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**STATE OF NEVADA**



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**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
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 28, 2016**

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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, Steve McBride

Members Present by Phone: Michael Beam, Kirby Burgess, Elizabeth Florez

Members Excused: Jack Martin, MariaJose Taibo-Vega, Kim Wanker

Staff Present: Ross Armstrong (Deputy Administrator DCFS), Chief Leslie Bittleston, Tirzah Fagan (Deputy Attorney General)

Staff Present by Phone: J. Alice Mueller

Members of the Public present by Phone: Holly Welborn (ACLU)

**Public Comment and Discussion**

As there was no quorum, it was not opened for public comments.

**Review of Official Minutes from December 17, 2015**

With no quorum, the review and approval of the December 17, 2015 minutes will be considered at the next Planning and Development meeting.

**Formula Sub-grantee Update– Leslie Bittleston**

Chief Bittleston reviewed the State Fiscal Year (SFY) 2015 Formula Grantee Summary Document for the Committee. Four Grantees, two from Clark County, one from Fifth Judicial and one from Sixth Judicial shared the \$190,762.00 grant. So far, \$123,073.92 has been paid out with a total of 271 participants in the programs. Of these, 72% are males and 28% females with 93% successful and 3% unsuccessful. Although 2% reoffended during the program, 92% expressed satisfaction after completion. At the time of this meeting, Sixth Judicial had provided no information and was two quarters late in reporting.

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It was suggested that for the upcoming Quarterly Full Juvenile Justice Commission meeting, this information be presented by the Treasurer, Commissioner Lozano, who is also the Chairman of the Grants Committee. The Formula Sub-grantee update will continue being presented to the Committee on a quarterly basis.

### **SB107 Room Confinement– Leslie Bittleston, Ross Armstrong**

Dr. Tomassone's report was sent to members of the Committee in its entirety and is referred to as "Consultation Report to the Nevada Division for Child and Family Services". In this report he noted the following strengths: 1.) Well developed and well executed juvenile programs, along with vision, mission and value statement documents that provide the foundation for these strong systems, 2.) Facilities with outstanding educational and vocational components, 3.) Facilities that understand the importance of clear expectations for both youth and staff, 4.) Healthy working environments which allow relationships between youth and staff to grow, and 5.) Staff that are engaged and support the facilities mission in addition to work that has value and importance.

He recommended that a cool off period or a time out which is therapeutic in nature be used instead of corrective room restriction. Rather than correcting negative behaviors, emphasis should be put on positive re-enforcement. Individualized response plans might be considered. The hiring process could be streamlined to become more efficient so that quality candidates are not lost during its lengthy process. With about 90% of youth in the system having histories of trauma, about half of whom could have post-traumatic stress disorder, staff should have training in trauma informed care. Mental health providers need to be increased and work towards having treatment plans that address the youth's needs. Finally, work ought to be done to develop an integrated mental health team throughout the program.

Many of these suggestions are already being implemented. The hiring process is being streamlined and there is a real shift from consequences to incentives. This report reinforces the direction Nevada is already headed and is paralleled by the work being done by those who attended the Georgetown training last July.

Ms. Welborn commented that she was pleased to see that this report has been completed. Room restriction is an important topic nationwide. She wished to offer her office as a resource to the Juvenile Justice Commission. The Committee thanked her and assured her that they had used the Nevada American Civil Liberties office in the past.

The SB107 Summary Document covers both State Youth Correctional Facilities and Youth Detention Centers. Although for the state facilities there was an increase from November to December, nothing was noted over 25 hours. Numbers for the Youth Detention Centers were down with nothing noted over 45 hours. A trend analysis had been done with state facilities peaking at 20 to 25 hours of confinement and detention centers peaking at two to five hours.

Commissioner Florez, speaking for Washoe County noted that in reviewing their own practices of using room restriction to allow youth an opportunity to work their way out of room restriction, the two to five hour was a natural time frame. It is the amount of time it takes for a youth to comply and articulate their intent to cease certain behaviors while allowing staff to be convinced that it is safe for them to come out of restriction. She further noted that state facilities and detention centers were working with different clientele.

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### **Compliance Reporting Update– Leslie Bittleston**

An updated Compliance Manual was sent by email to the Committee members. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) published their updated compliance manual in October 2015. Their manual was used as a guide for updating Nevada's compliance manual. The major change was in report due dates. In addition to an update, the manual was condensed and provided with a different flow. Preliminary copies had been sent to Commissioners Coppa and Taibo-Vega for review. It was noted by them, as being user friendly and easy to read. Chief Bittleston wanted to present the new manual to the Committee before it went into use. She was thanked for both her work and for making it available for review.

At the previous Planning and Development meeting, definitions for use by facilities when filling out the compliance survey were discussed. The document is titled "Youth within the Juvenile and Adult Justice System Facility Educational Information". In addition to updated information, definitions are included as some facilities struggle with what the surveys are asking. These definitions come from the American Correctional Association. This document will be sent out to adult and juvenile facilities such as jails, lock-ups and others with holding cells. It was requested that they would be mailed to specific individuals.

Attempts have been made to contact Tony Cantwell, a proposed part-time compliance monitor, but nothing has been heard from him. Two recommendations have been received from commissioners as possible part-time compliance monitors. Warren Lutzow was recommended by Commissioner McBride as someone for the north part of the state and Sheree Corniel was recommended by Chairman Burgess for the south. Both have experience with either adult or juvenile probation and/or parole systems. Resumes have been submitted and contact made both by phone and in person. All required signatures were obtained so all that is needed is for them to contact the employment agency and be signed up for time tracking. They will be sent the compliance manual along with various documents for review. A conference call is scheduled, where questions can be answered prior to beginning their duties.

The contracts will be for six months each and they will be remunerated at a pay grade 33 step 5 which works out to be around \$24.00 per hour. This could cost the state about \$65,000.00 for both contracts. Although initially designated to come from the current 2015 formula budget, the Committee felt that perhaps it should be taken from the remaining 2013 formula budget first. There is still an overage of \$18,000.00 there which will no longer be available after October.

Chief Bittleston explained that in addition to using the overage from 2013, she was also going to prepare a budget concept paper for the next cycle which would change her pay to 50% formula, 50% general funds. This would allow funds for a full time compliance monitor who would be paid at 50% formula and 50% general funds. Recently the formula grant had been decreased from \$600,000.00 to \$400,000.00 and the Juvenile Accountability Block Grant (JABG) eliminated along with the Enforcing Underage Drinking Laws (EUDL) grant. She felt that something needed to be done to ensure the mandated work was accomplished.

### **Medicaid Room and Board 2015-2016– Leslie Bittleston**

Medicaid Room and Board is a state block grant comprised of 100% state monies. Its purpose is to assist facilities cover room and board for youth. The summary document is broken down by county with their individual awards and current expenditures noted. It shows how the money was spent, percentage of male and females, prior placements, re-offenses, substance abuse, mental health diagnosis and dual diagnosis (both substance and mental health diagnoses). The second page documents in graph form, various measurements over the past three years. These performance measures were put in place by the legislature who approved the state

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funds. Details of this information are available should the state legislature request it. Some minor corrections to the form were noted. Commissioner Florez thanked Chief Bittleston for the graphic presentation as it makes this information much more accessible.

Carson City has requested that they be able to use their allotment for a purpose other than residential services. Chief Ben Bianchi and Deputy Chief Ali Bannister met with Chief Bittleston about the possibility of using the funds for a restitution payment program. This would be a program where juveniles work in the community under supervision and are paid for their services. Money from this would go into an account for victim restitution. The idea, is that since the Medicaid Room and Board funds are very flexible, they could help with the restitution program. It was made very clear, that should funds be needed for appropriate residential services, this would take priority. Performance data from this program will need to be provided in a timely fashion.

A request was made by the Committee to consult legal counsel about the use of Medicaid Room and Board funds for this rather different purpose. The legislation also needs to be checked to see what the original intent was, just how much flexibility is allowed. Care needs to be taken not only in being certain that the funds can be used for another purpose, but also there needs to be an outline of the program. This outline should detail a number of items such as who, what, where, when, why and how.

### **Update Juvenile Justice Commission Brochures– Dan Coppa**

The updated Juvenile Justice brochure and Prison Rape Elimination Act (PREA) brochures were sent to the members of the Committee. Some minor changes were noted on the Juvenile Justice brochure but both PREA brochures were correct as submitted. It was determined that the funds for these brochures would come from the Juvenile Justice Block Grant, which still had some money in it. There would be 500 of the Juvenile Justice brochures printed with 250 each for the two PREA brochures. The printing and cost will be reported on at the next meeting.

### **Legal Education of Nevada Barristers on Juvenile Issues– Dan Coppa**

The Nevada Bar Association, Board of Governors has created a five person task force comprised of Commissioner Dan Coppa (Sparks), Commissioner/Judge Kim Wanker (Pahrump), Julie Cavanaugh (Elko), Troy Isaacson (Las Vegas) and Ryan Russell (Carson City). The task force is attempting to have a telephone conference some time in February where they will develop an objective. Actually an objective has already been prepared and was presented to the Board of Governors, so a start has already been made.

### **2016-2017 Juvenile Justice Orientation Manual– J. Alice Mueller**

The Juvenile Justice Orientation Manual is usually updated every two years with the last update in 2013. It is provided to new members joining the Commission and cover a number of things they need to know. There are two sections, the first is comprised of the main narrative which deals with the juvenile justice delinquency prevention act, Governor's executive orders, history of Nevada Juvenile Justice, Commission Bylaws and many other important topics. The second section includes the appendices which cover examples of agendas, minutes, and travel documents among other things. Previously this was a lengthy paper document but is now provided in a CD format. An image of the Belmont Courthouse was suggested as an appropriate image for the new CD. The preliminary version will be sent out to the members of the Committee to review for the next meeting.

### **Open Meeting Law Update– Tirzah Fagan**

Although Deputy Attorney General Fagan was unable to look into questions from the Committee pertaining to the Open Meeting Law herself, she did receive verification on them

from Chief Deputy Attorney General Linda Anderson. Ms. Fagan confirmed that the proposed language change on the posted agendas is in compliance with the Open Meeting Law. The posting of meetings in addition to agendas and minutes are also available on three separate DCFS and State of Nevada websites.

**PREA– Leslie Bittleston**

The state received a PREA zero tolerance educational grant in September of 2015. This grant runs from October 1<sup>st</sup>, 2015 through September 30<sup>th</sup>, 2017 and is in the amount of \$177,174.00. The grant was originally written to contract out some of the PREA duties and to provide vendors who would train staff on PREA standards. It was determined that as PREA would be an ongoing duty, and since the state has been unsuccessful in assigning some of the PREA duties to existing staff, a full time PREA Coordinator position should be established. The scope and budget of this grant was revised to include a PREA Coordinator position and will be presented to the Interim Finance Committee (IFC) on February 11<sup>th</sup>, 2016 for approval. The limiting feature of this is that the grant is only for one year and the coordinator cannot be hired until July 1, 2016. The budget concept would have the coordinator position 100% covered by state general funds in the future as a current review of available grants shows nothing available to even cover 50% of the position's salary.

There is money set aside in this grant to purchase risk assessments for youth who are committed to correctional facilities. During intake, they will be assessed as to potential risk as a victim or perpetrator. Funds will also be made available to purchase updated curriculum and for initial training of new staff and continuing training of existing staff.

Examples of PREA posters to be printed were handed out to the members of the Committee in Reno. About 500 posters will be ordered and sent to Caliente, Nevada Youth Training Center and Summit View. Any remaining posters can be distributed during compliance reviews. Some of the posters do have female images, but these will only be used at facilities with female residents, such as Caliente.

In addition to the Zero Tolerance Grant, there is also a PREA Demonstration Grant. In association with these are requirements for three performance measures. These cover basic information on how many allegations of sexual assault, sexual harassment, or sexual misconduct occurred between youth and youth, or between youth and staff. This information is collected not only from the three correctional facilities but also should be collected from all members of the compliance universe which includes court holding facilities, jails and lock-ups.

Chief Bittleston has been working with an OJJDP technical assistant advisor, Charles Kehoe, about obtaining data for these grants. A self-reporting PREA survey is being created which is similar to the compliance survey already being sent out. The document labeled "PREA Compliance Universe" lists 42 facilities chosen to receive the survey which has been titled "State of Nevada Division of Child and Family Service Juvenile Justice Programs Office Annual PREA Survey". This was approved by Mr. Kehoe and will be sent to any facility which houses juveniles overnight. The premise is that it only will be filled out if there are allegations of sexual assault, harassment or misconduct of those juveniles. Adult PREA offenses will not be considered nor information collected with this survey. The PREA survey will be sent out annually and collect numbers, not confidential information.

There were some questions on the survey, how it was worded and what long term youth it would collect information about. The juvenile detention centers do not currently report this type of information to the Juvenile Justice Chief but once the PREA Coordinator position is filled, that individual will collect this data. Deputy Administrator Armstrong pointed out that the media was



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beginning to pay attention to PREA. From some of their information, it would appear that juvenile PREA is very different from adult PREA. Female youth are more likely to be sited for misconduct, while male youth are more likely to have a sexual harassment component. Most of their information is from 2012 and so gives a pre-PREA regulation view. It should prove interesting to compare the pre-regulation data with that collected after PREA was in force.

### **2013 Formula Grant Expenditures– Leslie Bittleston**

There is \$18,000.33 left in the 2013 Formula grant. It is estimated that the two part-time compliance monitors will cost about \$65,000.00 during their six month contract. This will put some strain on the 2015 Formula grant and Chief Bittleston wished to have approval to use some of the 2013 Formula grant funds to cover some of the compliance monitor's costs. It was agreed that she would put together a detailed spreadsheet of how much this would cost. These funds need to be expended by September 30, 2016 or they will be lost. A motion would be prepared for presentation at the Quarterly Full Juvenile Justice Commission on February 18, 2016 in which the \$18,000.00 amount would be encumbered and drawn down before using any of the more current formula funds.

### **New Business– Leslie Bittleston**

The previous Three Year Plan was written in 2013 although there have been yearly updates. Chief Bittleston requested that the Planning and Development Committee review the current Three Year Plan along with the newest list of Formula Grant Program Areas. The newest program areas will be sent out to the members of the Committee.

There is a need to recruit new Youth Commissioners. There are currently seven youth commissioners with five being active and one up for renewal this year. Requests for applications are being sent out to independent living foundations, and schools. Youth commissioners must be appointed before the age of 24, however once a youth commissioner, always a youth commissioner.

### **Comments from Public**

There were no comments from the public.

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

The next Committee Meeting is scheduled for Thursday March 17, 2016 at 10:00 am. This will be a videoconference with the following agenda.

Agenda:

SB107 summary report

Medicaid Room and Board Carson City Proposal

Compliance Manual update, Director and Definitions, Monitors update, Staff identification.

Update Juvenile Justice Commission Brochures cost of printing.

Legal Education for Nevada Barristers on Juvenile Issues.

Three Year Plan, Formula Program Areas

PREA Survey Draft.

### **Adjourn**

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