Policy and Advocacy Work Group Purpose Statement
The purpose of the OYS Policy and Advocacy Work Group, is to codify best practices and change policies that hinder the juvenile justice system, including coordinating policy-related action items that arise in the work groups.

I. Welcome and Introductions
   a. Present: Margaret Vacek, Christine Henningsen, Shawne Coonfare, Catherine Hall, Ben Salazar, Mary Vicek, Kenya Love, Shelby Andersen-Holt, Janee Pannkuk, Karla Dush, Debora Faga

II. Announcements
   a. OYS Updates
      i. Families Work Group is starting work on video vignettes presenting various touchpoints in the juvenile justice system
      ii. Prevention Work Group is partnering with the Urban League on Monday, April 22, to meet with families to talk about the resources available in the 68111 zip code, what they feel is lacking, etc.

III. Activity
   a. DCYC Sibling Visitation Policy update – Brad
      i. Karla, Lakeisha and Christine went out and talked with Brad and Rondy about sibling visitation
      ii. DCYC is working on implementing changes that would remove the age restriction. Youth would be approved for sibling visitation once they achieve Level 4 status (which can be achieved in approximately 2 weeks).
      iii. Rondy brought up that he felt it would be important to have the youth who reside at DCYC “strip-searched” after these visits, because there are no cameras in these rooms; discussion about alternatives to this action were discussed
      iv. Discussed allowing the detainee to have a big family visitation during the first 30 days of detainment

Mission Statement:
Across Douglas County, our vision is a comprehensive, coordinated, and community-wide approach to juvenile services that eliminates the need for youth involvement with our justice system while maintaining public safety.

For all youth who do enter our justice system, our goals are to provide effective, compassionate and individualized support that empowers youth and their families to succeed and to build an environment of mutual trust and accountability.
A report from DCYC will be submitted to this work group at the next meeting in May

b. Legislative Bill update - Juliet and Christine
   i. Handouts attached
   ii. LB354 passed; waiting for governor to sign it

c. Juvenile Justice Council update - Karla and Margaret
   i. Went to Brown and Black Legislative Day, Lakeisha was keynote at the American Bar Association training, participated in a movie showing of Erased which was about the use of conversion therapy, will be participating in Wellness Recovery Action Plan (WRAP) training; they are a very active, engaged group

d. TerraLuna
   i. Participatory Evaluation
      1. Broke into small groups for peer-to-peer interviews (Importance-Depth of impact on work group- Depth of impact on JJ system)
         a. Patience and Purpose:
            i. Expect continued progress / 5-5-3
            ii. If you don’t have the right people consistently involved, hard to make change / 5-4-3
            iii. Progress takes time (tortoise/hare); how slow moving some changes can be
            iv. Time and barriers preventing progress
         b. Empowering Voice: 5-4-3
            i. Increase of participants with lived experiences
            ii. OYS and JDAI work groups are models of democracy
      c. Outreach and Education: 5-3-2
         i. Additional training has been brought in
         ii. Learning that can be shared with community (Latino)
         iii. More focus on listening, education and implementation

2. Workplan:
   a. Outreach and Education aligns with strategies 1, 2, 3 and 4
   b. Empowering Voice aligns with strategies 1, 2 and 4
   c. Patience and Purpose aligns with strategy 1

Mission Statement:

Across Douglas County, our vision is a comprehensive, coordinated, and community-wide approach to juvenile services that eliminates the need for youth involvement with our justice system while maintaining public safety.

For all youth who do enter our justice system, our goals are to provide effective, compassionate and individualized support that empowers youth and their families to succeed and to build an environment of mutual trust and accountability.
IV. Next Steps:
   a. Debora will send out an electronic form of the DCYC Detainee’s Handbook to the group with the meeting notes
   b. Terraluna will put results into a report that will be shared with the group
   c. Brad will provide an update to the sibling visitation policy

V. Feedback Survey – Handed out

Next Meeting: Monday, May 20, from 8:30am - 10am, Barbara Weitz Community Engagement Center, Marion Ivers Board Room, Room 128

Mission Statement:

Across Douglas County, our vision is a comprehensive, coordinated, and community-wide approach to juvenile services that eliminates the need for youth involvement with our justice system while maintaining public safety.

For all youth who do enter our justice system, our goals are to provide effective, compassionate and individualized support that empowers youth and their families to succeed and to build an environment of mutual trust and accountability.
2019 Legislative Update- Juvenile Justice (March 2019)

LB 59- Children’s Residential Facilities and Placing Licensure Act; change provisions relating to investigations and requiring reports

- Requires that when a person makes a complaint to the Department of an alleged violation of the Licensure Act, including calls to the child abuse hotline, the Department makes a determination to investigate within 5 working days
- If the Department makes a determination to investigate, a report shall be issued within 60 days after the determination is made to investigate. In some cases can be 90 days.
- Speaker Priority Bill

LB 147- Change the Student Discipline Act to provide for use by a teacher or administrator of necessary physical contact or physical restraint and provide procedures and grounds for removal from a class in response to student behavior.

- If a student becomes physically violent a teacher may use necessary physical contact or restraint to control such student
- If a student “exhibits destructive behavior toward school property” a teacher or administrator may use necessary physical contact or restraint until the student ceases the destructive behavior or the student is removed from the classroom.
- Physical restraint- holding the hands, wrists, or torso of a student to control the movements of such student and shall not include the use of any mechanical device or biding a student to any object.
- A teacher can have a student removed from the classroom if the teacher has
  - Documented that the student has repeatedly interfered with the class
  - Determines the student is so unruly, disruptive or abusive that it seriously interferes with the teacher’s ability to effectively communicate; or
  - The teacher determines that the student has committed other disruptive acts that merit discipline under the Student Discipline Act
- The student cannot return without the teacher’s consent unless required under special education laws
- If the teacher does not consent within two days a conference is held with the teacher, administrator and parents, and the administrator can readmit such student following the conference.
- Education Committee Priority Bill

LB 230- Provide for room confinement of juveniles as prescribed

- Voted out of Judiciary Committee with AM 450
- Applies to secure detention, staff secure detention, youth jails, county facilities that hold youth, and YRTCs
- Cannot be placed in room confinement unless all other less-restrictive alternatives have been exhausted and the youth poses an immediate and substantial risk of harm to self or others
- Release upon regaining sufficient control so as to no longer engage in threatening behavior
• Not later than one business day after the date of placement in room confinement, notice shall be given to the youth's parent/guardian and attorney
• Same access to programming and medical and mental health services
• Cannot be placed in room confinement
  o As a punishment or a disciplinary sanction;
  o As a response to a staffing shortage
  o As retaliation against the juvenile by staff

LB 231- Change provisions relating to legal defense of juveniles
• Voted out of Judiciary Committee
• Expands appointment of counsel in juvenile justice cases to all counties in Nebraska, not just Douglas, Lancaster and Sarpy counties
• Sets up a juvenile indigent defense fund, funded by a $1 court filing fee
• Directs Supreme Court to periodically review and maintain attorney standards and guidelines

LB 254- Adopt the Fair Chance Hiring Act
• Placed on Final Reading March 12, 2019
• Requires an employer or employment agency that asks for disclosure of the applicant's criminal record or history to provide an opportunity for the applicant to explain the information, circumstances surrounding the incident, including the applicant's rehabilitation

LB 345- Prohibit mandatory overtime for certain state employees
• Placed on General File with AM 626
• Employees of the Regional Centers, State Development Center and YRTCs cannot be required to work more than 12 consecutive hours
• Employees also can not be required to work more than 7 straight days without a day off.

LB 354- Change Provisions relating to sealing of juvenile records
• Passed on final reading, presented to the Governor on March 21, 2019
• See additional handout

LB 390- Provide duties regarding school resource officers and security guards
• Voted out of Judiciary Committee with AM 408
• On or before December 1, 2019 Department of Education to develop and distribute a model memorandum of understanding for schools and SROs
• Requires a minimum of 20 hours of training for security guards, SROs, and school administrators
• Require records be kept on student referrals for prosecution
• Create a complaint process for students and parents
• Pansing Brooks priority bill
LB 391 - Change duties of peace officers taking juveniles into custody or interrogating juveniles and prohibit use of statements taken in violation of the rights of a juvenile
- Requires law enforcement to inform youth of efforts to contact their parents
- If youth requests a parent or attorney, custodial interrogation to cease until the parent arrives
- Readvisement of rights once the parent or attorney arrives

LB 443 - Requires the Department of Correctional Services to allow committed offenders reasonable access to their attorneys
- Passed on final reading and presented to the Governor on March 21, 2019
- Department of Corrections to allow committed offenders reasonable access to their attorney
- Such communication shall be confidential and provided without charge

LB 511 - Authorize adjustments to state employee work schedules for approved youth mentoring programs and change provisions relating to expense reimbursement.
- Advanced to Enrollment and Review March 18, 2019
- State agencies may adjust the work schedule of a state employee by up to one hour per week to allow the employee to participate in an approved youth mentoring program

LB 595 - Change Office of Dispute Resolution to Office of Restorative Justice and Dispute Resolution and change powers and duties of the office.
- Speaker priority bill
- Amends the 1991 Dispute Resolution Act to explicitly incorporate restorative justice into the ODR mission and purpose

LB 630 - Create the offense of sexual extortion and change elements and penalties for sexual offenses
- Changes penalty provisions for and defenses to offenses involving unlawful intrusion and sexually explicit content and creates the offense of sexual extortion
- Judiciary priority bill

LB 690 - Adopt the Healthy Pregnancies for Incarcerated Women Act
- Applies to secure detention and staff secure detention centers
- Prohibits use of restraints during labor
- Upon an individuals admission to a medical facility or birthing center, no detention facility employee shall remain present in the room during labor or childbirth unless specifically requested by medical personnel
- Creates a cause of action for the individual affected
- Speaker priority bill
| § 43-2,108.04- Sealing of records; notification of proceedings; order of court; hearing; notice; findings; considerations | automatically seal the record, and not wait until the youth turns 17.
- Even in cases of unsatisfactory discharge from probation, upon turning 19 years of age or after 6 months, a youth may motion the court to seal their record upon a demonstration of satisfactory rehabilitation. |
| § 43-2,108.05- Sealing of record; court; duties; effect; inspection of records; prohibited acts; violation; contempt of court | Sec. 6-
- Sets forth the process for a youth to motion the court to seal their record.
- Provides that if a county attorney objects to the sealing, they must set forth the basis of their objection.
- Modifies the factors for the court to consider, and sets forth the preponderance of the evidence standard. |
| | Sec. 7-
- Harmonizes language
- Removes notice of sealing to be sent to the Crime Commission
- Amends notice provisions the court shall provide to the youth upon sealing of his or her record.
- Clarifies that a youth may view his or her sealed record upon request with appropriate identification.
- Allows the State Court Administrator to allow for viewing of sealed records for bona fide research.
- Changes the penalty for noncompliance from contempt of court to a Class V misdemeanor. |
<table>
<thead>
<tr>
<th>Statutory Provision</th>
<th>LB 354 Revision</th>
</tr>
</thead>
<tbody>
<tr>
<td>§ 43-260.04- Juvenile pretrial diversion program; requirements</td>
<td>Sec. 1-</td>
</tr>
<tr>
<td></td>
<td>• Provides that diversion offices can respond to any public inquiry of an individual's record as if there were no information or records.</td>
</tr>
<tr>
<td></td>
<td>• Criminal justice agencies or the individual who is the subject of the record can receive information on their participation in diversion.</td>
</tr>
<tr>
<td>§ 43-2,108.01- Sealing of records; juveniles eligible</td>
<td>Sec. 3-</td>
</tr>
<tr>
<td></td>
<td>• Amends slightly cases eligible for sealing by clarifying the waiveable offenses exception and including cases, which began in adult court, but were later transferred to juvenile court.</td>
</tr>
<tr>
<td></td>
<td>• Provides that the amendments are retroactive so youth can request for their record to be sealed.</td>
</tr>
<tr>
<td>§ 43-2,108.02- Sealing of records; notice to juveniles; contents</td>
<td>Sec. 4-</td>
</tr>
<tr>
<td></td>
<td>• Directs the Supreme Court to promulgate the developmentally appropriate written notice rather than local county attorneys.</td>
</tr>
<tr>
<td></td>
<td>• Provides that notice of sealing eligibility be provided to youth by attaching the same to juvenile petitions or eligible criminal complaints.</td>
</tr>
<tr>
<td>§ 43-2,108.03- Sealing of records; county attorney or city attorney; duties; motion to seal record authorized</td>
<td>Sec. 5-</td>
</tr>
<tr>
<td></td>
<td>• Provides that notice of sealing eligibility be given to youth at the time they receive a citation and again if they are offered diversion. Also provides notice to the youth upon sealing.</td>
</tr>
<tr>
<td></td>
<td>• If a case is filed, but later dismissed, directs the court to automatically seal the record.</td>
</tr>
<tr>
<td></td>
<td>• If a youth satisfactorily completes probation the court shall</td>
</tr>
</tbody>
</table>