

Nance County Juvenile Comprehensive Plan

2007-2010

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I. Time Frame of Plan

Nance County has undertaken an effort to create and implement a comprehensive juvenile services plan. The plan will guide the County in addressing the needs of youth and will be used to try to obtain grant funding. The Nance County Plan was developed in 2007 and will be used from November 1, 2007 to October 31, 2010 unless Nance County develops a joint comprehensive plan with another County.

II. Community Team Section

The Nance County team is comprised of some LB1184 team members and others who deal regularly with juvenile issues in the County. It is intended that the team should meet quarterly after the diversion program is funded.

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Tina Maey's	HHS Office of Juvenile Services	2365 39 th Ave Columbus, NE 68601	402-564-1113 ext 220
Clay Zimmerman	Deputy Nance County Sheriff	209 Esther Street Fullerton, NE 68638	308-536-2452
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Tom Barbour	Fullerton Public Schools Counselor	606 4 th Street PO Box 520 Fullerton, NE 68638	308-536-2431
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III. Community Planning Tool-See Attached Appendix A

IV. Identified Priority Areas

1. A recent influx of juvenile cases in Nance County has resulted in the identification of a need for juvenile diversion.
2. Inadequate parenting has been identified as a factor in much of the juvenile delinquency observed.
3. Substance abuse early intervention would greatly benefit youth in the County.
4. There is a lack of recreational facilities and activities available for youth in Nance County.
5. Nance County lacks a juvenile detention facility of its own. The cost of detaining youth at the Madison Juvenile Detention facility could perhaps be reduced by diversion.

V. Strategies

- 1. A recent influx of juvenile cases in Nance County has resulted in the identification of a need for juvenile diversion.**

From January 2007 to October 1, 2007 Nance County has filed approximately 45 juvenile cases or allowed certain criminal cases to be transferred to the Juvenile Court. It is estimated that half of these cases could have been handled by diversion, as well as at least 12 to 15 MIP cases where the defendant was 18 or under and were handled as an adult criminal case. Nance County filed only 29 juvenile cases in 2006. The influx of cases has meant an increase in costs to the County for Court appointed counsel to defend these cases.

Many of the juvenile offenders were very young and had committed acts of criminal mischief which would have been appropriate for diversion. Several truancy cases could have been referred to diversion.

It is also anticipated that perhaps the majority of juvenile diversion cases would be due to Minor in Possession/Consumption of Alcohol. Providing education classes or requiring evaluations and treatment through diversion would be preferable to a simple fine or traditional probation.

- 2. Inadequate parenting has been identified as a factor in much of the juvenile delinquency observed.**

In many cases, juveniles are unsupervised by single parent or two-parent working families for at least part of the day. Often the lack of supervision has resulted in truancy. It is hoped that the monthly (or more)

contact by the diversion coordinator with the local schools will facilitate more accountability by the youth and parents.

Additionally, many juveniles have committed criminal mischief due to a lack of supervision by parents. A diversion program, when appropriate, may be able to require parents to participate in developing proper parenting skills through educational classes.

3. Substance abuse early intervention would greatly benefit youth in the County.

Many of the cases, as mentioned earlier, are Minor in Possession/Consumption of Alcohol. The juveniles involved in underage drinking could be required to have an alcohol assessment and receive education about the dangers of alcohol abuse.

In addition, many of the criminal mischief cases in Nance County this year occurred with a direct link to alcohol.

If the diversion budget allows or programming fees are available, there may be an opportunity to fund early intervention education through the school resource officer that the Sheriff's Department expects to have visiting the schools in the County.

4. There is a lack of recreational facilities and activities available for youth in Nance County.

Nance County is reportedly a very poor County. Many of the opportunities and facilities that existed for youth years ago are no longer available and likely could not be supported by the fewer number of residents in the County than existed decades ago.

Economic Development has been a big priority for Nance County for some time, and a Community Development Plan through Hometown Competitiveness and the Nebraska Community Foundation has recently been funded by the County Board.

While facilities are not likely to be built without new entrepreneurship, more people and wages in the economy will likely spur such development at some point. In the mean time, diversion could encourage, if not require, juveniles to participate in activities currently offered by the schools.

Parents could be educated about the need for expectations that their children participate in activities or employment. Parents would be encouraged to implement curfews, and set up supervision plans for times when they are not available to supervise their children themselves.

5. Nance County lacks a juvenile detention facility of its own. The cost of detaining youth at the Madison Juvenile Detention facility could perhaps be reduced by diversion.

It is rare that youth need to be detained at the Madison Juvenile Detention Facility prior to adjudication, however, there are occasions when electronic monitoring either pre-adjudication or post-adjudication may be appropriate as an alternative to detention. The county could contract with the probation office or OJS for this service in appropriate cases. This would eliminate the costs of detaining the youth in Madison, the transportation costs to the County and the expense to the Sheriff's Office for Deputy's time.

APPENDIX A

Community Planning Decision Point Analysis

Data Points	Total Population (*2000)	Juvenile Population (**2005)
Total Population	4038	467
Male	2061	246
Female	1977	221
White	3973	450
Black/African American	0	0
Asian	2	1
Hawaiian/Pacific Islander	0	4
American Indian	15	0
Hispanic	46	12
Juveniles Arrested		
Juveniles Detained		0
Juveniles Prosecuted		19
Juveniles Placed in Diversion		No formal diversion
Number of Juveniles Adjudicated		16
Number of Juveniles placed on Probation		8
YRTC-Kearney commitments		0
YRTC-Geneva commitments		0

Sources:

*2000 U.S. Census Data

**2005 OJJDP website (ages 10-17)

System Decision Point: Arrest/Citation: Police/Law Enforcement

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

Formal Determining Factors

- Sufficient factual basis to believe offense committed
- Underlying support for a particular offense

Informal Determining Factors

- Only has Sheriff's department personnel, no local law enforcement in any of the communities
- Officer's are too patient in dealing with juveniles
- Youth's prior incidences with law enforcement
- Law enforcement is used more for raising kids than enforcing because parents don't want to deal with their kids
 - Crimes are happening because kids know when law enforcement is on/off duty

Decision: *Whether to cite or arrest juvenile for juvenile or adult offense*

Formal Determining Factors

- Seriousness of offense
- Age

Informal Determining Factors

- Degree to which juvenile cooperates with deputy, deputies will add charges if juvenile does not cooperate
- If case is an HHS, they are unwilling to come out in the field to deal with issue
- Will cite and let county attorney decide how to file

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

- As outlined in statute

Informal Determining Factors

- Immediate risk to juvenile
- Immediate/short term risk to public
- Seriousness of perceived offense
- Extent to which parent or other responsible adult available to take responsibility for juvenile
- If it is a non-violent case, then law enforcement will cite and release
- Law enforcement is willing to release to a "responsible party" as long as they are over the age of 21

System Decision Point: Initial Detention: State of Nebraska Probation

Decision: *Whether juvenile should be detained or released*

Formal Determining Factors

- Risk assessment outcome
- Accessibility of placement options: parent's/guardians, emergency shelter, staff secure facility, secure detention facility

Informal Determining Factors

- Probation is contacted as a last resort for placement options
- Probation feels screening instrument is applicable in its usage; will use override if needed
- Detention eligible juveniles are placed at Madison per contract with the detention center

System Decision Point: Charge Juvenile: County Attorney

Decision: *Whether to prosecute juvenile*

Formal Determining Factors

- Likelihood of successful prosecution
- Factors under NRS § 43-276

Informal Determining Factors

- Age and offense specific
- Truancy is an issue-schools are willing to forward reports to county attorney for filing with subsequent filings
- Nance County is seeing younger offenders involved in vandalism and criminal mischief cases with minimal consequences for such juveniles

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

Formal Determining Factors

- Seriousness of offense

Informal Determining Factors

- Depending on age and offense, County Attorney will file accordingly

Decision: *Offense for which juvenile should be charged*

Formal Determining Factors

- As outlined in statute

Informal Determining Factors

- Will file according to law enforcement Reports

System Decision Point: Pre-adjudication detention: Juvenile Court Judge

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

Formal Determining Factors

- Whether there is an "immediate and urgent necessity for the protection of such juvenile"
- Whether there is an "immediate and urgent necessity for the protection of . . .the person or property of another"
- Whether the juvenile is likely to flee the jurisdiction of the court

Informal Determining Factors

- Nance County does very few detentions, but most of them are released at the detention hearing

System Decision Point: Probable Cause Hearing: Juvenile Court Judge

Decision: *Whether State can show that probable cause exists that juvenile is within the jurisdiction of the court*

Formal Determining Factors

- As outlined in statute

Informal Determining Factors

- Probable cause is found on the bench by the judge

System Decision Point: Competency Evaluation: Juvenile Court Judge

Decision: *Whether juvenile is competent to participate in the proceedings*

Formal Determining Factors

- As outlined in statute

Informal Determining Factors

- No factors reported

Decision: *Whether juvenile is "responsible" for his/her acts*

Formal Determining Factors

- "Complete evaluation of the juvenile including any authorized area of inquiry requested by the court."
- Opinion of physician, surgeon, psychiatrist, community mental health program, psychologist

Informal Determining Factors

- No factors reported

System Decision Point: Adjudication: Juvenile Court Judge

Decision: *Whether the juvenile is, beyond a reasonable doubt, "a person described by § 43-247"*

Formal Determining Factors

- Legal sufficiency of evidence presented during adjudication hearing
- Whether juvenile admits the allegations of the petition (or, "pleads to the charges")
- Residency
- Age

Informal Determining Factors

- Most cases are plea agreements and not adjudications

Decision: *Whether to order probation to conduct a pre-disposition investigation (statutory authority unclear--see also: § 29-2261 (2))*

Formal Determining Factors

-As outlined in statute

Informal Determining Factors

- Judge is ordering PDI's on most cases
- Is doing the YLS/CMI in conjunction with the PDI

Decision: *Whether to order OJS evaluation*

Formal Determining Factors

- NRS § 29-2204 (3): "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.

Informal Determining Factors

- OJS evaluations are being done usually as a result of a revocation
- Nance County is having a horrible time with cooperation with OJS (i.e. late evaluations, no collateral contacts, minimal interviewing for the YLS/CMI)

Decision: *Whether to order a PDI and an OJS Evaluation*

Formal Determining Factors

-As outlined in statute

Informal Determining Factors

- Judge will usually order a PDI first with a subsequent OJS evaluation if recommended by probation at initial disposition or revocation hearing

System Decision Point: Disposition: Juvenile Court Judge

Decision: *Whether to place juvenile on probation*

Formal Determining Factors

- As outlined in statute

Informal Determining Factors

- Judge's first disposition considered is probation

Decision: *Whether to commit juvenile to the Office of Juvenile Services*

Formal Determining Factors

- Whether juvenile is at least twelve years of age

Informal Determining Factors

- Will commit to OJS if juvenile fails at Probation

Decision: *Whether to place juvenile on probation and commit juvenile to HHS or OJS*

Formal Determining Factors

- As outlined in statute
- No apparent authority for delinquent in the legal custody of parents/guardian

Informal Determining Factors

- Judge will do dual supervision case, more likely to probation and OJS where she leaves an open probation case for supervision after there is a release from YRTC

System Decision Point: Administrative Sanctions: Probation

Decision: *Whether to impose administrative sanctions on a probationer*

Formal Determining Factors

- 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
- 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

Informal Determining Factors

- Probation is using for juvenile cases; uses especially with school related issues such as attendance and school performance

System Decision Point: Motion To Revoke Probation: County Attorney

Decision: *Whether to file a motion to revoke probation*

Formal Determining Factors

- As outlined in statute

Informal Determining Factors

- If a new charge is reason for violation, then County Attorney files the motion to revoke on original case and then files a new petition on the new charge
- County Attorney will try to get plea on new charge and dismiss revocation

System Decision Point: Modification/Revocation of Probation: Juvenile Court Judge

Decision: *Whether to modify or revoke probation*

Formal Determining Factors

- As outlined in statute

Informal Determining Factors

- Judge will usually increase the increase sanctions if there is a modification or motion to revoke being considered, but there is no ISP officer in this area at this time, so ISP is not being used as a sanction

System Decision Point:Setting Aside Adjudication: Juvenile Court Judge

Decision: *Whether juvenile has satisfactorily completed his or her probation and supervision or the treatment program of his or her commitment*

Formal Determining Factors

- Juvenile's post-adjudication behavior and response to treatment and rehabilitation programs
- Whether setting aside adjudication will depreciate seriousness of juvenile's conduct or promote disrespect for the law
- Whether failure to set aside adjudication may result in disabilities disproportionate to the conduct upon which the adjudication was based

Informal Determining Factors

- Judge sets a determinate date for terms of probation
- Judge is willing to do unsatisfactory discharge

Decision: *Whether juvenile should be discharged from custody and supervision of OJS*

Formal Determining Factors

- Presumably same as those for probation

Informal Determining Factors

- Judge will commit a juvenile to OJS but will leave a case open for probation to supervise after release from placement

Summary/Recommendations:

Juvenile Justice officials met on August 23, 2007 to discuss the juvenile comprehensive plan and system analysis tool. Officials from law enforcement, schools, County Attorney, Probation, County Board, and Clerk Magistrate were present. Nance County has not previously written a juvenile comprehensive plan; however upon submission of this report, it is the intentions of the County to start accessing their county aid dollars to assist in starting a diversion program. Nance County has a new County Attorney as of January 1, 2007 and has seen an influx of juvenile cases. In addition, thousands of dollars are being spent every year on attorney fees and representation for cases that could have been handled without a formal court process (i.e. diversion eligible). As part of the discussions had by this group the following recommendations are for consideration:

- 1) Due to the increase in juvenile related arrests and prosecutions, a diversion program would allow an additional continuum of care available to the County Attorney which would allow for the more appropriate cases to be processed in court and subsequently handled by probation.

- 2) Due to the County just starting on their community planning efforts, it would be recommended that they start meeting as minimally as quarterly to discuss juvenile issues and the juvenile plan. Also, Nance County is in alliance with Platte County for their LB1184 team meetings, it would be beneficial for Nance County to have their own team due to differing issues for these respective counties.

- 3) As stated in factors in this report, law enforcement is one of the few deterrents that juveniles seem to have against committing crimes. This school year one of the deputies for Nance County will start serving as the School Resource Officer for the Nance County schools. It would be beneficial to have that deputy start some kind of educational program through the school to allow law enforcement to be at the forefront of deterring crime.

- 4) Discussions were had that there is a severe lack of parenting skills by parents of juveniles going through court. Incorporating a parenting curriculum into the diversion program would allow for that extra component that is not accessible to the courts sanction abilities.

- 5) Due to the juvenile population in Nance County the amount of juvenile aid funding is minimal, it would be recommended that the county seek to find additional funding sources to support programs for this area.