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NEVADA STATE JUVENILE JUSTICE COMMISSION**

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**NEVADA STATE JUVENILE JUSTICE COMMISSION  
PLANNING AND DEVELOPMENT COMMITTEE MEETING  
MINUTES  
May 28, 2015**

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**Call to Order**

The meeting was called to order by Chairman Coppa at 10:05 a.m.

**Roll Call – Dan Coppa**

Members Present: Michael Beam, Dan Coppa, Steve McBride

Members Present by Phone: Paula Smith

Members Excused: Elizabeth Florez, Lisa Morris Hibbler, Jack Martin, Fernando Serrano, Kim Wanker

Staff Present: Ross Armstrong Deputy Attorney General, Pauline Salla

Staff Present by Phone: J. Alice Mueller

Public Present: None

**Public Comment and Discussion**

There was no public comment.

**Review of Official Minutes from April 30, 2015**

As there was no quorum, acceptance of the minutes was moved to the July 2015 meeting.

**Three Year Plan Update– Pauline Salla**

The results of the Formula Program Area Survey were discussed, with it being noted that Mental Health Services received the most responses followed by Aftercare and Re-entry, then Community Based Programs, Job Training and Mentoring, Counseling and Training. Since time was short, the top four were identified and sent out with the Referrals for Proposals (RFP) to the jurisdictions. Job Training was merged with the Mentoring, Counseling and Training as one area which allowed another area to be added. If additional surveys come in which significantly change the program areas, a supplemental announcement will be sent out.

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It was requested that a small handout be available for the Quarterly Full Juvenile Justice Commission meeting in June. This would have both a breakdown of the top program areas in addition to information on the entities who filled out the surveys. This information is important as the chosen program areas have changed and reflect the fact that the "other" category which represents community groups, had several more surveys returned than in the past. The members of the Juvenile Justice Commission will be contacted once more about filling out the survey.

The grant proposals will be due by June 25, 2015 and the jurisdictions will have about a month to do the application. This is a very short turnaround time, but the office of Juvenile Justice and Delinquency Prevention (OJJDP) had been sending the RFP out, then pulling it back for revisions, sending it out and then pulling it back again. Finally Specialist Salla decided to just send it out even if the Three Year Plan does eventually have different requirements, the RFP does address what the counties and non-profits need to do.

The Three Year Plan is being submitted in portions. Disproportionate Minority Contact will be reviewed by the Minority and Gender committee and then the balance of the Three Year Plan will be reviewed by the Planning and Development Committee. When finished it will be both emailed and a copy sent to the members of the committee. A special teleconference meeting will be scheduled so that any changes can be discussed prior to approval. Care will be taken to be sure that this meeting conforms with the open meeting law.

### **PREA Grant Update – Pauline Salla**

The PREA Zero Tolerance grant must be submitted by June 10, 2015. Although this was not awarded last year, enough was learned, that there is a good chance it will be given. A couple of different entities will be reviewing this and providing feedback. Initially it was thought that there would be a partnership with the Department of Corrections, but at this time, they have decided not to go for it. With the provided feedback, there is a very positive feeling about this submittal.

There has been little if any feedback on the template for Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex youth anti-discrimination policy. This will be included in the Quarterly Full Juvenile Justice Commission packet for the June meeting. It will be under the Planning and Development committee report where it will be briefly mentioned. Individuals and entities are welcome to use whatever sections they may choose. There was a request that Specialist Salla review the template to assure that it was PREA compliant. She pointed out that while undergoing the PREA Certification training in San Diego, she had a copy with her and noted that it was a very thorough treatment of the topic.

Three individuals attended this latest training, David Laity the unit manager for youth parole north, Tracy Kingera who is part of the PREA work group for Clark County and Specialist Salla. Scott Davis completed the training previously. This was an extensive 40 hour training followed by a five hour exam. "Both adult and juvenile training was conducted concurrently. This included 25 hours of pre-homework, along with in-training homework. It will take about two months before the participants will know if they are certified. Although they cannot audit their own institutions, they can do pre-audits to prepare the facility for a federal audit. With both the adult and youth information being presented at the same time, certification can later be obtained by returning and taking the adult portion of the test. This would allow the individual to be dually certified for both adult and juvenile facilities.

Questions about difficulties encountered by facilities attempting to be PREA compliant were discussed. The biggest concern is with staffing ratios which has been a topic of discussion nationwide. At this point, it is rather up in the air and could be subject to change. Steve

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McBride noted that at the Council of Juvenile Correctional Administrators, the presentations from the PREA Resource Center have indicated that this is a difficulty with a lot of states. The interpretations are varied and it almost seems to be a moving target. In closing the Nevada budget, there were resources made available to address these needs. Specialist Salla suggested that people not become overly concerned about staffing ratios at this time since the facilities have until October 2017. She did not want this to be seen as a barrier to PREA compliance. PREA is good policy which is good for the youth, staff and the facilities. There is much that can be done while staffing ratios are being worked out.

### **SB107 Room Confinement– Pauline Salla**

Dr. Tomassonne has submitted his vendor form and should be available to visit by the end of July. In addition to the technical assistance he will be providing, the Council of Juvenile Correctional Administrators (CJCA) has accepted Nevada's application to be one of eight states to participate in training and technical assistance for the reduction of isolation. Along with their toolkit, there have been phone conferences and two webinars. Both of these opportunities allow Nevada to really address the issue of isolation and establish plans on how to do things differently. Although the state facilities of Caliente Youth Center (CYC), the Nevada Youth Training Center (NYTC) and the soon to be reopened Summit View are the ones this application is aimed at, all the information will be available to be passed on to the county level. The CJCA toolkit was noted as being the foundation and is available for use by anybody to assist in implementing culture change and establishing guidelines. Confirmation was requested from CJCA about copy write and whether it could be placed on the Juvenile Justice Program's website.

Questions were asked about the CJCA toolkit that also became questions about the SB107 data collection. Currently race and gender is being collected but does not show up on the report. A request was made to include race, gender and if possible ethnicity on reports starting with July 1<sup>st</sup>, 2015.

### **Medicaid Room and Board Update– Pauline Salla**

The Medicaid Room and Board report as of May 27, 2015 was reviewed. Pershing and Storey Counties haven't started utilizing their money yet. Storey County should be requesting their funds at the end of the quarter, once Carson City has determined if they had any youth with Medicaid placement from Storey County. Humboldt, Lander and Pershing are still using 2014 funds. Elko and Douglas Counties have just begun to use 2015 funds. White Pine is utilizing some of Lincoln County's additional funding. This has now been spent out, so numbers there will also start to increase. All the other counties are on track. The legislature has adjusted the amounts of Medicaid Room and Board based on changes in student populations. When the budget has closed, the award letters to the counties can be sent out.

On the whole, things have smoothed out with the counties allowed flexibility on how they will use the money. The only requirement is that they are able to report on their mandatory measures.

### **2013 Compliance Report Update– Pauline Salla**

Lyon County's previous captain, Pat Soukup has retired with Ed Kilgore as the new captain. He had been Sheriff in Humboldt County and is very supportive of compliance. He has taken the lead and will make sure that there are no similar issues in the future. Part of this change is that the Lyon County Sheriff's Office has identified a room for use by juveniles in emergency situations. There will also be internal staff training in June which will include the four core requirements. All of this will be documented and kept on file at the Juvenile Justice Programs

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Office as well as being sent to OJJDP's compliance division. All information and updates have been sent to them, but nothing has been heard about whether they will deem this a sight and sound violation. The 2014 report will probably be included with the 2013 report.

### **OJJDP Review of Juvenile Justice Programs Office – Pauline Salla**

The federal audit will be from June 22 through June 25, 2015. An agenda is being developed on which jurisdictions will be reviewed for Formula, Title V and the Juvenile Accountability Block Grant (JABG). This is a programmatic audit, so it's not compliance. The jurisdictions will be contacted on what they will need to have ready for review. Jurisdictions that had all three grants will probably be selected, such as Washoe, Clark and a couple of rural counties.

### **Legal Education of Nevada Barristers on Juvenile Issues– Paula Smith**

There are two objectives for the legal education of Nevada Barristers on juvenile issues. The first is that they are trained regularly with a set of minimum training standards and the second being to teach the attorneys to train their peers.

Appendix A details subjects to be taught. These include general/specific legal education subjects, Nevada legal education subjects and tribal legal subjects. Appendix B provides various legal education resources. Commissioner Smith has provided extensive information on tribal sovereignty, cultural issues, the Indian Child Welfare Act, along with Tribal Law and Order codes for juvenile procedures. This would help other jurisdictions to be aware of how things could be handled together.

At the Quarterly Full Juvenile Justice Commission in June, authorization to approach the Nevada Bar Association will be requested. It is hoped that they will undertake to be in charge of this legal training. If the training proves extensive enough, then Continuing Legal Education (CLE) credits could perhaps be given. This might influence the Nevada Supreme Court to come out with guidelines for attorneys who are involved with youth in juvenile court proceedings. In approaching the Nevada Bar Association, a packet will be put together. This would facilitate a quick discussion on the topic.

### **Standards for the Use of Restraints in Detention Facilities– Dan Coppa**

Commissioner Beam provided a handout on standards for the use of restraints. A few corrections were discussed along with suggestions for a use of force continuum from the International Association of Police Chiefs (IACP). The same site also has some useful flow charts which could be added to the standards when they are presented to the Quarterly Full Juvenile Justice Commission meeting in June. The highlights from this report will then be discussed pursuant to the report being given to Judge Walker.

### **Major Provisions of the Juvenile Justice Reauthorization Act – Pauline Salla**

The last reauthorization occurred in 2002, so it is long overdue. Senators Whitehouse and Grassley have not agreed with the removal of Formula funds from the reauthorization act. As it currently stands, funding has been zeroed out. This has happened before and there has been discussion that there will be funds for Formula along with perhaps the return of JABG. Updates have been sent out to the chiefs and commissioners so that they are aware of what is occurring.

This reauthorization act would phase out the use of valid court orders. There are four jurisdictions that use them consistently and appropriately for habitual status offenses. They will have three years to phase out their use and have previously been warned that this would perhaps occur. There would also be greater focus on mental health and substance abuse with screening and assessments.

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Participating states would need to report additional data on ethnicity of juveniles in confinement, not just their race and gender. The concern with ethnicity is in how it would be determined. Many youth are unaware of their ethnicity, province or tribe. There has been a lot of discussion among the Specialists on how this would be done with requests for evidence based practices.

States would be allocated based on the most recent available census data which is important to those who have grown recently but are still at the base amount of \$400,000.00. Transparency is ensured by requiring a state's plan be posted on line within 30 days of approval and OJJDP will annually publicize a plan outlining program goals. There will also be guidance to states on how to identify and reduce racial and ethnic disparities among youth who come in contact with the juvenile justice system. This is important, as models on how to implement this have been lacking. It would be nice to have information on what works.

States would also be encouraged to share records relating to abused and neglected children. There will be greater encouragement to use community based alternatives to detention, diversion type programs. Assistance will be given in the development of uniform methods of data collection. Cultural training will be encouraged for juvenile judges and federal technical assistance training coordinated with the state and local corrections and detention personnel. There will be additional accountability and oversight provisions for all grantees with limits on conference expenditures and use of grants for lobbying. Reviews and audits of state programs that are receiving grants will be increased.

The 20% penalty collected from non-compliant states would be returned to the Formula Grant program for technical assistance and not simply reallocated to the non-compliant state. What that means is that those states which are compliant will get more money. The non-compliant states will lose 20% and have to take 50% of the remaining and apply it to the issues which caused loss of compliance. There would however be a 2% increase each year for the five year term of the reauthorization which would cover fiscal years 2016 through 2020.

A request to have this information in the Quarterly Full Juvenile Justice packet was also made. This would include Senator Grassley's letter to the appropriations committee.

### **New Business– Dan Coppa**

A Nevada team has been accepted to attend the Georgetown 2015 Youth in Custody Certification program. This will be in Washington DC from July 6 through July 10, 2015. Specialist Salla, superintendents from CYC, NYTC and the assistant superintendent who was the contract monitor for Red Rock Academy were chosen in addition to NYTC's principal for their Independent High School and the clinical program planner for the state.

A capstone project will be identified for the team's state which could be anything large, such as reopening a facility or eliminating isolation. This will be worked on during the certification program with assignments and follow up for six months after. Once it has been completed and graded, the team will receive a certification of completion.

The state of Nevada Legislature has approved the reopening of Summit View in Las Vegas. Six correctional level officers will be added who will be Police Officer Standards and Training (POST) certified. Everything else which was requested for the reopening has been approved, and job announcements have been coming out for the various positions. The goal is to have Summit View reopen by September 2015.

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### **Comments from Public**

There were no public comments.

### **Set Time, Date and Agenda for Next Meeting**

The next Committee Meeting is scheduled for Thursday July 30, 2015 at 10:00 am. This will be a videoconference with the following agenda.

#### Agenda:

Governor's 2014 Report

Three Year Plan Update

PREA zero application grant request

SB107 Room Confinement: Dr. Tomassone visit update, SB107 report

OJJDP Review of Juvenile Justice Programs Office review

Legal Education of Nevada Barristers on Juvenile Issues Update

### **Adjourn**

The meeting was adjourned at 11:15 a.m. by Chairman Coppa.