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NEVADA STATE JUVENILE JUSTICE COMMISSION**

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**NEVADA STATE JUVENILE JUSTICE COMMISSION
PLANNING AND DEVELOPMENT COMMITTEE MEETING
MINUTES
January 30, 2014**

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Call to Order

The meeting was called to order by Chairman Coppa at 10:04 a.m.

Roll Call – Dan Coppa

Members Present: Dan Coppa, Elizabeth Florez,

Members Present by Phone: Fernando Serrano, Paula Smith

Members Excused: Michael Beam, John Hambrick, John Martin, Steve McBride, Lisa Morris Hibbler

Staff Present: Ross Armstrong Deputy Attorney General, Pauline Salla, J. Alice Mueller

Others Present: Christine Eckles, Mishi Faruquee with the ACLU

Public Comment and Discussion

There was no public comment.

Review of Official Minutes from December 12, 2013 Meeting

Commissioner Florez moved to approve the December 12, 2013 minutes, with a second from Commissioner Smith. The motion was passed by the Committee.

PREA Templates– Pauline Salla

Information from the VERA Institute of Justice has been sent to the Prison Rape Elimination Act (PREA) work group. Some of the suggestions made by the VERA Institute will not be considered since they deal with terms which are institute specific. Terms such as correctional officers, house staff, cottage staff or pod councilors will be chosen by the individual facilities. This will be clarified in the revised templates. Much of what the work groups are considering are those things which are not facility specific.

The Inspector General of the Department of Corrections sent three of their inspectors to Carolina for auditor training in PREA. Part of that training included definitions which they received during their training on the juvenile portion of PREA. These definitions are very all

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inclusive and will be sent for discussion within the workgroup for eventual incorporation with the templates. Specialist Salla was able to meet with these inspectors and learned quite a bit about their youthful offender program which concerns youth who are under 18 in the department of corrections. Some of their specialized training for investigations and confinement studies will be shared with the juvenile justice offices.

The first audits were set to begin May of 2014, but the audit tool has yet to be completed. As soon as it is available, it will be sent out to the PREA taskforce who should be meeting within the next two weeks. Once all this varied information is available, revisions to the PREA template will be made. Recommendations from the task force for the revised policies should be available for review by the Planning and Development Committee at their next meeting in March.

The partnership with the Department of Corrections (DOC) should help gain certification from the Governor. Currently we are not all the way into compliance; however it is being worked towards. There is a PREA Demonstration Grant which is due February 20, 2014. Although it is not a great deal of money, it would help with technology training so the partnership is submitting for it. The grant would not only go towards cameras but also creating a data base for all the reports which need to be submitted to the Bureau of Justice Statistics.

There have been discussions about not funding the Juvenile Accountability Block Grant (JABG). The thought is that more money may be placed in the Formula Grant which could be used for some program areas but not all of them. There might also be some additional money for PREA. This would be distributed like the other grants throughout the state.

A complete revision of the PREA posters is underway. In addition to information about zero tolerance, clarification about who to call must be included. The issue here is on how to deal with youth making phone calls. That is, signage must notify them about who can make the call, where it can be made and what degree of privacy to expect with the call. Some facilities have phones available, others may not. The Department of Corrections is also working on the appropriate legal signage. Both the DOC and Arizona will continue to be consulted about the appropriate wording to use. It is best not to move forward with the Spanish Language posters until all the contact issues are resolved. For now, the existing posters will suffice. Commissioner Coppa requested that Ross Armstrong review the changes discussed.

Commissioner Florez volunteered information on how this was handled at Jan Evans in Reno Nevada. There the youth have access to phones and can dial a designated call number. There is signage which states that the calls are recorded. Phone usage for this is also covered in orientation. There is no expectation of privacy.

Compliance Auditor Investigator Job Description– Pauline Salla

Previously this was a Program and Grant Analyst part-time position. While trying to recruit for this position in the southern part of the state there were problems with it requiring a bachelor's degree. Specialist Salla felt it was more important to know the facilities, confinement, federal and state laws. The job description was rewritten to accommodate for this. Recently Ann Scott from personnel contacted Specialist Salla about a new program grant analyst position where the candidate could have either a bachelor degree or experience in the field. Although this is good news, it was felt that the job description competed and discussed in the Planning and Development committee really fit better with the compliance monitoring position. She would like to begin recruiting for this part-time position. There was general approval on this from the

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commissioners present so Specialist Salla agreed to contact the personnel representative to begin recruitment. The committee will continue to be updated on the progress of the recruitment.

SB107 Room Confinement– Pauline Salla

SB107 was passed at the last legislative session and went into effect on October 1st, 2014. It addresses youth who are placed in restrictive room confinement. Although it goes by many names, it concerns youth who are not part of the general population. The Juvenile Justice Programs Office has been tasked with collecting the data from each of the juvenile detention facilities throughout the state in addition to the state correctional facilities.

There are several requirements within the bill one of which concerns confinement for more than 72 consecutive hours. Attachment A is filled out when this occurs. This form documents all attempts made to get the youth back into the general population.

There was a National Association of Juvenile Justice Administrators (NAJJA) meeting two weeks previous in which the reporting forms were discussed. Revisions were made to the forms to make the information flow better, cleaner and be more understandable. These changes will take place on February 1st, 2014. The current summary covers October, November and December. Although not entirely complete at the time of the meeting, it will be sent out to the committee members when fully completed. The locations were included so the location of the facility reporting would be known. The facilities involved are Carson, Reno, Elko, Winnemucca, Las Vegas, Stateline and Fallon. The facility in Hawthorne, the non-secure Don Goforth Family Resource Center closed this summer and a note to that effect will be added to the summary. County camps such as China Springs and Aurora Pines or the Western Nevada Regional Youth Center (WNRYS), who do not have confinement rooms in their facilities, will be mentioned. There will also be information on locations that do not hold youth but transport them to other locations. An asterisk will further note that these are not unduplicated youth. If a youth is placed in there four or five times, that's an incident. That is, each one is an incident. The number is a total number of room confinement incidents.

It is the same for the state youth correctional facilities at the Nevada Youth Training Center (NYTC), Caliente Youth Center (CYC) and Red Rock Academy at Summit View. The Red Rock numbers are partial as the facility did not open until December 4th, 2014. Mention will also be made that the Red Rock Academy is run as a partnership agreement with Rite of Passage.

The summary is further broken down for each facility by hours spent in confinement. This enables the tracking of hours youth are in confinement. Anything over two hours requires a supervisor's approval, with anything over 24 hours requiring one hour for large muscle exercise. Documentation of this exercise is required to be kept, but not necessarily provided with the forms at this time. There is still discussion concerning having a box to check, which would demonstrate large muscle exercise occurred. Anything over 72 consecutive hours must have an explanation. As stated in subsection 1, subsection 7 of SB 107, "any incident that results in the use of corrective room restriction for 72 consecutive hours must be addressed in the monthly report and the report must include the reason or reasons any attempt to return the child to general population of a facility was unsuccessful".

As mentioned before, this is a work in progress. Page numbers and other improvements will be made as the form develops. For now the main concern is with protecting any youths identifying information. It was agreed to use a unique number for the youth. The various facilities use differing numbers right now, but the important thing is that the youth can be tracked thru the

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system with a number that stays with the youth. The summaries will be filled out in a computer form so that there needs be no guessing about handwritten information. As the data continues to be collected there will be more discussions about what would be the most effective data to capture which will enable the best decisions to me made.

It was requested that updates to the form be sent to Ross Armstrong for review. They will also be sent to this committee and the facilities. There were discussions with the NAJJA about the possibility of technical assistance training focused on bringing the youth out of room confinement and returning them to the general population. Lisa from the Nevada ACLU mentioned a Marty Beyer who might actually be able to assist with this training. She is an independent consultant who has worked with a lot of states and correctional agencies. Specialist Salla requested her contact information.

Discussion of Three Year Priority Program Areas– Pauline Salla

The Request for Proposals (RFP's) should be coming out in February. This will be Title II Formula Grants since the Enforcing Underage Drinking Laws (EUDL) is gone and JABG is soon to be gone. What Title V is available has been earmarked and not available for use by Juvenile Justice. They will be due back to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the end of March. The Three Year Plan will be discussed at the February Quarterly Full Juvenile Justice Commission Meeting. A survey of priority areas will be sent out prior to the meeting to various groups including the NAJJA, Juvenile Justice Commission (JJC), Faith based groups, Native American Groups, Non-Profits, Community Coalitions, school superintendents, public defenders etc. The deadline for getting them back will be February 7th, 2014. This will be the new 2014 priority program areas and there may be some delay getting it out so that the added areas for the JABG program under Formula can be included. The results will be tallied and presented at the Full Commission meeting. This will occur under the Planning and Development Committee section.

National Standards for the Care of Youth– Pauline Salla

This is a project undertaken by the Coalition for Juvenile Justice and the National Council of Juvenile Family Court Judges (NCJFCJ). It is a start at striving towards developing national standards. Members of the committee were asked to take various sections to summarize. Paula Smith looked at Key Principals. Elizabeth Florez considered Principals for Responding to Status Offenses. John Martin reviewed Efforts to Avoid Court Involvement. Fernando Serrano worked on Efforts to Limit Court Involvement. Lisa Morris Hibbler commented on Recommendations for Policy and Legislative Implementation. Michael Beam considered the definitions section. Many of the commissioners submitted written summaries of their sections. The individual sections were discussed with the intent to determine if the committee would support the national standards for the care of youth charged with status offenses.

Commissioner Smith mentioned the need to promote a shared leadership and responsibility by using strategies informal and voluntarily regarding behaviors of status offender's behavior. Additionally, prevention, intervention, empowering families and providing appropriate services in a timely manner is needed. It is important that youth not be placed in a secure facility but rather receive meaningful case planning, services delivered and received, right to counsel, and, appropriate disposition strategies for the youth and their families. A status offense strategy which promotes shared leadership and responsibility is highly important.

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Commissioner Flores noted that the 12 key principals were a blending of the sort of strategies and interventions that were discussed previously. She did not see anything problematic or troublesome from an endorsement standpoint. These are things that jurisdictions should value and aspire to in spite of the various challenges with community resources. She felt that the commission should endorse.

Commissioner Coppa speaking for Commissioner Martin referenced his summary and noted that he had not mentioned any concern about any of the items summarized. He didn't find anything critical about things that ought to be changed.

Commissioner Serrano said that while writing the summary he realized that this is a philosophy which comes down to just a few points. We want to look at prevention; preventative efforts prior to court involvement. When court involvement does occur, there is a need for legal representation by somebody who not only knows the system, but also the status offense laws and procedures. Secure confinement should not be used for status offenses and families deserve a treatment plan along with a follow up by a realistic and supportive transition plan once the minor leaves the system. All involved should realize that the Indian Child Welfare Act applies to status offenses. He agreed with the material presented and entertained a discussion on whether to bring this to the full juvenile justice commission.

Commissioner Morris Hibbler had also provided an overview of her section which was summarized by Commissioner Coppa. She independently came to the same conclusion as the other summarizing commissioners as had Commissioner Beam about his section on definitions. A discussion about what was requested of this commission and how to present this to the Full Juvenile Justice Commission resulted in a recommendation to send out the report by email to all the commissioners. This would be followed by discussions presented by the summarizing commissioners at the Full Commission meeting in February during the Planning and Development section of the meeting. The intent would be to have the Full Commission endorse these standards.

Specialist Salla was encouraged that these standards address phasing out the Valid Court Order. For a long time, some jurisdictions were using Valid Court Orders to detain Minors in Consumption. There are about five jurisdictions still using this on status offenders but the numbers have been decreasing. When the act is reauthorized, there would be three years to accomplish the phase out. Currently, there is a continuing resolution which has been in effect for about the last six years. The last reauthorization was in around 2002. There are two separate reauthorization bills, but until something passes, it will be a continuing resolution.

New Business– Dan Coppa

There was no new business.

Comments from Public

There were no comments from the public.

Set Time, Date and Agenda for Next Meeting

The next Committee Meeting is scheduled for Thursday March 20, 2014 at 10:00 am. This will be a videoconference with the following agenda.

Agenda:

PREA Tool Kit, feedback from the PREA work groups about VERA Institute review

PREA posters in Spanish
Compliance/Auditor Investigator Job Description update
SB107 Room Confinement review of updated template
Three Year Plan identifying priorities survey

Adjourn

The meeting was adjourned at 11:17 a.m. by Chairman Coppa.