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**DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES
NEVADA STATE JUVENILE JUSTICE COMMISSION**

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**NOTICE OF PUBLIC MEETING
NEVADA STATE JUVENILE JUSTICE COMMISSION
MINUTES
November 13, 2014**

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November 13th, 2014 Call to Order

This meeting was called to order on November 13th, 2014 at 9:33 am by Chairman Kirby Burgess.

Roll Call – Pauline Salla

Members Present: Michael Beam, Kirby Burgess, Frank Cervantes, Dan Coppa, Elizabeth Florez, Lisa Morris Hibbler, Dawn Lozano, John Martin, Steve McBride, Fernando Serrano, Paula Smith, M.J. Taibo-Vega, Honorable Egan Walker, Honorable Kimberly Wanker

Members Present by Phone: Amber Howell, Danny Gonzales, Scott Shick

Members Excused: Niah Anson, John Hambrick, David Humke, Noah Jennings, Raymond McKay, Ivet Santiago, Lonnie Wright

Members who arrived late: David LaBay, Miguel Rodriguez

Staff Present: Pauline Salla, Ross Armstrong (Deputy Attorney General)

Staff Present by Phone: Alice Mueller

Public Present: Jim Kingera, David Laity, Honorable William Voy

Public Comment and Discussion

Before the public comments, Miguel Rodriguez was introduced to the Juvenile Justice Commission as one of our newest commissioners. He is 22 years old and was born and raised in Reno, Nevada. Currently he is working as a food bank coordinator, with a suicide prevention program and is with the Juvenile Justice Staff. He was welcomed by the Commission. There were no other comments made at this time.

Approval of Minutes from August 20, 21, 2014 Meeting

Commissioner Lozano made a motion to approve the minutes from August 20, 21, 2014 with a second from Commissioner Cervantes. The motion was passed by the Commission.

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Treasurer's Report – Dawn Lozano and Pauline Salla

From a beginning balance of \$40,000.00, there was still \$17,269.69 left in the Juvenile Justice Commission's budget for the Federal Fiscal Year (FFY) 2013. Category 20 (Community Corrections Partnership Block Grant) currently referred to as the Medicaid Room and Board, is funded 100% by general fund appropriations and is projected to be spent down in its entirety. It is reported on quarterly and the jurisdictions may at their discretion, request the funds in their entirety, or quarterly.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is doing the Formula Grant a little differently this year. The FFY 2014 grant will be a continuation of the FFY 2013 grant and will have the same grant number. As a result of this, the Treasurer's report for the Commission will look a little different as it will show a continuation of the FFY 2013 grant. There will not be separate fiscal years as OJJDP doesn't have separate fiscal years.

Commissioner Coppa made a motion to accept the Treasurer's Report with a second from Commissioner Walker. The motion was passed by the Commission.

Staff Report – Pauline Salla

Notification has been received that Nevada did not receive the Prison Rape Elimination Act (PREA) Zero Tolerance Demonstration Grant. Another way to fund the Comprehensive Youth Education Program for youth in state facilities will be sought. This program is important and is needed to meet PREA requirements.

Kila Jager recently retired from the Oregon Youth Authority and is a certified PREA auditor. She has agreed to assist in preparing the Nevada Youth Training Center (NYTC) for their first PREA audit. This is the first state facility to be audited under PREA, so the process will be reviewed carefully. Commissioner Martin noted for the record that Assistant Director Pat Schreiber had recently completed the PREA auditor training in South Carolina. He mentioned that this was the best training he has had in his 38 year career and that he would be available to assist the jurisdictions as needed. Specialist Salla will also be attending PREA auditor training the spring of 2015 in San Diego.

A technical assistance request for Effective Police Interactions, Youth tactics that work, has been approved. This is a Disproportionate Minority Contact (DMC) activity which will involve statewide training for law enforcement working with youth at the first point of contact. It is hoped that this will reduce the number of minority youth who are arrested. Work is progressing on where this two day training will be held. Law enforcement, school resource officers along with University of Nevada - Reno (UNR) and University of Nevada - Las Vegas (UNLV) law enforcement will be invited. This training will assist in meeting compliance with the DMC core requirement from OJJDP.

Mike Fiedler, Nevada's federal representative for the last eight years has officially retired from OJJDP. He will be greatly missed by all who have worked with him.

Chairman Burgess requested Specialist Salla cover the phone discussion with Administrator Robert Listenbee and Deputy Administrator Greg Thompson from OJJDP. This concerned how Nevada would be able to continue to meet compliance under the new interpretation of a youth in secure custody. If a youth believes or feels that he is in secure custody, and unable to leave, then he is in secure custody, irrespective of where he is being held. This greatly impacts how secure custody is monitored. Previously, care was taken to insure that youth were not taken into secure areas. Now everything which has been encouraged for the last ten years has been rendered moot.

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Commissioner Shick pointed out that this was very subjective and inquired into what was absolute about the new interpretation. He was further concerned about runaways who were being held or a child taken into custody on the street. It was explained that this pertains to buildings, lock-ups and juvenile facilities. Several hypotheticals were presented during the phone conference. Final answers, which will provide written guidance, have yet to be received. The greatest difficulty is in approaching law enforcement and explaining the new conditions, especially since they do not apply to federal agencies. The specialists have rallied together and requested that Administrator Listenbee contact each state and listen to their concerns.

Although this will make compliance more difficult, Commissioner McBride felt that it was positive that Administrator Listenbee made himself available to hear about concerns, rather than simply mandating change. There was an openness to the apprehensions, along with a willingness to help determine how it would affect the states. Rural areas will be more affected as they often bring youth into adult facilities for processing. With no timeline, it is believed that the changes will not be fully implemented any time soon.

Commissioner Lozano made a motion to accept the Staff Report with a second from Commissioner Hibbler. The motion was passed by the Commission.

David LaBay another new commissioner arrived during this report presentation. He is a law student at UNLV and currently works for Governor Sandoval, the Juvenile Public Defender and the Juvenile District Attorney.

Chair Report – Kirby Burgess

In addition to the previously mentioned phone conversation with Administrator Listenbee, Chairman Burgess has been involved with many of the subcommittee meetings. He has also reviewed the recent attendance record for the Commission, which is mostly positive. One area of concern he noted, was a need to get the youth commissioners more engaged. A lot of information is given to them in a very short period of time, which can be overwhelming. The intense use of acronyms during meetings can be confusing, so it was suggested that such terms be explained when used. The Orientation CD was also referenced as a resource that covers everything from responsibilities, acronyms, and definitions. The established commissioners were requested to reach out and mentor these new commissioners. They need to be fully integrated, as they are the future of the Commission.

The last point brought up was the December 11, 2014 meeting between Chairman Burgess, Commissioner Hambrick and Governor Sandoval. They will be using the Governor's Report as a starting point in their discussion, but would welcome ideas for other topics to bring up with the governor. Commissioner Lozano suggested addressing specific training for attorneys who work in the juvenile area. This issue has been raised with the governor before and still needs consideration.

Commissioner Lozano made a motion to accept the Chairman's Report as provided with a second from Commissioner McBride. The motion was passed by the Commission.

DCFS Update – Steve McBride

Commissioner McBride began by thanking the Commission for their recent visit to NYTC. It was very positive and they are invited to return in the future. Of the 60 beds available at NYTC, 38 are currently in use by male youth from Washoe and the rural counties. State public works there include the water line, phone system and well improvements.

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Caliente is currently at 106 youth, with 30 of the 40 female beds and 76 of the 100 male beds in use. They are implementing the Forward Thinking series from the Change Company which will replace Thinking for a Change. This program has proven to be very successful with the facilities where it is used. Capital projects include roof replacement, painting and phone upgrades, although several others are also being considered.

Red Rock Academy is at 49 of their 50 approved budgeted beds. There have been several agencies outside of Nevada reviewing the facility for potential placements however at this point, no non-DCFS youth have entered into the program. Issues identified by the Legislative Council Bureau (LCB) are being attended to with another visit anticipated near the first of the year.

Hospitality International has graduated two classes of culinary students at Red Rock. Upon graduating from this program, they receive further assistance with job placement. The Forward Thinking series is also being considered there, as is a pilot treatment program for juvenile sex offenders through the University of Cincinnati. If the pilot proves successful, it may move into other facilities. This could mean fewer out of state placements for youth. There is juvenile sex offender programming at the three state facilities now, but programs and treatment are different. Programming focuses on getting the youth ready for treatment. This pilot program would not expand the current bed allocations, rather it would be offered in addition to the current programs.

There is still a contract for three out of state secure beds at the Garza County Regional Juvenile Center in Post, Texas which is operated through the Cornerstone program. There are two male youth in placement with one more pending. Placement is based on separating youth who have been involved in incidents involving escape and/or staff assaults. It is important to have alternatives beyond the three in state programs.

There are 195 youth in correctional placement with 193 in state and two in Texas. Both Caliente and NYTC are concluding their first year using Performance based Standards (PbS). The second data pull from NYTC has just been completed and is in the process of analysis. Red Rock Academy is finalizing their contract with PbS and will start using it in 2015. A request was made to share one of the PbS reports with the Commission at a future meeting. The report which focuses on the facility improvement plans was suggested. This would show progress or lack of progress within the programs. PbS is also assisting with reducing the use of room confinement.

There has been a lot of success in recruitment for Youth Parole with Clark County allowing new recruits to enter their Peace Officer Standards and Training (POST) Academy. This has allowed four new positions to be filled in the Las Vegas area. Youth Parole is also preparing to facilitate a parent support and education class at Red Rock Academy. It continues to be involved with many community based activities such as transition programs through the Children's Cabinet. There were 277 active community supervision cases statewide with 153 of these from the Las Vegas area, 57 from Reno and 67 from the rural communities.

Commissioner Lozano made a motion to accept the Division of Child and Family Services Report with a second from Commissioner Walker. The motion was passed by the Commission.

Policy/Legislation Committee – Scott Shick

Starting with the Supreme Court Commission of Juvenile Justice Reform, final recommendations were made by the Regional Facility Planning Subcommittee. They decided to opt for the middle ground, and sustain NYTC in Elko, Nevada. Thanks to visits from the

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judges and the Juvenile Justice Commission, it was determined that programing could continue with a 60 bed capacity. For the record it should be noted that the American Civil Liberties Union (ACLU) supports the use of 30 beds. Recommendations were made to evaluate the capital improvement projects at NYTC, also to reinstate sports programing. There will be a full cost analysis and implementation of a Family Systems Program. These were incorporated and reference made as to why those items were entered in the state budget. Capital improvement programs were also recommended for China Springs and Spring Mountain youth camps with strong consideration for the needs of front end juvenile justice programs in all jurisdictions.

Commissioner Martin expressed concern that the recommendations for Spring Mountain and China Springs youth camps had not been included in the budget. If the state does not agree with the recommendations, funding opportunities for them need to be found. Justice Hardesty and the Supreme Court Commission have drafted a letter to the governor and Mr. Willden in respect to those requests. The Juvenile Justice Front-End Programming Funding Summary was also referenced. This was sent to the governor's office, although that does not mean the various amounts will be provided. The best distribution method may be based on school population. Commissioner Walker pointed out that there are a lot of disparities in the amounts requested by the jurisdictions. He had argued strongly against distributing the monies based on student populations because some of the rural jurisdictions have almost no resources. He felt that money should be placed where it was most needed. Commissioner McBride also clarified that the timing of the budget request with when the Supreme Court commission was convening, made it difficult to provide a lot of details in a brief amount of time. Since the period had passed for submission, the late requests would have to go directly to the governor's office for consideration. The camp budgets had been submitted well before the deadline. It is suspected that there will be opportunities during the session for text to be provided to the finance committee. This will allow details to be discussed and questions addressed while the agencies have an opportunity to defend their requests.

Specialist Salla pointed out that the Commissioners should be aware of state funding because the Commission provides oversight of the money. Part of the concern was with several jurisdictions that have carry over money from the previous fiscal year. These funds have yet to be touched in the current fiscal year. It is important to be sure that the money the Commission currently has oversight over, is being utilized in the best way possible. Commissioner Walker than requested some information about the funds the Commission receives and the funds they oversee. In other words, he wanted to know where and how the money is spent. It was decided to place this on the agenda and to provide such information at the quarterly meeting in February. There is a Juvenile Justice 101 presentation which covers funding streams and the requirements of their dispersal.

Discussion then began on school attendance and disturbance. The Supreme Court Commission will address the definition of school disturbance. Unfortunately the chairman of that committee, Jason Frierson has not been reelected to the assembly, so additional work with the new chairman may be necessary.

Sex offender registration has begun yet another cycle with the attorney general submitting BDR 14.435. This will make juvenile adjustments to the Adam Walsh act. Ross Armstrong concurred that jurisdictions are operating under old statutes. He believed that the Supreme Court would make its decision sometime in the middle of the session or give the legislature an opportunity to do some fixing if they determine that it is needed. The legislature could make changes which would make challenges moot. While there are bills dealing with the adult portion, there is hope that the juvenile piece will be modified to allow for more judicial discretion.

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The last item discussed were bill drafts which are going to impact Juvenile Justice in the next legislative session. Specialist Salla works with the Policy and Legislation subcommittee to keep the Commission updated on these bills during the session. Stephanie Heying from the Juvenile Justice Reform Commission will also be working to keep the subcommittee apprised of any activity on the bills. Some of these bills noted in Attachment E are fairly old and may change or even go away.

Commissioner Lozano made a motion to accept the Policy and Legislation Report with a second from Commissioner Florez. The motion was passed by the Commission.

Planning and Development Committee – Dan Coppa

Commissioner Coppa began by explaining why there were multiple years of the Medicaid Room and Board Summaries. This represents a block grant with funds that roll over from one year to the next. As expenditures occur, they are accounted for on the appropriate yearly summary. There were three summaries presented for State Fiscal Years 2015, 2014 and 2013.

Documentation for the Senate Bill 107(SB107), Total Number of Youth in Room Confinement for the period up to October 31, 2014 was presented. This record has been closely monitored not only by the Planning and Development subcommittee, but also by the ACLU. They have two interns from UNR who are conducting an analysis of the data reported. One of the items discovered by them was the over reporting of information by Teurman Hall Juvenile Detention Center located in Fallon, Churchill County, Nevada. All that the law requires is to report information on room confinement. The use of this information for analysis goes beyond what SB107 requires. One of the interesting things noted was that as reporting progressed, the numbers decreased, perhaps in recognition of the situation.

Another topic covered by the subcommittee was a proposed tattoo removal fund for youth parolees. Two youth parole officers accompanied by a youth gave a presentation to the subcommittee concerning their efforts in obtaining tattoo removal. Reno High Desert, the dermatologists they had selected, was reviewed to ascertain any problems and found to be a reputable firm. Ross Armstrong was approached for advice on the best way for the Commission to fund the program and a motion was drafted to address any potential problems.

David Laity, Unit Manager for the Youth Parole Bureau and Commissioner McBride then spoke on the need for funds while also answering questions that the commissioners had. The program had started about seven months previous with a youth who had begun to make changes and saw that the removal of his tattoos was part of that process. The procedure takes many sessions and is quite expensive in addition to being painful. There are three youth right now who would like to have their tattoos removed. Some have even started the treatments with their own money. Many commissioners pointed out that some doctors are willing to do this procedure at reduced rates and it was suggested that a list of providers be put together into a resource directory. It was stressed that this is just as important in the rural areas where there may not be as many services available.

Dan Coppa then made the following motion for the record. "I move the Nevada Juvenile Justice Commission provide up to \$1,500.00 dollars to the Division of Child and Family Services, Youth Parole Bureau, for purposes of tattoo removal for approximately 6 to 10 individuals, using funds from the Juvenile Justice Commission portion of the Formula Grant for Federal Fiscal Year 2012. Further the Youth Parole Bureau shall submit a report at each quarterly meeting of the Nevada Juvenile Justice Commission until the funds are depleted." The motion was seconded by Commissioner Lozano and passed by the Commission.

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The Nevada Juvenile Justice Commission 2013 Annual Report to the Governor was presented to the Commission. It had a different layout than previous, in that it was a more concise format. New data was presented and the appendices were expanded. Both the DMC and Relative Rate Index portion of the report were discussed, with the commissioners being directed specifically to page 13 with the admonition that items in red reflected disparate treatment. It was cautioned that this is not non-differentiated youth. That is, one or two youth could be getting in trouble multiple times so it looks like a higher percentage is being dealt with. Another point is making sure that all jurisdictions are reporting the same way. The Data Dictionary should help in assuring that this information is compared correctly.

Commissioner Coppa made a motion to accept the Nevada Juvenile Justice Commission 2013 Annual Report to the Governor and then for submission to the Governor with a second from Commissioner Beam. The motion was passed by the Commission.

Commissioner Walker made a motion to accept the Planning and Development Report in total with a second from Commissioner Lozano. The motion was passed by the Commission.

Report from Minority/Gender Committee – Jack Martin and Dr. Lisa Morris Hibbler

This subcommittee has taken on the challenge of looking at the school to prison pipeline. Both of the co-chairs are from southern Nevada where the Relative Rate Index is perhaps the worst. They have been applying for numerous grants to address disproportionality in the school system. A grant application letter to OJJDP and the MacArthur Foundation was referenced along with a request for the Commissions support.

Both had also recently attended the Georgetown Diversion Court Program. Last year in Clark County, there were 16,000 referrals representing about 10,000 unique youth. Although an incredible job of screening is being done at the detention doors with the risk assessment instrument, the same level is not maintained at the intake hallway. Too much time is being spent at the Diversion Court process with only about 300 youth going through in the last two years. After attending the Georgetown program, it was felt that Clark could do better at the diversion court process. To do this the screening and front end assessments will be strengthened. An effort will be made to score low, middle and high with the middle being placed in the diversion court process. This would move youth away from formal probation services which are seeing a disproportionate number of African American and Hispanic youth. The intent is that with the help of the OJJDP/MacArthur grant, that there may be a reduction of up to 15% by next year in youth off formal probation. Money has been allocated from the upcoming budget and decision points that there is control over are being looked at. Presentations will be made to the Metro Command staff about DMC, decision making and doing direct referrals from the field into diversion court rather than the slow court process. Attempts will be made to speed up the time from when a citation is issued to getting a youth in front of intake officers. The City of Las Vegas is partners in this.

Commissioner Hibbler then spoke about another project which is being partnered by the City of Las Vegas and the Clark County Department of Juvenile Justice Services. It is supported by the MacArthur Foundations Models for Change Initiative. This would be a 14-month technical assistance initiative engaging mayors, city and juvenile justice partners in implementing model policy/practice shifts. No funding is associated with this proposal, but the Commission was asked to provide a letter of support.

The issues of the two letters were discussed as only one letter appeared under the Minority and Gender section of the Quarterly Full Juvenile Justice Commission packet. The difference seemed to be that one has funding attached to it whereas the other did not, but does involve

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technical assistance. Ross Armstrong suggested that Chairman Burgess be delegated to produce a draft which would be submitted in support of these two projects. Commissioner Walker then moved to delegate authority to the Commission Chairman to draft letters of support as requested by Commissioner Hibbler and Commissioner Martin, in the Commission's role as an advisory group to the Governor's office. This was seconded by Commissioner Smith and passed by the Commission.

Commissioner Lozano made a motion to accept the Minority and Gender Report with a second from Commissioner Walker. The motion was passed by the Commission.

Update on Nevada Supreme Court Commission on Juvenile Justice Reform – Scott Shick, Frank Cervantes, John Martin, Steve McBride

Commissioner Cervantes summarized some of what Commissioners Shick and McBride had already covered as pertained to capital improvements and funds available to the individual jurisdictions for front end programs. The Children Competency bill was also alluded to as was the fact that the recent election caused changes in the legislature. Chairman Frierson of the Committee of Child Welfare and Juvenile Justice has been removed and much work is now anticipated in order to get some of the bills through the legislature. When asked about specific initiatives, Commissioner Shick advised the commissioners to hang on for the ride. He hoped that the way they have been handled over the last three years, would facilitate in their moving forward. Commissioner Hibbler pointed out the Justice Reinvestment initiative as something Chairman Burgess may wish to bring up with the Governor at their meeting.

Commissioner Lozano made a motion to accept the Update on Nevada Supreme Court Commission on Juvenile Justice Reform with a second from Commissioner Hibbler. The motion was passed by the Commission.

New Business – Chairman Kirby Burgess

Before opening up for New Business, Specialist Salla wished to congratulate Commissioner Smith on her award from the Nevada Indian Commission. In celebrating the National American Indian Heritage Month, Commissioner Paula Smith was the recipient of this year's American Indian Youth Services and Role Model of the Year award. There was to be an award banquet at the Governor's mansion on Saturday November 15, 2014. The Commission applauded and commended Commissioner Smith on her award.

Chairman Burgess took some time to formally welcome the new commissioners. He requested the more established commissioners mentor the newer ones. Commissioners Florez, Smith, Walker and Cervantes were recommended specifically for Commissioner Rodriguez, while Commissioners Martin, Lozano and Wanker were mentioned for Commissioner LaBay.

New business was then opened for discussion. Commissioner Walker suggested that there was a need to discuss the conditions of restraint used on youth in Nevada facilities. He detailed that there was contradictory information and disparate opinions on the subject. Other commissioners agreed and pointed out misinformation on the internet about how youth are treated in Nevada Juvenile facilities. Incident reports from the facilities are being reviewed and a spreadsheet built to document what is happening. Some of these procedures are authorized by the state and used nationally. While some stakeholders agree with these, others do not. Although there is active litigation going on about restraints, this should not keep the Commission from openly discussing the topic. Specialist Salla noted that much of the information about restraints used by the facilities has already been identified and collected as part of their audits.

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Commissioner Cervantes noted that techniques can be demonized in an attempt to remove them, but what is needed is for the Commission to look at procedures and ask whether they represent a reasonable response to certain behaviors. There was agreement with this, noting that an important factor is how the procedure is performed. An attempt to help youth calm down, done by the right person at the right time with the right training can help resolve some situations. Commissioner Walker emphasized that it's not just what physical restraint is used, but also why and how. For example, this should never be used to punish someone. Legislation is being worked on which will deal with physical restraints used in court.

The Commission agreed that this should be an agenda item for the February 2015 quarterly meeting. Specialist Salla will send out pertinent information on this to the members prior to this meeting.

Commissioner LaBay made reference to a topic brought up earlier by Commissioner Lozano. He thought there should be a discussion about implementing a new training program for district attorneys and defenders who are handling juvenile cases for adjudication. The current system in Clark County is to have juvenile prosecutors and public defenders rotated in. They are not specialized juvenile practitioners but general litigation practitioners who are rotated into those positions. The problem with this is that they are using the same strategies as would be used in adult court.

Commissioner Wanker noted that this training was also important for the rural judges who have no specialties and hear a whole spectrum of issues in the course of a day. They could benefit from this training and be able to see problems from the bench. Commissioner Walker thought there was already legislation that required judicial training for judges in the eighth and second jurisdictions for those working with family law matters. Specialist Salla noted that in 2011, a resolution was submitted by the Commission to the Supreme Court which requested specialized training for anybody representing juveniles in the system. There was a meeting with the Supreme Court Commission when this was submitted. This resolution could be brought back and included with the materials for the Governor's meeting.

Judge Voy gave a brief overview of how the rotation works in Clark County. The training is done in house and is very pro-active. Commissioner Walker agreed but re-emphasized that this also needs to occur with those in private practice. There needs to be basic standards that must be met, since dealing with the adjudication of children is fundamentally different. Judge Voy agreed that the private attorneys were the ones he spent the most time working with and that sponsor training in juvenile delinquency and dependency cases would be very beneficial. It was also agreed that maybe the bar should provide a separate certification in order to practice in the juvenile area.

Comments from the Public-

There no statements from the public.

Set Time, Date and Agenda for Next Meeting: TBA

The next meeting will be held in Carson City, Nevada on Thursday February 19th, 2015. Time and location will be announced.

Adjourn

A motion to adjourn was made by Commissioner Humke. The meeting was adjourned at 12:15 a.m.