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DIVISION OF CHILD AND FAMILY SERVICES
NEVADA STATE JUVENILE JUSTICE COMMISSION**

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**NOTICE OF PUBLIC MEETING
NEVADA STATE JUVENILE JUSTICE COMMISSION
MINUTES
September 17, 2015**

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September 17th, 2015 Call to Order

This meeting was called to order on September 17th, 2015 at 3:30 am by Chairman Martin.

Roll Call – Alice Mueller

Members Present by Phone: Kirby Burgess, Scott Davis, Elizabeth Florez, Jack Martin, Egan Walker, Lonnie Wright

Members Excused: Michael Beam, David Humke, Dawn Lozano, Lisa Morris-Hibbler

Staff Present by Phone: Alice Mueller

Public Present by Phone: Carolyn Banks, Ali Banister, Brandon Bird, Tami Richardson, Horacio Valdez

Public Comment and Discussion

Commissioner Burgess welcomed the members of this ad hoc committee. Its purpose is to create consistent statewide standards on juvenile matters. He thanked all those on the committee for the fine work they are participating in.

Comments from the Public-

There were no statements from the public.

Discussion on Standards for Review- Jack Martin and Egan Walker

Commissioner Martin welcomed all in attendance and invited Commissioner Walker to jump in at any point in the discussion. The two of them have been deliberating about developing some form of standards that could become a base for statewide standards. The need for normalized standards has been highlighted by recent occurrences at some of the juvenile facilities over the past year.

Commissioner Walker noted that during his time with the Juvenile Justice Commission and the Supreme Court Commission, there were several incidence relating to means of restraint. Following these, he felt there should be an open and frank conversation about what physical

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restraints should be used and under what conditions. There was also interest in seeing what documentation may exist, not only in Nevada but nationwide.

Three documents had been sent out for review by the committee. They were the Nevada Association of Juvenile Justice Administrators (NAJJA) Standards for Juvenile Detention Facilities (2010), Nevada Standards for Correctional Facilities, Youth Camps and Training Schools (1998) and a checklist entitled Nevada Standards for Juvenile Correctional Facilities, Youth Camps and Training Schools. Many chiefs have contacted the committee about Nevada Standards for Juvenile Correctional Facilities and pointed out that a lot of time had been spent in creating it. At the time they were written, there had been quite a bit of discussion around rural versus large urban areas. The main concern was that the standards not be too restrictive. Superintendents still need to be able to run their own facilities.

It was felt that the larger counties would have few concerns about standards as they are generally working with best practices anyway. Some of the smaller counties however, may have growing pains. Chiefs were encouraged to contact the committee with any concerns they might have. Commissioner Florez from Washoe County pointed out that the standards drawn up in the circulated documents line up closely with many existing policies. That being said, there are differences between jurisdictions as a result of their size. Any system needs to include flexibility. There will be a delicate balance between what is restrictive enough to maintain best practice while at the same time allowing some freedom.

Commissioner Walker then specifically addressed the use of strait jackets, hobbling devices and restraint chairs as mentioned in one of the documents. He asked if anyone had ever said they were to be used, not used, or simply not talked about. The document that discussed these was from 1998, and apparently had not been updated. Rather it had been written and used as a baseline for later policies. The recommendations were never put forth in the Nevada Revised Statutes or the Nevada Administrative Codes.

Commissioner Wright requested clarification on best practices for the use of these items. That is, can they be used without causing psychological or physical harm? Would the standards be in place to protect the youth, the practitioner or both? Discussion led to a consensus that best practice is what is acceptable at the national level. What is best for the child while also protecting staff and the local jurisdictions interests is in effect, best practice. Commissioner Walker noted that a lot of national best practices are drawn from nationwide organizations who have policy connected to the distribution of money.

A page from the Nevada Standards for Juvenile Correctional Facilities, Youth Camps and Training Schools was referenced. It stated that each facility shall have a written policy, procedure and practice to protect juveniles from personal abuse, corporal punishment, personal injury, property damage and harassment. Youth from the Nevada Youth Training Center (NYTC) and the Caliente Youth Center (CYC) who had been hobbled, were purportedly done so as a form of punishment as opposed to it being a restraint used because the individual was out of control.

Commissioner Walker noted, that as a parent, if any of those restraints had been used on his child, there would have to be a good explanation as to why. Commissioner Wright concurred, and stressed that there was a need to be sure that none of the restraints are ever to be used for punishment. Information needs to be obtained on possible harm that can occur when certain restraints are used. There needs to be really strong reasons for why they are used, backed up by equally strong data about their use. The standards must be applicable to all practitioners to forestall any possibility of harm. If they are to be viewed as potential options, there needs to be very stringent guidelines about how and under what conditions they are used.

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Chairman Martin thanked the committee and pointed out that use of force and restraints represented only a portion of the standards to be addressed. Other areas also required standards, such as staff to youth ratios, building and safety codes, academic and vocational concerns. He noted that since this was the first meeting, it should be established whether the scope should be narrowed, expanded or precisely defined. He suggested adopting what already exists, review and update as needed. Some items such as PREA or SB107 need to be added since they do not exist in the base documents handed out.

In reviewing the three documents as potential sources to work from, it was felt that the NAJJA standards were newer and had more substance to them. A question was then asked as to whether there was a national group comparable to the NAJJA. Several groups were mentioned; the American Parole and Probation Association, American Correctional Association, International Chief of Police and the Office of Juvenile Justice and Delinquency Prevention (OJJDP). OJJDP would perhaps have the most appropriate standards to emulate.

Deputy District Attorney Ross Armstrong was recommended as a person who could determine the best way to work with these standards. Should they ultimately be NRS, NAC or something else that might have the force of law? It was also suggested that he look into the existence of other complementary or contradictory documents that might exist as the result of other committees involved with standards for juveniles. Care will be taken to review existing guidelines such as those from the Legislative Council Bureau since they also have standards for facilities.

Chairman Burgess requested some form of draft that could be presented at the next Quarterly Full Juvenile Justice Commission meeting in November. It was felt that a draft would be available for that meeting, however a finished document might take a little more time.

Any history associated with the NAJJA document which might hinder its use in the formation of standards was requested. The main concern was with NAJJA's presence at Summit View shortly before it closed. Chairman Martin made assurances that there was no taint, and that the NAJJA document was a more appropriate starting point for production of the standards.

Commissioner Walker made a motion to recommend the Nevada Association of Juvenile Justice Administrators standards for Juvenile Detention Facilities be used as a draft working document and presented as such to the Juvenile Justice Commission at their November meeting. The motion was seconded by Commissioner Wright and approved by the committee.

This NAJJA document was to be sent to all the members on the committee and then assignments made on what sections would be worked on and updated by which committee members. The following sections were assigned: Carolyn Banks would create sections covering PREA, while Elizabeth Florez and Scott Davis would update the Use of Force and Restrictions portions. Other assignments would be made after the 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 in Thursday October 1, 2015 at 3:30 pm. This will be a teleconference.

Adjourn

The meeting was adjourned at 4:11 pm.