

Franklin, Harlan, Kearney, Phelps
Counties Three Year Comprehensive
Juvenile Services Plan

2006-2009

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NEBRASKA COMMISSION ON
LAW ENFORCEMENT AND
CRIMINAL JUSTICE

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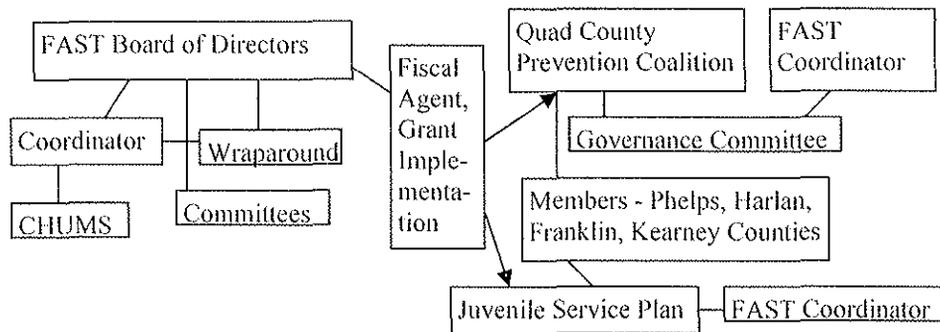
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II. Community Team Section:

a. The community team name “Quad County Prevention Coalition” was adopted in 2004 by the members from four counties, Harlan, Franklin, Kearney and Phelps. The counties joined in 2003 to write the Comprehensive Juvenile Service Plan. This name was chosen by the members as a prevention grant was sought. Phelps County Family Action Support Team (FAST) is the fiscal agent. FAST has 501 (c)(3) status.

Connie Jacobson is the Coordinator/Project Director and the elected board of directors meet monthly on the first Thursday morning at 7:30 a.m., in Holdrege at the office located in the Episcopal Church at 512 Tilden. An Executive Committee has been formed by the four participating counties with three members representing each county. Business is conducted by e-mail and conference calls. Quarterly meetings, moving from county to county are held with the members and special meetings are called as needed. General committees were organized;

1. Governance, 2. Media Campaign, 3. Prevention Education.



III. Community Planning Tool

1. The Quad County Prevention Coalition will continue to work towards keeping youth out of contact with the law enforcement agencies and legal system by providing Wraparound in the schools of the four counties. Wraparound is a process that involves building a team of support around a family to help the family address issues affecting school success. (It is not a program, a system, an agency or a service.)

The process gives families, whose children are having school adjustment or behavior problems, the chance to partner with friends, relatives, teachers and other professionals, through a family team, to find solutions.

The family team listens to needs and family concerns as expressed by family members, assures that the family plan will meet the needs and goals, helps the family find ways to meet child and family needs, provides information, and encourages partnership between families and agencies.

There are six Wraparound Facilitators trained in the four counties.

2. Three of the four counties offer a Diversion Program. The programs are similar in content and structure. The Quad is looking into the possibility of one person administering Diversion thus reducing the time spent in each county by the County Attorney's office. In this process the truancy rules of each school is reviewed and a determination of how well they work to keep youth in school and potentially out of the legal system.

3. There are prevention programs in most of the school being taught by teachers. The Quad would like to see an expansion of these programs into other grade levels.

By integrating these three areas; prevention programs, Wraparound and Diversion the Quad County Prevention Coalition's goal is to support youth to make positive choices for their future.

4. In the focus group discussions with representatives of law enforcement, probation, county attorneys and a county juvenile judge, common problems and issues became apparent. There is a need for a juvenile holding facility located within a reasonable distance of the four counties. Some alternatives suggested would be changes in policy that would allow local authorities to place juveniles on an emergency basis. A Safe House for juveniles located within the Quad County community was a recommendation. These changes would require significant planning. Therefore, we will explore this issue with stakeholders for further action.

Attachment A Data from Nebraska Crime Commission and Probation Offices

IV. Priority Areas and V. Strategies

In a series of meetings in 2003, participants from the four counties prioritized three primary concerns. The concerns are a result of combining lists of concerns and issues that focused on youth risk behaviors. The top three priorities were: substance abuse, lack of parental involvement and anti-social behaviors. In 2006 focus groups looked at the priorities in the first Community Plan and decided that the established priorities were still our main issues.

Priority #1: Substance Abuse

Goal: To develop a continuum of services and activities that will negatively impact the use of alcohol, tobacco and drugs by youth in the four counties.

Objective #1:

Increase efforts to promote participation in programs and workshops on the topics of substance abuse prevention education and prevention for parents and professionals involved with youth.

Performance Indicators:

1. The number of programs and workshops offered.
2. The number of adults reached with information on youth substance abuse and prevention.
3. The number of youth reached with opportunities to communicate with peers the message to not be involved with underage drinking.

Activities:

1. Coordinate the delivery of substance abuse prevention education for parents of children from pre-kindergarten through high school ages.
2. Promote programs for youth to develop messages about underage drinking to be presented to other youth.

Objective #2:

Increase promotion of youth and family participation in community sponsored activities.

Performance Indicators:

1. The number of community-sponsored events publicized through collaborative efforts.
2. The number of parents and youth attending community-sponsored events and programs for families.

Activities

1. Provide small assistance grants to event and program sponsoring organizations to help pay for publicity of community-sponsored events and programs for families.
2. Use an e-mail listserve and system to inform collaboration members and general public of upcoming events.
3. Request posting of events by local internet sites (Chamber of Commerce sites).
4. Promote the use of a cyber bulletin board.

Objective #3:

Increase awareness and enforcement of school rules and civic laws.

Performance Indicators:

1. The frequency of citizen reporting of youth involvement with alcohol, drugs and tobacco.
2. The number of schools considering the use of alcohol and drug assessments in their schools systems.

Activities:

1. Adopt and secure funding for an on-going promotion to encourage citizen reporting of youth using alcohol and drugs, of youth parties and events combining youth and substance abuse, of illegal activities, and of adults providing alcohol, drugs and/or tobacco to youth.
2. Explore use of alcohol and drug assessments in the schools.

Objective #4:

Increase collaboration among the legal systems in the four-county area to identify youth who have been involved with law enforcement in more than one county.

Performance Indicators:

1. Development of a cooperative system to identify youth involved with law enforcement in more than one county.
2. Number of youth identified-through the system.

Activities:

1. Establish a system involving law enforcement in the four counties to identify youth involved with law enforcement in more than one county.
2. Identify youth involved.
3. Evaluate youth identified for possible intervention.

Objective #5:

Improve access to substance abuse treatment for adolescents with the development of one teen Narcotics Anonymous(NA)/ Alateen) group in each of the four counties.

Performance Indicators:

1. The number of NA/Alateen groups established in the four counties.
2. The number of teens attending NA/ Alateen groups.

Activities:

1. Identify adult NA/Alanon sponsoring groups.
2. Provide support as needed for the development of the county groups.

Evaluation

1. Document number of youth and adults participating in prevention programs.
2. Document number of community-sponsored programs.
3. Document number of schools using prevention programs.
4. Collect statistics from law enforcement and courts on collaboration of systems.

Priority #2: Lack of Parental Involvement

Goal: Strengthen personal parenting skills by providing opportunities for learning and improving parenting skills and by providing accessible parenting resources.

Objective # 1 :

Engage parents in parenting skills education through participation in a parenting skills game.

Performance Indicators:

1. Frequency of use of parenting skills game at community events.
2. Number of parents participating in parenting skills game.

Activities:

1. Develop or adopt a parenting skills game.
2. Make game available to resource persons in each county.
3. Promote use of the game at community events like school carnivals.

Objective #2:

Engage parents in parenting skills education by offering parenting programs in a variety of settings and a diversity of speakers and topics relevant to parenting.

Performance Indicators:

1. Number of parents participating in parenting skills programs.
2. Distribution of a directory of resources.

Activities:

1. Evaluate or adopt an evaluation of parenting skills programs for their focus and effectiveness.
2. Make parenting skills program evaluations available to program promoters.
3. Develop a system to coordinate parenting skills program dates and times.
4. Offer parenting skills programs during times such as kindergarten roundup, middle school parent/teacher days and freshmen orientation.
5. Recruit health care professionals, counselors, school professionals, law enforcement, etc. to conduct parenting skills programs.
6. Develop a system to update and distribute listings of available speakers and their topics in the four counties.

Objective #3:

Increase awareness of Hotline Resources for parents and youth.

Performance Indicators

1. Number of hot line users originating from the four counties.

Activities:

1. Publicize 800 numbers for hotlines already established and in use (i.e. Boys & Girls Town Hotline).
2. Work with hotline resources to coordinate promotion of hot line numbers and use.

Evaluation

1. Evaluate parenting skills game and education materials.
2. Document number of events using parenting skills game and speakers.
3. Collect statistics on number of calls on hotlines.

Priority 3: Anti-Social Behavior

Goal: Positively impact at-risk youth in the four counties who have displayed anti- social behaviors in their home and/or community.

Objective #1:

Develop Wraparound support teams for at-risk youth and their families.

Performance Indicators:

1. Number of youth referred to Wraparound (a facilitated service for at-risk youth and their families involving a support team that includes family members, relatives, friends, neighbors, teachers, service providers and others chosen by the family).
2. Number of youth and families participating in Wraparound.
3. Compare baseline and annual out-of-home placement costs for youth for a comparison of financial impact.

Activities:

1. Define at-risk youth.
2. Maintain community-based Wraparound in Phelps County.
3. Develop community-based Wraparound in Franklin, Harlan and Kearney Counties.
4. Refer at-risk youth to Wraparound.
5. Document baseline and annual out-of-home placement costs.

Objective #2:

Develop and coordinate juvenile diversion services delivery to maximize resources and outcomes for at-risk youth.

Performance Indicators:

1. Number of youth completing diversion services.

Activities: .

1. Designate representatives from each of the four counties to develop and coordinate diversion programming for youth in the four counties.

Evaluation

1. Document number of communities and schools using Wraparound.
2. Document number of youth/families in Wraparound.
3. Document number of diversion programs and number of youth participating.
4. Meet with county attorneys for annual review.

Summary of Risk Factors for All Concerns Combined

Participants identified risk factors in their own communities and then the lists were combined. Many of the same risk factors occur in each of the four counties. The risk factors were clustered in the following headings, making it easier for the participants to consider them.

- * Parents and Family
- * Societal
- * Economic
- * Media
- * Mental Health
- * Irresponsible Adult Behaviors
- * Adolescent Attitudes and Behaviors

1. For some youth, parents and the family create risk factors. The following risk factors were listed in all four counties:

- * Failure of the parent to provide adequate supervision
- * Parent substance abuse
- * Parent abuse and neglect
- * Poor parenting skills
- * Allowing substance abuse in the home
- * Domestic violence

The following factors were listed by two to three counties:

- * Family life not a priority
- * Mobility of family
- * Divorce
- * Single-parent families

Listed by one county:

- * Family not active part of the community
- * Genetic predisposition
- * Youth challenge parental authority
- * Parents want to be friends rather than parents

2. Participants identified risk factors that occur and are fostered within our society. Youth are no longer influenced by their own local communities and culture but are influenced by the larger society. Risk factors listed in the four counties include:

- * Attitudes and culture tolerant to substance abuse
- * Negative peer pressure
- * Diminished respect for authority
- * Some youth don't feel that they fit in
- * Sense of community is changing
- * Violence
- * War

3. The following economic risk factors were listed across the four counties:

- * Working parents

- * Parents traveling out of the community for jobs
- * Teens working more than 10 hours per week
- * Unemployment and lack of living wage
- * Poverty/affluence

4. Participants in all four counties agreed that the strong influence of the media and its content is a risk factor for youth: content of internet, music, video games, movies, TV programming, promotion of negative role models.

5. Status of mental health of youth can create the following risk factors listed in the four counties:

- * Depression
- * Unresolved anger
- * Stress

6. Failure of adults to accept responsibility was listed by participants in three to four counties. The actions cited included:

- * Making alcohol, drugs, tobacco available to youth
- * Naivete'

One to two counties listed the following:

- * Non-enforcement of consequences and curfews
- * Needing more adults to mentor youth

7. Some adolescent attitudes and behaviors may foster risk factors:

- * Lack of interests and ability
- * Curiosity and experimentation
- * Lack of motivation
- * Wanting to fit in
- * Poor choice of peer group

Baseline Statistics

Local Youth Risk Behavior Surveillance System Survey

In the spring of 2003, the national Youth Risk Behavior Surveillance System (YRBSS) survey was conducted in schools in all four counties included in this comprehensive plan. The survey was conducted by Two Rivers Health Department. This survey did provide baseline information along with the Nebraska Risk and Protective Factor Student Survey (NRPFS) that was administered by the Nebraska Health and Human Services System and the Nebraska Department of Education for the Nebraska Partners in Prevention in the fall of 2003 and again in 2005.

The national YRBSS was first implemented in 1990 to measure prevalence among young people of behaviors that put their health at risk. The YRBSS is a coordinated system using a standardized survey tool and sampling methods reproduced in the majority of states and many localities across the United States.

Before the establishment of the YRBSS, there was little information on the prevalence of these important risk behaviors among youth in the United States. Yet these areas of risk behavior are the major precursors to death, illness and disability among Americans, not only in their teen years, but also in later life.

The NRPFS upheld the findings from the spring survey. Alcohol use in the past 30 days by youth in 5th grade 5.45%, 8th grade 17.37%, 10th grade 33.51%, and 12th grade 52.36%. Supporting the Priority #1 Substance Abuse.

Priority #2 Antisocial Behavior was surveyed during the past year and indicated in all grades varying degrees of behaviors that brought them to the attention of law enforcement or school administration.

Alcohol and drug use were identified by participants as a priority health-risk concern.

A comparison of Nebraska youth risk behaviors to U.S. youth risk behaviors indicates: . Tobacco use of Nebraska youth is similar to youth throughout the U.S. . Fewer Nebraska youth than U.S. youth use a safety belt

- * More Nebraska youth than U.S. youth rode with a drinking driver during the past month.
- * Fewer Nebraska youth than U.S. youth attempted suicide or were in a physical fight in the past year.
- * Alcohol use is higher among Nebraska youth than U.S. youth.
- * Sexual activity among Nebraska youth is slightly lower than sexual activity among U.S. youth and Nebraska youth are indicated to be more responsible regarding sexual activity.

Attachment A

Data Points-Phelps	Total Population (*2000)	Juvenile Population (**2004)
Total Population	9747	1198
Male	4777	625
Female	4970	577
White	9532	1188
Black/African American	11	2
Asian	27	15
Hawaiian/Pacific Islander	0	Not reported
American Indian	27	1
Hispanic	220	48
Juveniles Arrested	45	
Juveniles Detained		
Juveniles Prosecuted	72	
Juveniles Placed in Diversion		
Number of Juveniles Adjudicated	53	
Number of Juveniles placed on Probation		
YRTC-Kearney commitments		1
YRTC-Geneva commitments		0
Data Points-Kearney	Total Population (*2000)	Juvenile Population (**2004)
Total Population	6882	861
Male	3413	434
Female	3469	427
White	3732	848
Black/African American	11	4
Asian	16	7
Hawaiian/Pacific Islander	1	Not reported
American Indian	14	2
Hispanic	161	20
Juveniles Arrested		22
Juveniles Detained		
Juveniles Prosecuted		26
Juveniles Placed in Diversion		
Number of Juveniles Adjudicated		21
Number of Juveniles placed on Probation		
YRTC-Kearney commitments		0
YRTC-Geneva commitments		0

Data Points-Phelps	Total Population (*2000)	Juvenile Population (**2004)
Data Points-Harian	Total Population (*2000)	Juvenile Population (**2004)
Total Population	3786	454
Male	1874	236
Female	1912	218
White	3743	453
Black/African American	5	0
Asian	3	1
Hawaiian/Pacific Islander	1	Not reported
American Indian	4	0
Hispanic	29	4
Juveniles Arrested		12
Juveniles Detained		
Juveniles Prosecuted		18
Juveniles Placed in Diversion		
Number of Juveniles Adjudicated		13
Number of Juveniles placed on Probation		
YRTC-Kearney commitments		1
YRTC-Geneva commitments		0

Data Points-Franklin	Total Population (*2000)	Juvenile Population (**2004)
Total Population	3574	417
Male	1720	214
Female	1854	203
White	3547	417
Black/African American	0	0
Asian	2	0
Hawaiian/Pacific Islander	0	Not reported
American Indian	10	0
Hispanic	23	8
Juveniles Arrested		5
Juveniles Detained		
Juveniles Prosecuted		8
Juveniles Placed in Diversion		
Number of Juveniles Adjudicated		8
Number of Juveniles placed on Probation		
YRTC-Kearney commitments		0
YRTC-Geneva commitments		0

District	County	# of Juveniles in Detention
7	Kearney	3
7	Phelps	3
7	Harlan	0
7	Franklin	0
		# of Juveniles Traditional Probation
7	Kearney	3
7	Phelps	14
7	Harlan	1
7	Franklin	1

Total Juveniles in Detention for the four counties 6
Total Juveniles on Traditional Probation 19

Attachment B: System Points

Summary of Focus Group Discussion of the System Points

In the focus group discussions with representatives of law enforcement, probation, county attorneys and a county juvenile judge, common problems and issues became apparent. There is a need for a juvenile holding facility located within a reasonable distance of the four counties. Some alternatives suggested would be changes in policy that would allow local authorities to place juveniles on an emergency basis. A Safe House for juveniles located within the Quad County community was a recommendation. These changes would require significant planning. Therefore, we will explore this issue with stakeholders for further action.

SYSTEM POINT: ARREST/ CITATION

PARTY RESPONSIBLE: Police/Law Enforcement

STATUTE REFERENCE: NRS §§ 43-247 (1), (2), (4)

Decision: Whether an information report should be filed, or what offense, if any, with which juvenile should be cited or arrested.

Formal Determining Factors

- a. Sufficient factual basis to believe offense was committed .
- b. Underlying support for a particular offense.
- c. *Written policies and procedures*

Informal Determining Factors

- a. Officer’s Inclination/ patience
- b. Degree to which parent or service provider pushes the issue
- c. Youth’s prior incidences with law enforcement.
- d. Youth and/or youth’s families perceived status in the community.

Notes:

The formal determining factors are the statutes and the law and what they say. In addition, written policies and procedures are formal factors impacting decisions made.

Responders believe that informal factors should have nothing to do with whether a juvenile is cited or arrested. With today’s liability issues, “officers and the departments must stick to the letter of the law. Law enforcement needs to be done consistently.”

The sheriff and police departments in Phelps County share a data system with entries made by both departments allowing shared data and information for both departments. Arrest data is monitored regularly and adjustments are made within the departments to work on emerging problem areas and issues. Contact information is part of the information entered so an up to date information report is available to all officers throughout the county.

The sheriff and police chief both agree that the availability of the data is extremely helpful.

The responders review and compare state generated data and statistics but believe that the time sensitive availability of local data is more critical to the success of law enforcement.

Responders report that the state law and the statutes are very clear regarding the arrest and citation of juveniles. They can hold a juvenile 17 or above if a felony is committed. Younger youth committing a felony can be held in a holding cell for a limited period of time. The new Phelps County jail facility does have a holding cell that meets state standards. The sheriff and police chief both state that a juvenile is cited or arrested on the basis of the law, not dependent on what will happen with the youth once the arrest or citation is made. Both departments maintain a clear line of communication with the county attorney if there are questions of detainment.

The shared data information system, SLEUTH is a valuable existing resource. /Both departments are currently upgrading their SLEUTH system to place laptop computers into half of their patrol cars. They will continue to work to place laptop systems into all cars in the city and county. The cost for 2 mobile units is approximately \$20,000.

Officers would like to see bonds for release set higher. They observe that bonds are so low, that offenders get out of jail soon after arrest and immediately begin committing more crimes after release.

Responders know of no prevention program.

Decision: Whether to cite or arrest juvenile for juvenile or adult offense.	
Formal Determining Factors <ol style="list-style-type: none"> a. Seriousness of Offense b. Is there a warrant? 	Informal Determining Factors <ol style="list-style-type: none"> a. Degree to which juvenile cooperates with officer. b. Victims desire. c. Is the youth already in the HHS or juvenile system?
Notes: Responders state that the <u>formal factors</u> are what the law says. If the juvenile has broken the law, then they are cited. If they have committed a felony, they will be arrested. It is up to the County Attorney to determine how the filing should be made. Both officers noted that a ticket is a ticket and separate citations are not used for juvenile offenders. In cases where there may be a question of whether a juvenile should be arrested, the county attorney is contacted immediately. In some cases, probation or Health and Human Services may request that the juvenile be arrested and held.	

Decision: Whether to take juvenile into custody or to cite and release (NRS § 43-248 (1), (2); § 43-250 (1), (2), (3))	
Formal Determining Factors	Informal Determining Factors <ol style="list-style-type: none"> a. Immediate risk to juvenile b. Immediate/short term risk to public c. Seriousness of perceived offense d. Extent to which parent or other responsible adult available to take responsibility for juvenile. e. Is there a warrant? f. Availability of pre-adjudication detention options?
Notes: Responders state that the <u>formal factors</u> are what the law says. If the juvenile has broken the law, then they are cited. If they have committed a felony, they will be arrested. The serious nature of a crime will impact the decision of whether a juvenile is taken into custody. It is up to the County Attorney to determine how the filing should be made. Both officers noted that a ticket is a ticket and separate citations are not used for juvenile offenders. In cases where there may be a question of whether a juvenile should be taken into custody, the county attorney is contacted immediately. In some cases, probation or Health and Human Services may request that the juvenile be arrested and held. Both the sheriff and the police chief state that the excellent communication between the two departments, the small county population, and good communication with the county attorney, probation department and health and human services serve to decrease the <u>informal determining factors</u> which they see as poor law enforcement. They rely on close communication and support of their officers to enforce the law. Law enforcement is informed when a youth is under a court order (curfew, cannot associate with specific individuals, etc.) and know when a youth is to be arrested for certain actions. If a youth is not court ordered to be arrested, then documentation is made for the probation department and reported.	

SYSTEM POINT: INITIAL DETENTION

PARTY RESPONSIBLE: State of Nebraska Probation

STATUTE REFERENCE: NRS § 43-250(3), § 43-260, § 43-260.01

Decision: Whether juvenile should be detained or released.

Formal Determining Factors

- a. Risk assessment outcome
- b. Accessibility of placement options:
 - i. Parents/Guardians/other family members
 - ii. Emergency Shelter
 - iii. Staff Secure Facility
 - iv. Secure Detention Facility
 - v. Intake Assessment Form that uses ratings drawn from current and past history
 - vi. Parent/guardian involvement and willingness to provide supervision for youth

Informal Determining Factors

Gut level feelings of experienced probation officer
Whether the juvenile is a runaway

Notes:

When compared to larger cities and counties, the four-county area has very few juvenile arrests. Police in very rural areas handle juvenile issues themselves by contacting the juvenile's parent or family within the community. Probation deals with more youth from Holdrege and Minden.

Data from law enforcement would probably not be of use, but probation officers suggest that a regular meeting with law enforcement would allow more information gathering on their probationers. Law enforcement communicate well with probation officers and notify them if they see a probationer breaking their agreement.

The state provides good training. The use of the Intake Form Matrix is a good existing resource making the decision process much better.

Problem to address: When a juvenile has to be detained, there is no reasonably near facility to place them. Facilities are in Grand Island, Hastings, North Platte and Madison. The problem of transportation is even greater if the juvenile is violent or under the influence of alcohol or drugs.

If a juvenile detention facility were developed in the community, other changes in program, policy, procedures, practices, communication and training would also have to be addressed.

There is currently no prevention program addressing this specific question. Perhaps a program for parents could be useful. But a prevention program targeting parents of juvenile offenders would have to address many issues to be effective.

SYSTEM POINT: CHARGE JUVENILE
 PARTY RESPONSIBLE: County Attorney
 STATUTE REFERENCE: NRS § 43-274(1), § 43-275, § 43-276

Decision: Whether to prosecute juvenile.

Formal Determining Factors	Informal Determining Factors
<ul style="list-style-type: none"> a. Likelihood of successful prosecution b. Factors under NRS § 43-276: <ul style="list-style-type: none"> i. Type of treatment to which juvenile would be most amenable ii. Evidence that offense was violent, aggressive, or premeditated iii. Motivation for commission of offense iv. Age of juvenile and co-offenders v. Previous offense history, especially patterns of prior violence or antisocial behavior vi. Juvenile's sophistication and maturity vii. Juvenile's prior contacts with law enforcement and the courts viii. Whether there are facilities particularly available to the juvenile court for the treatment and rehabilitation of the juvenile ix. Whether best interests of juvenile and public safety dictate supervision extending beyond his or her minority x. Victim's inclination to participate in mediation xi. "Such other matters as the county attorney deems relevant to his or her decision" xii. <i>Quality of the case</i> xiii. <i>Proof beyond a reasonable doubt</i> 	<p><i>Parent's ability to control the juvenile</i> <i>Parent attitude and consequences imposed at home</i> <i>Nature of the offense and whether remorse is shown</i></p>

Notes:

County attorneys don't always have the arrest data when a decision is made of whether to prosecute. The information of prior contacts and actions of the juvenile are known more to law enforcement. Law enforcement can use more discretion and perhaps deal with more informal factors in their decision-making. The responders have seen fewer informal reprimands in the last 15 to 20 years which has caused a rise in arrest numbers. Fewer offenses are dealt with by officers and parents. Due to parents not being home to supervise their children, less parental supervision of juveniles by parents, and an increased transient population (parents with no extended family support), fewer juveniles meet the informal determining factors criteria.

Other data that would be useful would be the tracking of informal reprimands. Some departments do maintain contact stats. A decision can be affected by numerous contacts with police.

Serious Problem/Issue: Lack of a long term locked juvenile holding facility. The nearest facility is many hours away. This is particularly a problem in small counties with a small force. Transportation of juveniles to a facility is a serious issue in respect to expenditures of time and resources.

Solutions: Develop a state funded Juvenile Holding Facility in the immediate area. Change policies at YRTC so they could hold juveniles for pre-trial hearing. Change jail standards policy.

Serious Problem/Issue: Need for Juvenile Curfews. Too many parents are ineffective in controlling their children and keeping them home in the late night and early morning hours. Parents are not setting curfews for their children. The possession of a provisional operators permit dictates that juveniles not

drive after 12am and this is of some benefit. A curfew gives police a reason to approach juveniles who are out past the curfew time. Rural areas lack the resources to enforce curfews, which may be one of the primary reasons for not having curfew times.

Solutions: City and county-wide curfews. Allocation of resources to enforce them.

Prevention: If parents had control of their juveniles, the need for holding facilities would not be necessary. Even with a law violation, if the parent could control the youth, problems could be averted. Responders noted that HHS will assist parents by drawing up a safety plan to be followed.

Decision: Whether youth should be prosecuted as juvenile or adult.

Formal Determining Factors

- a. Seriousness of offense
- b. Presence of serious bodily injury to victim
- c. Prior offenses and degree
- d. Number of offenses
- e. Violence of offense
- f. Age

Informal Determining Factors

- a. Knowledge of the family: how they react, how they parent, family history
- b. Sense of fairness and equity. Is the youth being treated fairly
- c. Parity
- d. While the statute allows a 14 year old to be prosecuted as an adult, the decision is not absolute

Notes:

Arrest Data tells us that many juveniles choose to be charged as an adult so they can be fined and or put on probation and be finished with the offense quicker and with less intervention. In traffic court, restrictions overall are fewer if charged as an adult. A juvenile is at-risk of losing their license until the age of 21 years if tried in juvenile court. Youth 16 and over often want to be treated as adults.

Decision: Offense for which juvenile should be charged.

Formal Determining Factors

Informal Determining Factors

*At the discretion of the prosecuting attorney
Cumulative record at school
Reports filed*

Notes:

Community arrest data has no impact on this decision as the decision is based on the individual's record.

Problems/Issues: The prosecuting attorney doesn't always have complete information of the individual juvenile's activities.

Solutions: Formal reporting system for law enforcement and schools. Some departments have SLEUTH which is very useful. In smaller counties, attorneys rely refer to institutional memory as a resource. Financial resources would be needed to purchase equipment and pay staff to do data input.

Prevention programs: Diversion programming is used in three of the four counties. A programmed learning tool for shoplifting offenders has been used by the probation department.

SYSTEM POINT: PRE-ADJUDICATION DETENTION

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-253(2)

Decision: *Whether juvenile detained at the time of citation/arrest should continue in detention or out-of-home placement pending adjudication.*

Options:

- 1. Parents/Guardians
- 2. Emergency Shelter
- 3. Staff Secure Facility
- 4. Secure Detention Facility
- 5. Electronic Monitoring

Formal Determining Factors

- a. Whether there is an “immediate and urgent necessity for the protection of such juvenile”
- b. Whether there is an “immediate and urgent necessity for the protection of...the person or property of another”
- c. Whether juvenile is likely to flee the jurisdiction of the court
- d. *Risk to the juvenile, community*
- e. *What resources are available to manage the risk*

Informal Determining Factors

Notes:

The bottom line is always, what can we do to reduce the greatest risks to the child. We don't want to impose risk on behalf of the juvenile. We don't have hard information that we need to make good decisions about juveniles.

We need not only information about the juvenile, but broader information that tells us more about which interventions work better.

Issue/Problem: Responsibility for investigations. We need a central clearing house for information so all agencies who have had contact with an individual will have access to vital information on which we base our decisions. We need some kind of intelligence center that we can put information into and retrieve needed information.

Wraparound is a prevention program that we use. We could also develop more programming that would include tapping into the senior citizen resource and faith-based organizations.

SYSTEM POINT: PROBABLE CAUSE HEARING	
PARTY RESPONSIBLE: Juvenile Court Judge	
STATUTE REFERENCE: NRS § 43-256	
Decision: Whether state can show that probable cause exists that juvenile is within the jurisdiction of the court.	
Formal Determining Factors <i>Establish venue or jurisdiction</i> <i>Determine if under 18</i> <i>Fit under 4,3-247?</i> <i>County attorney filing of complaint</i> <i>Must determine if reasonable efforts have been made regarding the safety of the child</i> <i>Comply with 4e fund specifications</i>	Informal Determining Factors
Notes: We need to have a better and accessible way to retrieve the information we need about the juvenile and the juveniles situation. We need pertinent information in a timely manner. Often a juvenile will need more intensive supervision early in the process but we may not have the information we need to make that happen.	

SYSTEM POINT: COMPETENCY EVALUATION	
PARTY RESPONSIBLE: Juvenile Court Judge	
STATUTE REFERENCE: NRS § 43-258(1(b))	
Decision: Whether juvenile is competent to participate in the proceedings.	
Formal Determining Factors <i>Evaluation of physical, mental, social</i>	Informal Determining Factors
Notes: We look to different sources for the information we need if there is a question. We rely on physicians, the school nurse and therapists if involved. An evaluation can be ordered.	

Decision: Whether juvenile is "responsible" for his/her acts NRS § 43-258(1(c) and (2))	
Formal Determining Factors a. Physician, Surgeon, Psychiatrist, Community Health Program, Psychologist b. "Complete evaluation of the juvenile including any authorized area of inquiry requested by court." (NRS § 43-258(2))	Informal Determining Factors
Notes: A juvenile may be determined not responsible but in need of care. We need more qualified evaluators at minimum a consistent quality of evaluation across the board. I have observed that sometimes, professionals do not read the information sent to them regarding the juvenile. I think it would help the process to develop a format for providing information to mental health professionals.	

SYSTEM POINT: ADJUDICATION	
PARTY RESPONSIBLE: Juvenile Court Judge	
STATUTE REFERENCE: NRS § 43-279 (2) and (3)	
Decision: Whether the juvenile is, beyond a reasonable doubt, “a person described by section 43-247.”	
Formal Determining Factors <ul style="list-style-type: none"> a. Legal sufficiency of evidence presented during adjudication hearing b. Whether juvenile admits the allegations of the petition (or, “pleads to the charges”) <i>For 3A juveniles, a preponderance of the evidence</i> <i>Use of civil standard</i>	Informal Determining Factors
Notes: Everything must be based on investigation, evidence and information.	

Decision: Whether to order probation to conduct a pre-disposition investigation (statutory authority unclear)	
Formal Determining Factors	Informal Determining Factors
Notes: We look at the school, social, legal and medical history and that influences the decision. If we have little or no information, then we refer to probation for an investigation. If the problem can be handled through supervision from probation the juvenile will be able to remain in the home.	
*See NRS § 29-2261(2): A court may order a pre-sentence investigation in any case, except in cases in which an offender has been convicted of a Class IIIA misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic infraction, or any corresponding city or village ordinance.	

Decision: Whether to order OJS evaluation NRS § 43-281	
Formal Determining Factors	Informal Determining Factors
Notes: If the juvenile’s problems cannot be addressed through probation, then the next step will be to look for more and broader services which could begin with an OJS evaluation. If there are extensive educational, family, chemical abuse, social, issues, then an OJS evaluation will probably be ordered.	
*See also: NRS § 29-2204(3): Except when a term of life is required by law, whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may, in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code. Prior to making a disposition which commits the juvenile to the Office of Juvenile Services, the court shall order the juvenile to be evaluated by the office if the juvenile has not had an evaluation within the past twelve months.	

Decision: Whether to order a PDI or OJS Evaluation	
Formal Determining Factors <ul style="list-style-type: none"> a. Presumably supplement each other b. Uncertainty about whether probation or commitment to OJS is in the juvenile’s best interest 	Informal Determining Factors
Notes:	

SYSTEM POINT: DISPOSITION	
PARTY RESPONSIBLE: Juvenile Court Judge	
STATUTE REFERENCE: NRS § 43-286 (1)	
Decision: Whether to place juvenile on probation NRS § 43-286(1)(a)(i)	
Formal Determining Factors	Informal Determining Factors
<p>Notes:</p> <p>The bottom line here is again the need for complete and accurate history and information regarding the juvenile and the juvenile's situation.</p> <p>Probation will provide good information to me. We need services for the juveniles who are in the huge category between juveniles abused and juvenile offenders-the delinquent juvenile.</p> <p>If we see probation as a way to get earlier intervention, then we will do this.</p> <p>If we believe the juvenile can function in the home, will attend school, comply with the probation agreement and cooperate with the probation officer, then probation will be ordered.</p>	

Decision: Whether to commit such juvenile to the Office of Juvenile Services NRS § 43-286(1)(b)	
Formal Determining Factors	Informal Determining Factors
<p>Notes:</p> <p>The problem with OJS is that I have to take what they have to offer which may or may not be entirely appropriate for the juvenile.</p>	

Decision: Whether to place juvenile on probation and commit juvenile to HHS or OJS	
Formal Determining Factors	Informal Determining Factors
a. No apparent authority for delinquent in the legal custody of parents/guardian.	a. Gives probation responsibility of supervision, but opens access to HHS/OJS funds for treatment or rehabilitation
<p>Notes:</p> <p>Often depends on whether the juvenile has resources if they would remain in the community.</p> <p>Often is a matter of need for resources. Changes in the Medicaid system that approves treatment would help.</p> <p>The information we receive from HHS is inconsistent.</p> <p>See Also, State v. David C., 6 Neb. App. 198, 572 N.W.2d 392 (1997): [9] It is clear that the court intended to commit David to the YRTC without actually revoking his probation. We can find no statutory basis for this procedure. Section 43-286 provides for the possible dispositions that a court may make, including continuing [*214] the disposition portion of the hearing and (1) placing the juvenile on probation subject to the supervision of a probation officer; (2) permitting the juvenile to remain in his or her [***31] own home, subject to the supervision of the probation officer; (3) placing the juvenile in a suitable home or institution or with the Department; or (4) committing him or her to OJS. Section 43-286 provides no authority for a court to place a juvenile on probation under the care of OJS. Section 43-286(4)(e) provides that if the court finds that the juvenile violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period of probation, or enter "any order of disposition that could have been made at the time the original order of probation was entered . . ." The court could not have originally entered an order providing for probation with commitment to YRTC, and it necessarily follows that the court could not enter such an order upon finding that the juvenile had violated the terms of his or her probation. The attempt to continue probation while committing David to a YRTC would also require a reversal of the order of April 30.</p>	

SYSTEM POINT: ADMINISTRATIVE SANCTIONS

PARTY RESPONSIBLE: Probation

STATUTE REFERENCE: NRS § 29-2266

Decision: Whether to impose administrative sanctions on a probationer

Formal Determining Factors (NRS § 29-2266 (2))

- a. Probation officers has reasonable cause to believe that probationer has committed or is about to commit a substance abuse violation or a non-criminal violation
- b. Substance abuse violation refers to a positive test for drug or alcohol use, failure to report for such a test, or failure to comply with substance abuse evaluations or treatment
- c. Non-criminal violation means:
 - i. Moving traffic violations;
 - ii. Failure to report to his or her probation officer;
 - iii. Leaving the jurisdiction of the court or leaving the state without the permission of the court or his or her probation officer;
 - iv. Failure to work regularly or attend training school;
 - v. Failure to notify his or her probation officers of change of address or employment;
 - vi. Frequenting places where controlled substances are illegally sold, used, distributed, or administered;
 - vii. Failure to perform community service as directed;
 - viii. Failure to pay fines, courts costs, restitution, or any fees imposed pursuant to section 29-2262.06.

Informal Determining Factors

Notes:

The arrest data is not helpful with juveniles. Specific procedures must be followed. The Administrative Sanctions Matrix is a good existing resource to use in determining whether to impose sanctions.

Probation officers would like to see the return use of a prior resource, electronic monitoring, discontinued in the four counties due to small numbers in use. Other resources that need to be developed: a tracker for the four counties and a day reporting center.

Responders talked about a new state program for adults that will use specialized Substance Abuse officers to work with felony drug offenders. Because about 95% of drug offenses are reduced to misdemeanors, individuals needing drug treatment will still not be getting it. Responders would like to see the program expanded to misdemeanor offenders and to juvenile offenders.

SYSTEM POINT: MOTION TO REVOKE PROBATION	
PARTY RESPONSIBLE: County Attorney	
STATUTE REFERENCE: NRS § 43-286(4)(b)(i)	
Formal Determining Factors <i>Probation office request</i> <i>Formal factors on the motion</i>	Informal Determining Factors <i>Probation officer's impression of whether the youth is willing to work with the officer</i> <i>Whether the officer can still work with the juvenile</i>
<p>Notes:</p> <p><u>Arrest Data:</u> Responders stated that they rarely revoke probation for a juvenile. The number of revocations are very small. They agree that probation is an appropriate resource to be used as it provides good supervision for the juvenile including some aggressive supervision if needed, random testing for alcohol and drugs and monitoring of school grades---all things that parents should do but often are not doing. Responders state that even if a juvenile is not meeting all probation requirements, they will continue with the probation agreement because there is not a better alternative.</p> <p><u>Problems/Issues:</u> If you revoke probation, what do you do with them? There are not enough resources to provide alternatives if probation is revoked. Placement is very difficult. There are relatively no services for uncontrollable delinquent offenders who cannot be kept in the community but have not committed serious enough offenses to be sentenced to YRTC.</p> <p><u>Solutions:</u></p> <ol style="list-style-type: none"> 1. When a need for placement arises, the availability of emergency foster care is needed. 2. A change in policy to give standing permission for placement of a youth for 24 hours with HHS or OJS. <p><u>Prevention programs needed:</u> A Safe House for juveniles and standing permission to place them for a short period of time to allow a cooling off period for parent and juvenile.</p>	

SYSTEM POINT: MODIFICATION/REVOCAION OF PROBATION	
PARTY RESPONSIBLE: Juvenile Court Judge	
STATUTE REFERENCE: NRS § 43-286(4)(b)(v)	
Formal Determining Factors	Informal Determining Factors
<p>Notes:</p> <p>This is the culmination of the process. Will depend on new information. We pay attention to the decision points: how successful is the juvenile in all settings in their life.</p> <p>Our goal is to raise a successful, functional adult with a decent education, who will be a good parent, have a job to support themselves and family and follow the social rules and laws.</p> <p>We continue to monitor and re-evaluate if necessary. Better and more complete information would often help. A data bank for the use of those working with the juvenile would benefit.</p> <p>A better evaluation of what works would help us develop the services we need.</p>	

SYSTEM POINT: SETTING ASIDE ADJUDICATION	
PARTY RESPONSIBLE: Juvenile Court Judge	
STATUTE REFERENCE: NRS § 43-2,104	
Decision: Whether juvenile has satisfactorily completed his or her probation and supervision or the treatment program of his or her commitment NRS § 43-2,102	
Formal Determining Factors (43-2,103) <ul style="list-style-type: none"> a. Juvenile's post-adjudication behavior and response to treatment and rehabilitation programs b. Whether setting aside adjudication will depreciate seriousness of juvenile's conduct or promote disrespect for law c. Whether failure to set aside adjudication may result in disabilities disproportionate to the conduct upon which the adjudication was based. 	Informal Determining Factors
Notes: Adjudication is set aside for very few reasons. I look at the reason the set aside has been requested. It is sometimes requested so the youth can enter the military. I look at how well the juvenile has performed, whether they have demonstrated change, the support level of the family.	

Decision: Whether juvenile should be discharged from the custody and supervision of OJS	
Formal Determining Factors <ul style="list-style-type: none"> a. Presumably same as those for probation under NRS § 43-2,103 	Informal Determining Factors
Notes: I look at how well the juvenile has performed, whether they have demonstrated change, the support level of the family. See Also, <i>In re Interest Tamartha S.</i> , 267 Neb. 78; 672 N.W.2d 24 (2003): it is clear under the language of § 43-408 that the committing court maintains jurisdiction over a juvenile committed to OJS, conducts review hearings every 6 months, and is to receive written notification of the placement and treatment status of juveniles committed to OJS at least every 6 months. See § 43-408(2) and (3). Thus, although the statute speaks of committed juveniles' being "discharged from [OJS]." § 43-408(2), the statute does not explicitly say that OJS discharges the juveniles, and, on the contrary, the Legislature has explicitly mandated that the committing court "continues to maintain jurisdiction" over a juvenile committed to OJS. <i>Id.</i> Therefore, while OJS may make an initial determination with regard to the advisability of the discharge of a juvenile committed to OJS, the committing court, as a result of its statutorily imposed continuing jurisdiction, must approve the discharge of the juvenile.	