

PLANNING, DEVELOPMENT and PUBLIC EDUCATION

COMMITTEE REPORT

JUVENILE JUSTICE COMMISSION QUARTERLY MEETING

August 20 - 21, 2014

Elko, Nevada

June 2nd, the Planning, Development and Public Education Committee met to review and to approve the Federal Fiscal Year 2014 Three Year Plan due later that day. New additions included the Prison Rape Elimination Act (PREA), a suicide prevention program for state juvenile facilities, and an emergency disaster plan for state juvenile facilities. After review and discussion, the Committee approved the 2014 Three Year Plan which was submitted prior to deadline.

The Planning, Development and Public Education Committee continued its work with PREA. Facility posters printed in Spanish were finalized and now await printing and distribution. Model policy templates were reviewed earlier by the VERA Institute of Justice who offered suggestions many of which were incorporated in the final templates. The Planning Committee will complete a final review at their next meeting with distribution to follow.

An SB 107 room confinement report for the months of April and May was received and reviewed. The number of youth who were room confined declined from 294 in April to 251 in May. The second quarter room confinement report will be reviewed by the Planning Committee at their September meeting. Further, Juvenile Justice Specialist Pauline Salla and others are exploring a data entry system similar to one in use in Arizona that provides more detailed analysis into room confinement.

The Planning Committee began work on the Governor's 2013 Annual Report. A new format was developed which was different from that of previous reports. The Governor's 2013 Annual Report will be submitted to the Nevada Juvenile Justice Commission at their November 2014 meeting for approval.

Lastly, the Planning Committee is involved in reviewing a possible revision by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to Jail Removal and

Separation Core Requirements of the Juvenile Justice and Delinquency Act (JJDPA). Separation provides, in part, that juveniles “will not be detained or confined in any institution in which they have contact with adult inmates.” Also Jail Removal provides, in part, that “no juvenile will be detained or confined in any jail or lockup for adults” subject to certain exceptions.

The terms **detained** and **confined** have been understood to be synonymous with being in “secure custody.” The plain meaning of “detain,” consistent with the Fourth Amendment of the U.S. Constitution, means that the person allegedly detained was not free to leave. “Detained” means a person is not free to leave and/or that, under the circumstances, a reasonable person is not free to leave the police station or any other holding facility. Conversely, in view of all the circumstances surrounding the incident, a reasonable person would believe that he/she is free to leave; he/she has not been detained. Specifically, it means states, Nevada included, will need to monitor, collect data, and report violations of all juveniles who are detained or confined in nonsecure custody. States and territories are encouraged to submit questions in writing to OJJDP so that it can provide assistance in making the transition under this new guideline.

Respectfully submitted,
Daniel G. Coppa, Chairman
Planning, Development and
Public Education Committee