man, I don't...I can't practice law; I don't belong to the Bar Association. Oh, you wouldn't be practicing; we just want to find some way to hook your name up to ours. I said, why? Well, because despite the way they want to portray me as a villain, there are some people who connect me with integrity. I've always been what I am and what you see is what you get. So, Ms. Fennell, I hope what you will do is keep pushing the way that you and some in your organization have been done. Some of us are going to try to get better treatment, more money for teachers. And sometimes I have to swallow awfully hard because of the things that some teachers have done and said. But what we have to be able to do is rise above that and look at what really is necessary to make this society humane, to perhaps make it possible for us to treat each other the way we want to be treated. And I think the teaching profession is where that can be done more than any other place. And if I were to make society like a pyramid, at the top, the closer you got to the top the more important and essential the people go...are. And when you get to the very top, would not be ministers, would not be judges, would not be cops. It would be a properly functioning teacher. Now you've... [LR429 LR447]

MADDIE FENNEL: Thank you, Senator. [LR429 LR447]

SENATOR CHAMBERS: ...heard all that I'm going to say on this subject. [LR429 LR447]

SENATOR EBKE: Okay. Any other questions? Comments? Okay. [LR429 LR447]

MADDIE FENNEL: Thank you. [LR429 LR447]

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SENATOR EBKE: Thanks for being here. Okay, I think we have one more. Is it Elizabeth Eynon... [LR429 LR447]

ELIZABETH EYNON-KOKRDA: Kokrda. [LR429 LR447]

SENATOR EBKE: Kokrda, okay. And then if there's anybody else who plans to testify on either of these bills, be prepared to jump up and...are there some who are planning on testifying on either of these resolutions? One, two, three, okay. And then we will, when we complete these two, we will take about a five-minute break, because staff has been sitting here a long time and they can't get up the way we can. So okay. Go right ahead. [LR429 LR447]

ELIZABETH EYNON-KOKRDA: Hi. Thank you. My name is Elizabeth Eynon-Kokrda and I am an attorney in Omaha and I've been practicing school law for about 20 years, and I'm also a managing attorney for a nonprofit called Education Rights Council that focuses specifically on trying to close the access to justice gap and narrow the prison...school-to-prison pipeline for children who are under resourced in their families. That particular institution works across the state of Nebraska. I am located in Omaha. And following up on everyone's prior testimony, trying not to take a lot of time, what I wanted to do is take a little bit of the testimony from Strategies for Youth and bring it home to here in Nebraska. We've talked a lot about what is happening in Nebraska in terms of children being mandatorily referred. I want the committee to please be aware that, despite the changes that happened in the last legislative session, one of the things that we still do in Nebraska is require mandatory referral to law enforcement. The changes that were made do make it, I'll call it, more county by county, but school districts are still required to get together and mandatorily determine what they're going to do to refer to law enforcement. The reason I think that becomes somewhat of a challenge when you have SROs in the school is what you've heard everybody talk about, which is what is the proper hat for the SRO. And what happens often on the ground when I'm representing families and children that I see is because we have this mandatory referral process we have SROs that say, well, we're not really law enforcement in the school. We are simply there to assist. We act at the direction of the school until, whoops, we have a law enforcement issue and then we switch hats. And so the SRO then becomes the law enforcement to which the schools are referring pursuant to the mandatory referral laws. That switching of hats challenge is something I would encourage the Legislature to

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look at if you're looking at enacting legislation to perhaps solidify our expectations about SROs in schools. The other thing I think that needs to be really emphasized a little, and Strategies for Youth talked about it, is the lack of accountability that arises precisely because the person in the school is not a school employee. So when you're having a nonschool employee, you don't have the protections that you have when you're talking about a governmental entity that is a school district in terms of compliance with various state and federal laws about due process. You heard one of the testifiers, I think it was ACLU, talk about how there really isn't a methodology to challenge what happened in the school by an SRO in the due process system that we have, for example, the student discipline school process. We don't have a complaint procedure. We also have the ability, and I've actually seen this, where a child will be brought in for questioning and the parent will not be notified, and that child will sit there not one hour, not two hours, not three hours, five hours, six hours until the child has signed a statement and produced it as to what happened, and then and only then are families notified. The challenge with this also becomes, well, we're worried about school safety and finding out what's happening in schools and making sure we don't have something bad in the schools. We also have created an evidentiary trail. And with my lawyer hat on, my big concern is that because we don't require Miranda and we have this switching and ebbing and flowing between SRO and law enforcement, children already leave some of their constitutional rights at the schoolhouse door. This can exacerbate them leaving those rights because parents aren't able to obtain any counsel and the children aren't allowed to obtain any counsel as to what they may or may not provide in terms of a signed testimony that then is used against them if a referral to law enforcement is made. I also would echo, yes, that there are no requirements with regard to training. And I was really heartened to hear about the MOUs. I have been involved in drafting those MOUs in the past, not in the last five or six years, but from my perspective they don't necessarily align. And if Lincoln is doing a fabulous job and Omaha is doing a fabulous job that's great, but we don't have legislation that says this is what an MOU needs to include, this is the training. And I also have witnessed what Strategies for Youth talked about where because we have two different entities we can't share private information. FERPA protects it. So how does that law enforcement or SRO know that the child they're about to accost has autism? How do they know that there's not a disability that's going to cause a problem? And the statistics are right. We are having a dramatic disparate impact on children with disabilities involved in law enforcement in the state of Nebraska. I don't want to reiterate what everyone else has said, but those are my two cents. [LR429 LR447]

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SENATOR EBKE: Thank you. [LR429 LR447]

SENATOR PANSING BROOKS: Thank you. [LR429 LR447]

SENATOR EBKE: Questions? I see none. Thank you for being here today. [LR429 LR447]

ELIZABETH EYNON-KOKRDA: Thank you. [LR429 LR447]

SENATOR EBKE: Okay. Anybody else who wants to testify on either of these two resolutions, LR447 or LR429 or both? [LR429 LR447]

STEPHANIE SUMMERS: (Exhibits 9 and 10) Thank you, Senator Ebke and the members of the Judiciary Committee. My name is Stephanie Summers, S-t-e-p-h-a-n-i-e S-u-m-m-e-r-s, and I am a school board member, president of my local school board in David City, Nebraska. I'm here representing my school district, as well as the Nebraska Association of School Boards. Heard a lot about Lincoln and Omaha today and I just feel compelled to say that, as a legislative body, all the decisions that you make also affect the entire state. And there are a wide variety of school districts and sizes in this state and I'm here representing one of the smaller ones. So regardless of size of a district, school board members and administrators are tasked with the seemingly impossible job of making schools places that take students as they are, meeting their educational, social, and emotional needs all while protecting students, sometimes from each other, within a safe secure building, unable to be penetrated from unwanted visitors, yet easily accessed and welcoming to parents, community members, and, in worst-case scenarios, first responders. I am currently serving my eighth year on the school board, and during my time served I have been a part of various safety-related discussions. Some of these discussions have led to action and some have purposefully led to inaction. I have given you a copy of my testimony as well as some information from the National Association of School Boards who conducted a survey of the 1,700 school board members across the state. That will be a more detailed look at what schools have done across the state to address safety concerns in their districts. I'm going to talk to you today about what we've done in the last eight years on my time on the school board. Within the last eight years, our school board has made the following implementations or decisions regarding school safety. Some of these have come at a cost, some at a great cost to our district, meaning

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our taxpayers, and some have cost nothing at all. Unfortunately, the safety needs that are recognized that we need to recognize are not recognized in our budget. It is not a line item. You don't have safety in school as a line item in your budget, nor is it recognized as a need in the state aid formula. So going down the list, we have install...this is just within the last 18...or 8 years. We've installed cameras throughout all of our buildings in the district and then later installed cameras at main entrances to all schools with patrons being buzzed into the building by the secretary. Only one door is available for entry into all buildings in the morning with staff members at the entrance to greet all students. All backpacks are to remain inside the assigned lockers. That might seem a trivial thing to some of you. As a small school, we kind of got into a lackadaisical approach. One kid had a backpack, decided he didn't want to go back and forth to his locker all the time so he started bringing his backpack to every class. Over the last several years that increased to where every student brought their backpack to class. And we realized that was a huge safety concern, so we introduced a new policy last year that prevented students from doing that. Parents and spouses are not allowed to walk to classrooms during the school day on their own after checking in with the office. After the teacher has been notified of the visitor, the teacher walks to the office to escort the visitor back to the classroom. We recently contracted with a separate counseling agency in our small community to provide additional mental health services to our students. This was at a additional cost to our district and we have started that just this school year. Our staff was surveyed last year and mental health among the student body was their top concern. We switched out all of our keyed entrances to key fob entrances, eliminating random keys floating around the community to be used for access. As a board, we did discuss implementing a student resource officer program. We talked about that for about two years. We had several meetings with our local sheriff's office, discussions with city council members and neighboring districts and other schools within the community. In the end, unfortunately, we decided that it wasn't necessarily a need at the moment. Not only that, it wasn't financially viable for our district to continue down that road. All of our buses have video cameras in them. We have several cameras in each bus with various views to hopefully prevent but also detect and record any untoward behavior that the bus driver may not be able to be aware of while driving the bus. One of our elementary schools was part of a building addition that resulted in the school's offices being the first point of impact when a visitor enters the building. Prior to that addition, the office was in the middle of the building, which did not allow a line of sight to the main entrance. It also allowed any visitor access to the entire school without ever needing to visit or be seen by office

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staff. So our addition changed the way our community accessed the building and made it safer for our schools. During this addition, we also replaced all existing classroom doors that automatically locked to prevent any intruder from entering each individual classroom if indeed they did get into the building. We have trained all of our staff in the Standard Response Protocol and have students informed as well. And our local law enforcement has keys to all of our buildings for ease of entry in case of an emergency and they have also increased their presence within our elementary schools during the week and they kind of drive around after the school day is over around our secondary building. Our district is currently discussing a several million dollar building project that will provide a safe access point for all visitors to the secondary school. Currently, the office is on the second floor of the 102-year-old building. While visitors are buzzed in via video confirmation, they have the ability to go upstairs or downstairs upon immediately entering the building. Our board is discussing an addition that would create one safe entry point for visitors to be easily verified by office staff and escorted to the appropriate place, similar to what we have in the elementary. We're a small district in a small community, but our board is continually evaluating the safety of our students and making changes that fit our community and our school and our students. And I thank you for being able to come here and share my story and also the story of school districts from across the state. Any questions?
[LR429 LR447]

SENATOR EBKE: Thank you, Ms. Summers. Senator Pansing Brooks. [LR429 LR447]

SENATOR PANSING BROOKS: Thank you. Thank you for coming today. We appreciate it. It's great. Just to clarify, that's partly why I asked, as I went across the state for the reading program, I asked all of the smaller schools as we went out all over whether or not they had SROs, how they were using them. And so I really appreciate your coming and speaking to some of these issues. Previously, Ms. Fennell talked about the QCPUF, the need for that kind of ability to use it towards...to use the QCPUF funds for security. [LR429 LR447]

STEPHANIE SUMMERS: Uh-huh. [LR429 LR447]

SENATOR PANSING BROOKS: And I think that's mostly...are you aware, is that mostly for HVAC? Is that correct? [LR429 LR447]

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STEPHANIE SUMMERS: Yeah. Yeah, asbestos, things like that. Yes. [LR429 LR447]

SENATOR PANSING BROOKS: Yeah. So for the removal of asbestos... [LR429 LR447]

STEPHANIE SUMMERS: Uh-huh. [LR429 LR447]

SENATOR PANSING BROOKS: ...and for updating HVAC. [LR429 LR447]

STEPHANIE SUMMERS: Yes. [LR429 LR447]

SENATOR PANSING BROOKS: So I agree that those are...that is one way to possibly look at helping school districts to supplement security in their schools. And I appreciate you coming. Thank you. [LR429 LR447]

STEPHANIE SUMMERS: Yeah. And just to speak to that, to our...we were excited about the opportunity to provide an SRO. We thought that it would...and we don't have the kind of issues that maybe the larger communities do, but we were looking for a way to have a positive relationship with the police force in our community. And it was actually brought to us by our sheriff's department and we were completely open to the idea. We looked at possibly supplementing their salary and trying to work throughout the community with other districts to try to financially support that as a team instead of one entity taking on the entire responsibility of the contract. But it wasn't able to be worked out with all of the districts and the time constraints that the officer would be under. [LR429 LR447]

SENATOR PANSING BROOKS: And if you did add an SRO, do you think that you could afford the training as well that was...is necessary that we've heard about, the training on the Teenage Brain, the memorandum of understanding? Because it's not just...I mean what we're hearing is best practices are not just saying the police will be there and the schools will use them. [LR429 LR447]

STEPHANIE SUMMERS: Uh-huh. [LR429 LR447]

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SENATOR PANSING BROOKS: It's an entire program of making sure that people understand the disproportionality of contact with minority youth and children of color. So there's more to it than just having an agreement, yeah, we're going to work with the police and have the police at our school. So I'm wondering about when you hear about all these extra things that are needed to be done with this kind of agreement, do you feel that your school district could add that additional cost as well? [LR429 LR447]

STEPHANIE SUMMERS: Yeah. I don't know that that would be possible. I mean we're already, I mean I'm not going to go into property taxes and increasing our levies. We just passed our budget. But we're in a very interesting district also where half...literally half of our community goes to a private school and the other half goes to very...an extremely split community. So it was very difficult to ask our taxpayers to pay for a service that only half of the students in our district would receive. And so then for us to ask for more of that, and that was their perception, not ours as a public school. And then to try to ask for more leeway to provide for...we would want the training by far because that was our motive. Our motive was not the disciplinary aspect. It was more of a relationship that we wanted to build. And it even stemmed from the mental health aspect that we were trying to address as well, which is why, instead of the SRO route, we went with contracting with an outside counselor to help out our counselor that we currently have. [LR429 LR447]

SENATOR PANSING BROOKS: Thank you. [LR429 LR447]

SENATOR EBKE: Questions? Thanks for being here today. [LR429 LR447]

STEPHANIE SUMMERS: Thank you. [LR429 LR447]

SENATOR EBKE: Okay. [LR429 LR447]

JAMES SCOTT WELDON: (Exhibit 11) Good morning. My name is Scott Weldon. Actually, my first name is James Weldon, everybody knows me by Scott, so J-a-m-e-s W-e-l-d-o-n. And thank you for providing this forum today. I appreciate it. I'm a Lincoln resident. I'm a father of three. I have two children in Lincoln Public Schools, and I'm the lead deacon for safety and

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security at Zion Church, have been for seven years here in Lincoln. And it was in that capacity that I had opportunity to learn and study and try to understand the best practices for how civilians should respond to active shooter situations. And I'm here to contribute my thoughts on procedures for active shooters in schools. Senator Morfeld mentioned sensible security measures. I believe that the procedure I'm going to focus on, and I'm going to be very narrow, I believe that this procedure has the ability to cut through the more controversial issues that I've heard mentioned today, training of school resource officers, whether to arm teachers through a sentinel program, funding, race, etcetera. And but first I would like to lead you through a short thought experiment. I'd like you to imagine that I'm forming a basketball team and I'm going to ask four of you to be on this team with me and we are going to be playing like a dream team. We're going to play LeBron James, Steph Curry, Magic Jordan or Magic Johnson in his prime, Larry Bird, Michael Jordan, all in their prime. The difference is that we're going to play by the normal rules of basketball but the dream team is going to be asked that as soon as the contest begins they're going to have to choose their position and remain there. Furthermore, once the game begins, they are not allowed to move, not only from that position but they're just...they need to be static, okay? Now I don't have any data to support this, but if you use your imagination how many games out of a hundred do you think we would win? And my prediction is we'd win 100 out of 100. And that is because basketball is an example of a dynamic environment, where the key attribute is maneuverability, flexibility, just the ability to move, quite simply. And my position, after thinking through it very carefully, is that an active shooter situation is a likewise very dynamic environment where the key attribute is movement, flexibility, maneuverability. And it's for that reason that I am opposed to the use of a lockdown procedure within the Standard Response Protocol that is used by Lincoln Public Schools and I assume by others that are in the state of Nebraska, although I'm not sure how many. I don't have any problem with the other three sections of the Standard Response Protocol, which are lock out, evacuate, and shelter. And I've made available to you on the single-page handout a video at the top, the link there, that shows the lockdown procedure that the schools use. It also at the bottom has an alternative training plan that I'll get to in a minute. The core problem, as you'll notice if you watch the video, is that the instructions to the kids are don't move, sit on the floor, be silent. Teachers also are instructed to quickly sweep the hallway, if they have time, to bring students into this static, passive environment where movement and maneuverability is restricted. And I don't know if any...I've heard some people mention that they've got weapons, they've maybe

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hunted or target practiced or something like that before. If anybody does have any experience, you might know that especially with a handgun, which is the preferred tool, unfortunately, of active shooters, it is very difficult to actually hit something that is moving, especially hit it in any way that actually causes death. And so for that reason, the key attribute in an environment like this is to move. Okay? That should always be your first priority if you can do it. If you cannot, and with the primary purpose first to create distance and movement and eventual evacuation or escape. After that, you can't do that, then you should be hiding or locking down. But in that situation, that also would be different than what the Standard Response Protocol is because that should not be passive. People who are in lockdown should be preparing to counter if the...if that room happens to be breached. There are all kinds of ways that you can counter that do not involve physical fight. You would find, you know, if somebody just picked something up and threw it at you, you would have no reaction except to flinch, and this is a disruption that has been shown to interrupt what's called an OODA loop of a shooter. It means that every time that you interrupt their thought process, they have to go back to the beginning of observing, orienting, deciding before they can act again. So a very helpful heuristic that maybe some of you have heard is run, hide, fight. That's helpful as far as communicating a fairly complicated concept, but it's not adequate, in my opinion, as a training program. In fact, it's not a training program. And the one that I do recommend that I have seen, and I'm not a salesman for this, but the best one I've seen so far is called ALICE training. It stands for alert, lock down, inform, counter, and evacuate. And I believe that the single best thing we could do for our kids, if cut through all of these controversial issues, is to change the mind-set from not being passive members or passive victims but being active in their own...basically being their own first responders. Each child or teacher can choose the course of action that is best for their situation, whether they evacuate, lock down, or counter. I'm convinced that we're falling behind in best practices and that we need...and that our training, we're training our kids to do the exact opposite of what they should do in order to survive an active shooter situation. I would also just point down...point out that the Department of Justice, Department of Education, HHS, FEMA, DHS, and an increasing number of state agencies are supporting proactive, moving responses to active shooter situations and are moving away from static passive responses. Happy to answer any questions. [LR429 LR447]

SENATOR EBKE: Thank you, Mr. Weldon. Questions? Senator Chambers. [LR429 LR447]

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JAMES SCOTT WELDON: Yes, sir. [LR429 LR447]

SENATOR CHAMBERS: What you've demonstrated, I haven't had a chance to analyze it, that what becomes accepted may not be the best thing. There should be a constant evaluation and reevaluation to see if it really is. [LR429 LR447]

JAMES SCOTT WELDON: Yes. [LR429 LR447]

SENATOR CHAMBERS: As the first notion from which you're going to build, it's okay, but maybe modifications. Now you've made me think of something when you were mentioning the moving. There was the shooting down in Texas and some guy who was supposed to be a guard, I don't remember whether he was with the sheriff's department or what, never went on the scene. You-all's President, who didn't go into the army...see, I was in the infantry. I carried a flamethrower. My basic weapon was the M1. They don't even know what that is. That's not an automatic weapon. But anyway, he said, had I been there I would have confronted him without even a weapon. Now this big windbag, scared of his shadow, said that if he had been there he would have gone in and confronted the shooter even if he didn't have a weapon. That shows an irresponsible response to something that is very serious. It brings into focus what you have said. I wish I could come up with a perfect solution, which I'm not able to do. But you did put some things on my mind. [LR429 LR447]

JAMES SCOTT WELDON: Thank you. [LR429 LR447]

SENATOR EBKE: Other questions? Okay. Thank you. [LR429 LR447]

JAMES SCOTT WELDON: Thank you. [LR429 LR447]

DEBORA DENNY: (Exhibits 12 and 13) Good afternoon, Chairman Ebke. [LR429 LR447]

SENATOR EBKE: It is afternoon now, isn't it? [LR429 LR447]

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DEBORA DENNY: Yes, it is. Senator Pansing Brooks, I'm here to testify on LR429. My name is Debora Denny, D-e-b-o-r-a D-e-n-n-y. I'm the director of the Supreme Court Office of Dispute Resolution and I'm here to speak to the part of the LR regarding information, data relevant to consider whether and how law enforcement authority in Nebraska schools relates to juvenile court involvement. What I am...have just handed out is what the Office of Dispute Resolution and our six regional mediation centers are working on statewide. We are the fortunate recipient of a Sherwood Foundation grant for this three-year period to expand restorative justice victim youth conferencing across the state again to, as many people have already testified, to try to make a difference to reduce the school-to-prison pipeline. In the packet what I've handed out to you on the first page is what's called a "Role Conflict Avoidance Decision Tree." This is a proposed and actually implemented approach put out by the National Council of Juvenile and Family Court Judges with school-justice partnerships in which the school, the justices, justice system, the diversion program. And in Nebraska our regional mediation center determined the contact...conduct that's going on in the school, is it a delinquent or a school infraction? If it's an infraction, no law enforcement is involved. If it is a delinquent activity, such as an assault in the school, then we determine whether the school resource officer is involved or not. And if so, if it's part of what's determined as a focus act by the partnership developing the MOU, the response, in that green circle, can be a graduated response matrix. In earlier this morning you heard testimony from Lincoln Public Schools about Project Restore. Our mediation center here in Nebraska in Lincoln is part of Project Restore and is providing restorative justice victim youth conferencing. And our goal is to replicate the school, diversion, county attorney, mediation center restorative justice intervention to keep the youth out of the juvenile justice system, even out of diversion. And if you look at the next page, we have a report on Project Restore here in Lincoln with the county attorney, the Lincoln Public Schools, and the mediation center, and this report is a year old. We have a new report coming out today. I have not received it yet. We're working with the University of Minnesota Center on Restorative Justice and Peacemaking. But you can see on the back page of this report that of the 50 youth that...that 50 youth in Lincoln received these victim youth conferencing services as an alternative to court and 94 percent of them completed the conferences, which resulted in reparations agreement for the youth to make amends. And 98 percent of those agreements were successfully fulfilled by the youth and those who were harmed, and four out of five of the youth who participated did not have a second offense. We are evaluating all of the restorative justice activities we're doing with the schools as well as with the

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diversion programs and with probation and keeping a lot of data to determine is recidivism reduced. And our data as of last year showed that only 13 percent of the youth that participated in this program recidivated, which is a very low and remarkable piece of data. What's also attached to your packet is our larger restorative justice. The one I showed you about Project Restore is the school connection. We're getting a lot of referrals for youth getting in trouble outside of school as well. And the last item in your packet is an article from the American Educator about reaction to prevention. And I know, Senator Pansing Brooks, you mentioned there's ways to use conflict resolution restorative justice in the schools. That is included in this article for your reading if you would like. We are bringing this first page that had this "Role Conflict Avoidance Decision Tree," was developed by Judge Steven Teske out of Georgia. He is actually coming to Nebraska in October and he's presenting to our county and juvenile court judges on this model in later October and working with our mediation centers as we develop this program and go statewide. We're partnering with the Nebraska Crime Commission on this project as well. And just wanted to offer this, that this is an active resource that we have as part of this solution. [LR429 LR447]

SENATOR EBKE: Thank you, Ms. Denny. Any questions? Senator Pansing Brooks. [LR429 LR447]

SENATOR PANSING BROOKS: Can you...thank you for coming. I appreciate it. [LR429 LR447]

DEBORA DENNY: Uh-huh. [LR429 LR447]

SENATOR PANSING BROOKS: Can you remind me who's paying, who's helping to fund this? What is Sherwood but also...? [LR429 LR447]

DEBORA DENNY: Sherwood Foundation and then the court funds Office of Dispute Resolution and then there's also funds from the Crime Commission in a small degree. [LR429 LR447]

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SENATOR PANSING BROOKS: So...and I have one more question. When you look at this map, my question is access for kids and for...I mean obviously the...I mean the Kearney area is a huge area. [LR429 LR447]

DEBORA DENNY: Right, right. [LR429 LR447]

SENATOR PANSING BROOKS: So to get access, if you're living up in the northern part, is the mediation area...center in Kearney itself? [LR429 LR447]

DEBORA DENNY: Right. [LR429 LR447]

SENATOR PANSING BROOKS: So how do you reach those kids in counties that are so much farther north and away from... [LR429 LR447]

DEBORA DENNY: Well, one of the ways, Senator, is we have affiliated mediators and facilitators that live without...throughout the regions. And so those individuals go to Broken Bow or Morrill or Chadron or wherever the need is. And so there's travel involved by the facilitators and those who are geographically near. [LR429 LR447]

SENATOR PANSING BROOKS: So do you believe that you can provide access for all the kids in the state basically? [LR429 LR447]

DEBORA DENNY: I don't think all the kids, no, no, and... [LR429 LR447]

SENATOR PANSING BROOKS: But all the areas of the state... [LR429 LR447]

DEBORA DENNY: All the areas we... [LR429 LR447]

SENATOR PANSING BROOKS: ...that would want to use this? [LR429 LR447]

DEBORA DENNY: Right. So the mediation centers in this three-year Sherwood project, their focus is to work with the counties and the regions that want to participate. And so each of those

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six regions have...for example, the one in Kearney is working with Adams County area, they're working with the McCook area, so they are meeting face to face with the stakeholders in those areas. One of the things with the Sherwood grant is we have to find sustainability. And so one of the proposals that we're looking at is introducing a restorative justice bill in this upcoming session. [LR429 LR447]

SENATOR PANSING BROOKS: Good. [LR429 LR447]

DEBORA DENNY: Okay. [LR429 LR447]

SENATOR PANSING BROOKS: Thank you so much, Ms. Denny. [LR429 LR447]

SENATOR EBKE: Other questions? Okay. Thank you. [LR429 LR447]

DEBORA DENNY: Thank you. [LR429 LR447]

GREG LONDON: Hello, Senators. My name is Greg London. I'm the chief deputy with the Sarpy County Sheriff's Office and I will be up here for about one minute. Senator Chambers, I agree with you. Guns in bars are a bad idea. [LR429 LR447]

SENATOR CHAMBERS: (Laugh) Okay. [LR429 LR447]

GREG LONDON: I just want two points because I'm not going to reiterate all my talking points that Greg Gonzalez and Jeff Bliemeister already talked about. July 25, there was an article in the Papillion Times where it said the ACLU is concerned that school resource officers might arrest or cite people for unruly behavior in class. Sarpy County Sheriff's Office surely would not cite any student for being unruly in class. That's not how we would handle it and I would guess that most other agencies would handle it the same way we would. That's a school issue that they could solve and not the sheriff's office. My last point, LR429 at the bottom of the first page talks about the study that will commence and it says, "The number of students cited or arrested at school or school-sponsored activities by SROs..." Yes, occasionally, we do have to cite and arrest kids, but I don't know if that changes whether our SROs would do it or if we had a deputy called

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off to the...from the street that would handle a call. I don't know if that changes. It's just something to look at. And that's my only point. Thank you. Any questions? [LR429 LR447]

SENATOR EBKE: Questions? Senator Pansing Brooks. [LR429 LR447]

GREG LONDON: Sorry, Senator. [LR429 LR447]

SENATOR PANSING BROOKS: Yes, thank you. I'm just...I'm confused about what your statement just was, that... [LR429 LR447]

GREG LONDON: Well, at the... [LR429 LR447]

SENATOR PANSING BROOKS: What we're talking about is best practices, memorandums of understanding, making sure that administrators and police are... [LR429 LR447]

GREG LONDON: Yes, and we have those. [LR429 LR447]

SENATOR PANSING BROOKS: ...educated in the teenage brain and what's going on with special needs and people...kids of color. [LR429 LR447]

GREG LONDON: Well, the way I read the resolution it said, "The study shall include investigation and considering of the following...The number of students cited or arrested..." All I'm trying to say is, yes, we do occasionally cite and arrest students by our SROs. I don't know if that number would change if we didn't have SROs in the schools and we just called a regular deputy from the road patrol into the schools like we did 30 years ago. Does that make sense? [LR429 LR447]

SENATOR EBKE: So if you had two identical...sorry, but if you had two identical schools, one with an SRO, one without, the question is whether or not there is a difference in the citation... [LR429 LR447]

GREG LONDON: Right, when it comes to law... [LR429 LR447]

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SENATOR EBKE: ...because the school, yeah...well, yeah. [LR429 LR447]

GREG LONDON: Yeah, when it comes to law enforcement I think it would be identical.
[LR429 LR447]

SENATOR EBKE: Because the schools would still...they wouldn't call...you don't think that they would call law enforcement or...you know, the sheriff's office any less often than they...or any more often than they would the SROs? [LR429 LR447]

GREG LONDON: That's correct. [LR429 LR447]

SENATOR EBKE: Okay. [LR429 LR447]

SENATOR PANSING BROOKS: Yeah, and of course part of this is just determining what best practices are and if people are educated on the teenage brain and what's going on and, you know, what reaction times are, what reactions are, so that's just...I think that's what we're looking at. It isn't necessarily...I think numbers are helpful to know what is going on, who's...how many arrested in one school with SROs, how many are arrested without SROs. [LR429 LR447]

GREG LONDON: Okay. [LR429 LR447]

SENATOR PANSING BROOKS: That's what...we just want the information, so. [LR429 LR447]

GREG LONDON: All right. Thank you. [LR429 LR447]

SENATOR PANSING BROOKS: Thank you so much for coming today, Chief. [LR429 LR447]

SENATOR EBKE: Any other questions? Guess not. Okay. Thanks. Is there anybody else here to testify on LR447 or LR429? Okay, Senator Morfeld has waived his close. Senator Pansing Brooks,... [LR429 LR447]

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SENATOR PANSING BROOKS: I think we'll... [LR429 LR447]

SENATOR EBKE: ...you going to waive a close? [LR429 LR447]

SENATOR PANSING BROOKS: Yes, I am. [LR429 LR447]

SENATOR EBKE: Okay, so we're going to close the hearing on LR447 and LR429. We're going to take...I have...according to my clock, it's 12:12. We're going to take no more than ten minutes and we will start promptly at 12:22. But I need to let staff get up and move around, so. [LR429 LR447]

BREAK

SENATOR EBKE: (Recorder malfunction)...started. People are going to trickle in. Open the hearing on LR402, Senator Halloran. [LR402]

SENATOR HALLORAN: Good morning. [LR402]

SENATOR EBKE: Afternoon. [LR402]

SENATOR HALLORAN: (Exhibit 1) Good afternoon, I should say. Good afternoon, Chairman Ebke and members of Judiciary Committee. For the record, my name is Steve Halloran, Senator Steve Halloran, S-t-e-v-e H-a-l-l-o-r-a-n. And once I reach puberty, my voice will stop cracking. (Laugh) I'm here today to introduce the interim study LR402 to the committee for your consideration. I intend to keep my remarks brief this afternoon--I know that's what everybody says--allowing more times for individuals that will follow me to express their thoughts and for you to ask me questions. We are all painfully aware of mass school shootings at Santa Fe High School in Houston, Mount Zion High School in Georgia, and Stoneman Douglas High School in Florida, and countless others. Incidents such as these tragic events have parents, students and communities, and state legislatures looking for solutions to make our schools a safer learning environment. According to the National Council of State Legislatures, in 2018 there have been 430 bills or resolutions in 43 states addressing various topics related to school safety. These

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topics range from adding school resource officers, increasing mental health funding, conducting risk-assessment studies of facilities, and arming school personnel. Just as there is no single reason for what causes these horrific school shootings, there is no single answer to preventing or completely protecting students on school grounds. School districts vary widely in regards to funding streams, facilities, as well access to and distance from outside law enforcement. What we as a Legislature need to do is to provide local school districts with as many tools in their toolbox to address their specific issues or concerns as we can. School safety is not a one-size-fits-all, cookie-cutter issue. The purpose of LR402 is to explore the options of granting local school boards the authority to allow school employees to carry concealed handguns on school grounds. It does not require them to implement a concealed carry program. It would simply give local control to school boards to create a concealed carry program in their schools if they believe this would be a sound safety option for them. Thank you for your time. I will be willing to attempt to answer your questions. [LR402]

SENATOR EBKE: Questions? Senator Baker. [LR402]

SENATOR BAKER: Thank you. Senator Halloran, why would it be a concealed weapon provision? If you wanted somebody armed in your school, why would it need to be a concealed weapon? You said a concealed weapon. [LR402]

SENATOR HALLORAN: Correct. Well, part of the reason for I think merit, the advantage of a concealed weapon is, is that in many crime instances where there's law enforcement--say a bank, for example, will have an armed personnel, clearly uniformed and, you know, carrying an arm on their side--a bank robber in that example, the first person they would target to take out would be the imminent threat to them, and that would be that armed uniformed personnel. Concealed carry, no one knows who may have it or who may not have it. Part of the advantage of this would be...would allow school boards to make this choice if they wished. And if they did so, they could take down the sign that says, "This is a gun-free zone." I think that was a well-intended idea when it was first formed, but in reality it's just given notice to anyone who wants to do ill will at a school and cause damage to know that there's going to be no defense in behalf of the school. [LR402]

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SENATOR BAKER: Thank you for your answer. [LR402]

SENATOR EBKE: Other...Senator Chambers. [LR402]

SENATOR CHAMBERS: Along the line of what my colleague asked and your response, if it's known that there are people at the school who may have a gun but it's concealed and you want to do something, then you kill everybody because you don't know who's got a gun--the principal, the teacher, the nurse, the janitor--so the first thing you do is wipe out every adult that you see. So it could have an unintended consequence, but I'm going to listen to the testifiers. You were brief so I'm going to be brief. [LR402]

SENATOR HALLORAN: Well, thank you. It's good to be brief. I think anyone that comes in to...that wants to do physical damage, wants to do physical damage to anyone that's in the school, the Parkland incident in Florida was a good example. There were...there was at least one teacher killed and that teacher did have a concealed carry permit, but he kept his weapon in the trunk of his car because that was the policy. He could not carry it on the school grounds. He ended up defending some children's lives by throwing his body on top of the children and he was subsequently killed. I don't think a shooter is very discriminate about who they're going to shoot. Clearly the students would be defenseless. They are typically the most victims in a case like this. And I believe not knowing which teacher has a gun puts the perpetrator, the shooter, at a disadvantage because they have no idea who is going to be coming at them with a gun in defense of the schools. [LR402]

SENATOR CHAMBERS: I don't think there should be any guns in school by anybody. First of all, as I say, I was in the army. We trained with a .45 even though in the infantry we were not going to carry a .45. The target was about 25 feet, not 25 yards, 25 feet. And all you had to do was hit the target. Guys were shocked at how unlikely it was to hit the target. The barrel is short and like the gentleman who testified on the other resolution, if something is moving, you're not likely to hit it anyway. So this idea that ordinary people have you shoot a gun out of somebody's hand or you shoot them in the leg or in the foot, when they tell you to use a pistol, shoot at the biggest body mass. That's what you try to hit. And you may and you may not. But as I say, I'm going to listen to the testifiers. But when it comes to something like schools and what's going to

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happen there, the decision should be made by the state, not by individual school boards, because those people can have pressure brought to bear on them by people with the NRA, and that's the elephant in the room. All that we're talking about is the fallout from what the NRA has done all over this country. All they're interested in as the gun...as the handmaidens of the gun industry is to get as many guns out there as possible. And this will be so that the ones testifying can take issue with what I've said, and I naturally will speak back. You have a malaria epidemic. Malaria is caused by mosquitoes. So you say, since mosquitoes cause it, the way to fight malaria is to have more mosquitoes with malaria. It's insane, in my view, but I will listen. [LR402]

SENATOR HALLORAN: Australia eliminated all privately owned guns--it's been over 12 years ago, I believe--and the number of homicides have gone down but statistically marginally they have gone down. So the only people that have no guns in Australia are law-abiding citizens. By their nature, criminals--that's why they're defined as criminals--don't obey laws. Criminals disregard any law. We could ban guns. We could...we put signs up that say, "This is a gun-free zone." Law-abiding citizens abide by that law. [LR402]

SENATOR CHAMBERS: But a lot of these people who are criminals... [LR402]

SENATOR HALLORAN: But criminals...but criminals do not. [LR402]

SENATOR CHAMBERS: The gun, the ones who use the guns, the first crime they commit is with a gun and if they didn't have a gun they wouldn't have committed the crime, so they're law abiding until they use the gun, as has happened with a lot of them. Their first crime was the one they committed with the gun and they legally had the guns. But we can argue between us anytime. We'll let the testifiers. [LR402]

SENATOR HALLORAN: We'll have our time to do that, Senator. [LR402]

SENATOR CHAMBERS: Oh, and one other thing: Neither one of us is tall, so you'll notice I said we'll be brief. I didn't say we'll be short. (Laughter) [LR402]

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SENATOR HALLORAN: Appreciate that. I was interested in the analogy a previous testifier gave about the basketball team and where all the pro basketball players would have to stand still and everything. First I was not too concerned I'd be chosen for an opposing basketball team unless they were wanting the advantage of my height. But I thought that would have been a fun game to play because that's the only game I could have a chance to win at is if everybody stood still. (Laugh) [LR402]

SENATOR EBKE: Other questions? Okay. Do you have an order for...you have... [LR402]

SENATOR HALLORAN: It's just first come, first... [LR402]

SENATOR EBKE: ...invited folks? I think the School Board Association may be first. [LR402]

SENATOR HALLORAN: Yeah. Great. [LR402]

SENATOR EBKE: And then we'll let people come up as they wish. Former colleague, and welcome back to the Judiciary Committee. [LR402]

COLBY COASH: Thank you. [LR402]

SENATOR MORFELD: This is the shortest hearing he's ever had in the Judiciary Committee. [LR402]

COLBY COASH: (Exhibit 2) This is great. This is great. Well, it's good to be back. Colby Coash with the Nebraska School Board Association. And there's...we have some members here that will testify behind me and I'll let them talk more about their districts. But we do appreciate the opportunity. As this resolution is directed at school board authority, student safety, as you might imagine, is very important to school boards and administrators across the state. And the solutions and methods, as you heard earlier, reflect the diversity in the communities across the state. To illustrate that need and the approaches, I'll share one story of a school board member in Wauneta. He made the point that the law enforcement in the form of the county sheriff is at best 30 minutes' drive from his school, and contrast that with the law enforcement right here in Lincoln

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who has SROs readily available. School board members across the state are not of one mind when it comes to this issue of allowing employees to carry concealed handguns. A recent survey of our members resulted that of the 138 of the roughly 270 school districts who responded, about 21 percent responded they would be in favor of some type of authority to do this; 72 percent responded that they would not take advantage of that authority; and about 7 percent didn't...was unsure. And that diversity in response reflects the diversity in our state. And while there is disagreement regarding the appropriateness of concealed carry with school personnel, there is no disagreement within the School Board Association about where that decision should fall. School boards believe that that decision is best left to the local school board without mandates from the state. Since 2014 NDE has mandated school safety assessments, which--I wanted to bring to your attention--that includes an evaluation of, among other things, prevention efforts, culture, health, physical plant, and the training of staff. It's a pretty thick rubric that NDE puts out that I'd encourage you to take a look at. This evaluation does assist school districts and its board to evaluate the need for measures that might include things like this. My final comment is that, per the National School Board Association, only 16 states permit the kind of thing that's purported (sic) in this study, so 16 states across the nation do that. Of those 16, very...it is used very rarely. School board...and I reached out to some of my colleagues in that area. The rareness seems to be more about a concern of liability that school districts would face should they allow anybody who is not a sworn law enforcement officer to carry a weapon. And so it's usually the liability concerns that have prevented that despite their authority in a lot of states. Georgia, for example, has had this authority since 2016. Not one school district has taken advantage of it as of the last time I checked. With that, I'll turn it over to my colleagues who will be speaking from their school districts. [LR402]

SENATOR EBKE: Anybody have any questions for Senator Coash? [LR402]

COLBY COASH: It's good to be back. Miss you guys. [LR402]

SENATOR PANSING BROOKS: We miss you. [LR402]

COLBY COASH: I miss you too! (Laughter) [LR402]

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SENATOR EBKE: Okay. [LR402]

SENATOR PANSING BROOKS: Had to say it, Colby. [LR402]

SENATOR EBKE: Okay. [LR402]

LOGAN LIGHTFOOT: Senators, good afternoon. My name is Logan Lightfoot. I'm the superintendent of Anselmo-Merna Public School in Merna, Nebraska. Wanted to thank specifically Senator Halloran for inviting me to come and share my thoughts a little bit on this. As a new superintendent but a veteran of school administration, I've got some pretty strong thoughts on school violence and, more specifically, how we can protect the children in our schools. So a couple of comments I'd like to say. In light of all of these recent tragedies I think we as Nebraskans all, not just school administrators and schoolteachers, we all realize a core responsibility we have and that's protecting our children. And that is within our school district, within our school buildings, and with...and when they leave those school buildings. However, I really feel like LR402 was created in this vein but I don't think it aims to the heart of the matter of really protecting our children. After reading the resolution, speaking to my colleagues, I couldn't be more emphatic that...in my opposition to the idea that we would introduce more guns in our schools with an idea to protect our children. You have to ask yourselves if putting more guns in our classrooms, putting more guns in our halls truly eliminates the problem of an active shooter and school violence. And being in different environments, both rural and urban and suburban school environments, I can emphatically say, no, it does not. By the mere presence of additional firearms in our schools, we'd be introducing more risk to every student that enters our building each day. Our teachers and support staff do amazing things with our kids. What worries me to the core if we did something like this, we would put the onus back on those teachers and support staff members to make a very crucial decision. They've dedicated their professional lives to teaching kids. We would also ask them to make the decision where they're going to go to school and do those kinds of things, are they going to carry a gun as well? And in my work with teachers, in my work with volunteers, in my work with students, that's just not a position I want to put our teachers and support staff members in. I have a second-grade teacher who does great things with her students as well. I don't want to have to ask that second-grade teacher to make sure her Beretta is properly loaded and concealed when she goes and gets her milk at 10:00 a.m.

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every day for her kids. I have a high school math teacher who's taken doctoral-level courses just to make sure that his students in rural Nebraska are able to be prepared when they leave our hallways and our schools. I can't ask that same teacher to make that call whether he's going to carry a gun to school and in the case of something happening, worst-case scenario, he's going to be able to pull out that gun, run through crowded hallways with students running all over the place, trying to dodge other adults that potentially could have guns as well, and try to eliminate an active shooter. That is simply too much to ask of a staff member. I appreciate and I value local control in a school board and a school district. I think there are many things that school boards do that are extremely valuable at a local level. The three fundamental purposes of a school board are to adopt a budget, evaluate and employ the superintendent, and adopt different...and adopt board governance policies. I worry greatly that something like this would go out of that purview and a potential bill and a resolution like this would force board members who are members of the community and elected by our community, experts in our community, frankly, to be able to have to make a decision on something to where you could potentially have 30, 40, 50 additional adults in our building with concealed handguns that at any time of the day could kill students and kill other adults. There's no easy answer for this question. I understand that and I certainly appreciate Senator Halloran's comments and the vein of this resolution. But I need to be clear I think this would be a grave mistake to make for Nebraskans and our students. Thank you.

[LR402]

SENATOR EBKE: Thank you. Senator Halloran. [LR402]

SENATOR HALLORAN: I know this is unorthodox and I'm not supposed to... [LR402]

SENATOR EBKE: It's an interim study. Go ahead and ask. [LR402]

SENATOR HALLORAN: Interim study, okay. What I should have clarified in my opening statement is it's not...it would not...if a school board chose to go this route and the administrators chose to go this route, they would not be requiring every teacher to carry a gun. [LR402]

LOGAN LIGHTFOOT: Yeah. [LR402]

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SENATOR HALLORAN: This would be purely based upon "vettings" those that volunteered to do it that understand the responsibility to do it, vetting them, background checks. They would go through a concealed carry course above and beyond the current common concealed carry course. It would be one that would be taught by the State Patrol or a police department such as Omaha. And I've visited with Omaha Police Department informally and they said that they could...they would be more than willing to have a program to train teachers to do this. But it's not forcing every teacher to carry a gun. It's a huge responsibility and they would be volunteering to do that responsibility. [LR402]

LOGAN LIGHTFOOT: Sure, and that's how I read it as well. But I also want to be emphatic and what I say is, when you do something like this, you're not forcing any teacher to carry a gun, you're forcing every teacher and staff member to make a choice, and that choice is am I going to be armed at school or not, and that's where I've got a huge issue with this. Yes, sir. [LR402]

SENATOR EBKE: Senator Chambers. [LR402]

SENATOR CHAMBERS: More of the shootings that are occurring now are where employees are shooting other employees. There could be teachers who have a dispute and it boils over and one pulls a gun and shoots the other one. This is not fantasy. What Senator Halloran is talking about is not only fantasy, it is insanity. When you have people with guns and you have a so-called active shooter, all you do is have more active shooters. Bullets don't have names. Walls are not bulletproof. There were three incidences--and I'll see if I can find the articles--where in schools the teachers shot accidentally, the guns discharged, and people were injured unintentionally. It's not out of the realm of possibility for the guns to be taken from the school employee. And pressure can be brought to bear on a school board just like pressure is brought to bear on these senators by the NRA to vote a certain way. They could put pressure on a local school board to say this is what's going to happen. There have been instances where police have shot police where shooting occurred. Recently in Omaha, a police officer approached a person in a car--and the person was drunk, it turned out to be--and this guy started shooting and the microphone or something that the cop had deflected the bullet and it went through his shoulder. Other cops began to shoot. Well, what the news people didn't point out is that these other cops who came and started shooting shot toward civilians. It was on a city street. And a woman was

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parked at a light, traffic light, and when the shooting started she moved and one of the police bullets went through her car. And the...it hit the seat, the passenger seat. But had, based on the angle, had she been sitting at that light, it would have gone through the driver's seat and killed her. These people who talk about putting all these guns out here obviously know nothing about them. There are people who think you can hold a .30-caliber machine gun in your hand and shoot it. It's so hard to keep that thing stationary that when you're going to shoot it on the firing range, they have what they call a T&E mechanism: traverse and...T&E. Anyway...elevate. You had one knob that would elevate the barrel. And what you are supposed to do is put all your weight on that barrel when you elevate it to get it in line with the target. The traverse knob was to move it from side to side. And you were supposed to elevate and traverse it to the point where when you're leaning on it with all of your weight, then it's pointing at the target. And even then, you don't hold it steady. That's why it fires a lot of bullets and they go every which way. So some of these people who talk about what can be done with these guns, the training that's going to enable you to hit a target, don't point out that the shortness of a barrel determines that there's not going to be accuracy. The bullet, the lands and grooves happen...well, I don't want to go into all. It takes too much time. But at any rate, if you have a smooth barrel, then there's going to be no spin to the bullet and it's not going to be accurate. In the old days when the military, the old armies used to fire, they wore bright-colored clothing so that they could distinguish their soldiers because after a few volleys the gun smoke covered the battlefield. And when you fired that ball, it rattled in the barrel. And whichever side of the barrel it hit last, it would bounce and go the other way. And that's why there was no aiming. You had these lines, these rows, and the ones in front knelt so they wouldn't be shot and the ones behind stood up. And they just cut loose with the volleys because there was no aiming. Then they put the rifling in the groove...but anyway, when you have a pistol, even people who call themselves experts are not going to always hit what they shoot at. You have these private people who are not thinking constantly about I'm going to use this gun in a certain way. And it could be a well-intentioned teacher, janitor, food-service worker who will be told there is an active shooter and that person goes to get into it, then you have a gunfight, and the children and everybody else is at risk. This is the most insane proposition that I've had come before us. And the school boards should not be put in a position where they can be pressured by the NRA. And they mercilessly pressure people. Some of them have even tried to threaten me, frighten me. I'm afraid of the NRA? Why, they're a bunch of lunatics and cowards. That's why they all carry guns. But they're really the handmaidens of the

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gun industry and they are becoming upset because the gun sales have gone down. Once this looney got into the White House, these scary people who thought they needed to buy up all these guns because Senator...President Obama was going to take their guns, suddenly they stopped buying all these guns. The manufacturers, not being wise because they're looney also, said now everybody is buying these high-powered weapons, we're going to make a whole lot more of them. And you know what happened? When Donald Trump got in, these cowards stopped buying all these guns because President Obama is not going to take their guns so now we can buy them when we need them, so we're not going to just buy them all up now. And suddenly there's a glut on the market. And if you think I'm making it up, go do some reading. There are gun manufacturers who filed bankruptcy. There are gun dealers who have gone out of business. So when you can get the fear put in people, which is what the NRA likes to do, then you create fear. And I think the very presence of guns in schools would put an element of fear into that building, a pall would be over everything, and the primary function is not to educate children but to be gunfighters. And that's what I think, and I'm glad to hear what you pointed out as an educator, the emphasis you placed on the role of a teacher. It is not in any way to include being a gunfighter because even gunfighters don't shoot straight. And I just wanted that on the record. And if there are people from the NRA, they know what my view is. And I don't fear any man, I don't fear any organization, and that includes the police. I've had police threaten me. Threats don't mean anything to me, but they do mean something to other people. And I just used you for a sounding board. You don't even have to respond to that. [LR402]

LOGAN LIGHTFOOT: Okay. [LR402]

SENATOR CHAMBERS: That's all that I have. [LR402]

SENATOR HALLORAN: Can I go on the record one more time? [LR402]

SENATOR EBKE: Go for it. [LR402]

SENATOR HALLORAN: Sure. Senator Chambers does point out that the...a number of scenarios where bullets may go where they aren't supposed to go. But in the meantime, you've got an active shooter in your school. All right. And on average there's double-digit fatalities in

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that circumstances (sic). My question is...he thinks it's preposterous for responsible volunteer teachers to take extraordinary courses on responsible carrying of a gun. What's preposterous is for a school to be defenseless. [LR402]

LOGAN LIGHTFOOT: Senator, I'd agree with that. [LR402]

SENATOR HALLORAN: Okay. And in addition to that, people talk about the liability issue. Schools, and as long as there's...you know, excuse me one more time, but as long as there's lawyers there's going to be litigation under any circumstances. So part of the liability issue is if schools don't take precautions that are available to them, whether it's a resource officer, I don't care whether...if they want to choose a resource officer, I'm fine with that. Hastings Public Schools has a resource officer. They work very closely with the local police and the local sheriff. It's a very compatible situation. They're not arresting kids for being disruptive in class, you know, and they shouldn't be, but they're working very closely with them and that's their choice and I think it was a responsible choice for them. I've got schools in my district that are 15-20 miles from the nearest police enforcement. At best it's 15-20 minutes' response time, and by the time they get there the shooting is over, my friend. [LR402]

LOGAN LIGHTFOOT: Yes, sir. [LR402]

SENATOR HALLORAN: The shooting is over and there's been no defense. [LR402]

LOGAN LIGHTFOOT: And, Senator, in that vein I...what I'm afraid of with this resolution is we're going from A and skipping all the way to Z and we're skipping steps B through Y. I completely agree schools should never be defenseless. I worry gravely if we allow conceal and carry in our schools. [LR402]

SENATOR EBKE: Other questions? Okay, thank you. [LR402]

LOGAN LIGHTFOOT: Thank you all for your time. [LR402]

SENATOR EBKE: Thank you for being here. [LR402]

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SENATOR PANSING BROOKS: Other than the fact that I'm going to... [LR402]

SENATOR EBKE: Leave? [LR402]

SENATOR PANSING BROOKS: ...start talking about the importance of lawyers pretty soon, but... [LR402]

SENATOR EBKE: Nah, don't talk about the importance of lawyers. [LR402]

SENATOR HALLORAN: No, you...we'll talk later. That's okay. [LR402]

SENATOR EBKE: Yeah. Next up. [LR402]

SENATOR PANSING BROOKS: Obviously I'm just talking in the middle of... [LR402]

SENATOR EBKE: It's being recorded. [LR402]

ALAN JACQUOT: I'm Alan Jacquot. I'm on the Anselmo-Merna School Board and I'm going to re...well, echo a lot of what Dr. Lightfoot said. But I think I'm against the idea of putting the guns with the concealed carry. I think you're sending the wrong message to the kids in the community. I just...I don't think it's a good idea. I mean I'm a gun owner and I'm proud of it but I'm not an NRA member, either, and I think I can see a lot of negative things. If you have somebody with a concealed carry gun and they have an active shooter and law enforcement comes up, they're going to shoot the first person with a gun, whoever it is; and if it's the teacher, then I think you've caused another death. So I guess that's really all I have to say. Like I said, I echo a lot of what Dr. Lightfoot said, so. [LR402]

SENATOR EBKE: Questions? I have a question. How far from local law enforcement...you live...is your district inside of a town or is it out in the... [LR402]

ALAN JACQUOT: It's in the town, yes, in Merna. [LR402]

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SENATOR EBKE: And is that... [LR402]

ALAN JACQUOT: We're ten miles from this county seat, yeah, so. [LR402]

SENATOR EBKE: From the sheriff? Okay, so there's no local police department? [LR402]

ALAN JACQUOT: No. [LR402]

SENATOR EBKE: Okay. And I think that that is...that's something that there are three of us here, I guess, who would probably have districts within our district who are separated from any kind of local law enforcement by 10, 15, 20 minutes. I think that's the conundrum that we find ourselves in is how do we protect the school at Meridian, or Tri County in my district, or Exeter-Milligan or any number of others that are, you know, 15, 20, 30 minutes away from the local sheriff and there's no city police. So how do you address that as a school board member? [LR402]

ALAN JACQUOT: The safety and the kids? I mean... [LR402]

SENATOR EBKE: Yeah, how do you address it? I mean do you think...I was a school board member, but we had a school resource officer. [LR402]

ALAN JACQUOT: Yeah. [LR402]

SENATOR EBKE: So what do you do in terms of safety? How do you ensure or try to assure that the kids are going to be safe if you had the worst-case scenario? [LR402]

ALAN JACQUOT: Well, there's...I was at a conference this summer sometime and they recommended, instead of using guns, maybe using bear spray. I mean if it will stop a bear, that would...I mean that's a nonviolent thing and then you can subdue the attacker, so. [LR402]

SENATOR EBKE: Okay. Things like stun-gun kind of things or...? [LR402]

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SENATOR HALLORAN: How close do you have to be for bear spray to be effective? [LR402]

ALAN JACQUOT: They said 15 feet probably. [LR402]

SENATOR EBKE: Okay. Senator Chambers. [LR402]

SENATOR CHAMBERS: This is only in response to some of the comments that were made. They come up with all of these examples that the NRA puts out there. I haven't seen where a small rural school was where people came who didn't live in that community and decided to pick that school because it was rural and nobody would be there with a gun. There would be somebody who had a grudge and some of these schools--and I don't where in a rural school it happened in a truly rural setting where there's no police station, no law enforcement, just a school building and a few students--but if somebody had a grudge, everybody in the school could have a gun. And this person comes and he shoots the one that he's interested in shooting and then shoots himself. And all they know is that they've heard two shots--they don't know who fired them--so they all come out of their rooms with their guns and they see somebody with a gun and they shoot. This is what's more likely to happen because police have shot other police. There would be an incident and there would be plain-clothes officers who had a scene under surveillance. When a problem erupted, uniform cops came on the scene and they didn't know that these guys with guns were undercover officers in civilian clothes and they shot the undercover officers and the ones that were being surveilled didn't even have guns. That's the craziness. And I don't think the ordinary people in the rural areas are as afraid as you senators are. There are senators who want to allow everybody in the Capitol to carry a gun because they're afraid. If they're afraid, don't come here. I'm the one who should be afraid. I don't have a gun and I don't believe all these insane, preposterous examples they give are going to come to fruition. I don't know that Senator Halloran or Senator Ebke can show me a small rural school, isolated from everybody, where somebody picked it because there are going to be no people there with guns, no sheriff, no police. They want targets of opportunity like the guy in Las Vegas. He wanted to kill a lot of people, so he went where there were a lot of people. Klebold and the other kid out in Colorado had some specific things in mind which the teachers, if they were armed, couldn't have done anything about because they wouldn't know which teachers are armed. So the first thing they can do, since they're students in the school, is knock off the teachers who are

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carrying the guns. Maybe you are at a high school. Guys are large and they know a teacher's got a gun. They're going to take the gun away from the teacher. Now I don't know how many people were in the military but there are a lot of myths about what happens there. When we were in the company area, we couldn't even carry the rifle when we were not using it, either marching when it's unloaded...it's always unloaded when we were out moving around. If it's not being used in that way, it's locked in a rifle rack. You can't even get it out when you're in the barracks. Well, somebody could say, well, but suppose some Russians, undercover people came and they came into the company area and all the rifles are locked up and the ammunition is not with the rifles, then what? They'd say, so what we think you ought to do is let every soldier keep his rifle with him. Well, these are military people. They know how nutty some people are and how when a gun is handy things happen that wouldn't if the gun were not there. A lot of these people have never done anything with a gun. They might go to a shooting range, they might shoot pheasants, quail, deer, and other things that don't shoot back, so that makes them experts. Maybe they are. And maybe my voice will be like the voice of one crying in the wilderness, but I'll oppose all these crazy things that are being attempted to put more guns out there. Guns are made specifically to kill people. They're not even made for target practice. They are made with the intent of killing and everybody knows that. And when they pretend it's for some other reason, it shows that they know everything they say is illegitimate and does not have a justification in logic or rationality. With all of the divisions in this country, with all the shortness of temper, all of the drinking that goes on, the last thing that's needed is to put more weapons of death in the hands of more people, especially when there are going to be a lot of children on the premises. And let's say that a teacher is what these gun nuts would say is a pistol expert and there's an active shooter over there and there are children here and I've got a gun. I say, well, sometimes somebody has to be sacrificed in order for me to get the perpetrator, so I shoot and I bump off two or three children. Then you know what they'll say about the teacher like they say about cops? Well, my intention was not to kill the children so I have no liability criminally but I might have civil liability. I think what we need to do and what I think the educators can help us do is to be reasonable and rational and not caught up in the hubbub that's generated by the NRA when they come into these legislatures and scare people, they contribute to their political campaigns. And they don't care what happens with the guns that are out there. They don't care how many people are killed. Donald Trump even said after one of the shootings: There are people in this room afraid of the NRA; you don't have to be afraid of the NRA; I laugh at the NRA. Next day, he was right in line,

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lockstep with what the NRA dictated to him. Well, they need to know that not everybody is afraid of them. And I wonder how many of them carry guns and I wonder what they're going to do when the headquarters of the NRA itself becomes a target. What will they say about the necessity of having guns then? I think you all who are the educators and have taken the position you've taken, should take it. Let these senators come out there and barricade the schools if they're so scared. But I think you all are taking the right position. And remember, I'm an example of what I talk about. I'm the most hated man in this state. But I don't carry a gun because I'm sensible enough to know that if somebody wanted to do something to me I can't stop them. Somebody can be waiting out there at my car. I go out of this building at night, alone, no gun, no guards, and all these white cowards running around here bullying these senators, terrifying sheriffs, terrifying cops because they got guns. And here I'm walking around here, no gun whatsoever, got enemies everywhere, but I also don't walk around looking behind every tree, running every time I see a shadow, because I am a man. I am not a coward. I don't need a lot of company along with me to do anything. It's me. I'm responsible for me and I take care of me and if I can't do it then I'll suffer the consequences. These white cowards, that's what they are. We've got a senator who is upset with the university because they're not giving enough protection to what he called white Christian male conservatives, grown men in college. And you know what he's worried about? Sometimes they're viewed in a negative way. And then what I do when I hear that, I think back to when these schools were being integrated in the South and these little black girls were walking to school, all these brave white men screaming, hollering, cursing at them, throwing missiles at them, and these little brave black girls going to school. And there's a picture--I'm going to find it and I'm going to share it with my cowardly colleagues--where this young black girl is clutching her schoolbooks, walking the gauntlet with all these screaming, hate-filled white people--and you can see it in their faces--cursing her in the mob, not even one on one. And she alone is walking, a young black girl, and I got senators worried about these grown white men on the college campus because they're conservatives and they, if they speak, will be contradicted. They probably never had a real male image and that's the problem. Well, if they'd look at me and follow my example, they'd know what a man is supposed to be. And if you are a man, you don't have to run around here trying to prove it by bullying weak people, getting together in gangs and intimidating people you don't like because they're gay, because they're transgender, because they're Muslim, because they're black, and every time you want to get one black man you bring a mob. I'm the one black man in this Legislature. Well, there are two of us

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now, but for many years I walked these halls alone. And I'm supposed to be scared of these white cowards? And you know why I'm speaking like this? Because there is a proliferation of guns in my community and I know the damage that guns can do. I know that guns turn cowards into dangerous killers. And when you have young people killing other young people because of the ready accessibility of guns, then you develop a hatred of guns, per se. And these other people sitting around this table don't even know what I'm talking about. They live in a different world. But because of the world that I live in, the personal responsibility I assume for myself, see, I've never called a cop for anything. I wouldn't call a cop if I was in danger. I wouldn't call a cop. I don't look for them to protect me. And I wouldn't ask them to. And there's no cop who can say I ever called the police department for myself. And there were times when I was threatened. And if I was a coward like some people, not a...not everybody who calls the police is a coward. But when people are outside their house with guns, they call the police. I don't call the police for anything. So I'm not one of these who will say something, throw a rock and hide his hand. I come where the white people are. And I had gotten a threat when I was going to go speak in Norfolk that I better not come up there. And I'm going to bring this shirt down here. So what I did, I took one of my sweatshirts and I put a target on it and I put Norfolk at the bottom and I notified the people that I'm on my way to Norfolk, the day that I'd be there, and I said I was going to speak at the biggest, most accessible park, which I did, and that I was going to go to a restaurant--I don't remember the name of it now--but whoever wanted to do something, I was going to be easy. And I went to that restaurant and as you can see, I'm still alive. I drove the highway from Omaha to Norfolk, nothing happened, from Norfolk to Omaha and nothing happened. I went to these little towns at night and gave the kind of talks that I give, not afraid of these white people. I was asked on May Day in my younger days, but I was in the Legislature, to give a talk at Broken Bow or one of those towns way on the other side of the state. And when I got there to talk at a school, there were State Patrol cars, there were sheriff's cars, there were city police cars. And when I went in, I said, what happened? They said, you. I said, what do you mean? They said, well, when it was made known that you would come here, a lot of threats were made to the school and we thought there should be a law enforcement presence. I said, I didn't call the police, I don't need you to protect me. They said, this isn't for you, it's to protect the school. That's the way white people do. If I'm the one they don't like, why don't they waylay me on the highway? Why put the school and those little children in fear? That's why I say what I say about white people and that's not the only town where it happened. I'm glad that these school

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administrators are not going to be buffaloed and bullied and frightened into creating dangerous situations for the children, compelling people to make decisions that an educator should not be in a position of having to make, to cause a teacher to maybe say I've got a dispute with so-and-so in the shop and he's half crazy anyway, so I'm not coming to school until you can let me know that he's not going to be able to carry his gun--crazy. You don't have to respond. I used you for a sounding board because my colleague said some things to you and I felt they needed to be countered. [LR402]

SENATOR EBKE: Thank you... [LR402]

SENATOR CHAMBERS: And I'm the only one who will counter things like this. [LR402]

SENATOR EBKE: Thank you. Thank you, Senator Chambers. And if there are no other questions, you can go ahead and we can switch out. I just want to make note that Senator Halloran's office made...reached out to people on both sides of this issue and has treated this, I think, as a true study to examine different things. You know, there may be some preexisting expectations or thoughts, but this is I think a legitimate study looking at both sides, as evidenced by the first couple of people who have gotten up here and spoken against it, so. Go right ahead. [LR402]

ALAN EHLERS: (Exhibit 3) Yes. My name is Alan Ehlers. I'm a superintendent at Madison Public Schools here today to testify that our belief from our school district is it should be a local decision. I was here last year to testify on another bill and it seems like our local boards of education at times aren't given the respect they deserve and the ability to make decisions that's best for the local community. I work in a district that has about 500 students. Student makeup is about 75 percent Latino, 19 percent Caucasian, 5 percent Asian. Poverty rate is 80 percent in our school district and 60 percent in our community. We do not really look like a lot of other traditional Nebraska communities. We look a little bit more like an urban district. Our board has had some discussions regarding school safety of our staff and students and the impact employees carrying concealed handguns might have on our district. You know, and it's interesting through those conversations that, you know, there's some that believe that not having all teachers carry would be a good thing, but maybe just the administrative team. So, you know, people are on

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different sides. But again, the local board is discussing some of these things. During the past 15 years our school district has used tax dollars to increase student safety with a locking-door system, which most schools in our state now have, okay? We spent money to repave our front entrance, to add bollards so somebody couldn't drive a vehicle into the front doors to gain access. So we've used money to come forward for the safety of our students and our staff. But what we don't have with the restrictions placed on school boards in regards to budget limitations, the additional burden of hiring school resource officers that may be in larger metro districts are not out there for rural districts. And if...if you have ideas on how to allow additional spending for us to hire resource officers, I'm very supportive of that. But I don't...I can't cut two teachers from my high school/middle school building and another two from my elementary so I can go hire a resource officer. We still have to teach kids. Over the past five years we were approached by a retired Navy veteran who wanted me to come to my school board because they wanted to stand guard at the door. The school board talked about that and asked me to reply to the gentleman: Thank you, very gracious, but that's something we didn't believe was right. You know, so we have been approached about the safety of our students from others in the community. Again, I believe the safety of our staff and students should be a top priority in the state of Nebraska and with this in mind I'd support LR402 which would establish local control to allow board of education members to make the best decision based on location and needs of the district. Some things to ponder, I guess, on this a little bit. Homeland Security has a posting out there that it takes first responders 18 minutes to arrive at an active shooter situation. Eighteen minutes in Madison isn't bad. I would think on average we'd be at seven. But in the end, in most districts it's not enough. I've worked in districts such as Wheeler Central. That's a countywide school. We have about 100 and...at that time, we had about 125 students. And, yes, in that case, in that county that would have been a major place for a school shooting because that's where the majority of people were in Wheeler County because there's only about 2,000 or 3,000 in the county. So that is, even rural, that is a major gathering spot. We also in our district have hired a retired police officer as an elementary teacher. You know, the conversation at our board level is, why not allow somebody like that, that's been trained, to help out in this instance? And we're not sure, again, both sides of the aisle there with the board, if that would be positive or not. I see my red light, so whenever you want me to be done... [LR402]

SENATOR EBKE: Okay. [LR402]

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ALAN EHLERS: After-hours business coverage, you know, the locked doors are great and Roy could testify to this. I mean he spent a lot of years at Norris there. But what do you do when sports start after school? You turn those locks off. You welcome everybody into the game. That may be different in some larger districts, but, okay, at that point, how do you take care of a situation? That's when you have the most. You know, you have 500-600 people in your gymnasium or football stadium. And we don't have officers there. I mean there's just a lot of situations that are different across the state and from my district's perspective we just feel that that should be a local decision not made at the state level, but give the local board the opportunity. Doesn't mean our board would do it. And I think earlier Colby talked about Georgia. You know, even though they've had the opportunity, those boards haven't done it. I don't know if we would be the first district in the state to allow something like that. Probably not. I don't know. But I just know I would love to go out and hire a resource officer or two, but with state aid--you guys battle with that every year--we get about...our income tax allotment, which is about \$50,000, is all we receive for our district. [LR402]

SENATOR EBKE: Okay. [LR402]

ALAN EHLERS: So do you go out and raise the levy 4 cents and tell taxpayers you're paying for resource officers? Excuse me. Also, teacher shortage: I have a son that's going to be an educator. I also have two that have gone into healthcare. It's getting harder and harder to get people to go into education with the uncertainty of how safe it is in our buildings. Why would you want to put yourself at risk when there's no way if somebody came in and was an active shooter we'd be able to fight back? We've had the State Patrol out and they talk to our teachers about we'll buy some soup cans, put them in your closet, and they come and break in, throw the...have your students throw soup cans at them. Well, I don't know about you, but some noodle soup, throwing that at someone with a gun probably wouldn't be my first response, probably should but wouldn't. And I do believe there should be no requirement for staff to participate in anything like this. I think it's got to be optional because there...and I'm not a member of the NRA. I am a gun owner, hunted since I was young, not a real active hunter anymore, don't have time, but nothing to do with the NRA. NDE safety was brought up by Colby before. Bottom line, you guys put some money into a safety program couple years ago where they come out and look at our safety plans in schools. Honestly, when the gentleman came in to review ours, there were very little tips. It was money

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that probably...it was nice but it didn't do a lot to change our safety plan. I think we have to be careful. Whatever you do, I'd encourage you to be careful putting money there just to look at something and not having a true impact on this situation/problem. Sorry I ran over. [LR402]

SENATOR EBKE: That's okay. Senator Pansing Brooks, you have a question? [LR402]

SENATOR PANSING BROOKS: Yeah. So thank you for coming to testify. I was wondering, if you're thinking that it would be positive, then do you think that the local school should also pay for the specific training for those teachers regarding... [LR402]

ALAN EHLERS: Yes. [LR402]

SENATOR PANSING BROOKS: Or should it be up to the state? [LR402]

ALAN EHLERS: You know, it would be nice if the state would help facilitate that, but I do believe either way training needs to occur. [LR402]

SENATOR PANSING BROOKS: Okay, and... [LR402]

ALAN EHLERS: So if a local district would take that on, in my opinion, it should be up to the local district if it doesn't come from the state. [LR402]

SENATOR PANSING BROOKS: And I'm also interested in your testimony. The...you initiated the discussion, or your letter, with discussion of...that you're 75 percent Latino and 19 percent Caucasian. How does that figure into what your testimony is today? Are you having racial relate problems out there or what's... [LR402]

ALAN EHLERS: No. [LR402]

SENATOR PANSING BROOKS: Why was that the initial way you started? [LR402]

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ALAN EHLERS: I think it's just important to know that we look more urban than we do rural but we still have the same problems, you know, but we...in Madison we have a local police department. They're probably not going to be real skilled in that situation. I mean they have training but they're probably not, you know, your normal SWAT guys that you would have in a larger metro area, very nice people but probably in those tense, intense situations maybe not be the biggest help. So that's why I put it in there. I just think it's important to look at that. You know, Senator Ebke--I'm sorry, I'm birdwalking--Tri County Public Schools, great example, sits out there in the middle of the country. Plymouth has no police force. [LR402]

SENATOR EBKE: Closest would be... [LR402]

ALAN EHLERS: Be Beatrice or... [LR402]

SENATOR EBKE: ...Fairbury,... [LR402]

ALAN EHLERS: Fairbury. [LR402]

SENATOR EBKE: ...Beatrice, or Wilber, and in either case it's about 20 minutes. [LR402]

ALAN EHLERS: Yeah. Yeah, you know, so 20 minutes on a good day if you're not doing anything else; you know, you're looking at 30 minutes maybe for situations like that. So I don't have the answers. [LR402]

SENATOR EBKE: Yeah. [LR402]

ALAN EHLERS: But I think something needs to take place. [LR402]

SENATOR EBKE: Senator Chambers. [LR402]

SENATOR CHAMBERS: Now you...let's envision one of these small schools in whatever town was mentioned. Do the people in...is the town small enough so that the people know generally who their neighbors are? [LR402]

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ALAN EHLERS: Yes. [LR402]

SENATOR CHAMBERS: So if somebody had a mental problem, would they be aware that that person had a mental problem? [LR402]

ALAN EHLERS: Maybe. [LR402]

SENATOR CHAMBERS: So let's take that and mention the example you gave of a gym where it's a gathering place and you got...who would you have...if your school board decided to have people armed, which of your employees would you arm? [LR402]

ALAN EHLERS: My personal feeling would be our administrating... [LR402]

SENATOR CHAMBERS: Who? [LR402]

ALAN EHLERS: Administration, our principal/superintendent. [LR402]

SENATOR CHAMBERS: Say it again? [LR402]

ALAN EHLERS: Principals and superintendent, our administrative team. [LR402]

SENATOR CHAMBERS: Well, how many individuals would be armed? [LR402]

ALAN EHLERS: We have four. [LR402]

SENATOR CHAMBERS: So four would have guns. Where would they be positioned in this gym so that they could provide safety for everybody? [LR402]

ALAN EHLERS: Generally we stand by the doorways. I mean we have people situated throughout just because we watch for coverage on it. [LR402]

SENATOR CHAMBERS: Would you have metal detectors? [LR402]

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ALAN EHLERS: We do not in a small town. [LR402]

SENATOR CHAMBERS: So somebody could walk in and take a position among the crowd... [LR402]

ALAN EHLERS: Yes. [LR402]

SENATOR CHAMBERS: ...and stand up and start shooting. Then would the four people start shooting toward that person? [LR402]

ALAN EHLERS: I can't answer that, Senator. Sorry. I mean it would be the situation. I mean what I might do compared to what you might do to another could happen. [LR402]

SENATOR CHAMBERS: Well, what do you think...well, of what value are they if they're not going to shoot the shooter? [LR402]

ALAN EHLERS: Well... [LR402]

SENATOR CHAMBERS: Here's what I'm asking. Are there situations where it wouldn't be feasible for these people, even if they're armed, to start shooting because they could pose as great a danger as this so-called active shooter when they became active shooters and, in effect, they would become disarmed even though they had weapons? [LR402]

ALAN EHLERS: Any situation could occur. You know, my hope would be that that...whoever would be armed, it would have the proper training to engage whoever was shooting. [LR402]

SENATOR CHAMBERS: But if I was going to be the shooter, I'd be aware of what the setup is in this little place. [LR402]

ALAN EHLERS: Yeah. [LR402]

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SENATOR CHAMBERS: And all I want to do is kill as many people as I can and there's a possibility I might go. And some of these people kill themselves, so death is not something they fear. [LR402]

ALAN EHLERS: I agree. [LR402]

SENATOR CHAMBERS: So then they...the target is set up for them and they can shoot until they run out of ammunition. And if your protectors begin to shoot, they assist in the carnage because they're going to kill innocent people. [LR402]

ALAN EHLERS: I think either way... [LR402]

SENATOR CHAMBERS: I'm not asking you to give a definitive answer... [LR402]

ALAN EHLERS: Yes. [LR402]

SENATOR CHAMBERS: ...because there probably isn't one. [LR402]

ALAN EHLERS: Correct. [LR402]

SENATOR CHAMBERS: There's going to be a lot of bad things happening. What I'm trying to get across, I don't think somebody from Omaha, if they want to do some killing, are going to say, now, I heard that Wilber is a little town where they don't have any sheriff so I'm going to drive out to Wilber... [LR402]

SENATOR EBKE: Wilber has sheriffs. [LR402]

SENATOR CHAMBERS: ...and shoot up these people. [LR402]

SENATOR EBKE: Wilber has sheriffs. [LR402]

ALAN EHLERS: Got... [LR402]

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SENATOR CHAMBERS: They shoot them up in Omaha. [LR402]

ALAN EHLERS: I would say the nice thing is Wilber does have law enforcement. [LR402]

SENATOR EBKE: Yeah, well, wherever. [LR402]

SENATOR CHAMBERS: Well, wherever, wherever. [LR402]

ALAN EHLERS: But good example. [LR402]

SENATOR CHAMBERS: I'm not familiar with them...some little town. [LR402]

ALAN EHLERS: Yeah, and I agree. You know, and the one thing you had mentioned, every community might have that one person that's...you know, maybe behaves a little different. I forget how you put it exactly. But that doesn't mean we don't welcome him or her into our gym or football fields. They're part of the community in a small community. [LR402]

SENATOR CHAMBERS: But, see, they like to say that people who do this have mental problems. They don't want to lay it on the gun, the ready availability of the gun. Would he be watched whenever he comes and somebody armed would be standing near him at all times? [LR402]

ALAN EHLERS: Again, based on the situation, I can't answer that. You know, right now we have those type of people that could come in and we wouldn't know if they had a weapon or not because we don't have metal detectors, we don't search people, of course. [LR402]

SENATOR CHAMBERS: So then this wouldn't be of any value in that situation anyway, even if you had armed employees. [LR402]

ALAN EHLERS: Only if it becomes an active shooting. At that point it would be beneficial, I believe. [LR402]

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SENATOR CHAMBERS: So then the example I gave you where he's in the middle of the crowd and he becomes an active shooter, how do your armed people do anything about that? [LR402]

ALAN EHLERS: Well, you know, hopefully there's a chance if he has to reload or something like that you can at least manage the situation. Otherwise, I mean, if you're waiting 10-15 minutes for somebody to get there... [LR402]

SENATOR CHAMBERS: Okay, that's all I'll ask you. Thank you. [LR402]

ALAN EHLERS: Okay. Sorry. [LR402]

SENATOR EBKE: Other questions? Okay. Thank you. Next. [LR402]

HARLOW HANSON: Hi. I'm Harlow Hanson. I'm board president of Madison Public Schools, really here just to reiterate what Alan had to say. Alan and I have talked about this for, I don't know...numerous times we've talked about this. We want to do everything we can to keep our staff and our kids safe at our school. I guess what I'm here to say is that if the Legislature opens this up and makes this an option for schools, I would be totally in favor of making it at the local level. That decision needs to be made at the local level. I can't say that Madison would arm anybody--possibly, possibly not. That would be the decision of the board, you know. I think that if we would arm, decide to go that route, that I wouldn't...the fewer the guns...I wouldn't arm every teacher, by any means. I'm with Alan--maybe the administration, somebody, one person in a building or something. You know, there's a million different scenarios here. This could happen. That could happen. We all know that. I would like to think that in that situation, if you had a responsible person armed and in your school building, that I would like to think that that would increase the chances of survival of the staff and the kids in the building. It may, it may not. We're never going to find that out until something...until you have an active shooter, you know. I just think that the important thing here is that the decision be made by those who are in that building that those who know the people that you're authorizing to carry that weapon, you know. In Madison I've never talked to anybody downtown, any of our taxpayers, what do you think or what do they think, you know. This is personally my own feelings but...and it needs to be...a lot of thought needs to be put into that decision. I'm not arguing that. There got to be, you know,

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whoever...if somebody chooses to carry a gun, they need to have training, they...you know, you got to think about their mental state, you know. But I wouldn't be opposed to this and I think that in the end we all want the same thing. We want to protect our kids and our staff, our people in our buildings. And it's a crazy world we live in. It makes all kinds...takes all kinds to make it go around. So that's really all I have to say. [LR402]

SENATOR EBKE: Thank you. Questions? Senator Chambers. [LR402]

SENATOR CHAMBERS: I want to be sure that I'm getting what's being said by those who speak conditionally for something like this. Are you saying really that you don't want the state to mandate that you arm people, that if it's to be done it should be the decision of the school board, or are you saying you're not worried about the state requiring that, the arming? That's off the table; the state's not going to require the arming. [LR402]

HARLOW HANSON: I realize that. [LR402]

SENATOR CHAMBERS: Yeah, okay. [LR402]

HARLOW HANSON: Yeah, I realize that. [LR402]

SENATOR CHAMBERS: So now we're just looking strictly at whether the school board is going to do it. What Senator Halloran wants to do is say that guns, concealed weapons can be on school grounds; and what this resolution apparently is saying, that the school board can authorize school employees to do this. [LR402]

HARLOW HANSON: At the discretion of the board. [LR402]

SENATOR CHAMBERS: So then you're going to have to have an employee to do this. [LR402]

HARLOW HANSON: Absolutely. [LR402]

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SENATOR CHAMBERS: And suppose no employee wants to do it but now that the town knows that it can be done they say you better find somebody who is going to carry these guns now. You didn't think about that aspect, did you? [LR402]

HARLOW HANSON: No, I didn't, and... [LR402]

SENATOR CHAMBERS: I do because I've seen where little towns have been forced to do things, they've been pressured by outside forces to do things, and on school boards, even in bigger cities, you know, they're civilians but a lot of times they have other things that they do. If it's a small town, ordinary neighbors wind up being the school board members and they can easily be pressured. They're not familiar with it, they're not accustomed to it, and there's no place to turn. So if they want to keep their job and live in that town, if the superintendent or if you tell the principal to do this, to pick somebody, if that person is picked, he or she has got to do it. There is no choice for that person. And that one who is going to do the picking can have had pressure to bring...brought...pressure can be brought to bear by the NRA. You realize how many little school districts there are in Nebraska... [LR402]

HARLOW HANSON: I do. [LR402]

SENATOR CHAMBERS: ...and how many guns that the NRA could have now put in areas where currently they cannot be? That's a lot of guns and a lot of money, and they certainly don't care what's going to happen with those guns once they're out there. All they want is the guns out there. So you... [LR402]

HARLOW HANSON: Well, I'm not an NRA member. [LR402]

SENATOR CHAMBERS: When they...no, you don't have to be. [LR402]

HARLOW HANSON: I am a gun owner, you know, and... [LR402]

SENATOR CHAMBERS: You don't have to be. A lot of people own guns. I've got friends who own guns. [LR402]

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HARLOW HANSON: And I understand that. [LR402]

SENATOR CHAMBERS: I don't say take everybody's gun. That's not even what I'm talking about. [LR402]

HARLOW HANSON: And I realize that. I just think that you're not going to find a fix to every school district's thoughts or problems on this. We're not going to fix every scenario in every school if somebody walks in the door with a gun and starts shooting. Couple of years ago or a few years back you had...there was a school shooting in Millard. I had two nephews in that building that day. You know, I mean, there's...it's the world we live in. It's happening. [LR402]

SENATOR CHAMBERS: Was that where somebody came in and was just shooting at random or there was... [LR402]

HARLOW HANSON: No, no. [LR402]

SENATOR CHAMBERS: It was...it was targeted. [LR402]

HARLOW HANSON: It was targeted. [LR402]

SENATOR CHAMBERS: Right, so that's not even what these people are talking about. They're talking about somebody coming in a mass killer and that it's going to come to the rural areas, a little town near you, and I don't think that's going to happen. [LR402]

HARLOW HANSON: It may not but it may. [LR402]

SENATOR CHAMBERS: No, it's not going to happen. [LR402]

HARLOW HANSON: But it may. [LR402]

SENATOR CHAMBERS: I guarantee you it won't happen. [LR402]

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HARLOW HANSON: It's happened in other states. [LR402]

SENATOR CHAMBERS: A lot of things happen in other states. Other states don't give away their tax base by giving money to all these big corporations but Nebraska does. This is a nutty state. But anyway, I...that's all I have. [LR402]

HARLOW HANSON: Well, I just think that the local... [LR402]

SENATOR EBKE: Any... [LR402]

HARLOW HANSON: I think the...if this...if the Legislature should open this up and gives boards...give the option in schools, I think that decision needs to be made at the local level. That's all I got to say. [LR402]

SENATOR EBKE: Thank you, Mr. Hanson. Can I see a show of hands of how many others are planning on...are there...were there any other questions from...one, two, three. Three? Okay, thanks. I think we're done. Okay, next up. [LR402]

SHAWN SCOTT: Good afternoon everyone. Thank you for allowing me this opportunity to speak today. My name is Shawn Scott. I'm...S-h-a-w-n S-c-o-t-t. I am superintendent of Adams Central Public Schools here in Nebraska. For the last...I've been a school administrator for 15 years and 20 years in education. And I know that seems maybe a little weak compared to other people in the room, but I'm hanging in there, I guess, so. A few remarks on this topic for today, I guess. Sitting here for the last four and a half hours, I have heard a lot of things and they've probably been most negative, so I'm going to take this a little bit different speed, different spin, okay? First off, school resource officers and police officers, okay, across the years I have interacted with these across the entire state. Some of those are at my own accord from having a heavy foot, but I'll tell you there are a lot of great people sitting in our schools right now. SROs are invaluable to what they do. It was encouraging for me to hear what people like Lincoln Public Schools, Omaha Public Schools do to encourage some of those things. Being a rural nature that Adams Central is, we have a lot of police officers that come to our school on various occasions and for different reasons. I can tell you that from my experience each and every one of

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them have been very positive, very good, and they're to help and assist the school in any way that they can and vice versa from the school back to them. Okay? They are...as one superintendent told me very recently that it would probably be in his cold, dead hands before you took his SROs away from him because he felt like they were that valuable to him. Okay? Also, with everything that goes on in schools, the job is to educate people and to educate children. With that, I can be a testament that they do an excellent job. Adams Central employs about 140 employees right now. Day in, day out, they work extremely hard at educating kids and doing what they can. Okay? And the same goes with the community. I mean most school districts in the state of Nebraska have great people. School boards are great as far as trying to figure out how to not only educate students the best but also keep them safe and all that. So to the topic of the senator's bill, I appreciate and applaud the effort of trying to keep things local. I also want to point out to everybody that I do have my concealed carry permit and have for several years. With that, though, I believe that the responsible thing for schools to do, even though I like and support local choice, is that we need to keep everything within SROs that are highly trained. If guns are going to be in schools, I think local school boards, yeah, can make that decision and should make that decision. I think it needs to be in highly trained hands, somebody like an SRO, and not concealed carry permit owners. They can do a world of good and I just want to make sure that everybody knows that schools are doing what they need to and we are a great state because of the education we do provide. Any questions? [LR402]

SENATOR EBKE: Well, thank you. Questions? Senator Chambers. [LR402]

SENATOR CHAMBERS: I want to let this gentleman know that I listen to every word people utter. You said you can give a testament. You meant you could give a testimonial. People say testament but "testament" is a misapplied word. And I'll let people look in the dictionary and see what "testament" is. But if a person dies intestate, that means he or she did not leave a will. But anyway, here's what I want to ask you, forgetting all the other things. How long have you had a permit to carry a concealed weapon? [LR402]

SHAWN SCOTT: I believe about four years, five years. [LR402]

SENATOR CHAMBERS: And when do you carry it? [LR402]

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SHAWN SCOTT: When? [LR402]

SENATOR CHAMBERS: Uh-huh. When are you packing, in other words? [LR402]

SHAWN SCOTT: You know, I do probably occasionally, rarely. I essentially received my concealed carry permit just for the simple fact that if I have a gun in my car and I like to go hunting, that if I happen to throw my coat over it, it is now considered concealed under the state of Nebraska and I did not want to get in trouble for it. [LR402]

SENATOR CHAMBERS: Oh, but you don't carry it regularly then... [LR402]

SHAWN SCOTT: Not on a regular basis, no. [LR402]

SENATOR CHAMBERS: ...on your person? Oh, then I don't even have another question. [LR402]

SHAWN SCOTT: So, okay. [LR402]

SENATOR CHAMBERS: Okay. [LR402]

SENATOR EBKE: Other questions? Senator Halloran. [LR402]

SENATOR HALLORAN: Welcome, Shawn. [LR402]

SHAWN SCOTT: Thank you. [LR402]

SENATOR HALLORAN: Shawn is in my district. Adams Central is in my district. There is no perfect answer to any of the issues we've talked about. [LR402]

SHAWN SCOTT: Correct. [LR402]

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SENATOR HALLORAN: SROs can provide a very competent and capable service within the definition of what they're supposed to do, but they're not perfect either. Parkland, Florida, had an SRO and he rode around in his golf cart around the school, would not enter the school once the school shooting started. So I just wanted to clarify that SROs have issues, as well, as far as competency and who you place in that position. [LR402]

SHAWN SCOTT: Yep, very true. And as far as a solution, and I know everybody's looking for a solution, I know Colorado recently has put \$34 million towards SROs in schools and likely that's probably a dip in the bucket to probably what needs to happen. But for the state of Nebraska, even though it's probably a little simplistic on my end, I do believe that there is a solution to this. I do believe that it should be local control. There are a few school districts in the state that would need funding from the state or outside to be able to provide for this. But as far as within the state aid formula, a simple exemption on the budget to allow for schools to do what they believe they need to would be a viable solution for most school districts in the state. So there is a solution there, a very easy one. It can be met with some resistance and I understand that. But I do like the idea of local control. [LR402]

SENATOR EBKE: Senator Chambers. [LR402]

SENATOR CHAMBERS: You all are right in line with your President. He put a woman, a millionairess, billionairess maybe, never went to public school, children never went to public school, she's head of the Education Department, wants to take money from programs that are to help kids who are, you know, advanced and use it to purchase guns for the schools. That's why I hate guns. They corrupt everything and all of this that we're talking about is the fallout from the NRA. They're why we're here today. They're why we're talking this stuff. They're why there are mass shootings. See, I've been in the world 81 years. There were not these mass shootings until all of these efforts to get laws where you could carry concealed weapons and you got people into...in the frame of mind where whether you've got a permit or not it's okay now to have guns and everybody is supposed to have one. So when the guns proliferate, the misuse of guns proliferate. When drugs are readily available, you have more people who become addicted. Some people don't believe this, but there are people who get addicted because they experiment with drugs and they think they can handle them. People do things when certain opportunities are

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presented. When the opportunity to easily get a gun is there, somebody who may not have even been thinking about it will get a gun and say, well, I think I'd just like to have one, not going to misuse it, then something happens and a gun is misused. And they'll even say I didn't know the gun was loaded or I didn't mean to do it but, nevertheless, it's a lethal weapon and when it does its work it's unforgiving. And that was why I asked you, you know, when you...because you seem very sensible and I'm...that's not meant to be one of those phony compliments, but it didn't seem to me like you'd be the kind of person who would walk around regularly with a concealed...you know, carrying a pistol, and that's what I was getting at. And if you were, I would ask you why are you so sensible in everything else but then you're going to be walking around here carrying a gun, so I don't even have to go into that. [LR402]

SHAWN SCOTT: And I do respect your comments. You know, everybody has their own opinion and the great thing about that is I guess everybody is entitled to it. School shootings have drastically gone up and part of the reason, in my opinion, at least, that they have is exactly what's behind you and it's the cameras. You know, the cameras sitting here and the way it's been "glamortized," people pick up on it. The readily (sic) availability of data and use and in the lifetime of what goes on in schools sometimes with cameras have led to more of that. If the media would not promote it the way they have, and I know they're not trying to promote it but they do, that there would be a lot less school shootings. [LR402]

SENATOR CHAMBERS: And, see, I live in a community where I know guys who have got guns and they wouldn't have them if they had to go through any trouble to get it because they don't have to get a license. They can get...you can get a gun easily. [LR402]

SHAWN SCOTT: Correct. [LR402]

SENATOR CHAMBERS: (Inaudible.) [LR402]

SHAWN SCOTT: You can get a gun just...you could probably get a gun easier being a criminal and buying it off the street than you can doing it the right way, going through the proper procedures. [LR402]

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SENATOR CHAMBERS: And even people who get them on the street don't get them with the intention of killing somebody. There's just something in America about owning a gun. But if you have it, then you will use it and you will sometimes provoke a confrontation because you've got a gun which otherwise you wouldn't. I know a lot of cowards in my community who might shoot you if you look at them wrong, if you diss them by looking the wrong way. But if they didn't have a gun, they wouldn't make eye contact with you because they're cowards. [LR402]

SHAWN SCOTT: Well... [LR402]

SENATOR PANSING BROOKS: I have to ask one. [LR402]

SENATOR EBKE: Okay. [LR402]

SENATOR PANSING BROOKS: I'm sorry, but I can't let the statement go. I disagree. I mean I'm finding it surprising that you think it's because of the press... [LR402]

SHAWN SCOTT: Well... [LR402]

SENATOR PANSING BROOKS: ...that this is proliferating. It's not mental health issues, none of... [LR402]

SHAWN SCOTT: No, it's mental health issues and... [LR402]

SENATOR PANSING BROOKS: And if we didn't...how would we know about the mental health issues if it weren't for the press researching and bringing that information to us? [LR402]

SHAWN SCOTT: Most of the time what students are seeing, or people that shoot schools, are not looking at data or research and most of the media is not there, I think, for research. Now, is it a tool that can be used? Yes. [LR402]

SENATOR PANSING BROOKS: So (inaudible). [LR402]

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SHAWN SCOTT: I think that there's... [LR402]

SENATOR PANSING BROOKS: So there's the social Internet, there's all... [LR402]

SHAWN SCOTT: Yes. [LR402]

SENATOR PANSING BROOKS: ...all the things. [LR402]

SHAWN SCOTT: Yeah. [LR402]

SENATOR PANSING BROOKS: And to claim that...I think it's just surprising to hear that you think that the press is really the whole reason. [LR402]

SHAWN SCOTT: Well, social media and everything, I guess, when you look at..."media," in general, is probably the better term that I should have used. [LR402]

SENATOR PANSING BROOKS: Okay, I just think the press is... [LR402]

SENATOR CHAMBERS: And since we're... [LR402]

SENATOR PANSING BROOKS: ...under attack and should not be. [LR402]

SENATOR CHAMBERS: ...since we're making the record clear, I don't know of one shooting where the gonsel didn't have legally acquired guns. [LR402]

SHAWN SCOTT: Oh, yeah? That's a factor I do not... [LR402]

SENATOR CHAMBERS: They were legally obtained. [LR402]

SHAWN SCOTT: And I...and... [LR402]

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SENATOR CHAMBERS: So this was a law-abiding citizen who went in there and became a lawbreaker. But anyway, I'm through on that. [LR402]

SHAWN SCOTT: Yep. [LR402]

SENATOR CHAMBERS: Thank you. [LR402]

SHAWN SCOTT: Yep. [LR402]

SENATOR EBKE: Thank you. Okay, thank you. I think that's it for you. [LR402]

SHAWN SCOTT: Thank you. [LR402]

SENATOR EBKE: Thanks. Next. [LR402]

SENATOR CHAMBERS: That's not a gun, is it? Just kidding. I know him, so he knows. [LR402]

JESSE TROTTER: Good afternoon. My name is Jesse Trotter, spelled J-e-s-s-e T-r-o-t-t-e-r, and I'm from Arcadia, Nebraska. I came here today to learn a few things and I'm glad I have. I'm glad I came. I'm on the school board. I've been on the school board six years now, chairman of those about five, and I think we're all here for the same reason is school safety, protect our kids, and that's why I'm here. I don't have all the answers but I have ideas and if it could help in any way I would sure give you all the ideas I could to help make our schools a lot safer. One point I'd like to bring up real quick. Has everybody flown on an airplane? I've flown on an airplane. Have you flown on airplanes? We've all flown on an airplane? [LR402]

SENATOR CHAMBERS: Rarely, and it's going to be even more rare... [LR402]

JESSE TROTTER: Rarely, but you have? [LR402]

SENATOR CHAMBERS: ...based on what's happening with them. [LR402]

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JESSE TROTTER: Right, right. Have you ever flown with an Air Marshal? [LR402]

SENATOR CHAMBERS: I wouldn't have any way of knowing. [LR402]

JESSE TROTTER: Neither would I. That's why I bring that point up. Our schools are a soft target right now. Everybody knows you cannot bring guns in a school. You're not supposed to bring guns on an airplane, but there's a possibility there's probably an Air Marshal on there. That gives a whole new concept to safety on an airplane and maybe a different concept to safety in our schools. Maybe we need to adopt a concept like the FAA uses, flies Air Marshals on airplanes, that anyone that enters a school knows that the...maybe a staff or a faculty could be armed. I don't have all the answers for this. I'm just throwing ideas, so. There could be a possibility if it was under legislation to do such a thing that they could arm, besides safety officers or staff, a teacher, custodians could...that are already employed by the school. I come from a small town of Arcadia. We have about 120 students. We're 20 minutes away from the sheriff's office. The response time, like others, are pretty slow. One thing that these safety officers or staff would probably need to have is a concealed carry permit issued by the state of Nebraska. Another option, too, that they could have for this is they would annually qualify with the local county sheriff's department on a shooting range and be licensed with a Level 2 concealed carry, a Level 2 or whatever the sheriff's association deemed necessary to call it. But they would have annual training just as sheriffs do. All deputy sheriffs are trained and they qualify annually, once a year, and these other people could be the same, on that same level. That way, we just have...wouldn't have any concealed carry permit in a school. We don't want to have any more guns in a school than we need. I know that for a fact. You don't want guns in a school. I don't either. These are just ideas I'm throwing out. The other thing is if the safety officers or superintendent or principal would want to carry, or any faculty member would carry a concealed weapon in a school, that these people would be only identified by the superintendent and the sheriff's office. That's one thing is we talked about banks. The bank security guard guy is probably going to be the first guy shot. Nobody needs to know who these people are and if they're carrying that day or if they even carry at all. Another idea is self-defense training to teachers and staff in order to use deadly force against intruders, lockdowns. I know there's a lot of things I've talked about at the...I'll be at the school board convention this year, so. I guess our biggest concern is safety of our students and what would happen if we do have a shooter in school and I just...I would like to see something

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happen to where our schools are safer for our children. That's all I have. Any questions?
[LR402]

SENATOR EBKE: Thank you. Questions? Senator Hansen. You've been so quiet. [LR402]

SENATOR HANSEN: Yeah, I know. Thank you. Just to kind of your deterrence point, I guess, and this was brought to my attention or reminded me, rather, by one of the previous testifiers, that like the Parkland shooting happened at a school with an active, uniformed, on-duty, armed school resource officer. So if your kind of argument pins that this unknown deterrence would be prevalent, how do you justify that with that school resource officers aren't even enough to stop school shootings? [LR402]

JESSE TROTTER: I don't know if a school resource officer can stop a school shooting if he's at the other end of school, you know, right away. They could interfere and get it shut down before they kill more. I'm sorry I don't understand your question. If like a superintendent or a principal was also armed or...? [LR402]

SENATOR HANSEN: That seems to be...I guess because you started out with the analogy of the Air Marshal and you seemed to imply that having armed guards on planes was making us...I was just trying to follow your argument through. [LR402]

JESSE TROTTER: Maybe I didn't explain it well enough either. It's the whole concept that if you enter a school there could be somebody there with a gun because right now shooters or killers, active killers, they enter a school, they know there's no one there to deter them or shut them down. [LR402]

SENATOR HANSEN: Well, and I'm talking about we know that's not the case because active shooters are entering schools where they know armed police are and that's not a deterrent. So what is the possibility of an armed teacher? How is that outranking like an armed police officer?
[LR402]

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JESSE TROTTER: They don't know who's armed possibly. I don't know. I don't have all the answers. I'm sorry. But it's just the concept in their brain that there is somebody in that building that could be armed. It's just not a soft target like all these schools are a soft target because no guns are allowed. [LR402]

SENATOR HANSEN: Okay. [LR402]

JESSE TROTTER: It's just an idea. [LR402]

SENATOR HALLORAN: An Air Marshal is concealing. We don't know...when we're flying on a plane, we don't know if an Air Marshal is on there. [LR402]

SENATOR HANSEN: Sure. [LR402]

SENATOR HALLORAN: And we shouldn't know. They're concealed. If they're concealing properly, you wouldn't know. [LR402]

SENATOR HANSEN: Sure. And my thing wasn't to get into the concept of the Air Marshal. I was just bringing that up to reframe it for him. But I guess that was kind of my fundamental question here as we talk about this like anonymous deterrence and we're talking about literal open deterrence of armed guards aren't enough. So what's the potential that the math teacher has a gun is going to change the calculus in a shooter's mind? I was just curious on your thoughts on that. [LR402]

JESSE TROTTER: I don't know. I mean somebody would be there, possibly, but that's about it, just like an armed guard, but it's the idea that somebody entering that building, it may not be a soft target as they think it would be. [LR402]

SENATOR HANSEN: Okay. Thank you. [LR402]

SENATOR EBKE: Okay. Senator Chambers. [LR402]

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SENATOR CHAMBERS: This is so preposterous I can't resist. [LR402]

JESSE TROTTER: It's just ideas, Senator. [LR402]

SENATOR CHAMBERS: Not you. [LR402]

JESSE TROTTER: Oh, okay. [LR402]

SENATOR CHAMBERS: Not you. I meant the whole thing. I'm sitting here trying to be sensible and it's nonsense. First of all, you don't want the person to be known who's carrying the gun. Maybe everybody is armed. Well, why don't, instead of doing that, let everybody wear a gun but some of them don't have bullets? The ones that don't want to kill somebody don't have bullets, but when the person comes in the school everybody that he sees has a gun and when he looks in there and sees all those guns he's going to leave but the ones who have scruples will not have bullets in their guns. Won't that be more effective? You know there are guns in there. [LR402]

JESSE TROTTER: I don't know if they'll be able to stop a killer with no bullets. [LR402]

SENATOR CHAMBERS: Hmm? Well, he's not going to come. [LR402]

JESSE TROTTER: What are we going to do to protect our kids? That's my question. [LR402]

SENATOR CHAMBERS: You don't have that problem in your schools now. They have put fear in you. And I'm going to say like FDR said. [LR402]

JESSE TROTTER: They have not put fear in...I want to protect all of our children in Nebraska schools too. [LR402]

SENATOR CHAMBERS: You have nothing to fear but fear itself. Well, look, Kim Jong-un could have launched a nuclear device that's on its way here right now. Do you have a bomb shelter at your school? [LR402]

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JESSE TROTTER: No, sir. [LR402]

SENATOR CHAMBERS: Why don't you put one there? Because that bomb may come anytime. [LR402]

JESSE TROTTER: We have tornado shelters. That's as close as we have. [LR402]

SENATOR CHAMBERS: What you all are talking about is nonsense. It would make more sense to let everybody carry a gun, everybody, but only some would be... [LR402]

JESSE TROTTER: These are just ideas. [LR402]

SENATOR CHAMBERS: Huh? [LR402]

JESSE TROTTER: These are just ideas that possibly somebody could use to help keep the safety in our schools. That's all I brought. [LR402]

SENATOR CHAMBERS: Your children are not in danger of that. And if you have minority children, they're more in danger of being discriminated against and treated badly because of who they are. That's what I'd like to see these little schools trying to take care of. And I know that kind of discrimination occurs not only in the schools but in the towns because I get the phone calls. These black people are harassed by the sheriff, by the police, and when their children go to school they're harassed. That's what I'd like to see you deal with right now but you're not concerned about that. You come up with some of this cock-and-bull stuff. He's...he's... [LR402]

JESSE TROTTER: I'm concerned about the safety of all children. [LR402]

SENATOR CHAMBERS: Well, what you're talking about is not going to make them safe because they're not endangered by that. [LR402]

JESSE TROTTER: Why wouldn't they be? [LR402]

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SENATOR CHAMBERS: Where are you from? Where do you come from? [LR402]

JESSE TROTTER: I'm from Arcadia. [LR402]

SENATOR CHAMBERS: Now how many people live in Arcadia? [LR402]

JESSE TROTTER: 300. [LR402]

SENATOR CHAMBERS: If I'm a mass...I'd have to kill everybody in town to be a mass killer in Arcadia. [LR402]

JESSE TROTTER: Probably wouldn't happen. [LR402]

SENATOR CHAMBERS: It's not going to happen at all and you come here...you're just too scared. You need to come talk to me at least once a week and I'll put some spine, some steel in your spine. You'll be able to walk upright instead of having somebody who is so scared he got a license to carry a gun then he wants everybody to be as scared as he is. Be like me. Walk like a man, not afraid of your shadow. [LR402]

JESSE TROTTER: Okay. I would like to see our schools safer. [LR402]

SENATOR CHAMBERS: They're safe right now. [LR402]

JESSE TROTTER: Okay. [LR402]

SENATOR CHAMBERS: I guarantee it. [LR402]

JESSE TROTTER: Then we don't need any of this. Sorry I came. [LR402]

SENATOR CHAMBERS: No, I'm glad you came. Don't be...see, that's what I'm talking about. You don't owe an apology. You have a right to be here. You're invited here. You express your opinion. It's of value. We don't have to agree. The important thing is for the opinions to be

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expressed. What you said will be recorded, it will be transcribed, and if people read the record they will read the opinion that you had. It will be there just like mine and anybody else's. Don't feel that you're doing something that's not appropriate because somebody happens to disagree with you. [LR402]

JESSE TROTTER: Okay. [LR402]

SENATOR CHAMBERS: Iron sharpens iron. [LR402]

JESSE TROTTER: Thank you. [LR402]

SENATOR CHAMBERS: I'm proud that you came, sonny, and I'm old enough to say that to you. [LR402]

JESSE TROTTER: Thank you. [LR402]

SENATOR CHAMBERS: Okay. [LR402]

SENATOR EBKE: Other questions? Thank you for being here today,... [LR402]

SENATOR PANSING BROOKS: Thank you. [LR402]

JESSE TROTTER: Thank you. [LR402]

SENATOR EBKE: ...making the trip. Okay, next. How many others? We on the last one? [LR402]

RICK EBERHARDT: Good afternoon, Judiciary Committee. My name is Rick Eberhardt. I'm the county sheriff from Pierce, Nebraska. I come here in support of LR402. I grew up in a time where guns were common on school property. Pickups full with full gun racks were not hard to be found, oftentimes with doors unlocked. I cannot remember a time or a place this ever caused a problem, but times have changed. First of all, I do not believe guns have caused all the problems.

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I believe our society in part has a behavior problem and guns are being singled out as the biggest cause. I believe that the breakup of the family, where checks and balances on where their kids are and who they're with and who they communicate with, many parents rely on technology and social media to discipline and supervise their children. Simply said, many kids spend more time on social media than people they should be with talking about life's problems and things that are causing stress in their life. I believe some media coverage of these crimes in our schools sometimes almost glorifies the perpetrators of these crimes by showing their faces over and over and telling their story. We have raised a society where many feel the only way that they can get attention to their problem is to lash out at the people they sit by and pass in the hallways of our learning (inaudible). I come here from a rural area and we had a shooting drill here awhile back at one of my schools and I went there and they got all the kids out, K-12, lined them all up. And the first question I asked them after I introduced myself was, I says, how many of you guys, how many people feel safe here? And they all raised their hands. I said that's good, that's great, you should feel safe where you are. You should...we should all feel safe where we're sitting here right now. But nobody has a crystal ball. Nobody knows what's coming two minutes, two hours, two months, or two days from now. Nobody knows that. So we did our shooting drill, our active shooter drill. All the kids went to their class. They all locked the doors and everything and we walked up and down the hallways and we looked into the classrooms and I saw little kids hiding under desks, hiding in the shadows, afraid. This is not a gun problem. This is a society problem that we...people have become infected with deals like this, the violent video games our kids play, the media they...the music they listen to. But we want to blame it on the guns. And myself, I went up to one door in the hallway and it was...we walked up and we grabbed the doors and we shook them, we looked in, and somebody came out with a spear. Do I want my kids protected by a spear if the devil's knocking at the door? Most people that I've talked to, and I've went around my area and I've asked people about this--what do you feel, what do you think--most people just want the killing to stop. And if there's somebody in there hurting people, killing people, they don't care who stops them. Would you care? You wouldn't, okay, you wouldn't just sit by. You would want somebody to stop them. And if...and I live in a rural area where some...I don't have...I have towns where the schools are where there's no cops within 20 minutes--20 minutes--pretty sad, pretty scary. And we talk about resources officers and police officers. This is really...I don't know if you guys have checked this. I think...I suggest all of you guys should go on the Nebraska Law Enforcement Training Web page. There is such a shortage of law enforcement

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officers in the state of this...state of Nebraska. It's terrible. We can't find people that want to get into this profession anymore, who wants to be, because of a few police officers do bad things, make bad choices. And the rest of us are tied to that. We tie a weight around our throats and throw us into the depths of the sea and perceive we're all bad guys. We're beat up. We're beat up by the media, by our leaders, and it's all part. I'm an old guy. I used to wear a younger man's clothes. But I see the problem that we're running into as more of a society problem and I think that this is a problem that can be dealt with locally. And I think that our school boards, if they choose not to enact this, that's fine with me, but they should at least have the opportunity to discuss it and if it's put before them, for them to vote. Thank you. [LR402]

SENATOR EBKE: Thank you, Sheriff. Senator Chambers. [LR402]

RICK EBERHARDT: Yes, Senator. [LR402]

SENATOR CHAMBERS: Sheriff, when you went to that school where these little children were cringing and hiding under the desks, they were put in fear not by what was happening in other places but because people in that town, in that school put them in fear and told them that bad things might happen to you, based on what you said. There had not been a shooting, a mass shooting there. Or had there been? [LR402]

RICK EBERHARDT: Not in our school, no, sir. [LR402]

SENATOR CHAMBERS: Then why were the little children under the desk and fearful?
[LR402]

RICK EBERHARDT: Well, because...because unlike (sic) everything, it's on the media all the time. Whenever one person goes out and does a horrible, evil crime--and it is evil--they see it. It's on social media. [LR402]

SENATOR CHAMBERS: But here's what I'm getting to based on the example. That was a drill.
[LR402]

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RICK EBERHARDT: Correct. [LR402]

SENATOR CHAMBERS: So these adults put those children in fear. The children were not afraid. They were under the desk afraid because the adults who were putting them through this drill put fear in them. Until that, they had no fear. The adults transferred their fear into these little children based on what I understand you to have said. [LR402]

RICK EBERHARDT: I don't think it's adults. I think it's life. I think it's what they see on TV, the video games they play. I mean... [LR402]

SENATOR CHAMBERS: No, you're missing me. Those particular children you described were not afraid of something they saw in a video game. They were not afraid of something that happened in New York or Massachusetts. They were afraid because adults told them to get under the desks and wherever else they were hiding. That's what put them in fear. [LR402]

RICK EBERHARDT: When I said my kids were...the kids were in fear, they went, they did the drill, and they hid under there. You could see it in their eyes. You know, we talk about how it could...that things like this happen and they all knew that this stuff goes on in the United States so they know. They're not immune to think that I came and put that fear in them. There's enough fear out there because of what they see every day on TV. [LR402]

SENATOR CHAMBERS: I think some of this is unwise adults who themselves are fearful and they put it in those children. There are a lot of children who play these games. I think a lot of people spend more time with these gadgets than they should. I don't use them at all but I don't take them away from people. But what they're talking about is not that that makes them go out and kill people, but it slows down their brain activity, they don't pay attention to their schoolwork. And I don't know that one of those mass shooters said that he did that because he was watching a video game and got the idea. And every one of them got the weapons legally, either purchased them or had them at home. And one of them killed his mother first. She was a gun nut. He killed her first, then he went and killed these other people. But what we're talking about here today is something that I think makes no sense. Despite what you say as a sheriff or those other people as school administrators or Senator Halloran as a senator, I don't think there's

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anybody who's going to be scouting out some little town to see how far away the sheriff is and then say that's where I'm going to go and kill up all these people. That's not the way these things have worked based on the way they have happened. People go where they have a lot of people that they can kill. That guy in Las Vegas could have killed people and never endangered himself if he would have hit, you know, "hit and 'git," as they say. But he didn't even try to get away. He had additional rifles, additional ammunition, not all of which he used. I don't know what makes people do that. But I do know that fear multiplies itself. And when adults, especially somebody like you who is a sheriff, symbolizes the law, that which is relied on for protection is going to manifest fear, then it's going to put fear in others. You can go around people--and I mean you as the sheriff--who are not afraid at all and you could immediately put them in fear if you indicated or showed fear yourself. I think you all in the rural areas make a mistake teaching these little children to be afraid when they don't have anything to be afraid of. And that's what I saw from the example you gave. It was a mistake for them to do that to those little children because they'll probably walk around everywhere with that fear now: somebody might be hiding behind a tree; somebody might come in my house; I'm not safe. You all made a mistake, in my opinion.

[LR402]

RICK EBERHARDT: With all due respect, Senator, it was part of a drill. They all hid under their desks and they were all looking up at me when I was at the door. That's what I saw, Senator. And it was part...and the reason we have to have these drills is because of what's going on in the...with people going in the schools and shooting people. [LR402]

SENATOR CHAMBERS: Do you know that when (singing) I wore a younger man's clothes... [LR402]

RICK EBERHARDT: I know the song. [LR402]

SENATOR CHAMBERS: ...they...that was when they had the Cold War and when they said dive, or whatever it was, in school you jumped under your desk. That wouldn't protect you from a nuclear explosion and that was a drill. And the children were afraid when they heard that because they thought bombs were going to start falling. There were not going to be any bombs falling. Here's what I'm getting at. If you had a reason to believe--and as you said, none of us has

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a crystal ball--that this school might be a target, that would be one thing. But I don't think any of these little schools in these little rural areas is going to be a target and I haven't seen where one of them has been. The people who do these things, let's say it's like what you indicated, and I'm not saying yea or nay but, for the sake of this example, that you can get a lot of coverage that you'll never get otherwise. Then you want a big stage. You don't want it at a little school out in the sticks where there are no television cameras, no witnesses, nothing. The aim that you might have is not to just kill people for kill...to kill them. But they are the means by which you can get on television, you can get your name in the history books or whatever. And it's clear these people don't fear death because they...some of them wind up killing themselves. I don't have the answer to that. But I think you all don't have the answer when you put your little children in fear. My children were not in fear, even though they knew how many threats were made against me, because they never saw any fear in me. And you know why I know this? Because they're all grown and they told me that. They said, Daddy, we were never afraid when you were around. And I didn't even have a gun. And yet bad things were happening to black people at that time. I didn't want my children...I wanted to shield them from as many things as I could. And since I lived in the same house with them, they would pick things up from me without me even intending it. So it wasn't just a front. I actually didn't have any fear. And my children knew that and they knew that if anything happened to them at school, at the hands of a teacher, I'd be there. Nobody in the community bothered my children. And everybody in the community knew I didn't carry a gun. I wasn't bigger than everybody else but maybe, because I didn't have any fear, made them wonder what does he know that keeps him from being afraid. Here's why I'm saying all this, not to boast or anything, but these kind of actions that are designed to protect and shield I think have the opposite, unintended effect. They spread fear, uncertainty, and insecurity. And then they get the impression that if I carry a gun, then that's going to make me safe and everybody else safe. But the gun carrier is afraid and is likely to be a perpetrator because being afraid in the first place, you as a sheriff know one of the most dangerous people is the one who's scared, at least that's been my experience. A scared person with a weapon is dangerous. [LR402]

RICK EBERHARDT: Correct. [LR402]

SENATOR CHAMBERS: So you have your opinion. And as I told the other gentleman, I'm glad that people come and give their opinion. Even when I disagree, I've never said to anybody you

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shouldn't have even come here and said that. I encourage people. Look, there are people with the same opinion he has, same opinion you have. Everybody, if you want to make it ideal in a democracy, has a right to speak and everybody should speak. I acknowledged to a man who came up here and spoke that he gave me a slant on looking at some of these things that I hadn't even thought of. We can all learn if we listen. And when people come, I would regret it if because they might think I would disagree with them, they're not going to give their opinion. My ears are open to hear everything. I listened so carefully to that man that I knew when he said "testament" he meant "testimonial." If I wasn't listening to every word, I wouldn't have even picked it up. I hear what people say and I think about what they say. And sometimes I might disagree here, but I'll be thinking about it anyway. And if I know who that person is and how to reach them, I have let people know before in the past that you changed my mind not when you were talking but after I thought about what you said. And I will learn from everybody. And sometimes it might help if people would learn a little something from me. And the thing that I learned is we should never do anything that puts children in fear. We can protect them from things without making them afraid of what it is we're protecting them from. Now if it's a wild animal, we want that child to know the animal is there, but I mean these vague kind of things like somebody might do this or somebody might do that. And maybe I'm not even making myself clear. But you and I probably would disagree 99 percent of the time. But whenever there is an issue before this body that you have an opinion on, I hope you'll feel free to come and express it. [LR402]

RICK EBERHARDT: Senator, can I say one thing? It's kind of...you said you would never do anything to put it in people's minds. But, Senator, when you...there are...when you beat up all law enforcement officers--we are the ISIS, we are this, that--there are law...I acknowledge there are law enforcement officers that do bad stuff, do stupid stuff. But by the far majority, we work hard to protect people, to make sure they're all safe. And you scare kids in Nebraska when you say the cops are the ISIS and they're the bad guys. How are they supposed to come to us... [LR402]

SENATOR CHAMBERS: But you... [LR402]

RICK EBERHARDT: ...men in uniform to ask for help when they've been told we're the enemies? [LR402]

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SENATOR CHAMBERS: You know... [LR402]

RICK EBERHARDT: And that's very difficult for...that scares kids. That scares people. It scares adults. [LR402]

SENATOR CHAMBERS: No, here's why I say it where cops are. You know the ones who put my children, our children in fear? The police themselves. That's why I told them the ones who put fear in people in our community are not robbers. There are black people who will not call the police because when the police come they jump the person who made the call. They don't want to be there. They don't want to have to answer the call. They are snappish. And if you say, well, I'm the one who called you, then they're subject to charge you with interfering with an officer. They'll tell you, go home. You say, I am home! Well, go in your house! They call us racial names which you wouldn't believe. I don't say this without a purpose and you don't have any Omaha cops coming in here and saying Chambers is lying, the Omaha Police don't do things like that. I've filed complaints against the police to show that I'm not a man of fear. I have conducted one-man protests at the Omaha Police Department. They, based on what I feel, they murdered a young black guy. And these two cops were given an award for valor. Two guys, the shortest one was 6'4", about 240, and the other one was bigger than him. And this young black guy was on a motorcycle. They said he attacked them. Now they had the guns. They said he took...he took a guy's...one of the cop's guns, and he tore the holster, tore it out of the holster and shot the cop and was going to shoot the other one, then that's how they shot him. But based on the ballistics, based on the angles, he didn't shoot anybody. One cop shot the other one. So I made a big sign. And I'm going to bring it, a picture of it, to show my unbelieving colleagues where I stood in front of the police station, all these cops coming in, all their families coming in, all of them glaring at me because I said it's wrong, it's never valorous to kill, and made it clear that I was opposed to what they were doing. I don't need a lot of company along with me, and nobody is going to scare me with words. So these cops are too fearful if my expressing my attitude toward police who abuse us puts them in fear. And here's what would change the mind of somebody like me. When these cops observe other cops doing wrong, arrest them. When these cops in Chicago saw that young black kid shot 16 times going away, those cops falsified reports and said that he indeed was lunging at this cop who shot him. Then the videos came out and Rahm Emanuel, the mayor, did not want to reveal them because he was going to run for reelection. The mayor

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ordered...not the mayor, but somebody who was connected with the police department released the videos. And when they saw that kid was walking away and all these bullets hit that kid, then it was clear and now charges are being brought. These cops lied. They committed murder. This white female cop who said--now they wouldn't accept it from me for a minute--I thought that Halloran's house was my house and I went there and I shot him because he was an intruder in my house, she said that she mistook his apartment for hers and when she went in the apartment she thought he was an intruder in her apartment. Well, the department wound up firing her and she's facing charges. Those are the cock-and-bull stories cops tell because they're encouraged to lie. Now if I'm misstating it, then let these cops get together and say, look, when people call you and they haven't done anything, don't you mistreat them. I tried to make a point when I said earlier if I see a cop mistreat my father and I'm a child, I don't like that cop and I don't like anybody like him and I wouldn't trust anybody like that and I'd never call him because he'll do to me what I saw him do to my father. I don't think all cops are bad. I get information from white cops and black cops who tell me, Ernie, you can do something with this but don't say where you got it from. I say, well, you're a cop, why don't you do it? Well, you know, I can't because I've got to work with them. I said, now what you're telling me is exactly what makes me criticize all cops, but because the information you give me I think is good, I'm going to act on it, you can keep being my snitch, and I'll never rat you out. How else would I know about what's going on inside the police department if police don't tell me? And why would they tell me? They know I have integrity. I will never betray somebody that I've promised to give cover to. And when they're trying to clean out a rat's nest, I will help them do it. And I tell them, if I see you in public, I don't know you and you don't know me; and if you're with some of your buddies, you better act toward me like they're acting toward me also. See, I'm in conspiracy with some of the cops and they're in conspiracy with me and it shouldn't be necessary to do it that way. That's why I don't mind being the most hated man in this state, because it enables me to get information that other people don't have. And that's why also--it's a long way around--I want everybody to feel free when they have an opinion to give it here. And sometimes their friends will hear from them what they would not hear from me. I don't think you're a lunatic. I don't think you're off the beam. I think that you are trying to do what you think a sheriff ought to do. But you're like me now. You're not nearly as old as I am, but you're kind of up the trail and you're not going to be there forever and you're kind of thinking about what might come after you're not there. But don't let, as

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you go down the "happy trails to you" and disappear in the sunset, your legacy be one of having put fear in little children. That's all that I have. [LR402]

SENATOR HALLORAN: Senator, can I ask you, are you proposing that all schools in metropolitan areas, as well, stop doing these drills? [LR402]

SENATOR CHAMBERS: Say it again? [LR402]

SENATOR HALLORAN: Are you proposing that all schools, including the metropolitan areas, stop doing these drills? [LR402]

SENATOR CHAMBERS: If it was in a set of circumstances where there's no real basis for it, yes. [LR402]

SENATOR HALLORAN: You don't know that. You don't know that. [LR402]

SENATOR CHAMBERS: In his little town there is no basis for it. [LR402]

SENATOR EBKE: Can I just break in here for just a second? [LR402]

SENATOR CHAMBERS: Yes, you can. [LR402]

SENATOR EBKE: Thank you. Sheriff, I don't know if you know the answer to this, and we may have to talk to one of the administrators or former administrators, but with respect to the drills, do you know...fire drills, I believe, are required on a regular basis. And I don't know if it's an ND...a Department of Education, okay. [LR402]

SENATOR BAKER: Monthly drills. [LR402]

SENATOR EBKE: A monthly drill, and tornado drills are required. So are the active shooter drills now required by the state or not? [LR402]

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RICK EBERHARDT: I don't know, Senator. All I know is I was contacted by my school...
[LR402]

SENATOR EBKE: Okay. [LR402]

RICK EBERHARDT: ...and they asked us to come up and do it and that's what we did. We did
a...I gave a talk and then we did...went through the drill that they had set up, and then we just
looked at everything, the way it all went. [LR402]

SENATOR EBKE: Well, we'll check with the other...with the former and current administrators
here and find out about that, but I appreciate that. Thank you. [LR402]

RICK EBERHARDT: Okay. Thank you. [LR402]

SENATOR EBKE: Other questions? Okay. Thank you. [LR402]

RICK EBERHARDT: Thank you. [LR402]

SENATOR EBKE: Senator Halloran... [LR402]

SENATOR HALLORAN: Oh... [LR402]

SENATOR EBKE: Is there anybody else? Are we done? Senator Halloran, you want to close?
[LR402]

SENATOR HALLORAN: No, I think everything that's been said has been said. It's, again, we
don't know the circumstances that may happen. [LR402]

SENATOR CHAMBERS: You don't know the meaning of nuance. You're talking about these
little rural schools and that's where I'm telling you they don't need to worry. It's not going to
happen. [LR402]

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SENATOR HALLORAN: I'm closing this... [LR402]

SENATOR CHAMBERS: And I don't believe it's... [LR402]

SENATOR HALLORAN: I'm closing, Senator. [LR402]

SENATOR CHAMBERS: ...going to happen in Omaha. [LR402]

SENATOR HALLORAN: I'm closing. [LR402]

SENATOR EBKE: Okay. [LR402]

SENATOR CHAMBERS: But Omaha has bigger schools. [LR402]

SENATOR HALLORAN: I'm closing, Senator. [LR402]

SENATOR EBKE: Let's... [LR402]

SENATOR HALLORAN: I'm closing. [LR402]

SENATOR CHAMBERS: Because you're scared,... [LR402]

SENATOR HALLORAN: I'm not scared of... [LR402]

SENATOR CHAMBERS: ...you're scared of your shadow, that's why you want to pack a pistol.
[LR402]

SENATOR HALLORAN: Senator... [LR402]

SENATOR EBKE: Can we let Senator Halloran close, please? [LR402]

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SENATOR CHAMBERS: Oh, I thought he said he didn't need to. [LR402]

SENATOR EBKE: I think... [LR402]

SENATOR HALLORAN: No, I was... [LR402]

SENATOR EBKE: Okay, I think he was going to close from his...there we go. [LR402]

SENATOR HALLORAN: Excuse me. I'll formally do it from the big chair. Most everyone has left and so it's...I want to thank everyone that did testify, for and against. I was very open when I proposed this. I invited all sorts of people to come and I said I don't care which way you are on this, I'm agnostic about that, I don't care, we want the testimony. Tonight, when I drive home tonight, I'm going to put my seat belt on. Well, there's two reasons for that. It's the law. But I do it because there's a chance I could have an accident. I'm not afraid of an accident. I'm not the fearful person you keep wanting to call me, afraid of my shadow, afraid of everything. I'm not. I'm not afraid of an accident but it can happen. So I wear my seat belt. It's a precaution. I'm sorry for taking so long. But it's a precaution that we take and that's all this proposal is. For those that choose to do it at the local level, it's a precaution they can take. That's my close. [LR402]

SENATOR CHAMBERS: Senator, you're the one who said you have a concealed carry permit. I wouldn't have known otherwise. And the only reason you want to carry a concealed weapon is because you're afraid. [LR402]

SENATOR HALLORAN: That's it, Senator. You got it. [LR402]

SENATOR CHAMBERS: Right. [LR402]

SENATOR HALLORAN: It's not true. [LR402]

SENATOR CHAMBERS: Then stop carrying it. [LR402]

SENATOR EBKE: Okay, this concludes our hearing. [LR402]

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SENATOR CHAMBERS: Well, you wouldn't carry it here because it's against the law. [LR402]

SENATOR EBKE: Thank you. [LR402]

SENATOR CHAMBERS: And I'd take it away from you if you had it. [LR402]