

Health and Human Services Committee

LB 870

January 24, 2017

Mark Labouchardiere, Director of Facilities Department of Health and Human Services

Good Afternoon, Senator Ebke, and members of the Judiciary Committee. My name is Mark LaBouchardiere (M-A-R-K L-A-B-O-U-C-H-A-R-D-I-E-R-E) and I am the Director of Facilities for the Department of Health and Human Services. I am here to testify in opposition to LB 870, a bill that would limit the use of room confinement in juvenile facilities.

Our concerns with the proposed legislation stem from our priority of safety and well-being of our youth and staff. Our first concern is the 3 hour maximum time limit. Returning a youth to the general population after such a short period may result in violent behavior. In extreme cases, returning a youth to the general population before they have had adequate time to reflect has resulted in injury to others.

In addition, and as the committee is aware, neither of the YRTC's are fenced-in facilities. While we believe not having fences is conducive to fostering an environment of mutual respect, we also have in our care youth that have escaped from multiple placements prior to coming to our facilities. We expect to see an increase in assaultive behavior and escapes should we only have a 3 hour time frame to work with youth in a controlled environment, after they have committed an infraction. We cannot protect the youth or the community from these types of events with only 3 hours of confinement at our disposal.

Another concern is the recommendation that youth who pose a threat be transferred to a mental health facility. This option is simply not feasible. Mental health facilities have their own admission criteria that includes things like acute suicidal behavior and thoughts. Aggressive behavior is not grounds for these facilities to admit our youth.

We understand there are concerns regarding the use of room confinement for youth. We strongly believe in restricting the use of room confinement to situations in which a youth poses harm to themselves, other youth, or staff at the facility. However, three hours is too restrictive. According to Performance Based Standards, the national average of juvenile room confinement is 15.39 hours.

We have made concentrated efforts to reduce the use of room confinement at our facilities. As part of these efforts, we have consulted with Indiana and Ohio, who are considered to be national leaders in the area of reducing room confinement. These states require a great deal of administrative oversight for room confinement, while still allowing facilities discretion to decide whether to keep a youth out of the general population should they continue to pose a risk to themselves or others. I have copies of those states policies available for the committee's review.



We have already seen marked success. Since July of 2016, when we first began tracking length of time spent in room confinement, we have seen sharp declines in the average length of room confinement at the YRTCs. At its highest point, YRTC-Geneva averaged 28 hours of room confinement. The last tracking period from Oct-Dec 2017, showed a reduction to 6.5 hours average confinement time. YRTC-Kearney has seen a similar decline. At the beginning of tracking, average room confinement time was 3.5 days. The facility ended this last quarter with a low of 19 hours average confinement time.

As previously stated, efforts to reduce room confinement were already in the works prior to the introduction of this legislation. The facilities fully intend to incorporate national best practices to reduce room confinement. LB 870, as written, would greatly hinder our efforts, and put youth and staff at our facility at risk.

For the reasons stated, the Department opposes LB 870.

Thank you and I am happy to answer any questions you have.