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NEVADA STATE JUVENILE JUSTICE COMMISSION**

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**NEVADA STATE JUVENILE JUSTICE COMMISSION
PLANNING AND DEVELOPMENT COMMITTEE MEETING
MINUTES
October 16, 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, Steve McBride

Members Present by Phone: Elizabeth Florez, John Martin, Lisa Morris Hibbler, Paula Smith

Members Excused: Michael Beam, Kirby Burgess, Fernando Serrano

Staff Present: Ross Armstrong Deputy Attorney General

Staff Present by Phone: Pauline Salla, J. Alice Mueller

Others Present: Deisy Hernandez, Katie Hoops, Karla Navarrete, Vanessa Spinazola

Public Comment and Discussion

There was no public comment.

Review of Official Minutes from September 18, 2014

Commissioner McBride moved to accept the minutes of September 18, 2014 as presented with a second from Commissioner Florez. The motion was passed by the Committee.

PREA – Pauline Salla

The Spanish language PREA posters were taken to the Sixth Judicial District Courthouse in Humboldt County where two court certified bilingual interpreters reviewed and approved them. Copies of the interpreter's current certifications were provided at that time. Specialist Salla will provide prototype copies of the posters to Commissioner Florez for final review after which they can move ahead.

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A copy of the PREA Glossary had been sent to the members of the subcommittee. Many of the definitions on it are from the National PREA Resource Center. It has been provided to all of the Nevada youth facilities with the directive that they can add facility specific definitions to their copy.

Questions were asked about specific items in the glossary. One dealt with definitions of resident indecent exposure and voyeurism. The PREA Word Group Commission deliberately excluded these and they are to be excluded from the templates also. Definitions for what constitutes an adult and a youth were requested to be added to the glossary. Other items to be clarified included the fact that the pat down was to be on a clothed person and definitions for audio monitoring systems, the latter to be in addition to the video systems definition. Once these items are addressed, the glossary will be ready to proceed forward.

Commissioner McBride made a motion to accept the PREA Glossary as amended with a second from Commissioner Smith. The motion was approved by the Subcommittee.

The official award letter for the PREA reallocation grant has been received. When the governor provided the assurance that Nevada would be working towards certification, it was accepted that there would be a 5% reduction to the Formula Grant. The PREA reallocation grant had to be applied for through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and include information on what the money would be used for in addition to expected outcomes. The final award was for \$7,844.00 which was the 5% reduction plus a bonus.

This PREA reallocation grant will be used for implementing a sexual vulnerability assessment for youth in Nevada facilities. The Practical Adolescent Dual Diagnostic Interview (PADDI-5) is a comprehensive assessment which identifies mental health disorders, substance use or abuse disorders, victimization, sexually aggressive behaviors, learning disabilities and developmental delays. Funds will be used to purchase enough assessments in the facilities for a year. This is in addition to training staff in their use. The money will be spent out in one lump sum.

Nevada was not awarded the PREA Zero Tolerance Demonstration Grant. Feedback was provided concerning the application's strengths and weaknesses. Out of 46 applicants, five states were selected to receive the grant. Any commissioners who wish to discuss this grant were instructed to contact Specialist Salla.

Work is currently being finalized on preparing for the first Federal PREA audit. There is a contract and a scope of work completed which the PREA auditor submitted. This will begin at the Nevada Youth Training Center (NYTC) the third week in November. There will be a contract with Kila Jager from the Oregon Youth Authority. She is retiring from the Oregon Youth Authority and is a certified PREA auditor who has agreed to be Nevada's monitor. Ms. Jager underwent the first Juvenile PREA audit where an audit tool for the juvenile facilities was piloted.

SB107 Room Confinement– Pauline Salla

The first item considered was the scope of work for Dr. Tomassone which had been disseminated to the members of the subcommittee. He will be reviewing the state facilities and addressing the issue of room confinement. Commissioner Coppa noted some clarifications on the document including that the completed report should be submitted to the Chief of Juvenile Justice Programs for distribution to the public. He wanted to make sure it was clear who Dr. Tomassone would be reporting to.

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There was a question put forth as to whether Dr. Tomassone would be able to address the Juvenile Justice commission on his findings either by teleconference or in person. In this way he could answer questions as they arise. Commissioner Martin wished to know if in addition to a written report, policy and training recommendations geared toward de-escalating or reducing room time and mechanical restraints would be made. Specialist Salla explained that once he knows where the facilities are at, specific training and technical assistance can be developed.

A motion was made by Commissioner Martin, to accept the Scope of Work for room confinement technical assistance relative to Dr. Tomassone as amended. The motion was seconded by Commissioner Florez and passed by the members of the Planning and Development committee. This could now go forward with the working agreement and would not need to come before the committee again. The funding for this comes from the Federal Fiscal Year 2012 Juvenile Accountability Block Grant (JABG) portion which is used for the state facilities to provide safety and security, implement evidence based curriculum and provide certification and training. There are sufficient funds remaining to handle the expenses of assess to the three state facilities.

ACLU Nevada Intern Report– Katie Hoops, Karla Navarrete

The two American Civil Liberties Union (ACLU) interns have considered all that was discussed at the September meeting. They decided that the purpose of their report was to notify and use the data to see how facilities are implementing SB107 and how they could improve. Corrective room restriction has decreased over the last seven months and special consideration was given to Caliente (CYC), Red Rock and the Nevada Youth Training Center (NYTC) since they house different kinds of offenders than the other facilities.

Information detailing the reason for room restriction exceeding 72 hours has all been received and used to create two charts one of which shows that although Teurman Hall is one of the smaller facilities, it uses room restriction over 72 hours, more than any other facility. Where zeros were shown on one chart, it showed that youth had been released at 72 hours. Specialist Salla pointed out that the three state facilities had not held individuals over 72 hours since November.

Another chart examined Jan Evans and Clark County's use of room restriction. Most of the cases were under 20 hours. Then Teurman Hall, Caliente and Murphy Bernardini were examined. Duplicated and unduplicated youth were compared to see how often room restriction was used in relation to the general population. It can clearly be seen that Teurman Hall used it more often than Caliente. Efforts are currently underway to get unduplicated youth information from all of the facilities.

Another graph on unduplicated youth and room restriction was discussed. The reported reasons for the restrictions were divided into two types those with a threat of physical harm and those without. Although it appeared that most of the restrictions were the result of no threat of physical harm, it may actually be in appearance only. Rule infractions can involve threats to staff and youth and yet on these graphs could appear as no threat of physical harm. There needs to be a more consistent way to report this information from the facilities.

It is hoped that Dr. Tomassone will come up with good alternatives to room restriction which will be used by all of the facilities, including the detention facilities. The goal is that when the suggested training occurs all facilities will be involved.

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In conclusion, the interns mentioned that they were available for research into best practices and data collection. They stressed the need for consistency in reporting, how to report unduplicated youth and then receiving the monthly averages on the number of cases, number of youth and average monthly population. Currently averages are used, but median was suggested for use as it is more accurate. The attachments discussing the reasons given for restrictions over 72 hours should also be forwarded to them. Commissioner McBride who had reviewed these attachments felt that they documented interventions and attempts used with individuals restricted over 72 hours.

The interns were asked if their research could result in a tool to be used by the facilities. This would standardize the reporting of information so that clearer data studies would occur. This tool needs to be flexible enough to allow use at state level and in detention facilities. It would not be needed immediately, but perhaps somewhere down the line. They were then commended on their hard work.

2013 Governor's Report– Pauline Salla

A new outline was used for the Governor's report and should result in a more concise document. The placement of PREA within the text was discussed. Much of the report was preliminary with unfinished areas highlighted in yellow. Prior funding which was still being spent out (such as JABG), were included in the document as the money is still available for the next two years, although no new funds from these sources are currently forthcoming.

A number of spacing, clarification and grammatical issues were addressed as were some areas of requested data. Some section's statistics were not available at this time, but when a new data system comes into place, it may become available. Information by gender is currently unavailable, but could prove useful in the future. Some desired facts may just require additional time to find. It was suggested that an attempt to locate them be made for next year's report. Breakdown by race is currently available for areas of contact in the system. Specialist Salla did point out the graph on page 13 which shows in red, disparate treatment at different points of contact.

The Governor's report will be sent to the members of the sub-committee one more time before it is brought to the full Juvenile Justice Commission in November. They are to have a brief time to make any suggestions or corrections to it.

2013 Compliance Report Update– Pauline Salla

The 2013 Compliance Report has yet to be submitted. Although it was due on June 30th, 2014, a written opinion concerning some potential sight and sound violations has still not been received. OJJDP has offered to give the opinion over the phone, but Specialist Salla would prefer a written copy. They understand that the report will not be submitted until the written opinion is received.

Detention and Confinement Memo– Pauline Salla

Commissioners Coppa, McBride and Chairman Burgess along with Specialist Salla were on the phone call with Administrator Listenbee and Administrator Greg Thompson from OJJDP regarding the new interpretation of the term secure in relation to detained youth. The conversation centered on what was the actual intent of this new interpretation. They were able to ask questions and receive clarification on specific concerns. As a result of the phone conference, these concerns will be submitted in writing to both Greg Thompson and Administrator Listenbee. Both will then provide written feedback on them. Although no specific answers were provided at this time, it was an opportunity to voice thoughts and discuss them.

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It was apparent that every state has different issues on this topic. When the written opinions arrive, they will be brought before this sub-committee. There was also new information from the OJJDP website on this topic which had been sent out to the sub-committee members.

The Department of Corrections has asked the Governor's office, what the impact to Nevada of this new interpretation might be. Specialist Salla will be summarizing the phone call and providing information for those concerned. It would appear that the change is going to happen. The difficulty will be in how it will be implemented, or how OJJDP will implement it. This may take some time as the various states figure out how to handle the changing situation.

Youth Parole Request for Funding, Tattoo Removal– Matthew Elder and Paul Calonico

No updates on the Youth Parole request for funding of tattoo removal have been received. What has been requested is an estimated amount, a background check on the tattoo removal establishment and for Ross Armstrong to check to see what the Commissions role would be in terms of liability. Information provided would be for the records, to show due diligence in examining the request.

Deputy Attorney General Armstrong suggested that to protect the Commission from liability, funds should be given to the Youth parole Bureau for the purposes of tattoo removal. At that point, it is in the Youth Parole Bureau or the Division of Child and Family's venue to work with liability. This is preferable to the Juvenile Justice Commission writing a check to the medical facility. Chairman Coppa agreed with him and further requested that he write a motion which could be read at the Quarterly Full Juvenile Justice Commission and placed into the record. He also requested that the Youth Parole Bureau have a packet to be handed out at that time along with a representative who could speak on the topic.

Compliance Monitor Update – Pauline Salla

The individual who had been considered for the Compliance Monitor position has not been in contact with Specialist Salla for several months. Attempts have been made to call, email and text but there has been no response. Enough time has transpired that the job announcement will be reopened so that other people can apply. The position was originally approved on August 29, 2013 and has yet to be filled.

New Business– Dan Coppa

There was no new business.

Comments from Public

There were no public comments.

Set Time, Date and Agenda for Next Meeting

The next Committee Meeting is scheduled for Thursday December 18, 2014 at 10:00 am. This will be a videoconference with the following agenda.

Agenda:

PREA: Spanish posters, Grant update

SB107 Room Confinement: Quarterly report, Dr. Tomassone visit update, ACLU interns report

2013 Compliance Report Update

Detention and Confinement questions

Compliance Monitor job update

Adjourn

The meeting was adjourned at 11:35 a.m. by Chairman Coppa.