

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

March 29, 2018

Dear Senators:

Disability Rights Nebraska, the designated Protection and Advocacy organization for people with disabilities in Nebraska, writes in support of LB 1112 as originally introduced or with the Judiciary Committee amendment.

Because students with disabilities are statistically more likely to be subject to juvenile detention than their peers without disabilities, LB 1112 is likely to have significant impact on students with disabilities. If for no other reason that this provision removes the “threat to property” basis for detention, this change is worthwhile. Moreover, this provides some actual funding for community based facilities for juveniles other than detention facilities. This proposal eliminates the “he broke a pencil” argument that some jurisdictions have used to place children in detention. It will be important to articulate that behavior involving significant property damage actually constitutes a situation where “physical safety of persons in the community would be seriously threatened” so the “property” language is not reintroduced. Also, the “flight risk” language probably could stand clarification or modification. On the whole, however, the bill is likely to result in children avoiding detention, and the trauma related thereto, particularly children with autism or mental illness who are frequently “targeted” for detention.

For further information or clarification, please do not hesitate to contact me at your convenience: brad@drne.org, or 402-474-3183.

Sincerely,

Brad Meurrens

Public Policy Director
Disability Rights Nebraska