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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
October 28, 2015**

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October 28th, 2015 Call to Order

This meeting was called to order on October 28th, 2015 at 3:30 pm by Chairman Martin.

Roll Call – Alice Mueller

Members Present by Phone: Michael Beam, Scott Davis, Elizabeth Florez, Jack Martin, Lonnie Wright

Members Excused: David Humke, Dawn Lozano, Lisa Morris Hibbler, Egan Walker

Staff Present by Phone: Leslie Bittleston, Alice Mueller

Public Present by Phone: Michael Whelihan

Public Comment and Discussion

There was no public comment.

Review of Official Minutes from October 6, 2015

Commissioner Florez moved that the minutes of October 6, 2015 be accepted with a second from Commissioner Wright. The motion was passed by the Committee.

Review of ACA Standards

A copy of the American Correctional Association (ACA) Standards that pertains to juveniles was received by Commissioner Florez. She had sent a small piece of it to the committee members to review. It mirrored a lot of the language already used by the Nevada Association of Juvenile Justice Administrators (NAJJA) in their standards. She felt that it was essentially the same as the NAJJA's standards and the commissioners present agreed. Other possible resources mentioned to check were the American Probation and Parole Association (APPA) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Chairman Martin noted that this committee will have to decide the fine line of specificity that would help both Clark County and the smaller counties balance these standards. They would need to be vague enough that all could operate within their guidelines. They should not tie the

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counties hands, but also need to be more than just a suggestion. The APPA was once more referenced as a source for field standards. Although most of what is being discussed is for detention facilities, it should be remembered that there are field standards concerned with case notes and caseloads. It was felt that this also should be dealt with fairly quickly.

In summation, it was thought that the ACA were the basis of the NAJJA standards and that using some of their language would be a good start. The various jurisdictions are so different, that there is difficulty with simple definitions. Using the ACA as a generic base, it might be best to use them as a reference point against which to measure the new standards. The chiefs of the detention facilities will need to be involved as these standards will directly impact them. This does need to be discussed at the next NAJJA meeting.

Review of NAJJA Standards Chapter One – Lonnie Wright

There was very little that Commissioner Wright had any disagreement with in Chapter one. He was comfortable with them as presented and felt that they represented best practices in Administration and Management.

Review of NAJJA Standards Chapter Two – Egan Walker

Commissioner Walker was not present at this meeting and Commissioner Florez was not aware of the work he had done with Chapter Two which dealt with the Physical Plant. Subsections are: A. Building and Safety Codes, B. Size, Organization and Location, C. Juvenile Housing, D. Environmental Conditions, E. Program and Service Areas, F. Administration Areas and Staff Work Space and G. Security. No areas were highlighted or indicated change with the NAJJA standards chapter which will be covered at the next meeting.

Review of NAJJA Standards Chapter Three – Elizabeth Florez, Scott Davis, Michael Whelihan

Commissioners Florez and Davis had worked with Michael Whelihan on Chapter Three which covered Facility Operations. This chapter was divided up with the commissioners discussing section A. covering Security and Control while Mr. Whelihan covered the remaining sections of B. Safety and Emergency Procedures, C. Rules and Discipline, D. Juvenile Rights and E, Special Management.

Specifically, changes were made to sections 3A-29 and 3A-32. In Section 3A-29 specific types of restraints were listed along with the admonition that their use required the submittal of a written report no later than the conclusion of the shift. It was felt that specific tools be endorsed. Although not added at this time, it was agreed that this would also be the place for discussing why types of restraint techniques should never be allowed. As with the endorsed tools, these could be specified so that there was no confusion as to the fact that they should never be allowed.

There was a caution that just because a tool is acceptable, does not mean that there is agreement on its application. Not only should it be explained what is acceptable, but also what is definitely not allowed to be used. Definitions may be detailed by inclusion or exclusion. Added to this was the thought that only methods of restraint that someone has been trained in should be used. Mr. Whelihan pointed out that a person may be trained in something that would be excluded, but was referred to by another name. That is why specific definitions can be very important in this section.

In section 3A-32 a use of force continuum is added along with an admonition that all incidences of use of force and restraint must be reviewed by a minimum of one administrator and/or supervisor and one staff who had been sufficiently trained. There was also discussion about redoing policy annually if not more frequently.

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The remaining part of Chapter 3 was covered by Mr. Whelihan. In section 3B-02 a qualified safety officer or contractor was added as somebody capable of doing the fire and safety inspection at a facility. This was to cover various sized facilities who may contract out those services. In section 3B-04, the words, " This applies to facilities where applicable." were added to cover those facilities who do not have noncombustible receptacles for smoking materials. Section 3B-12 added planned escapes and large disturbances to those occurrences needing written procedures to provide guidance to staff under those eventualities. Commissioner Florez noted that all of these changes were agreeable to Washoe County.

Section C deals with rules and discipline. Section 3C-05 specified not only more frequent checks of not more than fifteen minute intervals, but also that they should follow no predictable pattern. Youth in crisis were to have even more frequent checks. It was noted that youth were often able to discern regular patterns, and might plan around them. This was seen as a bit of fine tuning, without specifying an actual time interval which some facilities may have difficulty meeting. Once more, this change was found to be acceptable with Washoe County. Section 3C-08 was changed to include the notification of parents/legal guardians, and supervisors with medical and clinical services notified as needed when disciplinary reports are prepared.

Section D concerns juvenile rights with a change made to section 3D-07. This adds that at orientation, a youth will be made familiar with the grievance process. The facility will have a written policy and procedure which will be reviewed annually. This is in compliance with both the ACA and the Legislative Council Bureau (LCB). There was no discussion as all considered this best practice.

Section E deals with special management of youth. Details of the individual program were explained to include the consideration of needs in educational, behavioral, psychological, psychiatric, physical and medical needs. It was also noted that youth in crisis should have more frequent visits and that all youth be allowed one hour of large muscle movement each day. Even if the youth is in confinement they should be afforded living conditions and privileges approximating those of the general population.

The survey conducted by Commissioner Florez had not been reviewed by all, so it was suggested to place that on the agenda for the next meeting. It was also mentioned that none of these recommendations were written in stone. They were rather this committees recommendations to be presented to the full Juvenile Justice Commission.

Review of NAJJA Standards Chapter Four – David Humke

Commissioner Humke was not present to cover Chapter Four which covers Facility Services. No changes had been noted on this chapter which covers A. Food Service, B. Sanitation and Hygiene, and C. Health Care. This chapter will be covered at the next meeting.

Review of NAJJA Standards Chapter Five – Michael Beam

There was some discussion on what is the difference between intake, orientation and reception as that would determine where the suggested changes would be placed. It was mentioned that in California the intake hallway referred to the youth being on probation whereas the reception area meant that the youth was actually placed in a facility.

Some of the researched information came from the Prison Rape Elimination Act (PREA) website while some of the other came from the Annie E. Casey Foundation (AECF) website. Three separate sections were considered for addition to this chapter. The first concerns written policy, procedure and practice guidelines for PREA education. The second addresses written policy, procedure and practice guidelines for youth searches including male, female, cross-

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gender and/or intersex juveniles. The third addition is about written policy, procedure and practices relating to initial staff intake screening procedures to determine decisions on youth placement for special populations.

Commissioner Florez requested additional time to review these additions with her Washoe County team. Part of this was because of the difficulty in picking up some of the concerns at the initial point of screening. Also, the additional requirements that would need to be addressed needs to be considered. Issues about lesbian, gay, bisexual, transsexual, questioning and intersex (LGBTQI) need to be addressed even if just in a generic statement. It would be best to keep this vague and broad for a time. The important thing is that one is not allowed to treat a youth differently because of their sexual gender or choice.

Review of PREA Standards – Carolyn Banks

Ms. Banks was not present at this meeting. She was to work with the PREA section of the standards. As with the other chapters not discussed at this meeting, it will be placed on the agenda for the next meeting.

At this point, Chairman Martin concluded that discussion can now begin around what should exactly be placed in the standards. The greatest concern is that restraints not be used punitively. The use of force survey will be reviewed as well as definitions for various means of restraints. They still can be used for youth who are out of control, but once calm, they are to be released. There needs to be some generic but stern rules about the use of restraints.

Where the Standards should Reside- Ross Armstrong

Ross Armstrong was welcomed as the new Deputy Administrator for the Department of Child and Family Services for the Juvenile Justice Division. His first day will be Monday November 2, 2015. An email had been sent out detailing the four areas where the new standards could reside.

The first but most inflexible would be as a Nevada Revised Statute (NRS). With this, it would have the full force of law, but the legislature would craft its final language and it could only be changed every two years if needed. A bill draft would need to be created. An example of what could be done was provided with a copy of NRS 62E.516.

Another option would be the Nevada Administrative Code (NAC). The Legislature Commission needs to approve them, and updating can take time. All facilities would be required to follow them, but then the question is, what would be the penalty for noncompliance.

Legislative Adoption would put the standards into the NRS but would still open them to legislative modifications. Changes could only be made during the legislative sessions and be approved by the governor. This is fairly inflexible but would give more options in those who would demand compliance.

Under the Governor Endorsement the standards would be endorsed by the Governor, places on the Division's website and be strongly encouraged to be followed. This has no legal effect but a form could be signed by the counties agreeing to adopt them.

Many states have a blue ribbon panel or experts who conduct audits. Perhaps what would be desirable would be to have another agency have oversight. The concern with having the Legislature involved is that what is ended up with could be different than what was requested. Some of those on the commission have been fighting both DCFS and the Legislature and are just tired of fighting. After discussion it was determined that the Governor's Endorsement may

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be the best place for the standards. Commissioner Florez moved to have the standards enacted through Governor's Endorsement with a second from Commissioner Beam. The motion was passed by the committee.

New Business

There was no new business.

Comments from the Public

There were no statements from the public.

Set Time, Date and Agenda for Next Meeting:

The next meeting will be held in Wednesday November 18, 2015 at 3:30 pm. This will be a teleconference.

Adjourn

The meeting was adjourned at 4:14 pm.