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

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**NEVADA STATE JUVENILE JUSTICE COMMISSION  
PLANNING AND DEVELOPMENT COMMITTEE MEETING  
MINUTES  
January 22, 2015**

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**Call to Order**

The meeting was called to order by Chairman Coppa at 10:06 a.m.

**Roll Call – Dan Coppa**

Members Present: Dan Coppa, Fernando Serrano

Members Present by Phone: Michael Beam, Elizabeth Florez, John Martin, Paula Smith

Members Excused: Kirby Burgess, Lisa Morris Hibbler, Kim Wanker

Staff Present: Pauline Salla

Staff Present by Phone: Ross Armstrong Deputy Attorney General, J. Alice Mueller

Public Present: Katie Hoops ACLU intern, Vanessa Spinazola from the ACLU

Public Present by Phone: Ali Banister, Ben Bianchi, Jessica Ernster, Al Carpenter, Sean Doaks

**Public Comment and Discussion**

There was no public comment.

**Review of Official Minutes from December 18, 2014**

Commissioner Smith moved to accept the minutes of December 18, 2014 as submitted with a second from Commissioner Serrano. The motion was passed by the Committee.

**Review of Committee Agenda Format and Presentation relative to discussion items versus action items– Ross Armstrong**

There was a concern that the Juvenile Justice Commission's current agenda was not explanatory enough to satisfy the Open Meeting Law. The current format minimally meets the requirements, but is also open to questions of possible violations. Sample agendas from several agencies, which reflect differing levels of details, were sent to the committee members.

In the past, there was advice to put "for possible action" after each item so that if action was taken, it would be covered. As was pointed out, this can cause confusion with the public as

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to whether action will really be taken, and if so, what kind of action. The purpose of the Open Meeting Law is that the public knows what the body is planning to do, may potentially do and what possible action may actually occur.

In reviewing the sample agendas, some were far more detailed than others. The greatest need is in explaining what the possible action might be. Many of the items marked "for possible action" were actually for discussion or information purposes. There was a question about what would occur if an item was marked for discussion that resulted in an action. Mr. Armstrong suggested if that might occur, it should be marked for both discussion and possible action in addition to what the possible action would be. Otherwise, the action would need to wait until it could be placed on the next agenda.

### **PREA– Pauline Salla**

Efforts are being made to form a team of federally certified Prison Rape Elimination Act (PREA) auditors. They would conduct PREA audits at the county level facilities, county camps and any place having a youth population in excess of 50%. So far, Davit Laity, unit manager of youth parole in addition to a Clark County supervisor, a Carson City director and Pauline Salla, the Juvenile Justice Chief, have applied for certification. It is hoped that all four will be accepted.

The training this year is in San Diego, which allows for transportation savings. It involves 40 hours of training with a mandatory exam at the end. Once that is passed, there is an extensive background check. Funds for this are coming from the PREA reallocation grant and the 5% imposed reduction. This should cover the four individuals. The PREA reallocation grant is for use in the certification of PREA auditors and youth education curriculum. The latter is already being done with formula administrative funds.

There were questions about openings for other applicants. Applications for the training in May need to be in by February 2, 2015. The first part must be submitted before approval is obtained from the audit committee. After this the individual can proceed to the second part which is quite lengthy. Any interested individuals were encouraged to contact Specialist Salla as soon as possible.

The Nevada Youth Training Center (NYTC) recently completed their first PREA audit. There are 52 PREA standards with 90 substandard within those standards. If one section of one standard is not met, a facility is deemed out of compliance with that standard. In the preliminary findings, it was determined that of the 52 standards, the number exceeded were three, number met were 20, the number not met were 16 and the number not applicable were two. Some of the sections not met have now been completed. This will be submitted along with feedback from the draft which will include a corrective action plan. At this time, the corrective action plan has been developed, with the PREA auditor being impressed with the accountability demonstrated. Of the 16 standards not met, nine will probably be dropped when the backup has been submitted. Once finalized, it will be shared with this committee.

There will be a follow-up audit in about six months with Kila Jager, the auditor. She will be back at that time to help with the technical assistance on what still needs to be met. The revised report will then go on to the Department of Justice.

Caliente will be audited in April or May with Red Rock scheduled for the summer. They have just been contacted about the possibility of having a mock audit. In the mock audit, everything

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will be identical to a real audit. The idea is that this could make for faster audits in addition to showing areas of improvement.

One of the reasons the mock audit was suggested is because the PREA audit is very intense. Every youth was interviewed as were all the staff on all shifts. Identified hospitals, forensic examiners, and certified individuals were contacted. Any Memorandums of Understanding (MOU) were also consulted, with law enforcement being quizzed about their role in investigations. Policies, training, staffing ratios, everything was examined. Every file was pulled, log books read, and youth assessments looked over. Questions about PREA and zero tolerance were asked of all the youth.

During the audit, the policies and procedures templates were reviewed, scrutinized and matched with the PREA standards. The auditor was very impressed with them and noted that they were probably one of the strongest she had seen among those states she has done. Areas that were missing on the templates were identified and corrections made. All the policies now meet the standards and the changes have been shared with the Nevada Association of Juvenile Justice Administrators (NAJJA) and Silver State Detention. They have also been shared with the directors of the state facilities, county camps and the Western Nevada Regional Youth Center (WNRYS). Anyone using these new policies will pass the standards review.

The Standards for Juvenile Facilities, general definitions was compared to the PREA Glossary which had previously been distributed. These definitions are actually out of the standards for juvenile facilities and so are binding. The PREA Glossary has additional definitions, but authority to add them to the standards is lacking. The glossary will become a supplement to the standard definitions. Some terms were discussed and the standard's definitions pointed out.

A proposed template for Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) was discussed as being a supplement or appendix to the standard. What was examined was an outline for policy and procedure which could help facilities. A draft will be submitted at the next meeting.

One of the strengths identified during the audit, was that anything identified as a standard, whether curriculum, training or policy, was shared with the state facilities, county camps and detention centers. Work is being done with the Inspector General's Office in developing training on conducting PREA investigations. Unless the individual is a peace officer, specialized investigative training is required. PREA compliance managers from all the facilities will be invited to attend and become certified.

The Division of Child and Family Services Juvenile Justice Programs Office website has been updated about PREA. This includes a form for making anonymous reports on any PREA related allegations. Counties need only supply a link from their website to this, and not have to develop their own form.

Three bids for printing the PREA pamphlet have been received with Silver State Industries having been selected to do the work. Some of the commissioners mentioned that they had worked with Silver State Industries in the past and had always found them to do very high quality work. Changes on the English version of the pamphlet were discussed and passed last month, so printing has begun while the Spanish language version is still being worked on. Copies of the PREA pamphlet in both Spanish and English will be distributed statewide.

**SB107 Room Confinement– Pauline Salla**

Recently there have been meetings with Silver State and NAJJA about the SB 107 reporting. It was determined that if names are not included, then any duplicated youth would be highlighted on the report. What this means is that if 50 youth are noted as being in room confinement, and 25 are highlighted, then there were only 25 youth actually involved. This new format should help with data analysis. There have also been meetings with Katie Hoops the American Civil Liberties Union (ACLU) intern, about what data is still needed, so everything has been progressing.

Churchill County has submitted a revised report after receiving some technical assistance. They had been over reporting with youth noted as being in room confinement who were actually still attending programming and groups. These youth were actually being observed more closely.

Room confinement numbers continue to decrease and many efforts are being made to get the youth back in to programs and the general population. The facilities are trying to determine confinement based on the youth's behavior and not on set time intervals. One thing that does need to be discussed is the small percentage that cannot be safely removed from confinement. These can jeopardize the safety and security of other youth and staff. This problem was discussed with some ideas being suggested such as using an asterisk indicating the individual is a safety and/or security threat. Concern was expressed that this should not be used simply because no one wanted to contend with the youth. Sometimes the ACLU is consulted about what ideas they may have for dealing with a specific problem. It was also suggested that the Attorney General's Office could be consulted on legal advice or an opinion on what could be done.

It was decided that this would be an appropriate topic for Dr. Tomassone to address. The facilities have already been working with the issue for a while, and so they will have purposeful questions for him. He is set to be in Nevada the first week of March arriving on a Sunday night. Monday and Tuesday will be spent at NYTC, then a day and a half at Caliente. The rest of the time will be at Red Rock Academy after which he would leave Las Vegas on Friday or Saturday.

The funds for his trip are from the Federal Fiscal Year 2012 Juvenile Accountability Block Grant, 20% of which goes to state facilities. There is still some of the grant remaining and is available for use on evidence based programming, technical assistance, training and certification. He will be doing all three facilities and then will help with developing technical assistance and training to which the counties will be invited to participate.

This training/information dissemination will be much like the PREA training, in that it will go to the various locations and invite individuals to attend. The only possible problem will be in Clark County where the training should not occur in Las Vegas. There was discussion on the best meeting places and Tonopah was mentioned as being equally accessible to northern and southern Nevada.

**ACLU Nevada Intern Report– Katie Hoops**

ACLU intern Katie Hoops has been working with Specialist Salla in obtaining all the data she needs and should have her report updated by the next meeting. She liked the idea of using an asterisk to indicate individuals requiring confinement for safety reasons. Previously the definition of rule infraction for the various facilities had been discussed. A form for streamlining the data collection could prove very helpful. Until the statewide data system can be implemented, it would provide a much needed paper trail. The problems with the current system were noted, along with the challenges of obtaining a new one. Commissioner Martin

invited individuals to attend or call into a meeting on February 20, 2015 at Clark County, where they would be discussing their potential new data system.

**2013 Compliance Report Update– Pauline Salla**

Although the 2013 compliance report has yet to be submitted, a letter has been received from OJJDP which states that the state of Nevada is not out of compliance with the four core requirements. Written guidelines have yet to be received from OJJDP on alleged violations of sight and sound separation, which is why the 2013 compliance report has not been submitted. The Federal Fiscal Year 2015 allocations which are related to the Title II Formula grant are now eligible to be received at 100%. The 2014 allocation has been received and the 2015 application will be due at the end of March. It will begin July 1<sup>st</sup>, 2015 (begins for OJJDP October 1<sup>st</sup>, 2015).

**Detention and Confinement Memo– Pauline Salla**

The Detention and Confinement questions prepared by Specialist Salla, and sent to Administrator Listenbee, were reviewed by the committee. These were written seeking clarification and guidance on the new guidelines as it is thought that they will cause many changes for law enforcement agencies.

Some changes of terms were discussed as were clarification on what was being asked. After the changes are made, the questions will be sent to both Administrator Listenbee and Deputy Administrator Greg Thompson. It was requested that a final copy of the questions be included in the Quarterly Full Juvenile Justice Commission packet.

**Compliance Monitor Update – Pauline Salla**

An individual has been chosen for the part-time compliance monitor position. He is currently working as a sheriff's deputy, but will be retiring and moving to the southern part of Nevada in late February to the beginning of March. The paperwork is being completed so that he can start training at that time. He will also be attending the new compliance monitoring training in June. The funds for this will come from the current fiscal year.

**Overview of 2014 LCB audit of Governmental and Private Facilities for Children and review of ROP situation in Yerington, Nevada – Michael Beam**

This was just for informational purposes and was in reference to concerns brought up at the December meeting. The Legislative Council Bureau (LCB) came out with a lengthy report which included their findings at Red Rock Academy. Commissioner Serrano, who also is on the Rite of Passage (ROP) Board of Directors, directed much of the conversation to two staff members from Red Rock Academy and Silver State Academy, who were attending via videoconference in Las Vegas. At the time of the LCB visit, the academy had only been opened a short time and policies were still in development. A corrective action plan has addressed those issues as there are still unique situations that come up.

At Silver State Academy, in Yerington, ROP works with the Yerington Paiute tribe. A corrective action plan is in the works for that location also. Much of it has been implemented such as a hold on new admissions.

Sean Doak, the director of admissions and after care at Silver State Academy spoke on the disturbance which occurred on December 7<sup>th</sup> and 8<sup>th</sup>, 2014. There had been some gang issues which had carried over from the California admissions. During this incident, no staff or students were injured although some youth did attempt to run away. They were recovered and returned to the program. A review of youth who were not compliant ensued with the result that 12 were exited from the program. Since then, there have been meetings with the licensing authority to

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establish what is needed so this will not happen again. Veteran staff, from other facilities, have been brought in to work with current Silver State Academy staff, to review policies and procedures. The staff to student ratio has gone from 1-8 to 1-6 and the night watch moved from 12:00 am to 1:00 am. Both of these have been done to increase the level of supervision. In addition to this, the youth coming in through admissions are being reviewed more carefully concerning issues such as gang involvement, medication and past criminal issues. There are attempts to keep the number of admissions down to around ten youth a month. Efforts are being made for more openness with the public, and licensing in addition to looking internally for ways conditions can be improved. There are now weekly meetings with DCFS making sure that policies match. It is believed that they have addressed about 90-95% of the concerns. LCB has the option to go back for another visit which can be either announced or unannounced. Both Mr. Carpenter and Mr. Doak were thanked for attending and for the work they are doing at Red Rock Academy.

Specialist Salla addressed the two different issues here. Of the two, the one with Silver State is of greater concern to the members of the commission. The Lyon County Sheriff's Office had contacted her about a report they had to write concerning three youth under the age of 18 who had been in the adult jail that evening. The preliminary investigation is still underway, but it would appear that there were no charges on the booking sheet. There were youth over 18 who were booked in, but the concern is with those under 18. The Sheriff's department has been very transparent and has downloaded the video cameras in an attempt to confirm that there were no sight or sound violations. Since the youth were not booked, there is no proof that they were not brought in for status offenses.

Deinstitutionalization of status offenders (DSO) and jail removal are of concern, but will not necessarily result in being deemed out of compliance. It could however result in corrective action for the Lyon County Sheriff's Office. Sight and Sound violation is big and could cause a loss of funding. What Specialist Salla suggested was that Silver State Academy begin to have conversations with the juvenile detention facilities, Lyon County Sheriffs, Yerington Police Department and the Yerington Tribe about an emergency plan so that the placement of youth can be appropriately determined. Specialist Salla will be continuing the Yerington investigation and will update the committee when it is completed.

### **New Business– Dan Coppa**

A letter from the Office of Justice programs was brought forward for information purposes only. It concerned grants audited by the Office of Justice Programs some time ago and is their final letter. They are however requesting that Specialist Salla submit a time study which would detail her time spent on the various grants. A copy will be forwarded to the treasurer.

Another article was sent out dealing with Title II funds and CJJ Membership Dues. This will be discussed more fully at the Quarterly Full Juvenile Justice Commission meeting. It will be an action item in addition to providing information. A clear understanding of lobbying and anti-lobbying activities will be the main focus. There was a brief discussion about where the operating funds for the commission come from and what grants that may involve. Specialist Salla was directed to make sure that it would be discussed and approved at the full meeting. Ross Armstrong was requested to prepare a formal motion to be included in the commissioner's packets and to be read by Commissioner Coppa at that meeting. He also requested to send a copy to Commissioner Coppa before the meeting.

### **Comments from Public**

There were no public comments.

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

The next Committee Meeting is scheduled for Thursday March 19, 2015 at 10:00 am. This will be a videoconference with the following agenda.

#### **Agenda:**

PREA: Training and Travel for PREA Auditors, preliminary PREA audit results, Template for LBGTQI policy, Corrective Action Plan.

SB107 Room Confinement: Quarterly report, Dr. Tomassone visit update, ACLU interns report 2013 Compliance Report Update, United States Senate letter to the Attorney General, Office of Justice Programs, regarding DSO and facilities within the state. Grassley letter and Whistle Blower article.

Compliance Monitor job proposed funding for training

Three Year Plan update.

### **Adjourn**

The meeting was adjourned at 11:43 a.m. by Chairman Coppa.