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**STATE OF NEVADA**

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*Deputy Administrator*

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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 19, 2015**

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**November 19th, 2015 Call to Order**

This meeting was called to order on November 19<sup>th</sup>, 2015 at 10:05 a.m. by Chairman Kirby Burgess.

**Roll Call – Alice Mueller**

**Members Present:** Kirby Burgess, Scott Davis, Elizabeth Florez, John Hambrick, Lisa Morris Hibbler, Honorable David Humke, Dawn Lozano, John Martin, Steve McBride, Paula Smith, Honorable Egan Walker, Jo Lee Wickes

**Members Present by Phone:** Michael Beam, Danny Gonzales, Fernando Serrano, MariaJose Taibo-Vega

**Members Excused:** Niah Anson, Frank Cervantes, Dan Coppa, Amber Howell, Noah Jennings, David LaBay, Raymond McKay, Miguel Rodriguez, Ivet Santiago, Honorable Kimberly Wanker, Lonnie Wright

**Staff Present:** Ross Armstrong, Leslie Bittleston

**Staff Present by Phone:** J. Alice Mueller

**Public Present:** Michael Fletcher, Tracy Stefanik, Michael Whelihan,

**Public Comment and Discussion**

There were no public comments

**Overview on Spring Mountain Youth Camp – Michael Whelihan**

Mr. Whelihan is the manager of the Spring Mountain Youth Camp (SMYC) and gave an overview of this 100 bed facility. They work with over 240 youth a year, who have an average length of stay of 160 days. There is also a 12 bed half-way house located in Las Vegas which is a more temporary placement and has an average length of stay of around 30 days. About 90

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youth are placed there during the year. The half-way house is kind of a step down from SMYC. A youth may be placed there rather than being released straight back home. Family counseling is available to deal with any drug or domestic violence issues until all feel safe to be back together.

They partner with the Clark County School District in running a year round school program. The school district pays for nine months with the camp covering the other three months. Every youth has the opportunity to take state proficiency exams and can get back on track in earning their regular school credits for junior/senior high or independent studies. There are 16 individuals in independent study with more waiting to gain admittance.

Youth are pretested for their General Education Development (GED) exam and also on basic reading, writing and arithmetic. Performance indicators can determine where they started and how much was achieved by the time they leave. There is generally an increase of 1.5 grade levels during the average five and a half month stay.

There is a full time substance abuse counselor who runs three to four substance abuse groups a week. She also meets with families for individual family therapy. A second clinician does individual work along with a licensed part-time contract psychiatrist.

This is the 45<sup>th</sup> year of a federal contract with the Forest Service and represents the longest contract between a state and federal agency. A national award was received this year for the commitment of youth and staff. This is a paid working program. During the summer youth earnings go first to pay any fines, fees or restitutions. This constitutes about 33% of their earnings with the rest going to the youth and their family. Although started in the 80's, the program has been updated and uses assessments along with a point system.

Available sports programs include wrestling, football, basketball, track and baseball. There are several competitions between SMYC and smaller schools. They have been very successful in the last ten years, and were state champs in basketball and state runner up in football. A new boxing program has been started in a local gym. One of the youth has been a role model and has influenced his cousins to begin working out at the gym.

A food services program is also available and has a six week training program in food preparation. Youth have been able to progress to working at canneries and restaurants. Judge Bailly slotted two positions in Union 872 with a full time union trade partner position being available in January.

The Commissioners present were scheduled to have lunch with some of the youth at around noon. This would give them an opportunity to ask questions and interact with those assigned to the Spring Mountain Youth Camp.

Prior to starting the Quarterly Full Juvenile Justice Commission meeting, new staff and commissioners were asked to introduce themselves.

Ross Armstrong had previously been assigned to be the Deputy Attorney General for the Juvenile Justice Commission and the Division of Child and Family Services (DCFS). Starting on November 2, 2015 he is the Deputy Administrator for Juvenile Justice. He was excited to begin work on a different piece of the same good team.

Scott Davis is manager of the Murphy Bernardini Juvenile Probation Center in Carson City, Nevada. He has been at that position for five and a half years with an extensive background in law enforcement. Like Mr. Armstrong, he also was excited about working with the Commission.

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Leslie Bittleston is the new Juvenile Justice Specialist who started on September 28, 2015. She has been with the state about 16 years and has been involved with the Department of Health and Human Services in the Welfare and Medicaid agencies. Much of her work has been with the senior population so juveniles are new to her. A native Nevadan, she loves the state and is happy to work supporting the Commission.

Michael Fletcher is the new superintendent at Summit View and comes from corrections at the Ely maximum security facility. He grew up in Las Vegas, and has been involved with juvenile parole officer training and gang intervention programs.

The commission was recommended to consult with Shannon Richards or Sharon Benson about legal opinions until a new Deputy Attorney General has been selected. Mr. Armstrong will also be available during this interim period.

### **Approval of Minutes from August 19, 20, 2015 Meeting**

Commissioner Lozano moved to approve the minutes from August 19, 20, 2015, with a second from Commissioner Walker. The motion was passed by the Commission.

### **Treasurer's Report – Dawn Lozano**

Commissioner Lozano noted that there appeared to be some information missing from the Treasurer's report in reference to the 2014 Formula Grants. Juvenile Justice's fiscal department will be contacted about this for clarification. The rest of the report was in order.

Federal Fiscal Year (FFY) 2013 amounts have been expended and FFY 2015 detailed funds spent so far. Medicaid Room and Board for State Fiscal Year (SFY) 2016 was also reviewed. The Treasurer's report was approved by the Commission.

### **Staff Report – Leslie Bittleston**

The Formula Grant, for \$393,667 has been awarded with \$6,933.00 set aside for the Prison Rape Elimination Act (PREA) reallocation. This is to assist Nevada in becoming PREA compliant. Once compliance has been achieved, the award will return to \$400,000.00. Nevada was also awarded \$177,174.00 for a PREA Demonstration Project grant to establish zero tolerance.

Elissa Rumsey from the Office of Juvenile Justice Delinquency Prevention (OJJDP) has been consulted about changes in the compliance report time table. Previously this report was due June 30<sup>th</sup>, but is now due on January 31<sup>st</sup>. There has been some catch, but data should be collected in time to make the required report.

### **Chair Report – Kirby Burgess**

Chairman Burgess is keeping abreast and staying involved with the various subcommittees. He attended the National League of Cities luncheon in Las Vegas this October and took part in their program to facilitate change. A meeting with Governor Sandoval is being attempted for January, although he remains very busy and scheduling is difficult.

### **DCFS Update – Ross Armstrong**

Mr. Armstrong is working at receiving feedback from staff and community partners about what Juvenile Justice is doing well and what they can improve on. He requested members of the Commission contact him with any feedback they may have. Mr. McBride is staying with the Youth Parole Bureau, which is in the same location, and so will be available to assist with this transition.

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The Nevada Youth Training Center (NYTC) population is 58 with 40% from Clark County, 40% from Washoe County and the remaining 20% from rural counties. Caliente Youth Center (CYC) has a male population of 136 with 88% from Clark County, 6% from Washoe and the remaining 6% from rural counties. They also have 39 females with 85% from Clark, 5% from Washoe and the remaining 10% from rural counties. Two of the three beds at the Garza Regional Justice Center in Post Texas have been filled with individuals from rural counties.

Richard Gloeckner has retired and NYTC is in the process of recruiting a new superintendent. Heather Plager, a parole officer from the Elko area is the current acting superintendent.

The NYTC football team formed too late to be placed on official calendars, but was able to play many rural schools in northern Nevada. They were able to play Carlin twice, being requested back for Carlin's homecoming. Governor Sandoval was presented with a football bearing the teams insignia when he recently toured the school. Dr. Tomassone also visited and gathered information to assist in formulating technical assistance for reducing room confinement.

CYC is training new staff in preparation for their upcoming PREA audit. This should have occurred in November, but a lapse in the auditor's Nevada Business license has pushed the audit into December. This audit will include the DCFS central office and include hiring practices along with other PREA concerns.

Summit View is working towards reopening. Originally scheduled for September, it will occur in 2016. Costs savings from the delayed opening will be applied back to the facility rather than reverted to the state. Once opened, it will be filled incrementally rather than all at once. At this time, there are still repairs and upgrades to be completed.

Ultimately Summit View would like to be a resource for the entire state. It will provide an appropriate setting, with appropriate programs, to work with youth, in the least restrictive environment. In addition to a strong mental health component, there will also be provisions for family involvements. Although youth may be coming from detention, the important thing is to establish policy and peer culture so that youth can come in and change themselves during the approximately six months they are there.

The difficulty of providing mental health services was discussed. Legislature has budgeted for contracted on site services for a psychologist and three mental health counselors. The difficulty of finding such individuals was noted with some suggestions to work through local colleges in order to get interns who may be working towards their clinical hours. This would be a win/win situation for both Summit View and the interns. Commissioner Martin noted that there was already a partnership with the University of Nevada at Las Vegas.

Referencing some comments made about the secure nature of Summit View, Superintendent Fletcher pointed out that correctional staff need to stay engaged, and be appropriate for the youth. He had done a diligent search and met with individuals several times before selecting those hired. The most important aspect of keeping youth safe is the quality of staff. If staff is not in accord with policy, they will be invited to leave. He sees it less as a correctional facility and more as a safe environment for youth. The physical nature of the facility would cause some challenges, but could be worked with. Picnic tables have been installed along with a running track which includes exercise stations.

The goal is not to have the youth for six to eight months and then wish them luck, but to develop a relationship with them; parole, and probation. They can work through this and be involved with things like developing plans for weekend visits, adult mentoring and evening home checks.

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Following a lively discussion, Mr. Fletcher invited all the commissioner to visit Summit View. It was requested that the Quarterly Full Juvenile Justice Commission have their spring or summer meeting there. He was also invited to attend the February meeting and continue to give updates on the facilities progress.

Continuing with the DCFS update, it was noted that there were 263 males on youth parole, with 65% from Clark County, 22% from Washoe County, and the remaining 13% from rural counties. There were 39 females on youth parole with 79% from Clark County, 15% from Washoe County and 6% from rural counties. Currently there is no PREA coordinator. A staff member had been assigned but is no longer with the program. There are also efforts to hire a compliance monitor to assist with the OJJDP grant.

The Adam Walsh Act is being reviewed by the Supreme Court, has completed oral arguments and is waiting for a decision from the court. Since this was argued in front of the entire court, a rehearing is not likely. This could be the final word on the Adam Walsh act.

### **Nevada State Standards – John Martin**

The ad hoc Standards committee has met roughly four times since their formation. They started with no standards but now have some preliminary standards to submit. A basis was taken from the latest revised Nevada Association of Juvenile Justice Administrators (NAJJA) standards which was updated in 2014. These were overlaid against the Silver State standards and then compared to the American Correctional Association (ACA) standards. There were five chapters, each assigned to a commission member to review and suggest changes.

The greatest debate concerned Chapter three which focused on use of physical restraints, mechanical restraints and use of force. There was very specific language suggested in regard to hog tying. No facility, chief or superintendent has anything in their policies endorsing hog tying, hobbling, tethering or anything of that sort. All were agreeable to including language to disallow such actions.

Another area of discussion was around where the standards should reside. This could be Nevada Revised Statutes (NRS), Nevada Administrative Code (NAC) or governor's recommendations. The main concern was with the widely varying sizes of the jurisdictions. Access to monetary resources to meet these standards is equally varied. It would be difficult to hold a smaller county to something that a larger county could easily meet. Right now the subcommittee is leaning towards the governor's recommendations.

Commissioner Florez had received a copy of the ACA standards with supplemental updates and begun marking them, but stopped as she became increasingly overwhelmed by their cost prohibitive nature. This included a section on how buildings should be "green", something very difficult for Washoe County to accommodate. She then sent surveys to state camps, detention centers, chiefs and directors for feedback, since they will ultimately be held accountable for any standards endorsed by the governor.

NRS was viewed as tough but had the advantage of containing population cut offs. Governor's recommendations means nothing in terms of holding an entity accountable, but is a strong recommendation. Commissioner Walker wished to have something stronger than the governor's recommendation. He wanted something with more teeth in it.

Some of the commissioners were concerned about the litigation possibility of enacting standards. An Advisory Legal Opinion (APO) was discussed versus an informal opinion. Whereas an APO can take time to obtain, informal guidance right now would prove helpful.



This is especially important in view of where these standards reside and how mandatory their recommendations to entities involved. Commissioner Humke suggested a stepped approach, where you start with something and then go from there. The fear of litigation should not keep standards from being established. What is needed is a minimum level of standards that all can agree on, then move the ball forward from there. Commissioner McBride recognized that there were many unfunded mandates like PREA which already have requirements. It may be more important not to hit every ACA standard, but work with the critical ones that focus on safety and security.

Chairman Martin acknowledged his appreciation for all the commissioners' suggestions on moving these standards forward. He suggested a blue ribbon panel, which would take many of the recommendations and go to facilities working on action plans. This panel would be a resource for helping, auditing and multiplying expertise.

Commissioner Martin felt that the institutional standards would be completed soon, but then thought field standards should be considered next. As there are no existing documents for these, they will have to be constructed from scratch.

#### **Planning and Development Committee – Paula Smith**

Commissioner Coppa could not be present at this meeting as he and Judge Wanker were making a presentation to the Nevada Bar Association the same day. Their topic was the need to educate barristers on juvenile justice issues. Commissioner Lozano had provided assistance by supplying them with examples where mishaps had occurred due to lack of training in juvenile matters. Commissioner Smith also commented that they would be discussing tribal law. There are many tribes in the state of Nevada, with judges traveling to different reservations. Attention to juvenile and tribal law is greatly needed.

The 2014 Annual Governor's report was presented to the members of the Juvenile Justice Commission. The Planning and Development committee had previously reviewed it for approval by the full committee. Commissioner Lozano moved to approve the report and submit it to the governor with a second from Commissioner Humke. The motion was passed by the Commission.

Chief Bittleston presented the 2015 Medicaid Room and Board as a summary report rather than the 50 page detailed report presented in previous meetings. The detailed version is available upon request. The funds for this is a block grant from the general funds. These are given to the facilities to assist with room and board costs. It is provided to the counties and may be either requested in its entirety, in two or four requests. Reports detailing its use must be submitted quarterly. The total number of youth using these funds in addition to information on re-offenses, prior placements, mental health diagnosis, substance abuse and co-occurring conditions are provided.

SB107 or room confinement was also presented in a summary document. Data collection on this began in October 2013 to the present. As such, the only full year of data is for 2014. Correctional facilities were separated from detention facilities in the spreadsheet and graphs. Room confinement at the correctional facilities seemed to be predominantly at the 20 to 25 hour increments while detention facilities seemed to be occurring more often at the one to five hour increments. As more data is collected for complete years, better trend analysis will be possible.

There was some discussion about moving to CaseloadPRO for data collection. Trending is a large part of data collecting and will help with the responsibilities of getting information from the 16 jurisdictions. Chief Bittleston would like to look into this further and view some actual demonstrations. Carson City will be moving towards CaseloadPRO and offered to have her

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come over to see its function. Clark County currently has the Family Tracks system but are unable to change anything within it. Therefore they are unable to drive better decisions as new practices come out. This has caused quite a struggle. As more people join CaseloadPRO, costs will go down, and code can be written for reports that can be used by all jurisdictions. Currently in the state, there is no usable data base. Counties forward data that is sent to a national organization and the information is then requested from that organization. This is less than an optimal situation.

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

In October the National League of Cities held a conference in Las Vegas, Nevada. Commissioner Morris Hibbler has been very instrumental in setting this up. The focus was on the school to prison pipeline. Chairman Burgess, several stakeholders, individuals from education and elected officials were in attendance for the day and a half meeting. Discussions centered around how to build better communication on data. Commissioner Hibbler is to be thanked for her part in writing the grant, facilitating the process and the luncheon.

Things continue to be learned even about topics like how to write productive memorandums of understanding (MOU). There may be five or six things that occur in an individual's life which can determine future criminality. That information exists but in different locations. Sometimes existing laws get in the way of sharing this information. One individual, Andy Wong has both technical and legal qualifications and has written MOUs that help to break down barriers to communicating information. He was able to give some workarounds that should help those involved move forward.

Another issue deals with gender equality within the juvenile justice system. There are currently forty girls at CYC and 26 girls in detention who have a lesser level of criminality than many of the boys in the system. AB153 was an attempt to set up safe harbors for some of these young women. This is not working very well. Argument has been made that many of these girls do not belong at CYC, but should be someplace more local. This has the potential to be a very long discussion that deals with disproportionate minority and gender issues. Both Governor Sandoval and Jessica Ernster from the Children's Cabinet are involved in this.

Commissioner Hibbler stressed the need for receiving appropriate data which will help to create better interventions. There is a small population which is very dense in the juvenile justice system. Data must be available in order to analyze why this is happening. This will make the assessment center more effective and provide a proactive approach. Director Whitley, and the Las Vegas Metropolitan Police have been incredible partners and there is hope that the Clark County School District will become more involved. Funds are needed for this to help not just youth already involved with the juvenile justice system, but also homeless youth who become involved through survival crimes. The whole purpose should be to help children. There should be no wrong door to obtaining services. If they can be wrapped in resources as soon as they enter any door, perhaps escalation into the system can be prevented. The model created in Clark can be used in Washoe and other counties as well.

Finally, Commissioner Hibbler discussed youth who receive schooling while in detention. Some apparently wait to complete their schooling while in the system, and they need protections so that credits are appropriately accounted for. Chairman Burgess suggested that some research be done on this topic. Youth should not be penalized for completing their education while in the juvenile justice system. Commissioner Hibbler and Mike Fletcher volunteered to find some more information on this topic.

**New Business – Kirby Burgess**

Commissioner Hambrick recalled that when the Commission was visiting NYTC, there was a promise made to provide youth who graduated from the culinary program a food thermometer. Apparently no action had been taken to ensure this was done. Mr. Armstrong suggested that the Commission needed to hear from the Superintendent at NYTC. Chairman Burgess thought it would be good if information was available about this in time for the February meeting.

**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 on Thursday February 18, 2016. This will be at the Jan Evans Juvenile Justice Center in Reno, Nevada. The meeting will start at 9:00 am.

**Adjourn**

Commissioner Martin moved to adjourn and the meeting was adjourned at 12:20 pm.