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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
August 18, 2016**

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August 18th, 2016 Call to Order

A celebration of the Nevada Youth Training Center's 100th anniversary was held August 17th, 2016. Members of the Juvenile Justice Commissioners were present as were many others involved with providing juvenile services. The meeting on August 18th, 2016 was called to order at 9:00 a.m. by Chairman Kirby Burgess.

Roll Call – Elizabeth Florez

Members Present: Ross Armstrong, Kirby Burgess, Frank Cervantes, Dan Coppa, Elizabeth Florez, Danny Gonzales, Patrick Irwin, Kallie Laity, Dawn Lozano, Mayra Rodriguez-Galindo, Pauline Salla-Smith, Paula Smith, Honorable Egan Walker, Jo Lee Wickes

Members Present by Phone: Michael Beam, Otto Kelly, David LaBay, John Martin, Lonnie Wright

Members Excused: John Hambrick, Lisa Morris Hibbler, Noah Jennings, Steve McBride, MariaJose Taibo-Vega, Honorable Kimberly Wanker

Members Absent: Sierra Fowzer, Miguel Rodriguez,

Staff Present: Leslie Bittleston, Tirzah Fagan (DAG), J. Alice Mueller

Public Present: Lindsay Christensen, Pam Coppa, James Kingera, Heather Plager, Greg Thornton

Public Comment and Discussion

There was no public comment at this time, but Superintendent Greg Thornton was thanked for the celebration activities which were held on August 17, 2016 and for providing very welcome accommodations for the Juvenile Justice Commission on August 18, 2016.

There was some difficulty getting the speaker phone to work so that those calling in could hear adequately. A microphone was secured, but call quality continued to be a difficulty.

Approval of Minutes from May 12, 2016 Meeting

Commissioner Lozano moved to approve the minutes from May 12, 2016, with a second from Commissioner Walker. The motion was passed by the Commission.

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Treasurer's Report – Dawn Lozano

Funds for the Juvenile Justice Commission Budget, Federal Fiscal Year (FFY) 2013 and 2014 have finally been expended with \$3,550.60 remaining from FFY2015. In the Formula Grants, all funds have been disbursed from the FFY13-FFY14 grant with \$114,410.73 remaining from FFY15. At this point, none of the \$215,651.15 have been used from the FFY16 grant.

The Community Corrections Partnership Grant, previously called the Medicaid Room and Board Specialized Forster Care, which itself was formerly known as Category 20, Community Corrections Grant has expended all but \$37,915.61 for SFY16. At this point, \$474,119.84 has been used from SFY17.

Commissioner Wickes moved to accept the Treasurer's report with a second from Commissioner Gonzales. The motion was passed by the Commission.

Staff Report – Leslie Bittleston

The first thing Chief Bittleston covered was the SFY15 Formula Grant. For most of this fiscal year, the grant has been frozen and there have been challenges working with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to remedy the perceived deficiencies in reporting. The funds have now been unfrozen and required payments can be made.

OJJDP required reappraisal of compliance reports and to have them confirmed. Although all requests were attended to, it finally took getting in touch with the Governor's lobbyist in Washington DC to obtain assistance from the Department of Justice in contacting the Whitehouse's Government Affairs Office.

Reserve funds allowed the Juvenile Justice Programs office to continue operating as usual at this time. It was almost necessary to contact the Formula sub-grantees, but with the funds now available, the remaining balances can be paid in full. This situation should not be a problem in the future. OJJDP will be coming in the first quarter of their current fiscal year and provide technical assistance so as to improve the compliance monitoring process.

In 2003 President Bush signed into law the Prison Rape Elimination Act (PREA). This covers all adult and juvenile correctional facilities although the juvenile standards are more stringent. In the past, attempts have been made to manage this by assigning work to already full time employees with only partial success. It was determined that a full time PREA coordinator would be best. Jennifer Simeo, has been hired as this new PREA Coordinator. The permanent duty station will be in Reno, although she has been training in Carson City for the last couple of weeks.

Jennifer has been with the state for over eight years, most recently with Medicaid. She has experience doing service coordination, case management with the mental health population and has worked with individuals who have developmental disabilities. There will be a lot to learn, but she is glad to be working in Juvenile Justice. The Commission welcomed her to her new position.

OJJDP has recently distributed a new set of proposed rules which among other things, change the state compliance ratios. In the past, compliance for jail removal was from 0-9 per 100,000 youth. These rules now propose a percentage which works out to be somewhat less than ½ of a child for the state of Nevada. With these new ratios, 48 states would suddenly be out of compliance. Sixty days have been set aside for feedback to OJJDP before they put out the final rules. A response is being formulated by the Juvenile Justice Programs Office, however all the commissioners were encouraged to respond.

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Another item in the revised set of rules concern youth who feel detained. States have asked for clarification on how to capture this data which is seen as extremely vague. A letter addressing this difficulty was sent by the previous Juvenile Justice Chief but no clarification has been received. Commissioner Walker expressed the opinion that he felt detained by Congress who have not reauthorized the Juvenile Justice Delinquency Prevention Act. It was suggested that he speak with Senator Cotton who was scheduled to be in Douglas County.

One of the reasons for the new compliance regulations is because of the delayed reauthorization. OJJDP is now trying the administration regulation route, which can be tricky in the Senate. At this point, Arkansas doesn't like the act. Oregon previously had concern with the original language of the reauthorization, but this has been fixed, and they are now in favor of it. Perhaps if our congressional delegates are aware of our support, they may try to move it forward.

Chair Report – Kirby Burgess

Chairman Burgess introduced the new members of the Juvenile Justice Commission and invited them to tell a little bit about themselves. The only exception was Commissioner Salla-Smith, who as the previous Juvenile Justice Chief, is well known by the members of the Commission.

Mayra Rodriguez-Galindo is from Yerington and has recently been appointed to the Coalition for Juvenile Justice (CJJ) Emerging Leaders Committee. This is an opportunity for dynamic young leaders to become more involved with CJJ's work, and network with the broader juvenile justice reform community. She is currently a student who will be graduating in the spring. Upon graduation, she may join the military, or continue pursuing work as an officer in law enforcement.

Patrick Irwin is a Pershing County Commissioner and for the last 28 years has been with the Lovelock Volunteer Fire Department. He was recently hired to work for the Gerlach Volunteer Fire Department through Washoe County as well as the Truckee Meadows Fire Protection District. An adventurous type, he is a balloon pilot who has flown in the Great Reno Balloon Race. Mr. Irwin is retired from AT & T where he was a Senior Account Manager.

Kallie Laity is David Laity of Reno Youth Parole's daughter. He is the one who encouraged her to join the Commission. She is in college with majors in psychology and Spanish. It is hoped that she will be able to apply these studies to her work with the Commission.

The new commissioners were paired with senior commissioners who will act as mentors and help explain the nuances of membership. Pauline Salla was requested to mentor Kallie Laity, Paula Smith to mentor Mayra Rodriguez-Galindo and Dan Coppa to work with Patrick Irwin. Chairman Burgess also requested that they review the various committees and choose where they would like to serve. Commissioner Rodriguez-Galindo was selected for the Minority and Gender Committee while Commissioner Irwin was placed on the Policy and Legislation Committee.

Report from Grant Review Committee – Dawn Lozano

Due to some commissioners indicating they might have to leave early, Commissioner Coppa requested that any report which may require a vote be moved forward on the agenda. This would allow voting while a quorum was still present. The Report from the Grant Review Committee was moved to before the Division of Child and Family Services (DCFS) Update.

Nine grants were submitted for the 2016 Formula funds with several being first time submittals. Among the continuing sub-grantees were Clark County's Motivational Enhancement Therapy and Cognitive Behavioral Therapy Five (MET/CBT5) which had requested \$49,000.00 and the Substance Abuse Assessment and Referral Program (SAARP) which had requested \$80,486.15. Fifth Judicial was another continuing sub-grantee with the Girls Group, which had requested

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\$6,338.00. Sixth Judicial modified their usual sub-grant, requesting \$35,148.00 for the renamed Self Esteem Empowerment and Knowledge (SEEK) program.

This year there were three programs from Eleventh Judicial, the Making a Group and Individual Commitment (MAGIC) program for \$13,529.00, the Youth Apprenticeship Program for \$14,850.00 and the Alcohol/Marijuana Wise/Nicotine 101/Other Drugs for \$1,800.00. Quest Counseling and Consulting (in Reno) submitted two programs, the Job Training program for \$10,000.00 and their Mental Health program for \$4,500.00. They requested more funds for both programs, but this was the amount the Committee settled on, with a potential for more funds in succeeding years.

Mental Health and Delinquency Prevention programs have been submitted previously, however this is the first time there have been programs for job training. This was a new category chosen in 2016 so it was nice to have two submittals under this topic.

Explanations was requested on how the new SEEK program differed from the previous Evening Reporting System in Sixth Judicial. Commissioner Salla-Smith had actually written this submittal and explained that it operates five days a week, Monday through Friday from 3:30 pm to 6:30 pm and then Saturdays from 9:00 am to 1:00 pm. It is part of their graduated sanctions along with a continuum of care. Youth are required to attend one hour of a designated group per week, although they can go up to 25 hours per week. This is similar to an evening reporting center but includes many programs in addition to just reporting in.

Sixth Judicial is also providing services to the community of McDermitt, located 88 miles from Winnemucca. This is an underserved community which has been the source of many referrals. With funds from the American Indians Programs, they are providing training in social skills and aggression replacement. Staff are trained, to ensure the programs are evidence based and have a cultural competency portion. Family will be focused on, as data shows that where adolescents receive referrals, there are generally younger children and associated family members who need services and supports. Work is being done with the tribal liaison and a social worker who is based in McDermitt. They are doing a great job of bringing the community together and inviting juvenile services in. This shows that there is more to juvenile services than locking kids up.

Prior to taking a vote, abstentions and disclosures were made. Pauline Salla-Smith abstained from voting as she wrote the Sixth Judicial grant proposal. She noted that she would not be benefiting personally from the funding. Jack Martin from Clark County abstained from voting as he is with the Department of Juvenile Justice which is associated with the two Clark County submittals. Patrick Irwin disclosed that he is tied to Pershing County which is part of the Eleventh Judicial District. He would not benefit personally from any of their submittals. Commissioner Walker moved to approve the Grant Review Committee's recommendations with a second from Commissioner Wright. The grant funds were approved to be allocated with the noted abstentions and disclosures, by the Juvenile Justice Commission.

DCFS Update – Ross Armstrong

As of August 8th, 2016, there are a total of 208 youth held in various Nevada facilities including two youth at the facility in Garza, Texas. On August 17, there were 210 youth being held. Of these, 47 were at the Nevada Youth Training Center (NYTC), 118 at Caliente Youth Camp (CYC) and 45 at Summit View Youth Center (SMYC).

Commissioner Armstrong has presented various commitment statistics each quarter. Previously he showed racial percentages, this time he had SFY 2016 Commitments by Offense in DCFS custody. The largest group is probation violations at 28%. There is an underlying crime for those violations that isn't reflected in this percentage, so the number may be somewhat misleading.

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Also presented was FY16 New Commitments by Jurisdictions. As expected, this showed the bulk of commitments coming from Clark County followed by Washoe County with the rural counties making up the remainder.

The next chart showed youth who have been placed out of state. Most are in residential treatment centers however there are three beds at a facility in Garza, Texas. Youth with high mental health needs that are unable to be handled in state are often sent out. There are several treatment centers in Utah, and attempts to get some within Nevada.

Commissioner Armstrong referenced a presentation given in Boston to the Counsel of Juvenile Corrections Administrators which concerned tracking done in Florida. Using a matrix to determine disposition of youth into diversion, probation, state secure or non-secure facilities, they tracked the recidivism numbers for those in optimal and other choices of placement. It was discovered that with optimal placement, recidivism rates were down to 18.9%, appropriate placement rates had 21.3% recidivism, and placement way below or way above suggested guidelines, had higher rates of recidivism. More details on their study are available at <http://www.djj.state.fl.us/research>.

The aforementioned website shows Florida's impressive work in data collection and analysis. Their county data is real time, including disproportionate minority contact (DMC). It should be noted that Florida does not have a bifurcated system, but a unified system. The state is able to collect and control everything from start to finish which does make things easier. Nevada currently would not be able to handle data in this fashion.

The last chart discussed was based on Performance based Standards (PbS), reflecting twice a year data pulls from CYC and NYTC. Its x axis showed the field average of all facilities in the program nationwide. As of February, both facilities were better than the field average for juvenile correction facilities and both facilities have improved since their last data pull. Summit View will be added to the chart starting next year.

The Nevada Supreme Court has put the Adam Walsh Act into a holding pattern since they are currently in the briefing stage of an appeal. This means that the Adam Walsh Act registration requirements are still not in affect. There will probably be another legislative push this coming year to modify it.

As far as PREA goes, a new statewide PREA coordinator has been hired, and corrective action plans are in progress for CYC and the DCFS central office. Summit View is scheduled for an audit later this year. Chief Bittleston has done a great job of making sure the audit results and action plans are on the DCFS website along with other PREA information.

The Standards for Detention Facilities training document continues to move forward. Approval for the drafted rule is being sought from the Legislative Counsel Bureau (LCB). The actual proposed regulation will be going to hearing on September 7, 2016 at 1:00 pm. This will be at the Laxalt building in Carson City with video provided to the Grant Sawyer building in Las Vegas. At that time, they will take testimony and the administrator will decide if the rule will be approved to go to the legislative commission for formal adoption into the Nevada Administrative Code (NAC). Once adopted, it will become regulation. The training required will be separated out between staff, and supervisors who will receive additional training. This system will be in place for facilities and counties with annual reports to the Juvenile Justice Programs Office.

The Justice Department's Office of Juvenile Justice and Delinquency Prevention has selected Nevada to receive technical assistance. In association with this, an executive order was signed which created the Statewide Juvenile Justice Improvement Initiative Task Force which is co-

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chaired by Justice Nancy Saitta and first lady Kathleen Sandoval. They are reviewing data and policies in addition to interviewing system players. Their next meeting is October 19, 2016 where they will draft some proposed system changes. At this point there are 109 policy change recommendations for the state of Nevada. In January, there will be a final vote on what should be adopted. This hopefully will be trimmed down a bit before then.

The Commission expressed appreciation for the various charts and graphs which made the information much easier to comprehend. Chairman Burgess requested that on the census, demographic information be further broken down into males and females.

Report from Planning and Development Committee – Dan Coppa

Commissioner Coppa covered some highlights of what the Planning and Development Committee had been working on. He started out by addressing the reauthorization by pointing out that Senator Cotton, and Arkansas main concern with reauthorization was due to the proposed phase out of the valid court order. In FY 2014, they had around 700 valid court orders, so there is concern for them and perhaps the reason for their stonewalling.

Regarding budgeting for the upcoming fiscal year, the House of Representatives has zeroed out anything involving juveniles, and/or the juvenile justice delinquency prevention act. The Senate through its appropriations process said that they would provide funds through the Formula Grant and Title V grant. At this point, it is hoped that there will be some form of compromise.

At the last quarterly meeting, a document was presented representing research conducted by the National Juvenile Defenders Center on what several states required in order to practice in juvenile court. They examined this from the prosecutor and public defenders perspective. What was found, is that many states only require that you pass the bar exam and be licensed. Of concern is that many other venues require additional requirements before practicing. Although Nevada has many highly skilled attorneys, there are also many who have far less skills.

The Boyd School of Law at the University of Nevada, Las Vegas, was contacted to research mechanisms of enforcement of juvenile defense standards. Although excited about doing the research, the juvenile justice clinic has shut down so the Board of Governors research staff stepped in to conduct the necessary research of standards and training/education requirements. Initial research involved eight states, but an additional four were requested, with the choice given of Minnesota, Illinois, Texas, Louisiana, Florida and Georgia. After the additional four are covered, the document will be compiled with research on what things the states have in common. The final report will be presented to the Commission and the Board of Governors.

The Community Corrections Partnership Block Grant Summary Document shows that for SFY 2016, these funds provided services for 727 youth. It also shows the percentage of male and female youth served in addition to how many had successful or non-successful outcomes. There is also a summary of the SFY 2017 grant amounts and current drawdowns. This was previously referred to as Medicaid Room and Board, but the name was changed as no federal funds were involved with this grant.

The SB107 Summary Document which covers room restrictions was also provided. It was noted that due to a definition change in what constitutes room restriction, the numbers for Summit View changed upwards. This resulted in what appears to be a jump in the number of youth detained for an hour or less. In reality, it merely reflects what had been occurring, but not documented. Summit View is working under the Positive Behavioral Interventions and Supports (PBIS) program which does not record confinements less than 14 minutes, 58 seconds. SB107 requires all confinements to be documented.

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Now that two full years of data have been obtained, comparisons can be started. It can be seen that for youth detention facilities, 2-5 hours seems to be a consistent time of confinement whereas 20-25 seems to be the norm for youth correctional facilities.

Another assignment given to this committee was to design a certificate of recognition for retiring commissioners. Two versions were provided for the Commission to review. They both had the same parchment document inside, with the only difference being the presentation folder. The least expensive one was less than acceptable, with the more professional cover having a silver embossed state seal with Juvenile Justice Commission noted underneath. Costs for the second presentation folder was \$11.50, and was printed up by Silver State Industries. The folder and certificate were passed around, while the exact wording of the document was read. It was noted, that once the folders were purchased, the actual certificate could be printed up in house.

Commissioner Coppa made a motion to approve the certificate of recognition with a second from Commissioner Wright. The Commission approved the certificate of recognition.

The next item concerns the filing of travel claims for the Juvenile Justice Commission. In the past, some claims have been filed up to a year and a half after meetings have occurred. This causes problems with the fiscal department and keeping track of Commission expenditures. There will now be 30 days to file travel claims.

Commissioner Coppa moved that “the Nevada Juvenile Justice Commission approve the following travel claims policy. Filing Travel Claims. All claims for travel reimbursement to a Nevada Juvenile Justice Commissioner should be filed on a Travel Reimbursement Claim form. All relevant areas of the Travel Expense form must be completed including the start and end times, destination, purpose of trip, and original signatures. The Commissioner should sign attesting to the accuracy of the claim. a supervisor, manager, or designee must sign the Travel Expense form approving the appropriateness of the travel. Travel claims should be submitted within 30 days of completion of travel along with necessary documentation unless prohibited by exceptional circumstances.” Commissioner Coppa also noted that Legal Counsel Ms. Fagan had reviewed the motion and approved the wording. This motion was seconded by Commissioner Lozano and approved by the Commission. The new travel policy is now in effect.

Regarding the Compliance Summary from January 1, 2015 through September 30, 2015. Two individuals had been hired part-time to assist with compliance monitoring. One for the north the other for the south. OJJDP recommends 30% per year however, overall, 45% of listed facilities had on-site inspections. These included Jails, Correctional Facilities, Secure and Non-secure Lockups. The monitors were thanked for all of their hard work.

The proposed letter to Robert Listenbee will be reworked to include the important comment made by Commissioner Walker earlier in the meeting. The Deputy Attorney General will review the addition before it is sent out.

Report from Minority/Gender Committee – Jack Martin

Commissioners Cervantes, and Martin were requested to give updates on the Disproportionate Minority Contact (DMC) efforts in their counties. Commissioner Martin led with a report on Clark County. He mentioned that the Minority and Gender Committee was still experiencing difficulties in finding a meeting time where a quorum of members could attend.

There has been a lot of discussion around getting the Commission and the National League of Cities together for a DMC Summit in Las Vegas. The importance of this idea is highlighted by the

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increased tensions and retaliations occurring within communities of color. Increased education is needed not only on aspects of first contact but also with making sure that legislatures are well informed.

It was suggested that influential speakers such as James Bell from the Haywood Burns Institute would not only prove to be an outstanding speaker, but also draw greater attention to the summit. This would result in better discussion and be key to improving DMC issues. There was hope that the summit would occur by November, but there are funding concerns. This will officially be brought up for action at the November Quarterly Full Juvenile Justice Commission meeting.

Fifteen years ago, Chairman Burgess started the concept of an assessment center with his Juvenile Detention Alternatives Initiative (JDAI). Since then, there have been huge strides, but kids of color are still disproportionately represented in the juvenile justice system. The assessment center in collaboration with the Las Vegas Metropolitan Police Department (LVMPD), Clark County School District (CCSD), Division of Child and Family Services (DCFS), Health and Human Services (HHS), mental health, mobile mental health and several other players are serving youth. The start date is October 17, 2016 although it will not be at the proposed Mohave/Washington area. This will hopefully be cleared up soon. Already there has been a dramatic reduction in the use of juvenile justice resources. Sometimes youth are better served by not being under probation.

About 1600 youth have been part of a study partnered by Clark County and the University of Las Vegas in which work has been performed with an appropriate response grid to help determine the youth's risk to self and community. Research will continue to decide the best risk assessment tool to use.

Commissioner Cervantes discussed Washoe County's use of Dr. Frank D. Lemus' Pueblo Project. This project provides parents of Latino youth an opportunity to establish effective foundations for their families. It empowers them with culturally specific Latino strengths in order to assist them in improving rules at their homes. The focus is on strengths and values identified in Latino Culture and their use to motivate change. The five key components are: power, responsibility, family, faith and community identity.

This project has been going on for three to four years and has received good feedback from the parents. It has been more of a parent focused group, with the first four sessions planned around parents, and youth coming in on the last two sessions.

Washoe County has also contracted a bilingual therapist to be an in-house provider for Latino families. Cultural competency continues to be part of the recruitment practice. More than just language is required, a focus on understanding the community culture is also important. Perhaps as a result of these efforts, the Hispanic population is now under represented in the detention population. Of the 39% Latino youth in Washoe County, only 35-36% are represented in the detention population.

Chairman Burgess emphasized that moving forward, he would like to hear from all parts of the state, not just Clark or Washoe. Commissioner Walker agreed and gave an example where at a recent meeting, a question was asked about who might be missing from the group. Although all felt that it was adequately represented, what was missing, and not noticed, were representatives from the Native American Community and from the Communities of Color within the state. What was obvious, was unnoticed.

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Commissioner Walker then reiterated the need for a summit on DMC with perhaps seed money provided by the Commission. It was not known if this would be an annual, or one time summit, but something needed to be done. Once more, the importance of addressing this as an action item at the next quarterly meeting was brought up. Chairman Burgess also noted an annual conference in Biloxi Mississippi which may provide a list of speakers who could be approached to speak at the summit in Nevada. In closing he noted that Commissioner Rodriguez-Galindo was appointed to the Minority and Gender Committee.

Report from Policy and Legislation Committee – Ross Armstrong

This committee has yet to come up with a date and time for their meetings. There are several bill draft requests (BDR) being presented to legislatures from differing groups. At this point, the exact language is unknown, and they are just one sentence topics. There are five so far, which have been identified as potentially impacting juvenile justice. They include, 1.) Provisions relating to search and seizure, 2.) Revised provisions governing services for children in foster care and other out-of-home settings, 3.) Revised provisions governing programs for public safety personnel, 4.) Revised provisions governing emergencies in public schools and 5.) Revised provisions governing juvenile offenders. The Interim Committee on Child Welfare and Juvenile Justice has ten bill draft requests for their next meeting and will be discussing which of those to push forward.

New BDRs are released each week, so these will continue to be monitored. An email list will be constructed for commissioners who would like to be updated on these. Chairman Burgess recommended membership in this committee to Commissioners Irwin and Lozano. The new session will be starting in February, so it is important to get the committee organized and working.

New Business – Kirby Burgess

The Sex Offender Registration Notification Act (SORNA) was included in the commissioner's packet. Since the Supreme Court is still considering the Adam Walsh act, this is for informational purposes only. The new guidelines should allow for more flexibility by allowing states to have discretionary registration. It appears that the basis for the Nevada Lawsuit focused around the concern that there wasn't enough clarity in how it was to be executed.

Comments from the Public-

Members of the public were encouraged to introduce themselves. They were Superintendent Greg Thornton, who was once more thanked for his hospitality, Heather Plager with the state of Nevada Youth Parole Bureau, Pam Coppa, Lindsay Christensen, and Jim Kingera, Parole Chief with the state of Nevada.

Set Time, Date and Agenda for Next Meeting:

The next meeting will be held on Thursday November 17, 2016. This will be at the Nevada Youth Parole which has recently relocated to 6171 W. Charleston Blvd., Building 15 in Las Vegas, Nevada. The meeting will start around 9:30 am and go until around 2:00 pm.

Adjourn

Chairman Burgess moved to adjourn and the meeting was adjourned at 12:00 pm.