June 18th, 2015 Call to Order
This meeting was called to order on June 18th, 2015 at 9:45 am by Chairman Kirby Burgess.

Roll Call – Alice Mueller
Members Present: Michael Beam, Kirby Burgess, Frank Cervantes, Dan Coppa, Elizabeth Florez, John Hambrick, Lisa Morris Hibbler, Honorable David Humke, Dawn Lozano, John Martin, Scott Shick, Paula Smith, Honorable Kimberly Wanker
Members Present by Phone: Danny Gonzales, David LaBay, Miguel Rodriguez, Fernando Serrano (phone then present in person)
Members who arrived late: MariaJose Taibo-Vega (10:05 am)
Staff Present: Pauline Salla, Ross Armstrong (Deputy Attorney General), Alice Mueller
Public Present: Elizabeth Baumgartner, Brian Fitzgerald, Lawrence Howell
Public Present by Phone: Susan Roske

Public Comment and Discussion
Commissioner Shick presented two members of the public who were present. They were Brian Fitzgerald who is the Chief Operations Manager for the Douglas County Community Services and Elizabeth Baumgartner who works for both the probation committee and the Douglas County Community Center. Lawrence Howell from Rite of Passage was also present and acknowledged.

Brian Fitzgerald and the Douglas County Community and Senior Center were hosting this Quarterly Full Juvenile Justice Commission Meeting. He gave a short presentation about the
new facility and encouraged the Commissioners to look around during their breaks. Douglas County has a population of about 50,000 who are spread out over a rural area with a secondary population at Lake Tahoe. It extends from just south of Carson City to Topaz Lake. There are about 6 to 7,000 children between kindergarten and twelfth grade who reside there.

The center opened on December 6th, 2014 and has been in operations for about six months. It has about 83,000 square feet which houses a full double size gymnasium allowing them to have two full size basketball courts or four youth basketball courts, along with a full size volleyball courts, and two racket ball courts. On the second floor there is a three lane jogging track. There have been lots of youth tournaments in these areas. Seven meeting rooms of various sizes are available for service clubs, and community organizations. With the start of the new school year, there will be a pre-school program and a community health nurse. At the far end of the building is the senior center. Its dining room can serve up to 300 lunches and there has been about a 50% increase in dining attendance. They are also looking into expanding services to include a senior daycare program.

The community response has been fantastic and the center is getting a lot of use. There are several after school youth and teen programs and a special summer teen program scheduled for Friday and Saturday evenings. At risk teens will have a new offering in the fall, which will provide assistance in commuting to the center. The local juvenile probation office has worked closely with them in coming up with ideas on what to offer.

Elizabeth Baumgartner then spoke. She pointed out that the facility is multigenerational in that they serve toddlers to 100 year olds and everyone in between. She invited the commissioners to tour the facility and ask about anything there. Many of the commissioners were very impressed and there were a number of questions about the center and the community it serves.

**Request for Funding of Scholarships to the Public Defender Center Leadership Summit – Susan Roske**

Susan Roske was on the phone and Specialist Salla requested permission to have item number 13 taken out of order. She thanked the commission for allowing her time to present the request. She is the chief public defender at the Juvenile Court in Clark County and also on the advisory board for the National Juvenile Defender Center in Washington DC. This national organization spearheads training and policy issues in juvenile delinquency defense work across the country of which Nevada is in the western region. She is also the co-director of the Western Juvenile Defender Center which includes Alaska, Hawaii, Idaho, Montana, Oregon, Washington, Nevada and Wyoming.

There will be a regional training in Portland, Oregon on July 31 through August 1st for juvenile defenders. She requested the Juvenile Justice Commission provide three stipends of $350.00 each which would contribute towards airfare and lodging for three conference attendees. The conference is free and will provide continuing legal education credits which will apply to the Nevada state bar. It will run for four hours on Friday and six hours on Saturday. This training is out of state and so not covered by county general funds. It is open to all attorneys who represent juveniles in Nevada, that is, court appointed, private or public defenders. Individuals from Clark, Washoe and Elko have been selected to attend. Money to cover the stipend would come from funds left over from the Juvenile Justice Commissions portion of the Federal Fiscal Year 2013/2014 carryover.

The Commissioners felt this was a wise choice. The more attorneys are educated about youth in courts, the better for everyone. Some felt that they would like to see more rural attorneys
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attend and requested that word go out once more to see if any would like to use the stipend. It was determined that Commissioner McBride would be involved in making the selection if more than three wished to attend. Commissioner Shick made a motion to approve $1,050.00, for three $350.00 stipends for reimbursement of transportation and lodging for three candidates to attend the Western Juvenile Defender Center Leadership Summit. The motion was seconded by Commissioner Humke and passed by the Commission.

Approval of Minutes from February 19, 2015 Meeting
Commissioner Lozano made a motion to approve the minutes from February 19, 2015, with a second from Commissioner Smith. The motion was passed by the Commission.

Treasurer’s Report – Dawn Lozano and Pauline Salla
Federal Fiscal Year 2013 was extended to Federal Fiscal Year 2014 and has a remaining balance of $10,846.09. The Medicaid Room and Board – Specialized Foster Care, previously called the Community Corrections Grant, is doing well and still has $87,069.00 remaining to be distributed. The last quarter reports are due by July 15, 2015 so all appear to be on track. The award letters for the State Fiscal Year 2016 went out the first part of June 2015. These are unaudited reports, so Commissioner Humke made a motion to accept the Treasurers Report with a second from Commissioner Coppa.

Staff Report – Pauline Salla
Nevada Youth Training Center (NYTC) has completed the first Federal Prison Rape Elimination Act (PREA) audit and is confident that they will be 100% compliant. Backup documentation on the corrective action plan has been sent to Kyle Yeager the Federal PREA auditor. The final report will be on the Division of Child and Family Services (DCFS), Juvenile Justice Website. Work has begun on the Caliente Youth Center PREA audit which will occur in August.

Tracy Kingera from Clark County, Scott Davis from Carson City, David Laity from Washoe County and Specialist Salla attended the most recent Federal PREA audit certification training in San Diego, California. It will be about two months before the results of the certification tests will be returned.

Nevada was also one of eight states selected by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Council of Juvenile Correctional Administrators (CJCA) to participate in training and technical assistance for reducing the use of isolation. There have been great presenters and teachers, with those involved working on a corrective action plan to determine how best to reduce the use of room confinement.

A Nevada team was selected to attend the 2015 Youth in Custody Certification program at Georgetown University which will take place the first part of July. In addition to the week of training, there will be pre-homework and a capstone project such as reducing isolation or re-opening a juvenile facility.

The Three Year Plan was submitted on time to OJJDP on June 16, 2015. The last part of June a federal representative will be conducting a programmatic audit of the Juvenile Justice Programs Office and their grantees. Washoe, Churchill, Douglas Counties and Carson City were selected for the review. Specifically, they will be looking at Formula, Title V and the Juvenile Accountability Block Grant (JABG).
**Update on Juvenile Justice Specialist – Pauline Salla**

Specialist Salla notified the Commission that her last day would be June 29, 2015. She will be going to work for Humboldt County Juvenile Services. Until another individual can be trained, she will remain as the statewide PREA coordinator, and will assist with the next couple of federal audits. Chairman Burgess spoke for the entire Commission when he said that it had been a pleasure to work with her. He pointed out her outstanding work which had benefited the entire juvenile justice community. Commissioner Hambrick noted that she had put her blood, sweat and tears into this work and had believed in the commission. He hoped that they had lived up to her expectations, because she certainly had lived up to theirs. Many of the other commissioners than added their comments, praising her work and sharing their unhappiness that she was leaving. Many credited her with keeping them in compliance. Specialist Salla said that it had been her honor to be their Specialist and that she loved her State Advisory Group (SAG), they were golden souls.

**Red Rock Academy Closure – Pauline Salla**

Red Rock Academy closed March 2015 and the 44 youth moved to other facilities. Ten went to CYC, 16 to NYTC, 17 were paroled to community placement programs and one was placed out of state. None of the 44 youth were placed in county detention centers and all were supervised by youth parole. Those paroled were placed on house arrest for the first 30 days with weekly parole officer contact. Circumstances were reviewed and youth referred to appropriate program services. Evaluations were based on age, charges, length of stay, progress while at Red Rock, need for placement and overall risk to the community.

DCFS amended the 2016/2017 budget request reauthorizing the reopening of Summit View under operation by the State of Nevada. In the interim, staff will be hired and trained while youth will be assessed for admission. A regionalization concept will encourage youth to be placed in geographic areas close to their homes and communities when it is appropriate to their treatment and rehabilitation needs. The legislature has approved a re-opening for around September 1, 2015.

The legislature voted to have one correctional lieutenant and five correctional sergeants added to the staff. There was extensive discussion about this. The concern being that great care is needed to ensure that those hired be trained in juvenile specific correctional care. Commissioner Martin wished to go on record that he did not want to see individuals trained to work with adults, working with youth. He did not see that as going well. Youth will respond to their conditions. If you surround kids with good programming along with firm and tender discipline from involved interactive staff, then trust and understanding will occur. There was a desire to know who would be in control of the process of recruitment, hiring and selection.

The original concept was that Summit View was not to be a correctional facility, but a treatment facility. Commissioner Hibbler noted that they have been working very hard in Clark County to change the culture of disproportionate minority contact (DMC) by finding alternatives to incarceration. What should be happening, is putting young people on a path where they can develop regardless of where they started or troubles experienced: to give them an opportunity to be successful adults. Across the country programs are being invested in that reduce prison populations. The same thing should be occurring with juvenile populations. She then pointed to the training occurring in Las Vegas this August dealing with effective police interactions as one place to start. Specialist Salla concurred, pointing out that we have always focused on community based programs and funding as a way to keep youth at the county level and in their own communities. Commissioner Hibbler reiterated that it was very important that there be services in Clark County, especially since it did present a hardship to many parents to travel in order to see their children.
Commissioner Smith explained what happens in the tribal communities where youth are sent to Colorado or Arizona. Family cannot visit them because they are too far away. It is a continuous struggle and she wished that they could go to Elko or Duckwater instead. She works hard to keep them in the counties, keep them in their own communities.

Commissioner Hibbler finished the discussion by mentioning that access to mental health is difficult with many parents being at a loss until their child gets into the system. We need to fight to ensure access before a child enters the system.

**DCFS Update – Pauline Salla**

Specialist Salla blended the previous discussion into the DCFS update. The Medicaid Room and Board award letters have gone out, with minor changes in the amounts which are based on student populations. $82,721.00 was received to assist in reaching PREA compliance. So far, the only facility with video monitoring is Summit View, although NYTC is in the process of having it put in. Beginning in 2017, there will be a program officer to assist the Specialist. This individual will help with collecting data and performing analysis.

NYTC will be celebrating their centennial on September 15, 2015. They have a capacity for 72 youth and are currently at 62. Washoe accounts for 31, Clark for 20 and 11 are from rural counties.

The Substance Abuse Prevention and Treatment Agency (SAPTA) has just certified them for substance abuse treatment. This certification is for level one adolescent outpatient services and level 2.1 intensive outpatient services. A grant is being applied for through SAPTA which would fund more treatment services. The vacant health therapist position has been filled and there is a new contract psychologist.

NYTC will have a new assistant superintendent, has been approved for capital improvement projects and will get to resume the Nevada Interscholastic Activities Association (NIAA) sports program. There will soon be a transportation program for families without the financial ability to travel and visit their children who are receiving services at NYTC.

CYC has a capacity of 140 youth and is currently at 134. One hundred of these are male and there are 34 females. Caliente Youth Center has also had capital projects approved. An example of this is the deferred maintenance project. Both CYC and Summit View will be applying for SAPTA certification.

For Youth Parole, the Las Vegas Office is coordinating a plan to move from Belrose to the Charleston campus. With the 134 youth in CYC, 62 youth in NYTC and one youth in Garza, there are 197 youth in Nevada state facilities. Garza has a contract for three beds, and is an alternative to CYC, NYTC and Summit View as well as a secure placement for female youth. The youth caseload numbers as of June 12, 2015 are 331 community supervision cases statewide of which 286 are male and 45 female.

The reports on both Summit View and the DCFS Update were accepted by the commission.

**Chair Report – Kirby Burgess**

Chairman Burgess has been busy with the various Juvenile Justice committees, keeping up with all they are doing. He was especially encouraged by what was transpiring in Clark County with Commissioners Hibbler and Martin which he views as very productive work. He then suggested a brief break before continuing the meeting.
**Tattoo Removal Update – Pauline Salla**

A brief synopsis of the tattoo program was provided. The Youth Parole Bureau had requested funds from the Juvenile Justice Commission to provide tattoo removal for youth who find it difficult to move out of gangs and obtain jobs. Rates as low as $25.00 per session have been obtained in the northern part of Nevada from High Desert Dermatology. This is a voluntary program where the youth are screened to make sure they are committed to leaving the gang lifestyle and to the lengthy and often painful process of tattoo removal. Some of these tattoos are challenging to remove, with those on the face proving very difficult. Sometimes the individual must wait 2 to 3 months for the site to heal before receiving another session.

Two youth are currently receiving tattoo removal services with three more preparing to receive them. Parole appreciates the funding and state that it has been good for the youth. Unfortunately at this time, it is not known how much of the allocated funding has been used. Specialist Salla assured the Commission that she would find out what the balance was.

**Policy/Legislation Committee – Scott Shick**

The Policy/Legislation report gave brief scenarios of those bills which were favorable to juvenile justice. Most were passed, although one was vetoed.

AB113 provides for the sealing of juvenile records. There are certain exceptions if the youth has not met their court orders satisfactorily.

AB138 involves competency standards for youth in court. They are to be screened to decide if they understand the court process. If found to be incompetent, a court determination cannot be arrived at until they are deemed competent.

SB58 revises the release of information relating to children subject to jurisdiction of the juvenile court. It may be appropriate upon pre-arranged agreements, memorandums of understanding or on the need to know basis with mental health professionals, school districts and certain service agencies.

SB212 allows the superintendent of schools and school boards more discretion in reviewing actions which disturb the peace at public schools or involve assaults on pupils or school employees. It gives discretion back to the administrators saying they may act rather than must act in certain ways.

AB8 is about restraints for youth during court proceedings. This will now be viewed on a case by case basis, with shackling not being required unless court ordered.

AB46 concerns unpaid juvenile court fines which can be passed onto the person if sentenced as an adult for a particular offense. They could thereby be making full restitution for what they caused while a juvenile.

AB121 deals with the depiction or wearing of apparel featuring guns. These youth will now not be disciplined for using their hands, sandwiches or pop tarts as play guns.

AB124 revises the age at which a child may be punished under certain circumstances. This rises the minimum age from 8 to 10 years of age.

AB153 allows that youth engaged in prostitution or solicitation who come before the juvenile courts can be placed within the jurisdiction and be subject to receive certain services to assist them in getting their lives back in order. This is quite extensive and will probably impact urban
jurisdictions more than the rural ones. Specialist Salla also cautioned that while the legislation is wonderful, care must be taken that federal law is not violated as far as detention is concerned. If they are charged with a Child in Need of Supervision (CHINS), they may not be detained longer than 24 hours.

AB178 revises the circumstances where a school is required to deem a pupil a habitual disciplinary problem. Notice must be provided to a parent or legal guardian, each time a student is suspended. It is hoped that this will get the family more involved in school.

SB99 had some last minute changes to it, which many working on the bill were not aware of. Governor Sandoval vetoed the bill and so things remain as they were. This means that for the Adam Walsh Act, the courts are still working off the old statute. It is recommended that the individual jurisdictions be contacted if clarification is needed. There is hope that next time this bill comes up, it will go better.

AB267 deals with juveniles who are charged as juveniles but because of circumstances may not go to court until they are adult. The court is to consider the differences between juvenile and adult offenders. Commissioner Lozano pointed out that a youth between 18 and 21 can be tried as a juvenile. She said that youth are often certified up, but can also be certified down.

Commissioner Hambrick was thanked for all his continued work with the youth in Nevada. The Commission then accepted the Policy/legislature committee’s report.

Planning and Development Committee – Dan Coppa
A new compliance monitor was named and should be in place once the background checks have been completed. Tony Cantwell has recently retired from the Humboldt County Sheriff’s Department where he served for 16 years. He has also worked with Douglas and White Pine Counties. Most of southern Nevada, Lincoln and White Pine Counties will be in his area of responsibility.

A quick review of the Medicaid Room and Board report showed that last year 628 youth had received services 487 males and 141 females. So far this year, there have been 419 youth with 290 males and 129 females. It was noted that since these reports have been kept, youth with mental health issues have remained fairly consistent at 63%. This is reflected in the responses to the survey sent out for the formula grant programs, where mental health was the highest concern.

In keeping records for SB107, there has been a growing recognition that confinement must be used appropriately and not as the first response to a troublesome youth. Where use seems to be high, the type of facility along with the type of youth assigned needs to be considered.

In 2010 a letter and resolution were tendered to the Supreme Court in which the need of education for attorneys who represent youth was presented. The desire for such education has been mentioned at almost every Quarterly Full Juvenile Justice Commission meeting since then. Commissioner Smith has worked putting together a presentation and resource appendix about this legal education. These guidelines will be used when approaching organizations about supporting this project. Commissioner Coppa then made a motion that the Commission approach the State Bar of Nevada and/or the Nevada Continuing Legal Education (CLE) Board about implementing legal education/training for lawyers practicing in Nevada’s juvenile courts. He also requested that the Commission appropriate up to $1,000.00 to assist them in initiating this training for lawyers who practice in Nevada’s juvenile courts. The motion was seconded by Commissioner Lozano and approved by a majority of the commissioners.
At the last quarterly meeting, a standard for the use of force in Nevada was requested. Commissioner Beam compiled a report which included a description of use of force philosophy, key definitions, recommended standards, uses in court, a continuum and model. Commissioner Shick commented that the type of staff hired has a lot to do with the outcomes when force must be used. Programs need accountability and must move youth forward so they can get on their feet and move their lives back on track. If there is focus on the staff/client relationship during hiring and training, use of restraints may be avoided. That being said, there is still a need for facilities to have a policy in place. Specialist Salla pointed out that some jurisdictions use restraint chairs, some oleoresin capsicum (OC) spray, and some use handle with care. Everyone has their own philosophy and policies. What is needed is something for use throughout the state even though there are no national standards.

The restraint report was not brought forth as an action item because it is just a platform for the standard. Although requests can be made to have employees sign off after they receive training, having something which is too prescriptive could lead to problems. The Commission can provide guidelines which can then be placed in individual facilities. Clark County will have very different issues than may occur in Elko, so flexibility is required.

Commissioner Martin stated that he felt it was the need of statewide standards that had been discussed at the last meeting. Not just use of force, but also standards covering hygiene, food, transportation, programming hours and the like.

The Formula Grant application was submitted to OJJDP on June 16, 2015 and covers the period from 2015 to 2018. There were some new program areas added with about 74 respondents to the survey which was sent out. Mental health services were noted as being the most needed and have been the highest ranked for the last several surveys. Aftercare re-entry, job training and mentoring also were highly represented. It was requested that the formula grant be placed on the Juvenile Justice Commission website.

A policy procedure regarding PREA, specifically dealing with Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex youth had been designed and presented to the Commission. This also will be placed on the Juvenile Justice Commission website so that facilities could use sections as they find need.

Committee Chair Coppa thanked his committee for all of the work they had done and wished to welcome Commissioner Taibo-Vega to the committee. The Commission accepted the Planning and Development committees report.

Report from Minority/Gender Committee – Jack Martin and Dr. Lisa Morris Hibbler
The highlights of the Minority/Gender Committee’s report were covered beginning with their difficulty in having quorum at their meetings. They made an official request to have Chairman Burgess remove members who had not been attending the meetings. Ross Armstrong mentioned that Commissioner Martin was good on making this request. The wish is to have individuals who are committed and willing, come to the meetings. The time has been changed but there are still difficulties. Ross Armstrong said Chairman Burgess has the discretion to assign members to the subcommittee, so he can review the attendance report and then formally remove members. Commissioner Hibbler also requested recommendations on those who might be added. The DMC taskforce membership is a separate issue and does not go through the Commission nor is involved with the bylaws. The subcommittee co-chairs may add or remove stakeholders.

Clark County has been very active in dealing with minority and gender matters. They are dealing with three strategies. The first, involved SB58 about having data available between the
Division of Family Services (DFS), social services, and the school district. This data needs to be meaningful and capable of being analyzed so that it can be determined where resources would be best used. The second is to continue to strengthen the diversion courts which are run through the court system. The last is the proposed assessment center.

In the past two months, all the major players have come to the table for this assessment center. Locations and funding are being reviewed. DCFS had been asked to put some money in their budget for services but now other partners are being asked such as the Las Vegas Metropolitan Police Department, North Las Vegas and Henderson Police Departments, and social services from the city of Las Vegas. Some of these have been able to release resources in terms of welfare eligibility workers, response teams, and mobile mental health. There is a great deal of excitement about soon having a place for youth who have been falling between the cracks.

Until recently this was considered a dream but now with so many at the table, something is being accomplished. The undersheriff is saying, let’s act on this now, not just keep talking about it. The numbers speak for themselves; there has been a decrease in the number of arrest citations although African Americans, who make up 10% of the population, still make up about 30% of those in the juvenile system. The increased willingness to be involved with the assessment center shows a shift in culture and increased support from the community. The right leaders are in the right place this time, so that they can make something happen.

There will be an Effective Police Interactions training on August 4th, 2015 in Las Vegas. This will be a precursor to a three day training on the same topic and is the result of an application for technical assistance with disparate treatment at the arrest point of contact. Many jurisdictions have said that they cannot influence law enforcement, but this can get everyone together to work on it. The focus will be on interventions to implement at the arrest point of contact, to see if the disproportionate numbers can be decreased. The three day training will be train the trainer and targeted to law enforcement although commissioners, chiefs and directors are also encouraged to attend. A brief reminder of this training was requested to be sent to the sheriff’s and chief’s associations. Letters of support for this training had been received from LVMPD, CCSD, Washoe County Sheriff’s, Elko Sheriff’s, Humboldt County Sheriff’s, Winnemucca Police Department and Lyon County.

The Minority and Gender committee’s report was accepted by the Commission.


The commissioners were requested to contact their representatives about the Reauthorization Act. Funding has been zeroed out for the first level of formula. Although this happens frequently, it has gone through the house and is now in the senate. This began in the house and then the appropriations committee, the subcommittee on juvenile justice penciled out all of formula, and all of Title V. Title V funded underage drinking laws (EUDL), with Nevada being recognized nationally for their EUDL activities. It would be great to have those funds back.

Under the reauthorization act, valid court orders would be eliminated. There would be a three year period where they would be phased out. Some jurisdictions call them bench warrants for truancy, or bench warrants for habitual behaviors. Nevada is one of five states who still use valid court orders.

The other big item in reauthorization is that if a state is found out of compliance with the four core requirements, then their money will not be given to the ones who are out of compliance, but redistributed to those states who are. Some states have been out of compliance for years, and yet still receive their money, so this will make things a little different.
New Business – Kirby Burgess
A question was asked about the Grant Review Committee meeting. It will occur in July which is later than normal due to the late release of the Formula Grant Application. This was recently submitted to OJJDP with the grant requests due by June 25, 2015.

Commissioners whose appointments are about to expire or are close to expiring, and wish to remain on the commission have to submit their reapplication to the governor’s office. The form can be found on the governor’s website. All applications will be accepted, but reappointment is decided by Governor Sandoval. Commissioners will receive a letter about their reappointment.

Commissioner Martin wished to follow up on some of the old business, as new business. It concerned the idea of formalizing juvenile standards. He wanted to know if it should be moved forward beyond the use of force outline which had been presented. Perhaps a subcommittee could be developed which would work on these standards or it could be delegated to an existing subcommittee. It was agreed to place this on the agenda for the next quarterly meeting. Specialist Salla reminded the Commission that no matter what subcommittee ended up working with the standards; Silver State is to be involved in the process. The State, county detention centers and county camps all need to be involved with the standards.

Comments from the Public-
There were no statements from the public.

Set Time, Date and Agenda for Next Meeting: TBA
The next meeting will be held in Tonopah, Nevada on Wednesday August 19 at 1:30 pm and Thursday August 20, 2015 at 9:00 am. Commissioner Wanker was requested to assist with planning the activities while there. She mentioned visiting the courthouse in Belmont, which is the first courthouse for Nye County and was used from 1876 to 1905.

Adjourn
A motion to adjourn was made by Commissioner Lozano and seconded by Commissioner Smith. The Commission moved to adjourn at 12:30 p.m.