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NEVADA STATE JUVENILE JUSTICE COMMISSION**

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**NEVADA STATE JUVENILE JUSTICE COMMISSION
PLANNING AND DEVELOPMENT COMMITTEE MEETING
MINUTES
March 19, 2015**

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Call to Order

The meeting was called to order by Chairman Coppa at 10:03 a.m.

Roll Call – Dan Coppa

Members Present: Dan Coppa,

Members Present by Phone: Michael Beam, Lisa Morris Hibbler, John Martin, Steve McBride,
Fernando Serrano, Paula Smith

Members Excused: Kirby Burgess, Elizabeth Florez, Kim Wanker

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

Public Present: Katie Hoops ACLU intern, Taryn Bjelke, Washoe County Juvenile Justice Program Director

Public Comment and Discussion

There was no public comment.

Review of Official Minutes from January 22, 2015

Commissioner Martin moved to accept the minutes of January 22, 2015 as submitted with a second from Commissioner Smith. The motion was passed by the Committee.

Three Year Plan Update– Pauline Salla

This is the final year of the current Three Year Plan. A new one will soon be formulated containing several changes. As in the past, a survey will be conducted on the Formula Grant Program Areas. Specialist Salla will contact the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to see if there are differences in the list that was sent out April 8, 2014. If this list can be revised in time for the Quarterly Full Juvenile Justice Commission Meeting in May, then the attending members can be surveyed.

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Specialist Salla has been participating in several phone conferences where there has been discussion on the additional information requested in the new Three Year Plan. Items added will mean collecting material not previously requested, such as PREA data. Conversely, other things which had been collected will now not be needed. There should be more phone conferences before the Requests for Proposals (RFP) are released; in fact, desired specialist feedback partially explains the delay in their being sent out. It is hoped that the RFPs will arrive the first week in April, similar to last year. Once received, they will be sent out to the jurisdictions.

PREA– Pauline Salla

PREA auditor training will be held in San Diego this year. Scott Davis who runs the Carson City Juvenile Detention will be attending in March. Tracy Kingera from Clark County, David Laity from Reno Youth Parole and Specialist Pauline Salla, will attend the training in May. If everyone passes the exams and background checks, there will be four new certified PREA auditors in addition to Pat Schrieber from Clark County who had already been certified. Two more individuals are scheduled for June and it is hoped that there will be ten certified auditors by the end of summer.

These new auditors will allow people to work in teams with county level facilities. State facilities will still require an outside auditor like Kila Jager who does not come from Nevada. Although much of the costs are being absorbed by the commission, some have chosen to make payment themselves, or have their agencies pay for the training. The total cost will come to around \$7,380.00 with funds being available from the commission and the Formula grant administrative funds since PREA falls under compliance.

A template developing anti-discrimination policies for Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex youth was deferred until the next meeting. Once formulated, it will be offered as a template to agencies across the state.

SB107 Room Confinement– Pauline Salla

Dr. Tomassone is in the midst of a legislative session but should be able to come to Nevada near the end of April. Before he comes, he will need to have both a Nevada Business License and Vendor code. This is nothing new, as Kila Jager also had to obtain both. The federal representative has been contacted for advice about costs associated with the license.

At this time the SB107 quarterly report for January and February was not quite up to date since information is not available until after the 10th of a month. A full report, including March should be available at the April meeting.

ACLU Nevada Intern Report– Katie Hoops

Katie Hoops thanked both Specialist Salla and Chairman Coppa for giving her the opportunity to use the SB107 state report for her professional project at the University of Nevada, Reno. She has been working on two parts of it; the first is updating data through December 2014 while the other is incorporating recommendations from the last meeting into the report.

The updates have resulted in finding that there has been a decrease in the over 72 hour room restrictions in Clark County, Jan Evans, and the Nevada Youth Training Center (NYTC). It would appear that both Clark County and Jan Evans had very high numbers of corrective room restriction in comparison to the rural areas. In working with the data, she determined that there is a need for consistency in the reasons for room restriction.

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She then went through some of the recommendations along with her implantation of them. The first was to ensure that the in excess of 72 hour reports were given to the appropriate individuals. The second was the use of a monthly average population. This would perhaps make comparisons of numbers from rural vs large urban locations more understandable. Duplicated and unduplicated youth reporting is also important. Although easily done in small areas, large population locations are problematic. Common reasons for room confinement would make data analysis easier. A reason for the action is required, not just an explanation that restriction was necessary. Demographic information would give an idea if certain populations were disproportionately affected. Murphy Bernardini, Jan Evans, Teurman Hall, and Caliente have already been reporting on race and ethnicity. It should be noted that the law designated five hour breakouts of time. Because of this, individuals kept 23, or 24 hours are not evident. Another time recommendation would be to change the increments from one to five and five to ten, to one to five and six to ten, on up.

Using the aforementioned recommendations, she created a data collection form. The top portion of the worksheet includes check boxes for demographic information which will probably be numbered in the future. Next is a question about whether the youth had previously been in room restriction. It was hoped that this would assist with determining duplicate and unduplicated youth. Where a jurisdiction uses unique client ID's this process is becoming easier. The second page breaks down the reasons for the room restriction in order to streamline data collection and analysis. Jurisdictions have been requested to provide information on minor and major rule infractions to assist in detailing this breakdown. The Nevada Association of Juvenile Justice Administrators (NAJJA) will be contacted about their use of the template sent out with the SB107 memo. This should have included race tracking.

The report and worksheet were discussed with points noted where definitions, explanations or clarifications may be needed. Where more information was required, Specialist Salla agreed to make sure it was provided. Rather than see the worksheet done individually for each youth, it was felt that they could be done collectively so as not to burden staff with one more incident type report. The use of numbers for much of the reporting on both the first and second pages would allow for data analysis. Suggestions on how much detail on different types of restraints was also brought up with the commissioners asked to contribute what kinds of restraints different facilities were using.

Specialist Salla discussed how a new statewide data system would make this data much more accessible. The counties would enter it once, and then specialized reports could be run. It would then not just be an additional form, but would be capturing existing information. Clark and Washoe Counties are currently looking into such a system with the rural jurisdictions also showing interest. At this time, the legislature does not have a bill addressing such a data system.

Katie Hoops was thanked for all her hard work, and providing direction on how to proceed with the SB107 report and worksheet. What she has offered so far would work with both computers and paper based collection systems.

2013 Compliance Report Update– Pauline Salla

The Attorney General's letter on Deinstitutionalization of Status Offenders (DSO) will be placed on the April agenda. There will be no action taken, but it is important for the commission to realize that the Attorney General's office recognize the importance of DSO.

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Two letters dealing with compliance issues were discussed. The state of Wisconsin filed their compliance reports with OJJDP each year but underreported many things. In addition to this, several of their jails, and sheriff's offices were not monitored to see if they were in compliance with the four core requirements. Although this was done for many years, funding continued even though it was known that they were in violation. This is what the investigation is concerned with.

In Nevada, some DSO violations are allowed to be removed. That is because consumption or possession of alcohol by a minor is viewed as a delinquent offense in Nevada, whereas OJJDP has it as a status offense. They still need to be listed, but are backed out as violations of DSO. Although they do not count on our violation rate, there is no desire to have any question about under reporting. Great care needs to be taken to remain compliant.

This concern with under reporting is why Specialist Salla wishes to receive written clarification and confirmation from OJJDP before submitting the 2013 report. She did notify OJJDP that notification has been received that Nevada is in compliance, but the 2013 report has not yet been submitted. When the new compliance monitor begins, they are to receive copies of this information so that they are aware how critical compliance is for the state of Nevada.

The Rite of Passage (ROP) disturbance outside of Yerington, on February 28, 2015 resulted in fire damage to buildings at the Silver State Academy. Lyon County Sheriff's Department contacted Specialist Salla and she went down there the Monday after it occurred. No individuals under the age of 18 were locked up in the Lyon County Jail, although one youth over the age of 18 did have a tribal charge supported by the Lyon County Sheriffs. There were no sight and sound violations associated with this incident. Previously there had been discussions about placing youth in the administrative section in cases of emergency. This was viewed as acceptable since it is not in the secure part of the jail. A decision was made at this time not to have any juveniles go to the adult facility.

The two sight and sound violations from the December 2014 incident were reported to OJJDP along with information on a possible third violation for them to review. Nothing has been heard back from them at this time. A corrective action report has not been prepared until a decision has been made about the third possible violation. Steps have been documented in the Lyon county Sheriff's file on how to do thing differently. The corrective action report will address the department as a whole.

There have been discussions with the Bureau of Indian Affairs (BIA), juvenile probation, Silver State administration, and the District Attorney to be sure that this doesn't happen again. The Lyon County Sheriff's Department will be receiving training on the three core requirements since they have many new employees including the sheriff and operations captain. The committee will be updated about the corrective action and OJJDP's response.

Compliance Monitor Update – Pauline Salla

Paperwork for the new part-time Compliance Monitor has been completed but fingerprints and a back ground check are still needed. Funds have been set aside from the Formula grant as it is mandatory for new compliance monitors to receive training. The candidate is still working so a name is not yet available for release at this time.

Preparation for OJJDP review of Juvenile Justice Programs Office – Pauline Salla

No specific date has been set for the visit, but programs that have received Formula and JABG funding from Federal Fiscal Year 2012 will be viewed. This is different from the compliance audit, which will occur next year. Ideally, this visit would occur during the summer after the

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legislative session but will actually happen on whatever dates are proposed. It will begin in Las Vegas and then move through the state up north. This should take a week with an initial travel day followed by three audit days and then another travel day back to Reno. Any of the commissioners may participate in the entrance interview along with Deputy McBride and possibly Administrator Howell. If participation is desired during the exit interview, please contact Specialist Salla about any findings which may need to be addressed immediately. There will be an update on this at the April meeting.

Legal Education of Nevada Barristers on Juvenile Issues– Dan Coppa

Back in 2010 a draft resolution was proposed to the Nevada State Supreme Court regarding the need for the legal education of attorneys who represent youth. What was anticipated was a rule saying that if you represent youth, you should have a certain skill level much as is required for death penalty cases. Although usually focused on the defense of youth, a more balanced approach was sought where it would also include those who represent the community. While favorably viewed, the Supreme Court got a bit off track on the original concept and has yet to act on it. As such, there is still a perceived need to be addressed.

A Community/Juvenile Legal Education/Training Project Framework was sent out to the committee with a subcommittee formed. Once fleshed out a bit, the template could be used as a marketing tool when approaching certain organizations like the Nevada Bar Association. They can review; consider funding and then perhaps carry it forward to the Nevada Supreme Court. The National Council of Juvenile Family Court Judges (NCJFCJ) was pointed out as a national resource that is local as is the law school in Las Vegas. A guide, including ideas for topics, goals, educational training, standards and funding is what the subcommittee will work on. Commissioner Smith was chosen to lead the subcommittee with Commissioners Wanker, Hibbler and Serrano being called as members. It was suggested that she meet with Chairman Coppa to discuss the particulars. A modified outline will be discussed at the April meeting and then presented to the Quarterly Full Juvenile Justice Commission meeting in May.

The Juvenile Justice Commission Brochures were briefly discussed. There is a need to have a few more of these printed up as currently there are none. Alice was to work on that and send some to Chairman Coppa when completed.

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

At the previous Quarterly Full Juvenile Justice Commission meeting, it was determined that Nevada should have standards for the use of restraints in detention facilities. A subcommittee was appointed to be led by Commissioner Beam and comprised of Commissioners Martin, Smith and Florez to address this. Commissioner Smith was to provide input on the Tribal views while Commissioner Florez would provide insight from Northern Nevada. A draft of restraint standards was discussed which would have two sections, one for courts and the other for detention facilities. It would include the philosophy about restraints in addition to key definitions. Details on these were to be forwarded to the subcommittee members.

Although it might look like this would lead towards Statutory Provisions, there needs to be discussion first as legislation may not be the correct path. There was a concern about whether legislation, with continual amendments, might be too cumbersome. A template may be more helpful. If the courts or detention facilities wish to use it, they could, but there would also be the freedom to decline use. The Nevada Administrative code may also be an option.

Commissioner McBride pointed out that there were currently comments being made about the use of restraints in court for AB213. He suggested that the committee review this language.

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New Business– Dan Coppa

There was no new business brought forth at this time.

Comments from Public

There were no public comments.

Set Time, Date and Agenda for Next Meeting

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

Agenda:

Three Year Plan RFP Update

PREA: Compliance letter of March 5, 2015, Template for LBGTQI policy

SB107 Room Confinement: Dr. Tomassone visit update, Quarterly report, ACLU interns report

2013 Compliance Report Update, Lyon County Sheriff's Office Corrective Training

Compliance Monitor job update

OJJDP Review of Juvenile Justice Programs Office

Legal Education of Nevada Barristers on Juvenile Issues

Standards for the use of Restraints in Courts and Detention Facilities.

Adjourn

The meeting was adjourned at 11:34 a.m. by Chairman Coppa.