Dodge County

Juvenile Services

Comprehensive Plan

2007-2010

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LAW ENFORCEMENT AND
CRIMINAL JUSTICE

Dodge County
Juvenile Services
Comprehensive Plan
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SECTION II

COMMUNITY TEAM

The Dodge County Juvenile Services Comprehensive Plan Team consists of representatives from various agencies in the county that work directly with juveniles. The members represent the county's School Districts, Law Enforcement, Health and Human Services, Region IV, Probation, County Attorney, Diversion, and County Board. The **Team** has met several times over the course of the 2006-2007 year and will continue to meet as needed to address local juvenile issues that arise. Currently, the **Team** consists of one committee, with no sub-committees. The Project Director, Robert Denton, is responsible for organizing and facilitating the meetings.

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Section III

Community Planning Tool

The Community Planning Tool was completed by the Dodge County Juvenile Services Comprehensive Plan Team with assistance from Jennifer Meyer, consultant from the University of Nebraska at Lincoln, in January of 2007. A copy of the Community Planning Decision Point Analysis is attached as Appendix A.

In review of the Community Planning Decision Point Analysis, the Team identified strengths and weaknesses for youth services in Dodge County. Through this process, the Team recognized four areas of priorities for juvenile services within Dodge County and are listed in the following section. The Team also developed four strategies in coordination with the priorities identified and are outlined in Section V.

Section IV

Identified Priority Areas

Identified Priority Areas

1. Priority One: Due to the number of Juvenile offenders being processed through the juvenile system, it would be recommended that a juvenile justice specialist be a part of the system to assist in juvenile intake and truancy monitoring.

In consideration of the increasing caseloads experienced by the probation officers serving Dodge County, an additional probation officer assigned to solely supervise juvenile offenders experiencing issues such as truancy, would greatly benefit the effectiveness of rehabilitative efforts. A more manageable caseload would allow the juvenile justice specialist or juvenile probation officer the ability to work more closely with the schools and develop a stronger network of support within the community.

Statistics for Identified Problem: According to US Census Bureau, in 2005 there were 4098 juveniles in Dodge County (ages 10-17). According to the OJJDP Website State Reports, during this same year 231 juveniles had been arrested, 243 had been prosecuted, 200 had been adjudicated within the juvenile court system, and 86 had been placed on probation. According to records maintained by Dodge County, in 2006, 147 juveniles had been adjudicated under the misdemeanor juvenile code, 16 under the felony juvenile code, and 23 under the habitually truant juvenile code. According to records maintained by Dodge County, in 2005, 155 juveniles had been adjudicated under the misdemeanor juvenile code, 26 under the felony juvenile code, and 19 under the habitually truant juvenile code. According to records maintained by Dodge County, in 2004, 126 juveniles had been adjudicated under the misdemeanor juvenile code, 6 under the felony juvenile code, and 29 under the habitually truant juvenile code.

2. Priority Two: Dodge County because of its geographic location has options in regards to detention facilities outside of the local community, which are within an hour of the city of Fremont. However, it would benefit Dodge County to look into implementing a pre-adjudication detention alternative such as electronic monitoring.

Statistics for Identified Problem: According to 2006 records maintained by the Dodge County Juvenile Court, 56 juveniles had been detained by the Dodge County Juvenile Court. Of these 56 juveniles, 38 had to be detained in facilities outside of Dodge County, resulting in a county expenditure of $145,132.00. According to 2005 records maintained by the Dodge County Juvenile Court, 57 juveniles had been detained by the Dodge County Juvenile Court. Of these 57 juveniles, 33 had to be detained in facilities outside of Dodge County, resulting in a county expenditure of $107,403.25. According to 2004 records maintained by the Dodge County Juvenile Court, 80 juveniles had been detained by the Dodge County Juvenile Court. Of these 80 juveniles, 56 had to be detained in facilities outside of Dodge County, resulting in a county expenditure of $102,768.85.

3. Priority Three: Due to the number of truancy cases, it would be recommended that Dodge County research the possibilities of having a truancy program either at a diversionary or post-adjudication part of the process.

Statistics for Identified Problem: According to the Fremont Public Schools, for the 2004/2005 school year, the truancy rate for the Fremont Senior High School was .33, for the Fremont Middle School the truancy rate was .22, and the truancy rate for the Fremont Learning Center was .61. During this same school year, 19 juveniles had been referred to Dodge County Attorney's Office for adjudication due to habitual truancy.

4. Priority Four: Juvenile diversion is currently being contracted through Boy Scouts of America. At this time, the juveniles are paying all fees to Boy Scouts and the county is not seeing any returns. It would be recommended that Dodge County design its own diversion program which would utilize services in the community.

Statistics for Identified Problem: According to the Dodge County Diversion Program, 98 juveniles were referred to their program, however only 72 juveniles successfully completed the program during 2006. The 26 juveniles that did not complete the program were referred back to the Dodge County Attorney's office resulting in a juvenile petition. According to the Dodge County Diversion Program, 163 juveniles were referred to their

program, however only 112 juveniles successfully completed the program during 2005. The 51 juveniles that did not complete the program were referred back to the Dodge County Attorney's office resulting in a juvenile petition. According to the Dodge County Diversion Program, 108 juveniles were referred to their program, however only 69 juveniles successfully completed the program during 2004. The 39 juveniles that did not complete the program were referred back to the Dodge County Attorney's office resulting in a juvenile petition.

Section V

Strategies

1) **Juvenile Justice Specialist**- To address priority one, which involved the creation of a Juvenile Justice Specialist to assist in juvenile intakes, Dodge County will plan to hire a Juvenile Truancy/Intake Probation Officer. The position evolves exclusively around juvenile cases and is responsible for supervising juveniles exhibiting truancy problems and includes making decisions regarding the appropriate placement of juveniles. Duties include conducting all Dodge County juvenile intake and detention interviews. This position will be part time and requires a minimum of a Nebraska State Probation Officer trainee. The position will be housed within the probation office located in Dodge County and will also be available on-call. Dodge County will provide the office and equipment required for this position. This position will help manage the Dodge County juvenile population of 4098 youth, of which 2004 statistics indicated made up 231 arrests, 243 prosecutions, 200 adjudications, and 86 probation referrals.

2) **Detention Alternative** - The second priority involved implementing a pre-adjudication detention alternative for Dodge County. This issue was considered a priority due to the amount of county funding being displaced into geographical locations other than Dodge County. Currently, Dodge County is spending thousands of dollars to send its youth to other detention facilities outside of the county. As of January 2007, Dodge County has already expended over $23,000.00 in out of county detention costs. A Non-Secure Holdover Facility is located within Dodge County, however, there is no staff assigned to monitor juveniles and therefore law enforcement is forced to pay overtime expenses to off-duty officers in order to utilize the Non-Secure Holdover Facility. To address this priority, Dodge County will train and employ the Juvenile Truancy/Intake Probation Officer to supervise juveniles within the Dodge County Holdover Facility.

3) **Truancy Program** - To deal with this priority the Juvenile Truancy/Intake Probation Officer will track juvenile offenders who habitually fail to attend school. Youth in the court system experiencing truancy issues will be referred to

this program. The school will monitor and provide weekly updates regarding the youth's school attendance to the Juvenile Truancy/Intake Probation Officer. When an assigned student is counted as unexcused for a school day, the school will notify the Juvenile Truancy/Intake Probation Officer, who will investigate the absence and if possible, return the youth to school. Youth will complete the program once they have demonstrated successful attendance. Successful attendance is defined as a student having no unexcused absences and no more than three excused absences within a quarter. Adjudicated youth, who complete the program, can be referred back on an unlimited basis depending on their school attendance.

We intend to address the three previous priorities will be addressed by the creation of a Juvenile Truancy/Intake Probation Officer. Our goal is for this position to be supported by funds provided from the County Aid Juvenile Justice Grant. The request for County Aid Juvenile Justice Grant monies has already been submitted by Dodge County for 2007. These funds become available in May 2007. We would like to start this program as soon as funds are received and as soon as an employee can be hired for the position. Steve Ortmeier, Project Coordinator, will be responsible for the program and the Team intends to maintain the use of the grant monies for the preceding years. Other than funding provided from the grant, no further resources will be needed. Through the creation of the Juvenile Truancy/Intake Probation Officer, the team aims to reduce juvenile offender recidivism, truancy, and costs associated with the detention of juveniles by the county.

4) **Diversion Program** – This final priority pertains to the fact that Dodge County currently contracts with Boy Scouts of Omaha to run their diversion program. All of the juveniles referred to this diversion program pay a fee directly to Boy Scouts of Omaha and therefore, Dodge County does not receive any financial return as result of these referrals. In order to address this priority, Dodge County will pursue a grant to implement a diversion program facilitated and managed by Dodge County. In addition, Dodge County will utilize a standardized assessment instrument to determine the appropriateness of the juveniles referred to the county run diversion program.

Appendix A

Community Planning Decision Point Analysis

Data Points	Total Population (*2000)	Juvenile Population (**2004)
Total Population	36,160	4098
Male	17,441	2056
Female	18,719	2042
White	34,678	3703
Black/African American	156	47
Asian	183	27
Hawaiian/Pacific Islander	31	Not reported
American Indian	107	15
Hispanic	1421	306
Juveniles Arrested		231
Juveniles Detained		
Juveniles Prosecuted		243
Juveniles Placed in Diversion		
Number of Juveniles Adjudicated		200
Number of Juveniles placed on Probation		86
YRTC-Kearney commitments		4
YRTC-Geneva commitments		2

Sources:
*2000 U.S. Census Data
**2005 OJJDP website 2005 state reports (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
- Degree to which a parent may push the issue
- Fremont high school has a strict policy regarding law offenses and those involved in school activities

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

Formal Determining Factors
- Seriousness of offense
- Age

Informal Determining Factors
- Victim's desire-most victims don't want a juvenile cited just to know that what they did was wrong
- If the case is a probation case, law enforcement has a list of active probation cases to can properly address

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 stated 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
- Will release juvenile to responsible

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
- Dodge County has a holdover facility available for less than 24 hour holds
- Has no formal contract with any detention center for placement so uses Madison and Douglas counties for secure facilities and Sarpy for staff secure
- Using screening instrument as it is intended

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
- Has formal diversion program that is a 6 week curriculum done by contract with Boy Scouts in Douglas County
- Diversion is used for first time offenders only
- Diversion programming is done on a volunteer basis in the community which the feelings is that the program is underutilized
- Truancy has increased especially in the middle schools
- Most truancy cases are not filed because wait for a law violation

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

Formal Determining Factors	Informal Determining Factors
- Seriousness of offense	- Case by case basis

Decision: ***Offense for which juvenile should be charged***

Formal Determining Factors	Informal Determining Factors
- As outlined in statute	- Determined by police 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	Informal 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	- No pre-adjudication options except to remain in detention

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	Informal Determining Factors
- As stated in statute	- No factors reported

System Decision Point: Competency Evaluation: Juvenile Court Judge

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

Formal Determining Factors	Informal Determining Factors
- As outlined in statute	- Requests are not made for competency Evaluations

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

Formal Determining Factors	Informal 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	- 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
- Judge is new to the bench
- Only has juvenile court one day a week

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 will order on most cases

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
- Will order a PDI and OJS evaluation for components provided by each assessment
- Probation will recommend an OJS evaluation in their respective reports

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

Formal Determining Factors
-As outlined in statute

Informal Determining Factors
- Will usually order a PDI first with a subsequent OJS evaluation as needed

System Decision Point: Disposition: Juvenile Court Judge

Decision: ***Whether to place juvenile on probation***

Formal Determining Factors
- As outlined in statute

Informal Determining Factors
- Most cases will be disposed of to probation as first level of care

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
- Judge will use if out of home placement is needed

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
- Will do dual supervision cases

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 as outlined by statute

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 motion is requested by probation a new court filing will be done for a new case which invokes the revocation request

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 use a continuum of care approach as a result of a revocation with ISP being a part of that continuum

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 set of time for probation cases

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

Formal Determining Factors

- Presumably same as those for probation

Informal Determining Factors

- Using discretion but OJS will send notice to county attorney, judge and facility

Summary/Recommendations:

Juvenile Justice Officials met on January 18, 2007 to discuss the Juvenile Justice System analysis tool. Representatives were from the following agencies: Law enforcement, County Attorney, Probation, Diversion, Schools, and Health and Human Services. Dodge County has a unique geographic location in regards to its proximity to Douglas and Lancaster counties. Due to this, much of the discussion involved how Dodge County can utilize its local community to implement programming that would benefit the county financially and resourcefully. As a result, the following recommendations are for consideration:

1) Juvenile diversion is currently being contracted through Boy Scouts of Omaha. At this time, the juveniles are paying all fees to Boy Scouts and the county is not seeing any returns. It would be recommended that Dodge County design its own diversion program, which would utilize services in the community.

2) As part of a diversion program, it would be recommended that a standardized instrument be implemented for determining appropriateness of diversion cases. A tool such as the YLS/CMI can be used to determined risk and needs of a juvenile, which if

they would be redirected to the court, this tool can follow the juvenile through court due to probation and OJS using the same instrument.

3) Due to the number of truancy cases, it would be recommended that Dodge County research the possibilities of having a truancy program either at a diversionary or post adjudication part of the process.

4) Due to the number of juvenile offenders being processed through the juvenile system, It would be recommended that a juvenile justice specialist be a part of the system to assist in juvenile intake, truancy monitoring, and possibly diversion intakes.

5) Dodge County because of its geographic location has options in regards to detention facilities outside of the local community, which are within an hour of the City of Fremont. However, it would benefit Dodge County to look into implementing a pre-adjudication detention alternative such as electronic monitoring.

6) Due to high costs, private attorneys are being assigned as defense council to juvenile cases, and it would be recommended that Dodge County consider adding a public defenders office to the county's offices.