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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
February 19, 2015**

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February 19th, 2015 Call to Order

This meeting was called to order on February 19th, 2015 at 9:32 am by Chairman Kirby Burgess.

Roll Call – Alice Mueller

Members Present: Michael Beam, Kirby Burgess, Dan Coppa, Elizabeth Florez, Lisa Morris Hibbler, Amber Howell, Noah Jennings, David LaBay, Dawn Lozano, John Martin, Paula Smith, M.J. Taibo-Vega, Honorable Egan Walker, Lonnie Wright

Members Present by Phone: Danny Gonzales, Honorable David Humke, Ivet Santiago

Members Excused: Niah Anson, John Hambrick, Steve McBride, Raymond McKay, Miguel Rodriguez, Fernando Serrano, Honorable Kimberly Wanker

Members who arrived late: Frank Cervantes (10:00 am), Scott Shick (9:45 am)

Staff Present: Pauline Salla, Ross Armstrong (Deputy Attorney General), Alice Mueller

Public Present: Ali Banister, Scott Davis

Public Present by Phone: Lawrence Howell, Tami Richardson

Public Comment and Discussion

Members of the public, who were present, identified themselves. They were Scott Davis who manages the Murphy Bernardini Regional Juvenile Detention Center and Ali Banister the Deputy Chief at Carson City Juvenile Probation.

Approval of Minutes from November 13, 2014 Meeting

Some corrections were noted in the November 13, 2014 minutes. Commissioner Lozano made a motion to approve the minutes from November 13, 2014 as corrected, with a second from Commissioner Walker. The motion was passed by the Commission.

Treasurer's Report – Dawn Lozano and Pauline Salla

Commissioner Lozano reviewed the Treasurer's Report and noted that there was a remaining balance of \$13,539.05. On the grants, the reports have been received in a timely fashion and the recipients have been receiving their funds. There were questions about the budget being listed as Fiscal Year 2013 and what was the status of Fiscal Year 2014. Specialist Salla explained there was no Fiscal Year 2014. The Office of Juvenile Justice Delinquency Prevention (OJJDP) had extended the Fiscal Year 2013 grant. There was the original 2013 grant of \$20,000.00 and then another \$20,000.00 from the continuation grant. Both are to be viewed together. Commissioner Martin moved to approve the Treasurer's Report with a second by Commissioner Wright. This motion was passed by the Commission.

Staff Report – Pauline Salla

At the last Quarterly Full Juvenile Justice Commission Meeting, some of the new commissioners had requested information pertaining to funding streams. Specialist Salla furnished a power point presentation on A Summary of Activities and Responsibilities of the Juvenile Justice Programs Office. A brief synopsis of this presentation follows.

The Juvenile Justice Programs Office is staffed for the Nevada Juvenile Justice Commission to ensure that compliance with the Federal Delinquency Prevention Act is maintained. Staff consists of three individuals. Specialist Salla is the Juvenile Justice Chief and is paid from the administrative and the compliance monitoring portion of the Title II Formula grant. Alice Mueller, administrative assistant to both Juvenile Justice and the Division of Child and Family Services is paid through general funds. The third position is a part-time compliance monitor, also funded by the compliance monitoring portion of the Title II Formula grant. This latter station has been vacant since Christy Pommier retired, but should be filled in the coming months. The individual will conduct audits in the southern part of the state from Tonopah down. As a result of salary savings, they may initially start at 25 to 30 hours a week and will be training alongside Specialist Salla, while learning over ten different types of audits. Since this person is still employed, their name will be released at a future meeting.

There was a brief review of the Juvenile Justice and Delinquency Prevention Act of 2002. The four core requirements are, 1.) Deinstitutionalization of Status Offenders (DSO), 2.) Sight and Sound Separation (S/S), 3.) Jail Removal (JR) and 4.) Disproportionate Minority Contact (DMC). With some limitations, DSO delineates time periods for holding youth and ensures that Status Offenders do not go to adult jails. Any S/S violations confirmed with OJJDP and the Department of Justice (DOJ) could result in loss of 50% of funding. The remaining 50% would be used to correct the problem. Jail removal is generally for rural areas without a juvenile detention center. It allows for additional time for transportation in extraneous situations. DMC determines if there are a disproportionate number of minorities involved in the nine points of contact with the juvenile justice system.

Most of the questions for this section involved the penalties for sight and sound violation. Do the larger facilities really see this as an incentive for compliance? Specialist Salla explained that most adult facilities really don't want to deal with juveniles nor the additional scrutiny they invite.

Essential duties were noted as monitoring facilities in the state on the four core requirements. This included 85 adult lock-ups (including administrative buildings), 26 adult jails, 170 court holding facilities, 8 juvenile detention centers, 3 state youth correctional facilities, 2 county level youth camps and the various school police departments. For the youth camps, Aurora Pines and China Springs are considered together. Information about these are sent to both OJJDP and DOJ.

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The difficulty of monitoring all facilities was noted, as was their 24 hour nature, which allowed for visits at all times of the day. Adult lock-ups are temporary holding cells, generally pre-court, or a substation where there are no jail cells. They are considered lock-ups because they are not designed to hold adult inmates.

Providing technical assistance is an essential function with 53% of adult law enforcement agencies and 100% of juvenile probation departments receiving some form of training. Other duties include keeping track of annual federal surveys, monthly reports and on-site monitoring. Currently there is a 100% response rate to the surveys, showing that the various facilities are willing to work towards compliance. On-site monitoring verifies the validity of the annual and monthly reports.

On January 31st of each year, DMC reports are generated for each county and statewide. Examples of the generated forms were shown to the commission. These show where there is disparate treatment in the nine points of contact.

The Title II Formula grant is the main funding stream. This is identified in the reports as Federal Fiscal year 2013 for example. Requests for proposals (RFP) to sub-grantees must account for 77.23% of this grant with a 100% match for the administration portion. There is a stipulation that a Native American Program must be funded. The Grant Review Committee tries to fund one for at least \$10,000.00 since amounts less than this become difficult to provide evidence based programming. These funds can be provided to units of local government, county departments, private non-profits and federally recognized tribes. With this grant, there is some leniency on who can receive it. As long as the programming is evidence based, it can be funded. Priority areas are identified by community voting on a list of identified areas.

In the past, this grant was \$600,000.00 but has now been reduced to \$400,000.00. A further reduction of 5% is currently in place because Nevada is not in compliance with the Prison Rape Elimination Act (PREA). This has effectively reduced the grant amount to around \$393,000.00 and comes on top of additional PREA responsibilities. The commission portion has also been reduced from \$40,000.00 to \$20,000.00.

OJJDP would like to see states focus their formula grants on things that encourage and sustain compliance. Community based programs are accepted, as long as priority consideration is given to the four core requirements.

The Juvenile Accountability Block Grant (JABG) is no longer a funding source, however carry over funds from Federal Fiscal Year 2012 are still available. Portions of it can be used for statewide training, where county level staff can also be encouraged to attend. Examples of this evidence based program training are Forward Thinking, Shield of Care and PREA. When it was still available, 72% went to Clark County, 19% to Washoe County and the rurals would distribute the remaining 10% to their various counties on a rotating basis.

Enforcing Underage Drinking Laws (EUDL) was last funded in 2012, but since the federal grants are for three years, moneys are still available. It involves partnering with local community coalitions to provide law enforcement funding to check for fake ID's, shoulder taps, selling alcohol to underage youth, beverage server training, and compliance in beer garden type activities. The intent is to fine those who violate state laws and encourage community awareness.

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Specialized Medicaid Room and Board are state funds that can be used to cover costs when youth are placed in Medicaid approved programs where agencies are charged a per diem type night rate. It can also be used for community based programming that keeps youth out of detention or state correctional care, and for long term programs. This generally keeps youth closer to home and may also be used for wrap around services. Attempts are made to remain as flexible as possible while still being best practice and evidence based. Narrative is required describing how funds will be used and what quarterly reporting will be done. An amount of \$2,349,805.68 has been expended for the State Fiscal years 2014 and 2015.

The Juvenile Justice Specialist is the statewide PREA Coordinator, provides legislative support, is a data hub for various reports like SB107, PREA, suicide, DMC, juvenile crime data and any allegations. Whatever a facility needs, they should feel comfortable calling, discussing and requesting action from the Specialist who in turn, tries to assist them in being compliant and staying out of trouble. A lot of time is currently being delegated to PREA issues, but as this becomes more familiar, time allocation should even out.

The 2014 priorities were decided in conjunction with the Nevada Association of Juvenile Justice Administrators (NAJJA), community coalitions, school districts, and school police resource officers throughout Nevada. They are comprised of, Alternatives to Detention, Aftercare and Reentry, Disproportionate Minority Contact, Deinstitutionalization of Status Offenders, Effective Legal Representation, Jail Removal, Mental Health Programming, Sight and Sound Separation and Substance Abuse Programming.

Major 2014 Documents produced by the Programs office includes the following. The federally required Annual Report to the Governor. The Nevada Three Year Plan, which is actually the Title II Formula application. The Disparate Treatment Report which has the relative rate index and is created for each county and statewide. The Youth in Custody Survey goes to the Bureau of Justice Statistics and is tied to PREA compliance. The Quarterly Room Confinement report is reviewed by the Planning and Development Committee. Other reports include the Compliance Monitoring report and the Medicaid Room and Board Quarterly Summary. Finally, the PREA statewide Policy and Procedure Template was implemented and passed the first Federal PREA audit at the Nevada Youth Training Center (NYTC).

Accomplishments include Specialist Salla's appointment to the National Juvenile Justice Compliance Manual Workgroup. Nevada was highlighted at the national level for activities implemented through EUDL. Discretionary grants have been received for five years and Kathy Bartosz, the statewide EUDL coordinator, has received national recognition. The first Federal PREA audit at NYTC was completed. Forward Thinking has been implemented and applicable training accomplished at NYTC and Caliente Youth Center (CYC), in addition to five county level departments. Shield of Care, a suicide prevention curriculum for youth in correctional care, has similarly been implemented with accompanying training. The idea continues to be what is best for the youth, not what is always the easiest.

Commissioner Lozano moved to accept the Staff Report, which was seconded by Commissioner Walker. The motion was passed by the commission.

Individuals who had arrived late, in person or by phone were noted for the record. These were, Frank Cervantes, and Scott Shick.

Update and discussion on Lyon County Adult Jail Sight and Sound Separation Incident – Pauline Salla

In December 2014, there were two confirmed sight and sound violations at the Lyon County Adult Jail. An additional possible violation is being reviewed by DOJ and OJJDP. These were

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the result of an incident at Silver State Academy in Yerington, Nevada. Law enforcement, Lyon County Sheriffs, Yerington Police and Tribal Police all responded, as Silver State is on Tribal land. They had initially arrived, thought that everything was under control, left and then were called back within about a two hour time frame. Initially viewed as a riot, when the sheriff's department returned there was fighting and staff were afraid for the youth, as well as their own safety. Youth were removed from the facility with three under the age of 18 being taken to the adult jail where they were placed in holding cells for around ten hours. Although Douglas County does have a contract with juvenile detention to hold youth, it is used infrequently.

Lyon County Sheriffs contacted Specialist Salla about what had occurred so it could be investigated. The three youth had not been booked, so there was no way to tell that they had not been status offenders. At one point while in the holding cells, adult inmates who were being escorted by a deputy, spoke with the youths. There are sight and sound violations, along with DSO and jail removal violations. All the information has been sent to DOJ and a request has been made to work on a corrective action plan with the Lyon County Sheriff's, as this was against their policies and procedures in addition to not being common practice. The Planning and Development committee will review the resulting corrective action plan.

A motion was made by Commissioner Lozano to approve the Update report on the Lyon County Adult Jail Sight and Sound Separation Incident with a second from Commissioner Florez. The motion was approved by the Commission.

Chair Report – Kirby Burgess

The scheduled meeting with Governor Sandoval did not take place due to time constraints. It is hoped that there will be an opportunity to meet with him again, during the Legislative session. With the additional time before this meeting, the Planning and Development Committee will come up with ideas on how attorney training for juvenile matters, would be presented. A survey was conducted of the Juvenile Justice Commission Subcommittees with a general consensus that the members would continue serving in their various committees. Chairman Burgess has been able to attend the Juvenile Detention Alternatives Initiatives (JDAI) meetings in Clark County, and hopes to be able to attend those in Washoe County sometime in the future.

Commissioner Lozano moved to accept Chairman Burgess's report with a second from Commissioner Beam. The motion was approved by the Commission.

DCFS Update – Pauline Salla

Due to Commissioner McBride's illness, Specialist Salla presented the Division of Child and Family Services (DCFS) Update report. The census as of February 18, 2015 was as follows; CYC had 127 beds with 91 males and 36 females, NYTC had a total of 41 males, Red Rock Academy had 45 males and the Garza facility in Post Texas continues to have a contract for three beds with one youth in placement there. There are a total of 214 youth in these institutions.

NYTC with 41 youth, recently participated in their first PREA audit. PREA consists of 52 main standards with 217 subset standards. Within these main standards, DOJ requires an audit of 41 standards, with 182 subsets for juvenile facilities. Of the 41 standards, NYTC exceeded three, met 20 and did not meet 16 during the audit. While on a corrective action plan, they have already met more of the standards, and have an additional six months before final compliance is determined. They are about 79% compliant now, but hope to be 100% compliant at that time.

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CYC is in the process of implementing a Forward Thinking program with staff having completed the train the trainer portion of it. They are next in line to have a PREA audit which should occur sometime this spring or early summer.

Red Rock Academy has 45 youth and has not admitted any non-DCFS youth. They have been working through the process of achieving American Correctional Association (ACA) accreditation and have entered the candidacy phase for Performance based Standards (PbS) with their initial training occurring in February. The Rite of Passage (ROP) response to the Legislative Counsel Bureau (LCB) audit was included in the State of Nevada Review of Governmental and Private Facilities for Children.

Both NYTC and CYC have completed their candidacy phase for PbS. After two data drops, a facility improvement plan will be created. At this point things are still being finalized and when completed will be presented to the Commission. Youth Parole's current case load is 315 continuing supervision cases statewide of which 271 are male and 44 females.

Brochures on the Mobile Crisis Response Team for both northern and southern Nevada were passed out. The team is designed to reduce emergency visits due to psychiatric crisis when appropriate, by providing community support and crisis interventions. This was started as a small pilot program in southern Nevada during the last biennium. With the Governor's support, staff has been increased from six to seven statewide with good results seen in both Reno and Las Vegas. The program may be extended to the rural areas in the future and has resulted in an 82% diversion rate from Reno Hospitals and a 90% diversion rate in Las Vegas. This has shown to be a great resource in the communities and has helped families and children in crisis.

A contract is being developed between High Desert Dermatology and the State of Nevada. Two youth have received tattoo removal treatments and another three candidates identified who are currently in correctional care. These latter will begin their tattoo removal appointments once they are out and vetted to be sure they are serious about the process. Another youth had attended a consultation, with the doctor actually doing a treatment at that time for no charge. Once the contract is signed, there should be five youth receiving tattoo removal treatment. The Youth Parole bureau wished to thank the Commission for providing this funding because it does make a difference.

Commissioner Walker moved to accept the DCFS Update Report with a second from Commissioner Coppa. The motion was approved by the commission.

Policy/Legislation Committee – Scott Shick

Commissioner Shick thanked Specialist Salla for the detailed summary of important legislations which was provided for the Juvenile Justice Commissioner's packet. Several bills in the summary were selected for discussion. The following is a brief summation of those discussed.

AB46 allows a juvenile case to remain open for restitution, if the youth or family member commits another crime before the restitution is paid. This bill is being monitored by the Supreme Court and a collaborative group of the seventh and eighth jurisdictions.

AB52 is being monitored as it revises the provision governing who is responsible for a child's welfare. The bill seeks to clarify that institutions, facilities, public or private homes are responsible for the welfare of a child who resides in and receives care in them.

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AB121 is about youth expelled from school for simulating the use of firearms or having clothing depicting firearms. There was some discussion on the bills merits and a decision was made to monitor it.

AB124 is a bill that would increase the minimum age from 8 to 10 when adjudicating a child as a delinquent. Commissioner Cervantes had testified on this matter with data provided by Commissioner Florez. Commissioner Martin also supplied five years of information from Clark County. This is an age where youth begin to experience problems and much work is needed at the elementary school level. It was felt that this bill had a good chance of passing.

Jo Lee Wickes and Susan Roske have worked hard on AB138, which would establish competency standards for juveniles. Many of the commissioners were excited to see this pass as it has been a problem area for both Washoe and Clark Counties.

SB15 protects health care professionals who disclose information about imminent threats. If they fear disciplinary action for disclosing confidential or privileged information, this should ease their concerns.

A great deal of apprehension was expressed by the commissioners on SB32. This bill would allow parents who are the primary care givers to obtain marijuana from a designated dispensary for youth under the age of 18 who has obtained a registry identification card, or a youth under the age of 10 who will not be required to obtain a registry identification card. A growing body of research on use of marijuana by youth, from Colorado and Oregon was referenced along with a reminder that marijuana was still not legal federally. It was described as being a pervasive problem in states where legal, resulting in serious cognitive insults to the youth.

SB49 deals with child care institutions such as the Child Haven or Kids Cottage. The current regulations don't really match the type of care provided so this will allow new regulations to be developed. It will address those institutions which provide emergency shelter in addition to child care.

SB56 revises existing graffiti law to include carrying implements for use in creating graffiti as well as paying restitution. Livestock and strays would be included as coming within the scope. Specialist Salla noted that her own sheep had been sprayed, and that this is a problem.

SB58 was described as cleaning up a bill which has been worked on during the last two sessions. It allows for information exchange within the juvenile justice system. Commissioner Walker noted that he felt this would help youth who were involved in both juvenile justice and welfare services. Commissioner Lozano expressed concern about the youth's increased digital footprints. Once it is out there, it is almost impossible to seal. This creates a situation which can greatly impact their future. Others felt that it would benefit the youth's progress by allowing agencies to exchange information on a need to know basis. If a social worker can talk with a probation officer and vice versa, problems can be more accurately addressed. Workers are under professional obligations to maintain the confidentiality of information. The discussion was quite robust, with Chairman Burgess finally suggesting it continue at a future meeting.

SB99 is a bill to repeal the Adam Walsh Child Protection and Safety Act. Ross Armstrong pointed out that everyone is watching the cases before the Supreme Court, who have yet to make a decision. It was felt that they could do a couple of things such as come out with a decision mid-session or wait and see what the Legislature does. He encouraged all the commissioners to read the legislation as it has the potential to affect juvenile justice.

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Specialist Salla wished to point out AB153, listed as BDR750. This bill addresses sexually exploited youth, charged with a Child In Need of Supervision (CHINS) and detained for up to 14 days. There are several issues with this, most prominently that CHINS is a status offense and as such only allowed 24 hours pre-court and 24 hours post-court holding which is excluded only for certain exceptions. Other concerns were discussed such as would they need secure residential care, could they be prosecuted for other offenses co-occurring with the CHINS, and would they be in detention.

Commissioner Lozano moved that the Policy/Legislation Committees report be accepted with a second by Commissioner Jennings. The motion was accepted by the Commission.

Planning and Development Committee – Dan Coppa

Commissioner Coppa wished to thank the members of his committee for all of their work and to welcome Commissioner Wanker. OJJDP gave notification in September 2014 that the state of Nevada had been found in compliance with the four core requirements of DSO, Jail Lock-up, DMC and Sight/Sound Separation. This is important because of funding issues which are predicated upon compliance. Emphasis was placed on the fact that Nevada was found not out of compliance for DMC. This could be taken as a warning that diligence is needed. Funding will continue at 100% for 2015, amounts being available in October 2015. This presupposes that the events in Lyon County will not adversely affect compliance.

Although we are only partially through Medicaid Room and Board for 2015, 1,119 youth have been served. Of these, 74% were males and 26% females. This funding has been recently increased by \$190.68.

The quarterly room confinement report, SB107 is overseen by this committee. Dr. Tomassone from New York has been invited to participate in an assessment of the three state facilities. The scope of work will include a report on technical assistance for decreasing the use of room confinement, best practice documentation and effective program alternatives. Best practice in use of mechanical restraints will also be reviewed along with state policies relative to its use. In looking at the most recent quarterly reports, it was noted that youth in state and county level facilities were not confined for periods over 72 hours. This is a very encouraging finding.

The Coalition for Juvenile Justice (CJJ) flyer was also mentioned. This is a national organization representing the state advisory groups also known as juvenile justice commissions. There are 56 commissions which include one per state, the District of Columbia and the five territories. It brings forth the point that because the Juvenile Justice Commissions are federally funded, lobbying is not permitted. Members may still educate.

Another couple of letters from Senator Grassley were also included. They concern Wisconsin receiving funds under the pretext of meeting the core requirements of jail removal when actually they had been out of compliance. Both Senators Whitehouse (Rhode Island) and Grassley (Iowa) have requested that OJJDP explain how the funding could continue in this situation. There is real scrutiny going on right now on checking facilities and ensuring compliance with the four core requirements.

Commissioner Martin moved to accept the Planning and Development Committees report with a second by Commissioner Lozano. The report was accepted by the Commission.

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

Both Commissioners Morris Hibbler and Martin have been very busy this quarter and were unable to meet as a committee. They do however continue to move forward with some of the Clark County initiatives. Dr. Morris Hibbler has spearheaded a grant for the Municipal Leader-

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ship Juvenile Justice Reform Technical Assistance Project. This is directly related to DMC issues in Clark County by finding federal support for an Assessment Center. The center is believed to be essential in order to reach youth of color before they enter the juvenile justice system. Chairman Burgess has been working on this since 2003 and although there still continues to be limited success, efforts to keep moving forward are being made. Work continues with the Clark County School District and law enforcement agencies on seven of the nine points of contact that are under their control.

The forthcoming technical assistance and data analysis has resulted in a lot of excitement for southern Nevada. There has been a downward trend with referrals from 26,000 a few years ago to 14,000 in 2014. It was hoped that this drop would be proportional across the races, but actually the African American youth are still highly disproportionate with Hispanic youth also still showing disproportionality. Discussions have taken place on how to get northern Nevada involved. The Minority and Gender committee will be meeting and discussing the issues, along with ideas on what has been working in other parts of the state.

Specialist Salla spoke on technical assistance training for law enforcement. Training with the northern law enforcement and probation departments will be sometime in July, with training in the south scheduled for August. Dates will be sent out to all involved as well as the commissioners who are also invited to attend. The focus will be on training new initiatives and alternatives for law enforcement on the first point of contact and on disparate treatment. How to deal with minority youth, find alternatives in addition to not just profiling or booking. A difference can be made at the first point of contact, juvenile arrests. This is very important as disparate treatment exists throughout the state in every minority group, including Asian and Pacific Islanders.

Commissioner Morris Hibbler pointed out that all of this is connected. Once a youth comes in contact with the juvenile justice system, it can further impact those who are low resource but high need. In minority students, this can lead to a higher school drop-out rate and deepening contact with the juvenile justice system. Efforts have been made to include Clark County School supervisors with this technical training since the school to prison pipeline is a real issue.

Las Vegas Mayor Carolyn Goodman has recently begun working with President Obama's, My Brother's Keeper initiative. There is hope that this will come together with DMC and JDAI to create some synergy in addition to allowing the groups to leverage each other's resources so that these problems can be more fully addressed.

A motion was made by Commissioner Lozano and seconded by Commissioner Cervantes to accept the Minority and Gender Committee's report. The motion was accepted by the Commission.

At this time, Chairman Burgess along with Commissioners Morris Hibbler and Wright needed to leave the meeting. Vice Chairman of the North, Michael Beam was left in charge to continue the meeting. After a break, another roll call was requested. It was determined that there was still quorum and so the meeting continued.

Roll Call – Alice Mueller

Members Present: Michael Beam, Frank Cervantes, Dan Coppa, Elizabeth Florez, Amber Howell, Noah Jennings, David LaBay, Dawn Lozano, John Martin, Scott Shick, Paula Smith, M.J. Taibo-Vega, Honorable Egan Walker

Members Present by Phone: Ivet Santiago

Staff Present: Pauline Salla, Ross Armstrong (Deputy Attorney General), Alice Mueller

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Conditions of Restraints for Children – Egan Walker

Commissioner Walker had offered to discuss the subject of best practices for the use of mechanical restraints in Nevada. During the past year he had visited NYTC, CYC, Summit View Correctional Center, Spring Mountain Youth Camp, Aurora Pines Youth Camp, Winnemucca Youth Detention and Jan Evans. While making these visits, controversy arose in Nevada concerning the conditions and use of mechanical restraints. He was able to talk to insiders within the system, judicial colleagues, directors of facilities and youth probation organizations. These individuals have differences of opinion about the use of mechanical restraints. Some of these differences deal with if they should be in facilities, if they should be used and whether they should exist at all.

The American Correctional Association (ACA) permits the use of both four and five point restraints. What this means is that a child's arms, legs and head can be restrained at the same time. The National Commission on Correctional Health Care has promulgated two different sets of policies which are 1.) Mechanical restraints may be used by clinical order for behavioral issues or 2.) Staff may use restraints for security reasons. The American Academy of Child Analysis and Psychiatry Committee on Juvenile Justice suggests that the federal government should establish a standard. The National Advisory Committee for OJJDP has mentioned limited use of restraints for one half hour when the restraints are on the juvenile and not attached to any permanent chairs or fixtures. The American Bar Association Standards permit the use of physical restraints only for transport of a child. The Annie E. Casey foundation through JDAI suggests that only mechanical restraints are authorized except for hand cuffs during transportation and soft mechanical restraints under supervision of a physician or mental health group.

This would illustrate that there are currently no best practice recommendations for youth in the United States. Commissioner Walker suggested the formation of a subcommittee for the next legislative session which would work on suggestions for what the best practice for mechanical restraint would be in Nevada.

Both Commissioner Shick and Lawrence Howell agreed with the need to have a state standard for juvenile facilities. Commissioner Lozano pointed out a website, WWW.2.ED.gov as having a summary of state restraint guidelines. The important thing is to have standards. They can be modified as research adds new information. It is also easier for a facility to be evaluated if there are standards in place. Commissioner Cervantes pointed out that there currently is a bill on shackling in court, coming to the legislature. Specialist Salla noted that Silver State Detention does have standards that have been developed with the help of the NAJJA. These standards closely follow the ACA but have been revised for PREA. There are also some standards for County level camps and state facilities that should be updated and revised with peer reviews at each facility.

Ross Armstrong recommended that the subcommittee creation be agendaized at the next Quarterly Full Commission meeting, as this part of the agenda had not been marked for action. Three or four goals could be presented at that time so the proposed committee would know their focus.

Reasonable assurance of adequate protection of health, safety and welfare in a facility – Egan Walker

Commissioner Walker has been asking what the gubernatorial role of the Juvenile Justice Commission is. He referenced the Review of Governmental and Private Facilities for Children, a Legislative Audit which had been sent to him. Working with the jurisdiction that has Jan Evans, he had noted that they repeatedly have challenges in providing all ranges of medical

services to youth in detention. Corrective reports had been filed as were reports for other facilities throughout the state. He felt that the Commission should be more concerned about the audit especially where it is noted that there is a question about the safety of children.

Commissioner Martin noted that in Clark County, the Department of Family Services has a Blue Ribbon Committee comprised of experts from different fields who audit their facilities. This evens out individual auditor's quirks, resulting in more even reporting. An audit can be a learning/coaching type process in addition to a corrective action. The idea is to continue to protect children while building a network around the facility.

Commissioner Walker admitted that he was not familiar with audits, but was concerned about the language of the report. It was pointed out that when the report states that a facility does not provide reasonable assurance that it adequately protects the health, safety and welfare of youth, then this is as much a criticism of the commission as it is of the facility. Shouldn't issues like this be in the agenda on a regular basis? This sort of information should be sent out, examined and become a continuing agenda item.

Commissioner Cervantes explained that an audit was not the same as an IRS audit. Good things can come forth and errors can be addressed. What would be helpful is to have a mechanism for corrective action. Audits are not very frequent, with facilities being chosen on a rotational basis. Our responsibility is to follow up with the corrective action plans. Facilities need to respond and continue to work with the state to meet compliance. When an auditor arrives, they should be greeted and worked with. The facility needs to be open to their suggestions which will help to make the program and system better. There needs to be consistency with the auditing process and follow up.

Commissioner Howell noted that LCB is always auditing one or another of the DCFS facilities. They do not require that an action plan is produced, which is a gap in the system. What DCFS requires, is that anytime there is a finding of any kind, an action plan is created which is updated and monitored in an ongoing fashion. That document is available if the facility has another audit. This same document can be provided to the commission members as a way to monitor. Specialist Salla added that any investigation that she does is through federal law with federal funding and as such, it is public information. All identifiers are removed, but the findings, corrective action plans, deadlines etc. are all public information.

In reviewing the last two covered topics, it was again stated that there is a need to formalize standards. Make them a living breathing document that is part of a peer audit. In that way, the LCB audits will be going over areas already peer reviewed. The biggest concern here is not to duplicate processes that might already be in place. There needs to be transparency in the facilities and the audits. The results need to be known before things get to far ahead.

Audits are necessary, and the key to them is to have standards which a facility can be audited against. Without standards there will be disagreements. Work should be done on formulating standards that all facilities can be held to. Scores could be given to determine how they stand in relation to the standards. Public safety, DCFS or LCB all feel strongly that they are correct, and yet they are not necessarily in agreement. With standards, there would be no disagreement between them. This applies not only to audits but to other parts of the system. If disagreements arise, there should be standards or legislation that can be referred to.

New Business – Vice-Chairman North Michael Beam

There was no new business.

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Comments from the Public-

There were no statements from the public.

Set Time, Date and Agenda for Next Meeting: TBA

It was suggested that the Health, Safety and Well-being of Youth be placed somehow as a continuing agenda item. A suggestion was made to place it earlier on the agenda to allow for adequate discussion. This was followed by discussion on appropriate locations for future meetings. There was a desire to have them more frequently at various juvenile facilities with Silver State Academy and Murphy Bernardini being mentioned. The Legislature was also noted as an important location as it provides more contact between the commission and members of the legislature.

The next meeting will be held at the Legislature Building, room 3100, Carson City, Nevada on Thursday May 21st, 2015 at 9:00 am.

Adjourn

A motion to adjourn was made by Commissioner Lozano and seconded by Commissioner Smith. The Commission moved to adjourn at 12:24 p.m.