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Nevada State Juvenile Justice Oversight Commission
Risk Assessment
Committee Meeting
September 12, 2018

Meeting Minutes

Call to Order: 10: 02 AM

Roll Call: Jack Martin, Judge Egan Walker, Jo Lee Wickes, Ross Armstrong, Paula Smith, Pauline Salla-Smith, Scott Shick, Kelly Clement, Katie Brubaker, Gina Vincent, John Munoz, Leslie Bittleston, Ali Banister, Heather Plager, Mike Torres, Frank Cervantes, Lynette Gust, Tom Metscher

Public Comment: None

Meeting Minutes:

COMMISSIONER WICKES: Item No. 4, which is the primary reason, at least in my view, of today's meeting, which is to start working on, if not making significant progress towards developing the YLS minimum standards on a statewide basis. And I believe that Dr. Gina Vincent and Mr. Kelly Clement will assist us with that Agenda item. For the record, we have been -- we have received this morning an eight-page draft of the YLS probation policy template.

COMMISSIONER SALLA-SMITH: This is Pauline for the record. Ali Banister is on the phone, too, just so you have a record of that.

COMMISSIONER WICKES: Good morning, Ali.

ALI BANISTER: Hi, how are you?

COMMISSIONER WICKES: We're good, thank you. So, Dr. –

ALI BANISTER: I didn't want to interrupt.

COMMISSIONER WICKES: Thank you. Dr. Gina Vincent or Mr. Kelly Clement, would you like to assist us in getting started with reducing these policies to written finalization? I'm being optimistic.

GINA VINCENT: Yes, I will. I'm going to need to share my screen. Can you all hear me okay?

KATIE BRUBAKER: Yes.

COMMISSIONER WICKES: Yes.

GINA VINCENT: Okay, so, I need just a -- if you don't mind me having just a moment to figure this out, because I'm not used to using this system. And I don't have any support today. Let's see. And for some reason, Kelly's face is the only one appearing on the screen. Lucky you, Kelly. There you go. I think it's happening. Can people see my desktop?

KATIE BRUBAKER: Yes.

COMMISSIONER WICKES: Yes.

GINA VINCENT: So, the wrong -- all right. Okay. So, what I'm going to attempt to do is to walk through the policy as we go, and I need to make sure that this is large enough for everybody to see. I'm walking through a policy template I should say. It's not the actual policy. So, first question is, is that large enough for folks to see?

COMMISSIONER WICKES: Yes.

GINA VINCENT: Okay, great. All right, now, just get oriented here. So, as a reminder just about where we are at, my understanding is that there's an agreement to put together and work on a -- basically, a model policy, which is essentially the minimum standards that would be applied to probation offices that are going to be adopting the YLS, which is everybody. But the goal for this work group is largely to put together, you know, what are those minimum standards that everybody can agree to, and that's the first issue, and second is -- along with that is what areas should the local probation departments be kind of [inaudible] for them to develop their own practice. So, we'll be walking through a template. We find this template helps orient everybody to the typical aspects of a risk assessment and a risk responsivity policy, but with an eye -- all the way through we'll be keeping an eye towards what area should just be left up to the individual probation department to have in their own policies and procedures. Okay. I think that the first step is to just orient people to everything that's in the policy template. We intentionally did not hand it out until today because we wanted to be able to have this opportunity to walk through it with everybody. But, like, to orient you to this, we are aware that some of what is going to go in here is dictated by the legislation, and that's going to be very clear. There's not a lot of need for discussion around those areas. We're also very aware that individual probation departments are going to want to split up

this policy in different ways. So, there are elements of the YLS that obviously -- many elements of the YLS policy that trickle into your case management and case planning. I mean, that is the number one purpose for adopting an instrument like this. So, you all may have individual policies that are going to be affected. You all may have individual supervision policies that are on separate documents. Those will all still be affected. What the State is -- just to offer some guidance here. What the State has decided to do is to have one policy document that contains everything YLS involves. So, everything that the YLS pertains to is going to be in one document so that staff have that as a reference, because it's going to be very helpful for staff to have just one document that they can look at; however, this filters into many other policies. It's going to affect many other policies within the state, and so aspects of it are going to be repeated within each of those policies also where relevant. That may be -- that may also make the most sense for probation, that there be one model policy that has the minimum standards within all of these areas, case planning, supervision, assessment, administration [inaudible] have also got elements of it in your individual case management, case planning, supervision policies, and so on. Please keep that in mind. Also keep in mind that this does not look like the format that you all are used to. This is our template based on, you know, years of experience, doing this with states. We've got it all on one document, and we know that it's going to look quite different. The format is going to look quite different by the time we're all done. Kelly, did I leave anything out?

KELLY CLEMENT: No, I think you covered it.

GINA VINCENT: But I only see one -- by the way, I only see one group of people. Are you guys in -- where are you guys located?

KATIE BRUBAKER: Carson City, yeah.

GINA VINCENT: Katie, would you -- hello. Excellent. All right. The way that we have this set up is there's some standard language in sections throughout. Everything in italics is up for debate and are customized to the individual state or agency, and then we have example -- we have example language throughout that comes from other states' policies that we think are quite good. So, the [inaudible] was just an explanation of the YLS and what this is. Again, I'm just walking through to orient everybody to the content that we'll be discussing. Then there's a section on the purpose. This should really outline and bullet point all the ways in which the YLS is going to be used, and I believe this really comes directly from your legislation, and so we will be asking Katie to assist us with filling that in. But the goal really is for the YLS to assess youths' risk to help make placement decisions or make disposition decisions, rather, which may lead to placement decisions, and it will also be used to help with case planning when we're talking specifically about the probation ones. It will also be used to help make decisions about level of supervision. There may be some exceptions to completing the YLS. So, right now, the idea is every youth who is going to receive a disposition will get a YLS. There may be some exceptions to that, that you will want to put in here so that staff know. For example, some interstate compact youth. I don't know if that's a term that you all use in Nevada, but that's one area where there is often exceptions to doing the risk assessment, if this youth is going to later be relocated somewhere else. May not make any sense to do a risk assessment here, youth who are getting transferred from one county to another. There may be exceptions like that, that we will want to talk through and think about, because the YLS may be better performed by some other county and jurisdiction. Okay, then there's

responsible parties, who's going to be responsible for conducting the initial assessment, and of course, the initial assessment is the very first YLS that the youth ever receives in probation, because we're speaking about the probation policy, and then there's also going to be reassessments. So, you may have different parties who are responsible for the reassessments that will be discussed. Administration procedures, this section is fairly standard. The YLS training will, of course, cover everything about how the YLS is to be administered and what type of information gathering should be conducted to complete a thorough and valid YLS. So, multiple language here is standard about the types of records that folks should be getting, the interviews they should be doing, and so on, and so forth. What's not standard and that may be up for discussion here is the script that's used to introduce the YLS to the youth and the parents or caregiver. So, that will be an area for discussion. It is important, I think, and best practice to have -- you know, be introducing to youth or explaining to youth and their families why you are gathering the information that you are and how that's going to help them or how it -- or conversely, how that may be used -- how that information is going to be shared with the courts, how that information is going to be used in their case, so on, and so forth. This is about giving them the appropriate disclosures prior to obtaining the information. That script will be an area of discussion. The interview process, collateral information that's gathered, probably not a big area of discussion. That's going to be covered in the training. Correcting [inaudible], so a recommendation [inaudible] section about how scores will be corrected if they were wrong in the beginning due to lack of information, because that always happens. Maybe the youth or parent won't be entirely forthcoming about information that they're concerned may incriminate them. That happens. There may be some problems in the interview process where, you know, there was a misunderstanding about questions, and so more information comes to light as probation officers get to know the youth and families better. There's all kinds of reasons this can happen. We want to minimize this with very good training and very good interviewing, and there's always going to be circumstances where there may need to be some correction of course. It's better to correct them within a timely period so that your data and your decision-making is unaffected, and that is a policy issue. It goes into the policy about how that's going to be done. There's also a quality assurance issue, obviously. So, that will be something to discuss. The timing of administration, so when is it going to be completed, that'll be discussed. You guys did some homework about that, which is terrific. That's going to be a main topic of conversation today, so I'm going to bypass this right now. Protection of information, this is going to be really important to have directly in the policy, have figured out how information is going to be protected if anyone is administering the YLS pre-adjudication. It becomes less of an issue, certainly, if the YLS is implemented post-adjudication. So, that will be another topic of discussion today. Timing of reassessments, okay, that generally is pretty easy when we're talking about the probation policy. It's much more complicated when we're talking about the corrections policy, but I believe that we can definitely get through that today. Which YLS norms will be used when, that's another section of the policy, and I will get into more detail about what that means when we get there, but to give a quick overview, the YLS has got two different sets of norms. That means there's two different sets of scoring criteria to decide who's low, moderate, and high risk, and it will be important to state in your policy the ones that you're using and when. And again, that's not a training issue. That's something that your policy should dictate. Training and staff qualifications, so there's a whole section about required training on the YLS. Also, we advise that that goes directly in your policy so that it's clear who's qualified to administer the YLS on their own. One area -- most of this, again, is pretty standard language, but one area that I think would be up for discussion here at the minimum is talking about the master trainer process, and master trainers,

whether each office wants to have master trainers, how those -- what those people's job and duties would be to become a master trainer -- not to become a master trainer, but once they are a master trainer, what the expectations would be of those individuals. That's going to be an important conversation that we may get to today. Booster training, so standard -- this is standard language as well. There may be a bit of tweaking about this and some discussion about whether it goes in the state minimum policy or whether it goes just only in local policies for each probation office to decide on their own. Just to give a quick insight about this, it is strongly recommended that when you adopt any type of assessment tool that involves some type of rating criteria, that means you are developing people who have professional skills in completing these assessment tools. It's not straightforward. It's not like they're having you fill out a questionnaire, as many of you know, because you've been using risk assessments for a while. So, it is standard recommendation that any users of the tool get booster training at least once a year, if not twice a year. There are many different ways that booster training can be administered. That is not something that Kelly and I -- that we would suggest Kelly and I be coming in to do, although I think that we may -- the first booster training may be provided by us. But we want to work with you all to help set -- to set you up so that you're able to do this moving forward as a state on your own without this being any extra expense of bringing in, you know, outside experts, and so on. It's a great -- I mean, it's an important process for implementing a sustainable practice that's going to be maintained with fidelity. Okay. Then we get into all of the areas in which that YLS is going to be used in decisions and to inform various decisions, and the primary ones, of course, are the predisposition of reports or the disposition recommendation. The other is supervision level. The third is case planning. Those are the biggies. As I mentioned during the last meeting, and hopefully, most of you were there in that last meeting when we did the overview of the YLS, that the way the YLS is utilized in decision-making is dictated by your policy. It is not dictated by the YLS, the makers of the YLS, or, you know, the people who put together the YLS software. It is dictated by your policy how that is going to be used. This is the most important part of the policy. It is incredibly important to train staff on your policy in how the YLS is going to be used in all of these areas, and it is constant re-messaging about this and quality assurance to make sure that this is happening as we go. And before I continue going through the template, I just want to make sure that you all -- are we missing any area of decision-making that the YLS would be used with for probation? We've got predisposition recommendation, supervision level, and case planning. That covers it?

COMMISSIONER WICKES: I think so.

GINA VINCENT: Okay. Okay, great. Next is the review and updating of case plans. So, there's some policy language around how -- the frequency of that, but I know many of you already have your own policies about that. What's important in the YLS policy is the reminder that the YLS reassessments should be used in those case planning updates. And then the last section about this has to do with quality assurance. Quality assurance, when you're implementing a risk assessment tool, is critical. I cannot underemphasize -- I cannot emphasize enough the need for good quality assurance procedures when you put one of these in place, because as with any good evidence-based practice, if you put it into place, you can have the best training ever, you can have the best policies ever, but if there isn't leadership in each office that is going to ensure this practice continues with fidelity and there aren't supervisors also ensuring that that happens, it tends to fall out. So, the quality starts to diminish over time. So, the quality assurances are absolutely key. I guarantee we're not going to get to that today. That's often -- I have a feeling our brains may be a

bit tired by the time we get to that section, but that often comes a bit later. So, that's orienting to the policy template and the typical section to be addressed. Are there any questions about that or anything people feel is missing? I know some of you have your own policies. A couple of the sites here -- a couple of the pilot sites have got the YLS actually. From your own policy and experience, do you see anything missing? Okay.

COMMISSIONER SALLA-SMITH: This is Pauline for the record. I think that as I'm reading it, there's just a lot of information. So, I'm trying to process that and think about our own policy. So, I can't give specifics at this time.

GINA VINCENT: Okay. Thank you. That was a very honest response. Thank you very much. So, I will keep in mind that as we go through this, it's very possible folks will have some issues come to mind. I missed roll call. It went pretty fast, so I missed the roll call. I wanted to just double check. Do we have all of the pilot counties here today? So, do we have at least one person from Douglas County?

LESLIE BITTLESTON: Yep.

COMMISSIONER WICKES: Yes.

COMMISSIONER SHICK: There's two of us here from Douglas.

GINA VINCENT: Terrific. Carson City?

KATIE BRUBAKER: Yes.

ALI BANISTER: There's two of us from Carson.

GINA VINCENT: Wonderful. Humboldt?

COMMISSIONER SALLA-SMITH: Yes, I'm here. It's Pauline.

GINA VINCENT: Okay, hi, Pauline. And I don't know if they're -- Washoe?

KATIE BRUBAKER: Washoe?

COMMISSIONER WICKES: This is Jo Lee Commissioner Wickes for the record. Frank could not be here today. One of our former probation officers passed away, and his funeral is contemporaneous with this meeting. So, unfortunately, there is not anyone here from juvenile probation with Washoe County. I am the DA, but obviously several steps removed from risk assessment. So, almost everybody from the pilot counties are here.

KATIE BRUBAKER: And this is Katie. Frank said that he would try and join afterwards.

GINA VINCENT: Okay. Okay. Sorry. Okay, I'm sorry to hear that. I'm glad to hear that he may decide to join afterwards. So, okay, I -- all right. That's a review. So, I think what makes sense -

- and I've got two different webcams going here. The one that I would normally use is only showing the side of my face. So, I apologize. I'm trying to make it look like I'm looking at everybody directly. What I suggest, since we have multiple people at the table, is that we just talk briefly about the first two sections of this so that we are doing it in order and then we go into the timing of administration, because that's going -- that's kind of a big ticket item that requires a bit more discussion. So, the description of the Youth Level of Service/Case Management Inventory is quite straightforward and standard. What it is -- the one point that I want to make is here in this section, that this will be a -- this will be constant messaging, because what we have -- what we have found every time we've helped folks -- or states and agencies implement risk assessment tools is that this statement here is misinterpreted. Over time, if there's not been quality assurance and leadership, people start to really misinterpret this and stop using the YLS for certain youth, and we would like to, you know, see that not happen for you all. So, it is important to remember that any risk assessment tool like the YLS was designed for -- designed specifically to measure, assess, and predict who is likely to engage in continued offending, and we're talking about general offending. That's general offending including serious and violent offending. It's going to give you very good information. It's a very well validated tool. We highly recommend this tool. It's going to give you very good information about who's likely to continue engaging in general offending and violent offending. It is not going to provide you with any information about who is likely to commit a sex offense. Okay? So, this is not a risk assessment for sex offending. In order to know or in order to get a sense of who's likely to engage in sex offending, we need more information about that like -- and there are other risk assessment tools that were designed specifically for that purpose, and they generally include things like sexual deviance, whether there has been sexual abuse in the past, and a few other risk factors that you're not going to see on the YLS. So, the YLS is not going to be a good -- or a valid indicator of telling you who's likely to engage in a sex offense. That said -- and this is where the misunderstanding comes in all the time. That said, the YLS is still a valid tool -- if you have a youth on your caseload who committed a sex offense, so they have been designated as a sex offender, the YLS is still a valid assessment of whether that youth is going to go on to commit other types of recidivism for other types of offending, even violent offending, anything that is non-sexual, and we know with young people who get charged with sex offenses the vast majority of them are not a risk for committing future sexual offending. In fact, the vast majority of them are pretty low risk for engaging much more bad behavior to begin with, and those who are somewhat high risk, their high risk generally is around general offending, not around sex offending, not around committing more sex offending. It's incredibly important to train, and we will be -- Kelly and I will be covering this in the training, but it is incredibly important for the leadership to be constantly messaging that with their staff, and it is incredibly important for your seasoned staff and your supervisors to be constantly messaging that. Where we see the miscommunication occur often is that some probation departments or individual probation officers take this to mean that the YLS should not be conducted with youth who are sex offenders. That is not true. That is not true at all. Youth who are sex offenders, as I said, if they are any risk at all, their risk typically is around general reoffending and violent reoffending. It's not around sexual reoffending. The YLS is still a good indicator of that. The YLS can still be used to make good, sound disposition recommendations in conjunction with a sex offender risk assessment, and the YLS can still be used for many different areas of your case management. It's just important if you have a youth who's a sex offender to combine that information with a sex offending -- a risk assessment that's specific to sex offending. Those of you who have been conducting risk

assessments in your offices for years, does this make sense? And I'm curious what your policy has been around use of the YLS or other risk assessment tools for kids who are sex offenders.

COMMISSIONER WICKES: Jack, do you want to weigh in on that? Perhaps we could hear from Pauline and/or Scott about what your current policies are about assessing sex offenders in your counties.

COMMISSIONER SHICK: This is Douglas County. As far as sex offenders are concerned, we would refer to the gentleman's –

COMMISSIONER WICKES: Stuyvesant

COMMISSIONER SHICK: Dr. Stuyvesant for that evaluation and/or we have a psychologist that we would -- to get a full makeup on that and get recommendations from him in respect to disposition and also necessary treatment and/or residential, whatever that might be based on a case-by-case basis. Yeah.

COMMISSIONER WICKES: Pauline?

GINA VINCENT: And what county was this again?

COMMISSIONER SHICK: This is Douglas County.

GINA VINCENT: Douglas?

COMMISSIONER SHICK: Yeah, Scott, good morning.

GINA VINCENT: So, Douglas, you refer them, and do you know if they use any risk assessment tools in that assessment?

COMMISSIONER SHICK: We are not using a risk assessment tool. We have a very generic one, and this is why we're welcoming the YLS. You know, you asked me that the last time we met, and I was kind of embarrassed.

GINA VINCENT: This question was specific to your clinician. Do you know if you're clinician is using the risk assessment tool you're referring –

COMMISSIONER SHICK: Yes, they use -- I'm sorry. They use -- Dr. Stuyvesant, I'm not sure what tool he uses.

COMMISSIONER SALLA-SMITH: He uses YLS.

COMMISSIONER WICKES: So, Dr. Gina Vincent, this is Jo Lee Commissioner Wickes from Washoe County. Robert Stuyvesant is the man that Scott is referring to. He is a specialist for sex offenders. He does most of the sex offender juvenile evaluations, I think, for northern Nevada. He uses a variety of risk assessment tools in addition to his clinical judgment. He uses the

JSORRAT-II. He started including more recently in the last six months or less, Professor, which is not specifically designed to assess risk, and he considers it experimental, but he uses it to help determine protective factors, and I'm trying to remember what the other word now is. It's not risk, but he uses it to kind of determine if this person is tending more towards protective factors or what the other side of the coin is, and I don't remember that terminology. He also uses the YLS and has for many, many years, and he's very clear in his assessment that he's using that to look at general criminogenic needs and risks.

GINA VINCENT: Perfect.

COMMISSIONER WICKES: And so that's the experience of Washoe County, and to the extent -- are you using them, too?

COMMISSIONER SALLA-SMITH: Yeah. Humboldt County, we use them, too.

COMMISSIONER WICKES: Okay. So, Humboldt uses him. Carson, I believe, if Ali could weigh in on that. I don't know if they're using --

ALI BANISTER: We do. We use him as well, Jo Lee.

COMMISSIONER WICKES: Okay. So, at least in northern Nevada, that's what those look like, and then I don't know if the individual departments are doing their own risk assessment. In Washoe County, they don't have -- they have a risk assessment tool that they have developed themselves, and they go through that entire risk assessment process in addition to Mr. Stuyvesant's evaluation, but they don't do theirs until after they receive his evaluation.

GINA VINCENT: Okay. That's very helpful. Thank you. So, Pauline, when you refer people to him, do your probation officers also still do the YLS?

COMMISSIONER SALLA-SMITH: For the record, Pauline. If we've already had the youth on supervision and then a sexual behavior offense may come up, the YLS has already been done, we let Robert Stuyvesant know that. If they come in with a sex offense charge, then we let him handle all that.

GINA VINCENT: Okay.

ALI BANISTER: This is Ali for the record in Carson City, and we utilize the YLS for sex offenders, but also do a sex offender specific evaluation once they go through court.

GINA VINCENT: Okay, great.

COMMISSIONER WICKES: And Ali, who does your sex offender specific evaluation?

ALI BANISTER: Robert Stuyvesant.

COMMISSIONER WICKES: Okay. He's busy.

GINA VINCENT: Okay.

COMMISSIONER WICKES: This is Jo Lee Commissioner Wickes again for the record. If I could kind of segue, I think it would help me at least and maybe voting members of our Committee if we could talk a little bit about how we're going to approach this. I would like to suggest that we rely on Dr. Gina Vincent and Mr. KELLY CLEMENT to the extent that he has comments about kind of laying the foundation for each section, but then I would like to stop, like to have a discussion. I would like to make a motion. I would like to get some language approved and move on to the next section, because I'm afraid that if we don't, it's going to be difficult to make progress. We're going to be -- I'm afraid that we'll have to backtrack, and I think we need to move forward, because obviously, we need to get this -- we need to get this done so that we can make forward progress. So, if we could have a discussion about my approach, I would appreciate that at least from the voting members if everybody is comfortable with doing it that way.

COMMISSIONER SHICK: This is Scott. I support Jo Lee's recommendation to, section-by-section, agree on the language, move forward, and if something impacts something we did previously, we can go there, but I think it's a great idea.

COMMISSIONER WICKES: Anybody else on the phone want to weigh in on how we're going to approach today?

COMMISSIONER MARTIN: That makes the most sense. That way, we're not backtracking. Thank you.

ALI BANISTER: I agree. This is Carson.

COMMISSIONER WICKES: Okay. Anyone --

LYNETTE GUST: This is White Pine, and I agree.

COMMISSIONER WICKES: Great, thank you.

TOM METSCHER: And Nye County, same thing.

COMMISSIONER WICKES: Anyone else in -- anyone in Carson want to weigh in on that?

COMMISSIONER SALLA-SMITH: I'm good with it.

COMMISSIONER WICKES: Okay, so, Dr. Gina Vincent, was there anything else, information that you needed from us or any other information that you wanted to share with us regarding that first -- that very first section, Youth Level of Service/Case Management Inventory Assessment, just that basic kind of here's what it is, and it's not intended to assess future risk of sex -- excuse me -- sex offending?

GINA VINCENT: Yes, just that I would add that I think it would be a good idea to put in the policy whether the YLS is going to be conducted with sex offenders or not so that it's very clear for people, because this has been -- we've seen this be a problem in many states.

COMMISSIONER WICKES: So, this is Jo Lee Wickes for the record.

GINA VINCENT: Our suggestion would be that the YLS is still conducted by your probation officers regardless of the type of offense that the youth committed. That would be our recommendation.

COMMISSIONER WICKES: And I think the Nevada law is going to require it.

COMMISSIONER SHICK: Yeah, yeah.

GINA VINCENT: Okay.

COMMISSIONER WICKES: So, I don't think we need -- I'm trying to be careful in approaching this at least from my point of view. I would like to set this as, like, the minimum standards.

GINA VINCENT: Yeah.

COMMISSIONER WICKES: And since Nevada law requires the YLS to be administered when a person has been petitioned and is going to the court for disposition, I think it's covered.

GINA VINCENT: Okay. All right.

COMMISSIONER WICKES: Okay. So, is there any discussion regarding just those first two paragraphs in terms of should it be included in a written minimum policy and is everybody happy with the language that's there? Any discussion from Members on the phone? Anyone in Carson?

COMMISSIONER ARMSTRONG: This is Ross. I think it's important to have the distinction about the risk of sexual offending. I think the other thing, and correct me if I'm wrong, but it will be important to message as it rolls out. I don't know if it needs to be clearer in this language, is that it's the risk for reoffending without intervention. It's not like, here's your risk for reoffending and so therefore you're tagged as reoffending forever. That's your risk without any intervention, because I could see a department or DA's Office taking these two paragraphs and copying and pasting in their report to the court, and so I think it will get -- I think it's important to make it clear that it's the risk of reoffending without intervention. And if that's not what that is, let me know, Dr. Gina Vincent, and I'll retract that comment, but to me, I think that's an important piece of describing what it's evaluating.

GINA VINCENT: I think that is a wonderful point, and in fact, we need to permanently change our template to reflect that. I absolutely agree with you.

COMMISSIONER WICKES: Any other discussion? What I'm hearing is that on the second line, risks -- or youth's risk for future reoffending without intervention and for identifying youth's needs

of case planning. Any other discussion about these first two paragraphs on page 1? Do I have a motion?

COMMISSIONER ARMSTRONG: I so move. This is Ross for the record.

COMMISSIONER SHICK: This is Scott. I'll second the motion.

COMMISSIONER WICKES: All voting Members only, and to all of the counties, we really appreciate you being here, but in order to maintain a record, we have to vote -- we have to hear from the voting Members. So, all voting Members, with regard to the motion, all those in favor. [Ayes around]. Anyone opposed? Step one. Okay, so, we're moving on, Dr. Gina Vincent and Mr. Kelly Clement, to the purpose.

GINA VINCENT: Right. Okay. So, department, here is -- if this is a process that you want to work through, here is an area where we're going to have some language changes. So, there's -- policy requires that a certain personnel use the YLS/CMI for all youths who, blah, blah, blah, and this, I think, is dictated by your legislation. And then the next issue is to be used in the following decision. So, maybe if we want to break this down, the personnel, I would suggest maybe we leave that just for now until we talk about the timing of the administration, because the personnel who completes the YLS may be slightly different based on the time of the administration.

GINA VINCENT: You may want to leave that kind of open and not have a minimum standard there.

COMMISSIONER ARMSTRONG: This is Ross, and I just wanted to check kind of on -- since this is going to be our model policy, I'm wondering, like -- I'm assuming there's going to be some sections where we kind of indicate, hey, county probation department, you're going to need to put in what your personnel title is here, but we would say, you know, the personnel needs to be someone who's been approved to use it through training and et cetera.

COMMISSIONER SALLA-SMITH: Yeah, trained.

COMMISSIONER ARMSTRONG: But not necessarily put titles, because there might be different titles county-by-county. So, are things in brackets designed to remain flexible for the counties and the model policy will keep those brackets or are we going to be plugging in sample titles for all of these items?

COMMISSIONER WICKES: So, this is Jo Lee for the record. Because this is a minimum, I like the idea of just saying shall require that properly trained personnel, period, use the YLS for all youth who must receive it pursuant to Nevada law, period.

COMMISSIONER SALLA-SMITH: Agree.

COMMISSIONER WICKES: Because --

COMMISSIONER SALLA-SMITH: It's minimum. It's a minimum standard.

COMMISSIONER WICKES: It's a minimum standard. I think it's unwise to dictate to DCFS, you know, in the correctional setting or even in the parole setting, to any county to the -- I just think the law is the law, and as long as they get the proper training, I personally don't care what their title is, and I think it's difficult to change things once it's in writing. So, I'd like to keep it as short and simple as possible.

GINA VINCENT: And I think Kelly is -- since it's hard for me to type and do this at the same time, I think Kelly is typing all of this up, are you, Kelly?

KELLY CLEMENT: Yes.

COMMISSIONER WICKES: So, from the probation departments that are on the phone, can we get some feedback, please?

ALI BANISTER: This is Ali from Carson. I would agree in keeping the language very broad like you stated, Jo Lee.

COMMISSIONER SHICK: Tom and Lynette?

LYNETTE GUST: I agree.

TOM METSCHER: Yeah, same. I mean, generally, it's going to be probation officer, but there could be a specialist down the road, too, that doesn't have the same title, or what have you, that could be in that role. So, I agree.

COMMISSIONER SALLA-SMITH: Well, there could also be -- this is Pauline.

HEATHER PLAGER: This is Heather in Elko, and yeah, I agree.

COMMISSIONER SALLA-SMITH: And there could also be detention staff conducting it also. So, I agree.

COMMISSIONER SHICK: And Douglas concurs as well.

COMMISSIONER WICKES: Okay, so, this is Jo Lee again for the record. Written policy, procedure, and practice shall require that properly trained personnel use the YLS/Case Management Inventory for all youth who must receive said assessment pursuant to Nevada law. Any further discussion about that sentence?

COMMISSIONER SHICK: That was very well said.

COMMISSIONER WICKES: Thank you.

GINA VINCENT: Very well said.

COMMISSIONER SHICK: Got to love that Jo Lee.

COMMISSIONER WICKES: Do I have a motion on that sentence?

COMMISSIONER SHICK: I move that we approve the purpose statement, Ms. Commissioner Wickes.

COMMISSIONER SALLA-SMITH: This is Pauline. I'll second it.

COMMISSIONER WICKES: Any further discussion? All those in favor? [Ayes around]. Any opposed? Okay, thank you.

GINA VINCENT: Okay.

COMMISSIONER WICKES: So, I think we move on to the next sentence, which is YLS is to be used in the following decisions.

COMMISSIONER SALLA-SMITH: Pursuant to Nevada law.

GINA VINCENT: Well, do you want to fill in it's going to be used for all youth who blank, and typically, I mean, given your legislation, it will be all youth who before -- prior to receiving a disposition. That's, I think, your minimum standard --

COMMISSIONER SHICK: Right.

GINA VINCENT: -- is that all youth need to get it prior to disposition. It could be as simple as inserting that here.

COMMISSIONER WICKES: Well, here's the problem that I have with the suggested change to the language, is that there's other times when it's going to be administered and it's not prior to disposition. It's post-disposition. And so I really think that we just leave it with properly trained personnel using it for all youth who are required to be assessed pursuant to Nevada law.

GINA VINCENT: Okay. All right.

COMMISSIONER SALLA SMITH: And get rid of that sentence, that second sentence you're saying? This one.

COMMISSIONER WICKES: Right. So, in talking about -- in talking about how it's going to be used, I think we can talk about a policy about how it's going to be used, but I think that's different than the first sentence above it.

GINA VINCENT: That makes sense. Okay. Do you want to move into the purpose? And I imagine the purpose is coming straight from your legislation, so maybe somebody else would like to propose the language there. It's going to be used in the following decisions. I'm sorry.

COMMISSIONER WICKES: I think that the intent of the legislation was that it's going to be used to inform decisions made by the court, probation, and parole agencies.

COMMISSIONER ARMSTRONG: I'm thinking, though, if this is -- if I'm a, you know, ground level probation officer and I'm looking at the YLS policy, I kind of want maybe a more specific list of this is going to be used to make the disposition, this is going to be used to help inform any out-of-state placement requests.

COMMISSIONER SALLA-SMITH: Or in any placements.

COMMISSIONER SHICK: Right, placements all together.

COMMISSIONER SALLA-SMITH: For county --

COMMISSIONER SHICK: Selection of services and case planning.

COMMISSIONER ARMSTRONG: And then there should be some -- you know, there may be individual specific things that county probation departments do.

COMMISSIONER WICKES: Add more to.

COMMISSIONER ARMSTRONG: Add, but I think the -- like, a list of what it specifically in the law is would be helpful there to the average probation officer who's taking a look at the policy.

GINA VINCENT: That would be very specific. I would be as specific as that. It's going to be used in disposition recommendations. It's going to be used in selection of services and case planning. It's going to be used in making decisions about referral to correctional facilities, and I would be -- I would be specific if you can. And if the legislation [inaudible] and there's not flexibility across counties within those specific areas, I think it's probably wise.

COMMISSIONER WICKES: This is Jo Lee. So, could we say the YLS/CMI is to be used to inform the following decisions, because ultimately, court orders are court orders.

GINA VINCENT: It's use of -- yep, absolutely, absolutely.

COMMISSIONER WICKES: So, used to inform, and then if we could start talking about that list of decisions that we want it to inform. So, I heard --

COMMISSIONER SALLA-SMITH: Well, supervision levels.

COMMISSIONER WICKES: Level of supervision.

COMMISSIONER SHICK: Supervision levels, referrals, selection of services, case planning, and placement decisions.

GINA VINCENT: And dispositional recommendations?

COMMISSIONER WICKES: Yep.

COMMISSIONER SHICK: Dispositional recommendations.

COMMISSIONER WICKES: So, we have level of supervision, case planning, referral to services, and dispositional recommendations, but I think it's going to be a little bit broader than that from parole's perspective.

COMMISSIONER ARMSTRONG: Yeah, parole has to use it for a whole -- so, there will be a separate parole one, because it has to inform revocation recommendations --

COMMISSIONER WICKES: So, do we --

COMMISSIONER ARMSTRONG: -- and a couple of other items.

COMMISSIONER WICKES: But from a county point of view, it might inform revocation recommendations to revoke parole incentive to DCFS. So, do we want to include that or do you think it's under that umbrella of disposition?

COMMISSIONER SALLA-SMITH: I think that's disposition. This is Pauline. I mean --

COMMISSIONER MARTIN: Under that -- over that overall umbrella catcher, this doesn't lock us in, does it?

COMMISSIONER WICKES: Right.

COMMISSIONER SALLA-SMITH: What would probation counties be revoking? Like, their --

COMMISSIONER ARMSTRONG: Well, they'd be revoking probation, right?

COMMISSIONER WICKES: Right.

COMMISSIONER SALLA-SMITH: They'd be revoking probation, but that's really -- that's placement in a state correctional, right? So, you guys revoke, we don't --

COMMISSIONER ARMSTRONG: Yeah, and there's not -- and let --

COMMISSIONER SHICK: Probation violation, and then there would -- recommendation would be to -- state's custody, and at that time, the State makes their decisions and takes existing YLS' and moves forward.

COMMISSIONER ARMSTRONG: There's not -- from my memory, there's not the same kind of language in AB 472 about probation revocation that there is about parole.

COMMISSIONER SALLA-SMITH: Okay, that's -- I was just trying to see where that's --

GINA VINCENT: So, let me just ask the question. Does [inaudible] mention parole is going to have a separate policy, the policies are separate, right, the [inaudible]?

COMMISSIONER SHICK: Right.

GINA VINCENT: But for probation, probation would still make a recommendation for revocation? Can they still make that recommendation, I missed that. Do [inaudible] decide whether to violate a youth, but can they –

COMMISSIONER SALLA-SMITH: This is –

GINA VINCENT: -- will not be revocating people.

COMMISSIONER SALLA-SMITH: This is Pauline. Our probation kids, we wouldn't be making any recommendations on revocation of a parole kid, even though they're in our community.

GINA VINCENT: Okay. So, I would strongly recommend putting that the YLS will be used to inform response to probation violations or some kind of language like that, because that is an area where it often ends up not being used unless it's listed in policy. The response to the violations or -- yeah, or whether to use is going to be, you know, formally violated.

COMMISSIONER WICKES: So, that's the problem, right, because if we say that it's a response to probation violations, I can't imagine a county agency that doesn't handle many, many probation violations without filing a petition. And if you have language in there that it has to be used to -- you know, I think that's –

COMMISSIONER SHICK: Saturation.

COMMISSIONER WICKES: I think –

GINA VINCENT: So, does anyone in your state use graduated response grades? Has anybody implemented graduated response?

COMMISSIONER SHICK: We all use graduated sanctions as part of our protocol for supervision. Yeah, I mean, from -- well away from –

GINA VINCENT: Okay, and risk assessment is often a component of that. I mean, generally, you're adopting a graduated response for it. Risk assessment is part of that, and they're used at the lower end, youth did not commit a very serious violation. The response is -- I mean, they're not getting [inaudible] generally, right? They're getting some kind of lower level response, but the risk assessment is still sort of informing that.

COMMISSIONER SHICK: And I think it can be used in particular case-by-case basis, you know, if the probation officer feels it's necessary because the kid is escalating up the graduated sanction

ladder. So, I mean, I don't know -- I'd almost like -- you're saying mandatory or should be used, may be used on a case-by-case basis. How does that look?

GINA VINCENT: And I think maybe used to inform. That doesn't mean that it's going to be the ultimate -- the YLS is not the ultimate decision-maker about what you do, but it seems to help inform that such a decision is reasonable. Is that reasonable to you all? And obviously, technical violations are very minor. We're not suggesting any kind of major response there, and then there are more serious violations where risk level, ideally, is taken into account in deciding your response.

COMMISSIONER WICKES: This is --

KELLY CLEMENT: So, this is Kelly. So, the [inaudible] says that it's to be used to inform in decisions including, and if we did put response to probation violations, I think that fits well, because I don't think that automatically means revocation. It means the response to probation violations, whether it be additional services, whether it be, you know, graduated sanctions or responses or revocations. So, I think the statement responsible probation violations, the YLS will be used in that sense, not just for revocation, but for any probation violation. It can help determine what direction to go in, whether it be revocation or additional services or community service work or whatever it may be.

COMMISSIONER ARMSTRONG: this is Ross. So, question for the counties and your graduated responses. Is that response -- is that a matrix that includes what activity occurred, what the violation was, and then there's also, on the one side, like, what their supervision level was. And so if the YLS is informing the supervision level, it is automatically being taken into account, because that's how the kid got their supervision level or do you just do it strictly based on what the act was regardless of what their current supervision level is in your matrix?

COMMISSIONER SALLA-SMITH: This is Pauline. I think that question we spent a lot of time on, because we all know the evidence shows us that the response has to match the behavior. So, I think we have to be careful about -- we all have graduated sanctions, but that we have to make sure that our graduated sanctions is addressing the actual behavior that needs to change, right? So, the answer could be yes and no at the same time, because I think that that's individualized. The YLS is definitely guiding the supervision level, but if we have that supervision level and we have a kid who is showing behaviors that maybe are graduated sanctions, isn't -- we've tried this. We've tried this. We've tried this. Not that they have to increase supervision level, but we may have to bring a different graduated sanction into the picture to address that specific behavior. Is that really cloudy?

COMMISSIONER ARMSTRONG: Yeah. I mean, the -- I'm trying to think about it in the way that -- so the YLS pumps out those different domains, right? And so you might say, this behavior is kind of rooted in a family issue.

COMMISSIONER SALLA-SMITH: Sure.

COMMISSIONER ARMSTRONG: And so the YLS -- but this kid has a low risk on the family issue, so maybe we're not going to respond the same way we would for a kid who has a high risk on the family one.

COMMISSIONER SALLA-SMITH: Oh, well, yeah. That I agree with.

COMMISSIONER ARMSTRONG: Okay.

GINA VINCENT: I also would just say I -- these graduated response agencies, they're coming out where there's a lot of consultants helping agencies put these together, and they all have risk level at the top. So, it sounds like when you all are talking about that you have -- does not have risk level at the top. It's got risk level at the top, and the severity of the behavior on the side -- and then within the cells, there's length of response. Is that the kind of thing that you all have, because what I've seen is risk level is always incorporated to some extent, because you are responding to the behavior, but how you refuse generally needs a more intensive response.

COMMISSIONER SALLA-SMITH: Agree. The one we use has risk levels on it.

GINA VINCENT: Okay. Okay. So, then if that's the case, the YLS is informing that decision to some extent.

COMMISSIONER SHICK: It can. So, how do we say that?

COMMISSIONER WICKES: So, could we get some feedback from the county probation departments specifically around the issue of your comfort level with including the language that the YLS will be used to inform the following decisions, including response to probation violations?

TOM METSCHER: My first question is -- this is Tom in Nye County [inaudible]. It sounds like the overall language is that the YLS will be used any time there is a petition or new petition, correct, so that that probation violation, if it's contained in the petition, would require an updated YLS even if it's, you know, a month from the prior one.

COMMISSIONER WICKES: Yes. Every time there is a petition filed and you're going to disposition, I think the law requires that the YLS be administered or re-administered. So, if you're going to court on a formal violation of probation, I think we're duty bound to do it.

COMMISSIONER SHICK: And Tom, let me --

HEATHER PLAGER: This is Heather in Elko. But if I read it correctly when you guys are talking about informing decision, in theory, you could use the initial assessment to inform your decision about what you want to do with the probation violation, i.e. handle it internally or send it out for a formal petition.

COMMISSIONER WICKES: I think that's true.

MIKE TORRES: Mike Mike Torres with Douglas County. Yeah, the comment was made earlier about correct scoring as new information is presented. So, in some of these, that new information presented may be cause for having to correct the score. So, looking at it as if you've already had the assessment and you're making decisions based on the pre-existing assessment, but if it's new information that adds to something that was not included in the original one, then I think it's a need for a rescoring and redoing it.

COMMISSIONER SALLA-SMITH: I think the timeframes guide that, right, because you always

GINA VINCENT: I agree, and I think that we'll talk about that more when we talk about reassessments versus correcting scoring, too, but absolutely.

COMMISSIONER WICKES: Anyone else from the country probation departments that want to weigh in on your comfort level about including the language that this could be -- that this could inform responses to probation violations? Any further discussion from Carson?

COMMISSIONER SHICK: Lynette, you good?

LYNETTE GUST: Yeah, I think I'm okay with it.

COMMISSIONER WICKES: Ali?

ALI BANISTER: I'm good with it. Thank you.

COMMISSIONER WICKES: So, I think what it says right now is the YLS is to be used to inform the following decisions, including level of supervision, case planning, referral to services, dispositional recommendations, and responses to probation violations.

COMMISSIONER SALLA-SMITH: We have placement -- can you say those again?

COMMISSIONER WICKES: Okay, level of supervision, case planning, referral to services, dispositional recommendations --

COMMISSIONER SALLA-SMITH: And out-of-home placements. That was the --

COMMISSIONER WICKES: How about placement decisions, period?

COMMISSIONER SALLA-SMITH: Placement -- yeah, that's --

COMMISSIONER WICKES: Placement decisions and responses to violations of probation. So, we have one, two, three, four, five, six things included in that list. One more time, level of supervision, case planning, referral to services, dispositional recommendations, placement decisions, and responses to probation violations.

COMMISSIONER SHICK: And it is to be used, may be used, shall be used.

COMMISSIONER WICKES: Is to be used.

COMMISSIONER SHICK: Okay.

COMMISSIONER WICKES: Is to be used to inform.

COMMISSIONER SHICK: Okay, okay.

COMMISSIONER WICKES: The following, including.

COMMISSIONER SHICK: Thank you.

COMMISSIONER WICKES: Okay. Do we have a motion?

COMMISSIONER ARMSTRONG: This is Ross. I so move.

COMMISSIONER WICKES: I'll second it. This is Jo Lee for the record. All those in favor? [Ayes around]. Anyone opposed? Okay, so, Dr. Gina Vincent and Mr. KELLY CLEMENT, thank you for hanging in there with us. I think the next set of italicized words is whether or not we want to have a policy about exceptions to completing the YLS.

GINA VINCENT: May I ask one quick question? Is there anyone else documenting the decisions made besides Kelly?

COMMISSIONER WICKES: We're all trying to write as fast as we can, yes.

GINA VINCENT: Okay. I think as long as [inaudible] and Kelly are, I mean, we'll be fine. Katie, are you? I can't see where you are.

KATIE BRUBAKER: Yeah, I am.

LESLIE BITTLESTON: She's got her –

GINA VINCENT: I see. Oh, you're hiding. Okay.

KATIE BRUBAKER: It's also being recorded as well.

GINA VINCENT: Oh, that's right. Okay, wonderful, excellent. Okay.

COMMISSIONER WICKES: Okay.

GINA VINCENT: You got [inaudible]. So, exceptions to completing the YLS, yeah, this is a question to you all. It may -- that may be something that you want to leave up to counties or it may be, you know, already determined by law that there are absolutely no exceptions, but as I mentioned, where we typically see exceptions are these issues where there's interstate compact youth. So, you've been -- I don't know how often that happens in your state, but a youth comes

from California, is going to be going back to California to be processed. There may not be any point in, you know, doing the YLS for some of these kids. There are these small number of cases where there's often exceptions. Kelly, can you help me here with any that you guys decided in Louisiana, because I can't remember. And I don't think interstate compact is the language we have there. Pennsylvania does.

KELLY CLEMENT: Yeah, I think the only time that it happened where the assessment couldn't be done was interstate compact related, but even then, unless the -- I mean, the youth left after disposition, and this is done predisposition. Specifically, the first YLS would be done, but then the policy kind of stated here as to this youth's going to be living in another state, then our level of supervision may not apply to that state, and they obviously [inaudible] a high risk. We would not put in our case that he's being supervised under high [inaudible] could not supervise [inaudible] another state, for instance.

GINA VINCENT: Okay. So [inaudible] that assessment. You just --

KELLY CLEMENT: Yeah, it's more related to supervision.

GINA VINCENT: We've had other states that have had exceptions for various reasons, and it may be that they're -- you know, this youth was, I don't know, arrested in a certain county, but they're actually going back to a different county and it's that other county's responsibility to do the YLS, not this county. This may not be something that you want in your minimum standards policy, but it's -- you know, it's worth you all making that decision. Just something to think about.

COMMISSIONER WICKES: Mr. Kelly Clement, this is Jo Lee Commissioner Wickes. Could you give us -- or at least give me -- I have this question. Our Nevada law requires us to reassess every six months, and vaguely in my mind, I heard concerns about kids being so adapted to the instrument, that they are figuring out how to manipulate it, because they've been given it so many times. Maybe I dreamed that.

COMMISSIONER SALLA-SMITH: That was MAYSI.

GINA VINCENT: I think that's in reference to the MAYSI.

COMMISSIONER WICKES: Okay, okay, thank you. So, there's not a concern about too frequently reassessing under the YLS.

GINA VINCENT: There's a concern about too frequently reassessing because it's an annoyance. It's an annoyance to the youth, the family, and your staff.

COMMISSIONER WICKES: Okay, got it.

GINA VINCENT: But it's not about manipulating and taking -- because this really -- the way that these risk assessments are set up, they're not supposed to be manipulatable. That's probably not a word, so please don't put it in the record. But that's supposed to be fully manipulated. You're getting collateral information as much as possible so that that doesn't happen, but you don't want

to over-assess, because there's no -- nobody can [inaudible]. So, there is a sweet spot in which the assessment is going to help provide information versus when it's too much and you're not getting any bang for your buck.

COMMISSIONER SALLA-SMITH: This is Pauline. I just want to throw something in there. At least for us when we're reevaluating our kids, we're already getting that information as we're working with them, like, the collateral information, too. So, it's not that we have to do -- sit down and do a full-on, brand-new interview and take all that time. We can add to the information we already have. So, our re-evals are really not time-consuming and not even annoying.

COMMISSIONER SHICK: There you have it.

GINA VINCENT: That's a very important point.

COMMISSIONER SALLA-SMITH: Yeah, I don't find the first part annoying, either, but I guess if people do, they do. But yeah, it's not -- I don't think it's that difficult for re-evals, reassessments.

GINA VINCENT: Reassessment -- I agree, reassessment is much faster, but if it's going to involve some interviewing of the parent because maybe they haven't seen the -- maybe the officer hasn't seen the parent on an ongoing basis, which -- it involves much more information gathering and questioning of the youth and parent. Then it becomes more annoying to them, but it may not involve those things.

COMMISSIONER WICKES: So, with regard to whether or not we include exceptions in the written policy, where I'm sitting right now, I don't really see a need to do that, but certainly, we'd like to have some discussion on --

COMMISSIONER ARMSTRONG: I think I'm there, too. I just want to check with Jack, because it probably happens more so there, and I'm thinking not the ISO JKID [phonetic] where we have a kid and we've been supervising the kid and we find there's a better placement out-of-state, but that kid who's fled from California and is now in Vegas and gets picked up. I mean, is there technically in the court an adjudication and disposition on that kid if they're, like, being returned on a writ or a warrant, because then if there's not a disposition on those kids, then I think there's already the exception in law, because it's only required for those kids that you're going towards disposition on.

GINA VINCENT: Yeah.

COMMISSIONER SALLA-SMITH: This is Humboldt. We do, do them on our ICJ kids only to help us identify what services they need, not for any other thing, but what's -- if we don't get enough information from the sending state, we will do one just to make sure we're getting them what they need.

COMMISSIONER WICKES: And to me, that's the kind of flexibility that we need to allow each county probation department and even youth parole, because we've had kids come to Reno, and we file petitions because they commit some serious felonies. We go through disposition. We ship them back. We're going to be required to do the YLS. There's other kids where California's got -

- some counties have a dual system of dependency and delinquency, and we want that kid out of our county and back home as fast as we can get them, and we don't file. So, I really think we just let it be.

COMMISSIONER SMITH: I got one question. This is Paula. What about if, like, Scott, Douglas County has a Native American? They go to petition dispo, but the kid was on the res, and then they come from courtesy supervision to me. Is there -- just sharing that information, if I have the YLS, can we share that information and then I don't have to redo it all?

COMMISSIONER SHICK: Absolutely.

COMMISSIONER WICKES: Yes.

COMMISSIONER SMITH: Absolutely.

UNKNOWN SPEAKER: Yeah.

COMMISSIONER WICKES: Because Douglas County is going to be required to do the YLS to get to disposition before they come to you on courtesy supervision.

COMMISSIONER SHICK: Absolutely.

COMMISSIONER WICKES: And I think under 62H, that absolutely could be shared.

COMMISSIONER SHICK: Based on our relationship with the Washoe Tribe, that's exactly what we would do in order for Paula to really expediate her process and resources, you know, and work with that child, yeah.

PAULA SMITH: Because that might be the same thing with Carson with Stewart, Carson Colonies

COMMISSIONER SALLA-SMITH: And this is Pauline, and I think that when everyone goes towards the YLS, I think that intrastate is going to look much different than it has been, because that'll follow the youth with ever -- even if, you know, you send me a kid or I send you a kid, you'll have all the information from the YLS.

COMMISSIONER SMITH: Thank you.

COMMISSIONER SALLA-SMITH: That's how I look at it, share and share alike.

GINA VINCENT: That's an excellent point. Can I ask a question about that?

COMMISSIONER SALLA-SMITH: Sure.

GINA VINCENT: So, the YLS is going to go into CaseloadPRO is my understanding.

COMMISSIONER SHICK: Yes, ma'am.

GINA VINCENT: Then all counties will have access to it; is that correct? So, if one county administered the YLS and the youth gets transferred to another county, they're going to automatically see that information?

KATIE BRUBAKER: No.

COMMISSIONER SALLA-SMITH: They're not, yeah. I don't -- this is Pauline. I don't think we're there yet with Caseload, but I mean for instance, we just sent a kid to another county and did a request for courtesy supervision, and the three YLS's that they've had, because of significant events in their life, went with it, went with them to the new county that we're asking to supervise.

GINA VINCENT: Okay, that's great. So, for the time being, it's a paper transfer, a paper record transfer, but eventually you will be able to do it on CaseloadPRO. Where I'm going with this is that I'm wondering if there should be some policy language about the sharing of information --

KATIE BRUBAKER: Well, and that --

GINA VINCENT: -- because that's crucial.

KATIE BRUBAKER: This is Katie, and that's something that we're working on with each county, establishing some policy and some memorandums of understanding is my understanding.

COMMISSIONER SHICK: In respect to CaseloadPRO and the transfer of information of a child that would be triggered by the sending county to -- somehow, whatever that --

KATIE BRUBAKER: Yeah, those are the details that we are still trying to work out.

GINA VINCENT: Okay. So, for the time being, since we're kind of doing two purposes here, one is putting together the minimum standard policy, and the other is -- Kelly and I are trying to use this time to inform the pilot counties that we'll be working with directly on their local policies. For the time being, it may make -- it's just a -- to put the thought in everyone's head that there may be something in their local policies around information sharing until the CaseloadPRO gets online and all of these other things get online. Well, it sounds like the MOUs are in progress, too.

COMMISSIONER WICKES: So, this is Jo Lee again. I'm going to make a motion that we do not include in the minimum statewide policy any language about exceptions to completing the YLS.

COMMISSIONER SHICK: Scott seconds the motion.

COMMISSIONER WICKES: Any further discussion on that point? All those in favor? [Ayes around]. Any opposed? Okay, so, I think we are now moving on to responsible parties.

GINA VINCENT: Okay. So, responsible parties, as I mentioned, generally, there are designated staff who do the initial YLS and designated staff who do the reassessments, and this may be the

same type of personnel. It may be the same type of staff, but ideally, it should be very clear in your policy who those are. My sense is that based on how the pilot counties and the later counties want to implement the YLS, there may be some variation to this. They're all going to be probation officers at the minimum, but there may be intake staff versus case management staff, for example. I'm wondering if this is something that you might want to leave as flexible and not address in the minimum standard policy, that reason.

COMMISSIONER ARMSTRONG: Yeah, this is Ross. I think we should have this section in there so it's clear to all the counties that they should define it in their policy, but I think the language as it is, is clear enough to give the counties the maximum flexibility.

COMMISSIONER SHICK: Ali, are you online?

ALI BANISTER: I am.

COMMISSIONER SHICK: What's your feedback since you are using the YLS?

ALI BANISTER: I think it should be flexible, the language.

COMMISSIONER SHICK: Yeah, and Pauline?

COMMISSIONER SALLA-SMITH: Flexibility.

COMMISSIONER SHICK: Yeah. Okay, per Ross' decision, I think that's good feedback.

COMMISSIONER WICKES: So, could we say something -- this is Jo Lee for the record. Could we say something like each probation department and youth parole bureau will be responsible for determining who conducts the initial and reassessments?

COMMISSIONER ARMSTRONG: I think if this is -- if this is going to be adopted as the county policies, we can just leave the language exactly how it is, and then when we tell them this is the sample and this is how you use the bracketed area where you plug in what you want as a county. I don't know that we --

COMMISSIONER WICKES: Okay, because I thought this was going to be the statewide minimum and then counties could adopt policies over and above this, but this is like -- kind of like a building code. You got to use four nails every two feet or something, right?

COMMISSIONER SALLA-SMITH: This is Pauline. Can't we say this section defines the parties responsible for completing -- the parties may -- oh, no. I mean, can't we just -- yes, can't we just put what you said, that the counties will determine --

COMMISSIONER WICKES: Each probation department and youth parole bureau will be responsible for determining who conducts the initial and reassessments.

COMMISSIONER SALLA-SMITH: Yes, that.

COMMISSIONER SHICK: Are we -- is youth parole necessary?

COMMISSIONER ARMSTRONG: I would just say the county probation departments --

COMMISSIONER WICKES: Oh, because you're going to have a totally separate one. Okay.

COMMISSIONER SALLA-SMITH: Yeah, I agree.

COMMISSIONER ARMSTRONG: Because the decision points are both different.

COMMISSIONER WICKES: I keep wanting to tell you how to do your job, sorry.

COMMISSIONER SHICK: I would like your thoughts.

COMMISSIONER SALLA-SMITH: So, that way at least it's identified who -- like, the -- we need a -- there's a section on responsible parties, but it's flexible for each jurisdiction to determine what the verbiage is.

COMMISSIONER SHICK: And that means for initial assessments and all reassessments.

COMMISSIONER WICKES: Right. So, it'll say each probation department will be responsible for determining which personnel will conduct initial and reassessments -- initial assessments and reassessments.

COMMISSIONER SALLA-SMITH: What Jo Lee said, so moved.

COMMISSIONER WICKES: Is that -- Scott, is that --

COMMISSIONER SHICK: Yes, ma'am.

COMMISSIONER WICKES: Okay.

COMMISSIONER SHICK: Yes.

COMMISSIONER WICKES: So, do we have a motion?

LESLIE BITTLESTON: She made one.

COMMISSIONER SALLA-SMITH: I just moved it.

COMMISSIONER WICKES: Okay, and I'll second it. All those in favor? [Ayes around]. Any opposed?

LESLIE BITTLESTON: That was easy.

COMMISSIONER WICKES: We are moving along. So, administration procedures.

GINA VINCENT: Okay. You guys are good, very, very good. Okay, administration procedures, so I've been thinking about this as we've been going through, and as I mentioned, multiple language in here is standard. I think we should go through it, obviously, because you all want to make -- you all are going to make a motion about language, but the script is the part that's most flexible. And I'm thinking if this is your minimum standard policy, it may make sense to have bullet points about what you expect to see as a minimum in the script that the local counties put together. So, they may each put together their own script, but there's some minimum amount of information that needs to be in there. That's just one suggestion. Why don't we run through it. So, this is pretty standard. I'm going to ask you a number of questions about your life and experiences in order to develop the best plan for your treatment while you are in our custody, while you are in our care. I'm not sure what's the best word to use with probation [inaudible] while you're in our care, while you're in our -- while you're our responsibility. In addition to interviewing you and your guardian or parent, I'll be reviewing all the information about your case and your situation. This will help us identify the areas in your life that we focus on in our treatment plan, or you can say case plan, service plan. I'll be sharing those areas of needs and strengths with you, your family, and the providers that will be working with you on this case.

UNKNOWN SPEAKER: No court?

GINA VINCENT: There may be -- now, information sharing is going to differ depending on at what point in the process your individual counties are going to administer the YLS, because there may be some variability there. So, that's an area that I would suggest be less somewhat flexible. It would need to be less somewhat flexible, because who they're sharing information with is going to differ a little bit. Actually, who they're sharing information with doesn't differ, but whether it needs to be protected and when it would be shared may differ. The interview will be using my -- the interview will be using parents -- oh that's it for for the scripts. Direct is getting into the actual administration procedure. So, why don't we stop at the script.

HEATHER PLAGER: I just have a quick question. This is Heather out in Elko. Where it talks about sharing, I don't -- what is the idea about sharing it with the Public Defender's Office? Is anybody getting requests [inaudible] that's using it? Do you share it [inaudible]?

COMMISSIONER WICKES: It has to be given to the DA, and it has to be given to the defense lawyer.

HEATHER PLAGER: Okay.

COMMISSIONER WICKES: And obviously, it has to be given to the court.

GINA VINCENT: It has to be part of predisposition, right?

COMMISSIONER WICKES: Because Nevada law requires us to do the assessment on every kid where we have filed a petition, then once the DA filed charges, and we'll have to talk about the timing, some counties are going to want to do the YLS before we go to a plea hearing if everybody

believes that the child is going to be admitting the behavior. In our county, both the prosecutor and the defense lawyer routinely talk to probation about has an assessment been done, do you have an idea what your recommendations are going to be. That's an important part of our negotiation process. I haven't heard of abuses across the county with that information being shared inappropriately prior to either an admission of guilt or a trial. I don't think the legislation was designed to revamp negotiations in the state of Nevada. So –

GINA VINCENT: One comment is that -- I mean, it is not recommended, of course, that any information having to do with risk assessment be used for adjudication or admission. It is appropriate that it would be used in negotiating what the disposition is going to be or their plea agreement. The plea agreement is always tied to admission in my mind, though, but I'm not an attorney. So, I don't know if you separate admission and plea.

COMMISSIONER WICKES: Well, and part of the process from a lawyer's point of view is it's usually our public defenders who want to know where probation is headed before they advise their client about whatever they're advising about. It's usually, honestly, the public defenders who are more concerned about where probation is headed for disposition than it is the prosecutors.

GINA VINCENT: And I don't know that there's anything -- that there's any -- I mean, I don't know that there's any justification for not sharing information with public defenders sort of right off the bat. I mean, they're public defenders, they should be getting the assessment information. The issue comes with the judge and the prosecutor, generally, about when that information is shared.

COMMISSIONER SALLA-SMITH: And this is Pauline. I've said this at, like, all our previous meetings, but you'll be amazed at how the public defenders and the defense attorneys and the DA and everyone is going to really start working together with the YLS, because it's based on what the kids actually need. So, when you start sharing that information with them and they're educated about the process, they stop trying to figure out which way everyone is going, because it really does score the kids appropriately and get them the services that they need, and I do think it's much different in Washoe than in Elko for Heather and for me and for the smaller jurisdictions who our numbers aren't that high, and we're doing YLS's on all of our kids as long as the families agree to make sure we're getting them into the right level. But I do think that -- like, for Heather, she's asking to share it with the public defender and the DA's Office. Heather, that's those times where you're using it when you're going to disposition and they have to -- like, for the petitions filed, they have to have our information anyway. It's our kids that we might be diverting that we don't need to share it with anybody, because we're not going through the formal court process, right?

COMMISSIONER WICKES: Right, and this is Jo Lee. So, in Washoe County, we have a pretty robust system where about 75% of the kids are diverted, and some of those diversions come to the DA's Office for approval because they're required to get our approval for gross misdemeanors and felonies. If probation decides to use a YLS and they don't share that assessment with them, then we're just going to bring kids to court, because we're not going to approve diversion in a vacuum. And so I really think that we need to shy away from telling the counties, the lawyers, and probation what and how they can communicate just because we're using a YLS instead of some other non-validated risk assessment. The legislation, in my opinion, was not designed to upend our juvenile justice system and how we operate. If there's abuses, that's why lawyers litigate it, and that's why

they have judges, but as you can tell, I'm very opposed to the idea that everybody but the DA -- the DA is going to be in the dark, and everybody else won't be, because I rely on probation's assessments and judgments about what this kid needs in making critical decisions, and most of the time, it works in their favor. And if you keep me in the dark, then as a prosecutor, I'm going for the worst possible charge to put on that kid's record, and that is not helpful to the kid in the end run, and it's really -- it's not a good -- it's not good.

COMMISSIONER ARMSTRONG: This is Ross. Two quick things. I know having litigated in Elko County before that the Public Defender's Office has a unique perspective on the juvenile issues, and so I think that there's a good opportunity perhaps for some information sharing and TA from Darin and Gianna, who are on the Commission, and then maybe some of the defense attorneys in Elko to kind of share that perspective in Elko County. And as we look at the roadshow unrolling all of this out, I mean, Elko County might need a special focus, because they have that unique litigation style. Aside from that discussion, from what I remember last time, and Gina, correct me if I'm wrong, the real important part about having good sample script language is that you don't have a probation officer sit down and say, okay, kid, we're going to do this assessment. It's going to decide whether you get to stay home or go to Elko. Right, like, that's the absolute bad way you want to introduce the assessment, and so I think that's why we want the policy to have some sample script language to model to say this is the best way to introduce this to make sure you get the most accurate result.

COMMISSIONER SALLA-SMITH: Well, and this is Pauline. With the training, you get the -- you get that training. You get the -- I mean, this sample script looks like what we received during our YLS training that's part of the bigger manual that you get. And I don't think it's harmful to put it in here. I think it's just a sample, and depending how comfortable you are with motivational interviewing, your script might look a lot different, you know, than -- I mean, I think it just depends. It's a good place to start, but this happens in the training of the -- at least for us, the one we went to, we had sample scripts to start.

GINA VINCENT: So, that's interesting. They didn't receive the YLS training from us. The manual doesn't have any sample scripts in it, so your trainers may have put some together for you.

COMMISSIONER SALLA-SMITH: Well, yeah, we had a manual.

GINA VINCENT: So, I mean, I'm leaning towards where Ross is, and our suggestion is that there be some kind of minimum about, yes, we're going to have flexibility in the way that they say things, but there be some kind of minimum -- so they're not doing this poorly, but some kind of minimum of what should be disclosed to the youth and the family simply about that this is -- even if this is I'm going to ask you a number of questions so that we can make the best -- some of the best decisions about your case, rather than saying, I'm doing a risk assessment with you to figure out if I need to protect the public from you.

COMMISSIONER SHICK: Right.

GINA VINCENT: Not that people would ever do that, but yeah, that -- I mean, that's the purpose for having some language and policies, just the minimum, and then people have their own way that they say things. So, it's not [inaudible].

COMMISSIONER WICKES: So, maybe -- I'm trying to figure out how to approach this, because I think -- I wonder if we just read it sentence-by-sentence, and very quickly, if you have a concern with the language -- I'll read it slowly. If you have a concern, I'll hesitate after each sentence.

COMMISSIONER SHICK: Go ahead.

COMMISSIONER SALLA SMITH: I have a -- are we talking about the example script?

COMMISSIONER WICKES: Yes, because if this is going to be the minimum script, then I think we have to approve the language in one way or another, and I don't know how to do that other than sentence-by-sentence. Okay, so, sentence number one, I'm going to ask you a number of questions about your life and experiences in order to develop the best plan for your treatment while you are in our custody.

COMMISSIONER SALLA-SMITH: I don't like the word custody.

LYNETTE GUST: This is Lynette. I don't like the word treatment.

COMMISSIONER WICKES: Okay.

COMMISSIONER SMITH: Treatment, yeah, treatment or --

COMMISSIONER SALLA-SMITH: Yeah, I don't like treatment or custody.

GINA VINCENT: Yeah, I would change -- I agree.

COMMISSIONER WICKES: A suggestion, I'm going to ask you a number of questions about your life and experiences in order to develop the best plan for our response to your case?

LESLIE BITTLESTON: Needs.

COMMISSIONER SMITH: Case planning for you while you're in our supervision.

COMMISSIONER WICKES: Or to develop the best plan.

COMMISSIONER ARMSTRONG: For you.

COMMISSIONER WICKES: For you, period.

COMMISSIONER SALLA-SMITH: Oh, for you, period.

GINA VINCENT: Perfect.

COMMISSIONER WICKES: Okay. So, I'm going to ask you a number of questions about your life and experiences in order to develop the best plan for you, period. Any discussion? Voting Members, all those in favor? [Ayes around]. Anyone opposed? Okay. In addition to interviewing you and your guardian, I will be reviewing all the information about your case and your situation, period. Any discussion? All those in favor? [Ayes around]. Sorry. Any opposed? Sentence number three, this will help us in identifying the areas in your life that we should focus on in your..

COMMISSIONER SHICK: Either supervision, plan, or case planning consultant.

COMMISSIONER WICKES: Okay.

ALI BANISTER: Plan, something like that.

COMMISSIONER WICKES: Okay, that we should focus on in your case plan.

COMMISSIONER SHICK: Case plan.

COMMISSIONER WICKES: Okay. Any discussion regarding sentence number three? All those in favor? [Ayes around]. Any opposition? Sentence number four, I will be sharing those areas of needs and strengths with you, your family, the residential providers, service -- I'm going to put in a comma, service providers, and --

COMMISSIONER SMITH: The court.

GINA VINCENT: The court.

COMMISSIONER WICKES: Okay, service providers, comma, the court.

COMMISSIONER SHICK: Public defenders, defense -- or District Attorneys. No?

COMMISSIONER WICKES: Defense attorney -- your defense attorney --

KATIE BRUBAKER: Your attorney.

COMMISSIONER WICKES: Why don't we just say your attorney, and the prosecutor, period.

COMMISSIONER SHICK: I like it.

GINA VINCENT: May I ask if -- does that -- is there any variability in that for courts that are going to implement this pre-adjudication and use it for diversion? Say the youth is getting diverted.

COMMISSIONER WICKES: Right.

GINA VINCENT: It's a decision of the word we use, does it still get shared with the court.

COMMISSIONER WICKES: Okay, so, maybe what we could say is I may be sharing, right, because then it's like an informed consent.

GINA VINCENT: Yep.

COMMISSIONER WICKES: Okay. So, sentence number four now reads, I may be sharing those areas of need and strengths with you, your family, the residential providers, service providers, the court, your attorney, and the prosecutor. Any discussion regarding that?

GINA VINCENT: I have one piece for you to consider.

COMMISSIONER WICKES: Please.

GINA VINCENT: Okay, the YLS, for those of you who have been conducting it, as with any risk assessment, as you know, is going to ask questions that are potentially self-incriminating. In order to do a good risk assessment, you need as accurate information as you can get. So, that is going to include information about their drug abuse, drug use history, which is a crime, and may not be a crime that they had come to the court for, but it's a crime. It's going to be asking about questions in the home, which may lead to finding things out about what the parents are doing that could be considered a crime. The more accurate the information you get, the better. The more concerned people are that that information is going to be used against them when it's not something that they've been charged with, the less accurate information you're going to get and the less valid your assessment is. So, these are some considerations that don't tend to be an issue when you do post-adjudication. They don't tend to be an issue at all. People tend to be more open. They've already sort of been -- they've already been adjudicated. But for anyone who implements a pre-adjudication, it can interfere with the validity of your assessment. Now, I've heard from many people, and obviously, this is true. The kids and parents are going to tell you whatever and that they're very [inaudible] and it doesn't -- you don't see this interfering with that. There is a lot of data indicating that information that's gathered prior to adjudication will indicate that none of your kids have a substance abuse problem, which is probably not true, and that's one of the things that leads us to thinking that -- to questioning the validity of those assessments, which are [inaudible] that people think that that information can't be used against them. I don't know -- so, I raise this as an issue that if they think that the information may be shared with everybody right off the bat regardless of the point in the process at which the YLS is going to be administered, it may affect the quality of the assessments. So, I wonder if you want to leave that last statement open for the pilot counties to fill in based on at what point in the process they administer the tool. That's the only consideration.

COMMISSIONER WICKES: So, can you help us think of a way that we can say --

GINA VINCENT: So, here, I think one way may be to say that whoever is administering the instrument be relevant personnel, will also explain how -- will also explain to youth and parent how the information is going to be shared with them.

COMMISSIONER WICKES: So, maybe we just have a sentence that says each county probation department will be responsible for adding a sentence to the script regarding how the information will be shared.

GINA VINCENT: Perfect. That's perfect for me [inaudible].

COMMISSIONER WALKER: This is Egan. Can I just jump in, though?

GINA VINCENT: Yeah.

COMMISSIONER WALKER: I object to that language, because the idea is to have a uniform policy across the state. Let me say it more specifically. We're going to have to have this fight as a state about whether or not we use this pre-adjudication. I can tell you Ms. Verness, I believe, and Mr. Imlay has told me unequivocally that they will object to their clients participating in a YLS pre-adjudication.

GINA VINCENT: I don't know who they are.

COMMISSIONER WALKER: They're both defense attorneys.

GINA VINCENT: Okay. Some defense attorneys feel very strongly about that.

KELLY CLEMENT: Yeah, and I was going to add we've seen that battle play out here in Louisiana, for instance, because a lot of it was riding on the fact that a lot of the information that was gathered on the assessment tools had nothing to do with their innocence or guilt, but yet a lot of times it was interpreted that because they've been in a lot of other trouble, whatever [inaudible] from the kid and the parent and sometimes even their attorney was that that information, regardless of admitting or denying the current offense, that that information would sway the determination of [inaudible], and I know that's not necessarily the case the professional [inaudible] with the perception that the kids were having.

GINA VINCENT: So, Judge Commissioner Walker may I ask -- I mean, one of the things that we talked about at the last webinar was that some -- many -- several states have put an actual legislation in place about protection of information if it's gathered pre-adjudication. The information is not to be disclosed to various parties or used against the youth in any way until after adjudication, the folks that you were talking about being more receptive to pre-adjudication administration if such protections were in place.

COMMISSIONER WALKER: I don't speak for them. I think the answer to that, though, is yes based on the conversations I've had, and perhaps I should qualify my statement. I'm not even sure I have standing to object in this meeting, because I'm not a voting member of this Subcommittee I don't think, but I just think that as you all make decisions as you're doing with great speed and precision, which I appreciate, you should consider this is going to be a robust discussion at the Commission as a whole, because I just know Gianna voted she would be one abstaining vote in a prior meeting related to an issue like this, and so I suspect she will be consistent in that position, and I happen to talk to Mr. Imlay as a general Commission Member two weeks ago, and he said,

I'm happy with everything happening in the Commission, but one thing I want you to know, Judge, is that we're going to have a problem with using the assessment tools pre-adjudication if it incriminates our clients.

COMMISSIONER MARTIN: And as a side note -- Jack Commissioner Martin for the record -- is if we're talking about 9,000 unique children that are in Clark County, if I [inaudible] on board, I'm going to have a real hard time of either side [inaudible] are not on board, I'm going to have a real hard time, you know, finding any purpose in this tool.

LINDA LAWLOR: This Linda Lawlor with Carson City. Just for the record, we use the YLS after arraignment, after the juvenile has admitted, and we use it for dispositional purposes, and we do explain that we are mandated reporters. So, if any information comes about that we have to report, we have to, but that's the same thing when we do our family history and background.

GINA VINCENT: Yeah, so, there's a lot of variability around the timing of administration around states. We've talked about this before, that this is the biggest issue -- this is going to be -- this is going to be the biggest issue to decide. We know that you all have to have a predisposition according to the legislation. What predisposition means, I don't know if this Committee wants to decide that, wants to determine that or leave it up to the individual counties. I think that's a question for you. Do we want to delve into this, because that's the next topic.

COMMISSIONER WALKER: This is Egan weighing again, and that's what prompted me to perk up my ears and speak up, is that the policy be consistent among the counties. What you're teaching me, Dr. Gina Vincent, is if we don't have a consistent policy, we won't have consistent application, and the data that we generate, therefore, will be less valuable.

GINA VINCENT: I agree with that with one dissent. I agree that you need consistency that it be predisposition, because -- well, not just because of your legislation, but because you want the YLS informing disposition. That is absolutely key, but I think there's a lot of value to allowing -- if you can, allowing some counties to do it in intake and some counties to do it post-adjudication if you can, and I don't think that's going to interfere with your data. And I would explain what the pros and cons are of each. So, Clark County is huge. They did it pre-adjudication. We're talking about a lot of money and staff time, whereas somewhere like Carson City, that's probably not as huge of a list. So, there are feasible ways to put it in place and still retain your data and still make sure that the YLS is doing everything it needs to do. That's one of the only areas where I would suggest there be any variability. For the most part, I typically agree.

HEATHER PLAGER: This is Heather out in Elko. I thought at one time we had heard about, like, a screening that could be done at that early stage. Would that be less -- I don't know the questions that are on that type of screening, but if they're less concerning for public defenders or attorneys with regards to admission of other offenses are to be used against them in an adjudication hearing, is that something that we can look at that might kind of help this issue?

GINA VINCENT: We can assist you with that. I think it depends on how the Commission defines when the YLS needs to be conducted on every youth, but I mean, if it's allowed -- just as a suggestion, if it's allowed for a screening to be done pre-adjudication and that screening to

determine who would get a full YLS, then that is one way to do it, or if that screening is used for diversion decisions, so you've locked up a lot of kids right off the bat, because they're low risk, and the YLS is only done for youth who are moving to adjudication and disposition. That absolutely can help. Another way to do it -- I mean, this is the top -- next topic of conversation. We gave all the probation offices homework. Scott administered them all homework to think about this. Another way to do it, of course, is just do it in between adjudication and disposition. In my experience, many judges don't like bifurcating those hearings because of the delay in process. I know I've heard from some of your counties that that's standard practice. They bifurcate those hearings all the time, and they'd rather just do the YLS in between adjudication and disposition. That could be the standard that you guys put in place for all of the probation offices, but I'm interested in your thoughts around how all the judges feel about that. That's standard practice I think. In most places I've worked, you know, adjudication and disposition go together.

MIKE TORRES: This is Mike Mike Torres from Douglas County. Typically, when we go in at adjudication, if they admit, we typically ask the court for three weeks for disposition, and that's pretty much standard, and depending on the expediency or school or other issues, we might go two weeks, but three weeks is kind of our standard, and that's just the way it's always been. So, we do have –

GINA VINCENT: So, three weeks in between admission. So, am I using the adjudication hearing term inappropriately? Do you guys use the word admission more often?

MIKE TORRES: We use admission hearing, but it's adjudication, so they admit to the charge. Once they've admitted, then we set out disposition for three weeks is usually our standard in Douglas County.

GINA VINCENT: So, it's not an actual adjudication hearing. It's an admission.

MIKE TORRES: It's just the -- it's the admission of the petition and then –

COMMISSIONER WALKER: I think the answer [crosstalk] 99.9% of the kids admit something after negotiation if there's been a petition filed or there is -- you know, there can sometimes be a supervision consent decree or some other quote-unquote deferral, but we call it an adjudicatory hearing, but it's rare that it's actually an evidentiary hearing or trial. And there's usually some period of time between whenever responsibility for the allegation is decided and what to do about that is decided.

GINA VINCENT: Okay. Okay. Thank you. That helps. Thank you. That's exactly what I needed. So, if there's generally a period of time between the admission decision, the allegation decision, and disposition, it may be the easiest way to do this for everybody is to just implement it during that period.

COMMISSIONER WICKES: So, this is Jo Lee for the record. There's times especially when kids are in custody where our probation department is doing an assessment prior to that first plea hearing because they believe the child told them they wanted to admit or they've had communication from the defense attorney, and that typically happens -- well, I think there's a

bigger pressure to make that happen with kids that are locked up so that we can move to disposition faster. So, really, my experience is that sometimes we're going to a plea in disposition or an adjudicatory hearing in disposition simultaneously because we have the report. Sometimes, as Mr. Mike Torres said, there is about a three-week delay. Sometimes we try to move it much faster, and parole is especially adept at moving those dispositional reports faster. So –

GINA VINCENT: So, there is exactly the rationale why some states and probation counties opt to administer the YLS or any risk assessment tool pre-adjudication across the board, because there's not the opportunity in most of their cases to have a delay between admission and disposition. That's the justification. That's why the only way to get the YLS information to the disposition decision is to do a pre-adjudication.

HEATHER PLAGER: This is Heather. I think -- my concern is I know there was somebody from the District Attorney's Office, I think, somewhere that spoke that they're actually using it to kind of guide the charging decision, and if they don't have that information, they're going to look at the most serious charge they can to put on that petition. So, if we're not doing it until after the petition has been filed, I think that kind of affects that way. My other concern would be if my POs are arbitrarily looking at a kid saying, I think this is a kid that's high enough risk. We need to file a petition. And then we file the petition, wait until we have an adjudication, and then I do the YLS that determines that, oops, really, he is low risk, low need, I've completely ratcheted up a kid into the system higher up because I thought the [inaudible].

GINA VINCENT: And there is another reason for doing it pre-petition, because more youth are diverted or handled in -- let me -- I need to ask you guys a question. I'm sorry. Do you have -- were your informal -- what's considered your informal processing options, and are any of those post-petition? Like, consent decree, do you consider that an informal processing option?

HEATHER PLAGER: Yeah, all before we would ever file a petition. We would make that determination in the department. We're going to go consent decree or we're going to go teen court, truancy court diversion. All that happens before we would even send it to the District Attorney's Office.

LYNETTE GUST: This is Lynette from [inaudible], and we do that, too. We [inaudible], and we decide which ones are going to be consent decrees. So, it would be prior to them doing a petition. We go over it with them.

COMMISSIONER ARMSTRONG: I think there's a lot of variety among the jurisdictions on those ones.

GINA VINCENT: What was that, Ross?

COMMISSIONER ARMSTRONG: I think there's -- this is Ross. I think there's -- on that particular topic on those informal, what your options are, there's quite a bit of variety from jurisdiction to jurisdiction.

GINA VINCENT: Right.

COMMISSIONER WICKES: This is Jo Lee. So, I wonder if going forward -- because the sentence did read, I will be sharing those areas of need with, a whole list of people that we talked about. We then discussed saying, I may be sharing. We then discussed a sentence that said each county agency will be responsible for establishing a section of the script to inform the youth and family who this information will be shared with, which Judge Commissioner Walker had some concerns about. I wonder if in order to help us move forward, because we're halfway through our meeting and we're on page 2, not that I'm watching the clock, that we agree that as to this sentence, we will highlight those three options that we've talked about and basically just highlight this is an area that we believe needs to be fully vetted with the full Commission and call it out that way, because there are certainly times where our public defenders currently are objecting to probation doing an assessment prior to us knowing what the charges are. There are times when probation does an assessment before I've ever filed a petition and they ever even have a lawyer. So, obviously, I think this is one of those areas where we need a full discussion, and unfortunately, Darin could not be here today, but I agree that there's -- I mean, there's a large variability across the state and that clearly, doing an assessment ahead of time sometimes supports diversion, and we never file a petition, so there's never a defense lawyer involved in the process at all.

GINA VINCENT: I mean, Kelly and I would like to get into talking with you all about the pros and cons of the timing of administration to get more information to you all about that decision. I know that you're all thinking about it anyways.

COMMISSIONER WICKES: Right.

GINA VINCENT: If that's going to be a decision to be made by the Commission, is it possible for us to get that information to you to share with the Commission?

COMMISSIONER WALKER: Yeah, or is it possible for you to share it at the Commission by video?

GINA VINCENT: Yes. Either way, but there's a lot of thought to go into this. I mean, the biggest bang for your buck is to do a risk assessment as early as possible so it's informing your diversion decision. That's the biggest bang for your buck and your disposition decision; however, it's got to be done with caution, and there's many different ways to do that if you're going to do it that early in the process.

COMMISSIONER WALKER: And I think there are no doubt ways to skin the cat so that we can get bang for the buck. We just need to have Darin and Gianna at the table for the discussion, and not just Darin and Gianna, but I know of their voices, and I want to be respectful of their voices, because it's their obligation, of course, to say, I can't agree to have my child incriminate him or herself for an admission.

GINA VINCENT: And I mean, I totally -- yeah.

COMMISSIONER ARMSTRONG: I think some of it, too, is getting some clarity on -- I mean, it sounds -- this is Ross again for the record. You know, Carson talks about, hey, we're mandated

reporters. If something comes up, we have to talk about that. But also that you're not sharing all the questions and answers with that team. You're discussing the results, right? You're not giving them the entire input. You get -- here is your overall risk, and here are the domains where we have higher risk and the domains where we have lower. We're not going to say, you know, they answered option C on question number two. Everybody is not getting that part of it. You're getting the result, not the --

GINA VINCENT: Yeah, that's an excellent point, and I would suggest that be made clear also not only in the training of staff, but in the policy about what exactly is shared, because that is so essential, that point that Ross just made.

COMMISSIONER ARMSTRONG: And I think it would help calm some of the defense attorney concerns.

GINA VINCENT: Absolutely. I mean, and I mean, there would be also policies and procedures around whether the current offense is discussed with the youth at all, which is not necessary in order to complete the YLS in a valid manner. You don't need to know that information. So, that's another piece of it. So, I don't know, Jo Lee. Jo Lee, did you want to go back to your suggestion that they --

COMMISSIONER WICKES: Right. So, is there any discussion about my suggestion that we highlight this sentence as something where we have some options? I love the idea of Dr. Gina Vincent and Mr. Kelly Clement giving us additional information about the timing of administration. Is there any discussion about -- just highlighting sentence number four in that first paragraph of the script to say, you know, this is a delicate area that requires further input from Commission Members?

COMMISSIONER SHICK: This is Scott. Bringing it to the full Commission, this is a work group, and we have our juvenile probation chiefs and directors on the line. This is the best place to resolve that.

COMMISSIONER WICKES: That's true.

COMMISSIONER SHICK: I mean, I don't see going to the Commission -- people are not -- I mean, the same people are going to be involved in that discussion, and this is what we've defined this meeting for. I think we ought to get to it and get it resolved and take the recommendation back, and if somebody has great opposition to it, I'm sure we'll hear about it and take into full consideration Judge Commissioner Walker's -- you know, and come up with some language. I think we need to get it done now.

COMMISSIONER SALLA-SMITH: This is Pauline. I have a question that follows. If this is our minimum standard that meets the requirements, and I think this will probably really come into play when we're talking about the administration of it, that the minimum standard, at least for this part, this section, is that we're going to do this assessment, right? We're going to figure out your risk and needs, and we may share this information with so -- blah, blah, blah, blah. That's the minimum standard. I mean, this doesn't -- this section doesn't talk about when we're administering it. This

talks about when we do, this is who we're sharing it with, right? I don't think our -- I don't think the fight is in this area. I think the robust discussion is going to happen in the initial -- in the timing of the assessment. So, I think we're spending a lot of time on this section, and we don't need to be spending that time, because the beef is going to be down here with certain people.

GINA VINCENT: I totally agree. I mean, [inaudible] language, and it seems like it would work that -- well, that -- leave the sharing up to the local policies, what they're going to put in that sentence.

COMMISSIONER SALLA-SMITH: And this is Pauline. I don't even think -- I think that if we say we may share these areas of need -- we may. I mean, that's a minimum standard.

GINA VINCENT: Yep.

COMMISSIONER SALLA-SMITH: If we decide --

HEATHER PLAGER: And just leave it at that sentence, because you're going to get into all that other stuff in the next section, correct?

COMMISSIONER SALLA-SMITH: Yeah, yeah. I think that we -- this isn't where we have to take to the JJOC. This isn't -- I don't think this is where the robust discussion is happening. I think it's in the timing.

HEATHER PLAGER: And then I do agree with Scott. When we get to the next section, that we should make that decision here or that recommendation to go back so they understand why we're making it.

COMMISSIONER SALLA-SMITH: So, I move that that last sentence say we may -- or I may be sharing those areas of need and strength with you, your family, the residential providers, the court, and service providers. I would just say residential and service providers, period.

COMMISSIONER WICKES: Well, because if the court is involved and there is a defense lawyer or prosecutor, they'll get it.

COMMISSIONER SALLA-SMITH: I'm sorry, I forgot that. The defense -- your attorney and the prosecutor. Do you want me to say that all over again?

COMMISSIONER WICKES: So, I think it will say, I may be sharing those areas of needs and strengths with you, your family, the residential providers, service providers, the court, your attorney, and the prosecutor?

COMMISSIONER SHICK: Yes.

COMMISSIONER SALLA-SMITH: Period.

COMMISSIONER WICKES: Period.

COMMISSIONER SALLA-SMITH: So moved.

COMMISSIONER SHICK: I second the motion. This is Scott.

COMMISSIONER WICKES: All voting Members in favor? [Ayes around]. Any opposition? Okay.

GINA VINCENT: Okay. All right, so, just a suggestion. I think we can get through this next section very quickly, because this is fairly standard, but I know it's important to go through it with everybody, and then it sounds like we should delve into the timing of the assessment discussion, which is next.

COMMISSIONER SHICK: Okay.

GINA VINCENT: It's going to require more lengthy discussion.

COMMISSIONER WICKES: So, this is Jo Lee, and we've been –

GINA VINCENT: I just want to make a point that I don't think there was an intention that the whole policy was going to be done today. Some folks might have thought that, but this generally -- this is a process that generally takes three meetings. So, you know, I think you guys are doing fine. I don't know if you're feeling okay.

COMMISSIONER SHICK: Oh, now you tell us.

COMMISSIONER SALLA-SMITH: Oh, Jo Lee is devastated.

COMMISSIONER SHICK: Are we are on Massachusetts time or what?

GINA VINCENT: I don't want folks to feel rushed, like this needs to get done today. I mean, I would hope you're not feeling rushed like this needs to all get done today, because this is a process, and you want it to be good. So, okay. All right.

UNKNOWN SPEAKER: We appreciate that [crosstalk].

GINA VINCENT: And I know somebody has the ability to suggest a break, and it's not me, but if I could ask for one after this section, I would love to.

KATIE BRUBAKER: Sure.

COMMISSIONER SALLA-SMITH: So moved.

LYNETTE GUST: I'll second that. This is Lynette.

GINA VINCENT: I don't think I can make a motion for you to second, but –

UNKNOWN SPEAKER: You know, just in case.

GINA VINCENT: All right. Okay, so, this is simply about administration procedures. I'll run through it, and please let me know if you have any concerns, especially those of you who have been using the YLS. So, an interview with the youth, parents-slash-guardians will be completed for each initial YLS assessment. That is absolutely standard that the youth and at least one primary caregiver needs to be interviewed. Okay, and unless there's absolutely no primary caregiver, and that can happen. And that's in addition to a review of relevant collateral information. You guys can take out the stuff in parenthesis if you prefer to not list it all there, but the minimum is juvenile history and school records. A thorough review of all available information, verification of self-reported information. That includes, you know, if the youth tells you that they are living in whatever jurisdiction with their parents, that you're confirming that with collateral information. That's basically what this is saying, and frequent reference to the scoring instructions to help ensure accuracy. So, information that the youth and parent tell you is going to be verified to the best of your ability. You'll never do a risk assessment based simply on what the parties are telling you. There's always going to be collateral information, too, and there should always be reference to the scoring instructions of the YLS when gathering information. So, that's pretty standard. Then this breaks it down into how these are done, so youth interview. All YLS assessment interviews will be used shall be conducted face-to-face. That's minimum. You've got to do that face-to-face. They should follow the format adopted by the agencies and communicated during training and ongoing supervision. What that is referring to is that we're going to suggest that we work with the pilot counties to generate the best interview format for them that's going to be used for these initial interviews, and it's semi-structured. It doesn't mean that they need to follow that in a robotic mechanistic kind of way. It means these are the kinds of questions and the kind of information that you're getting. The youth should be interviewed separately from their parents for a moment. There's, you know, a lot of reasons for that. You get more information interviewing people separately than you get with them together. So, they should be interviewed separately and also interviewed together for a short period of time. That allows you to see the dynamic between the family. Parent interview, whenever practical, an interview should be conducted with the parent. This should be done face-to-face unless it is not possible to do so within the timeframe designated by this protocol. We have done some research on this, and if you do an interview with the parent over the phone, it seems to be just as effective in generating information as a face-to-face. That's where that suggestion is coming from, and also to make this practical. Interview should follow the format adopted by the agency. In the event a youth's parent-guardian cannot be interviewed, the circumstances must be documented. That's up to you whether you want to leave this in here. It's our suggestion to leave that in there, because as you all know, there's always situations where you cannot identify a caregiver for whatever reason, and so you may want to have some flexibility in there around that, but you want to minimize the number of times they're not interviewing parents, obviously. Collateral information, every effort must be made to complete the YLS with more information than the youth interview only, and this lists the type of information to be gathered. It should be obtained and documented. So, when people are completing the YLS online, they will also be checking off the sources of information that they used. That's a standard part of the YLS tool. Any discussion about that? Any concerns about the way it's written?

COMMISSIONER SALLA-SMITH: This is Pauline. Under youth interview, instead of saying the youth should be interviewed separately, can we put it's recommended or -- I think the word

should, if a parent doesn't -- especially predisposition, if a parent doesn't want a child to be interviewed without them, we don't do it. I know it's the recommendation maybe, but is it that you should --

COMMISSIONER SHICK: Should is not absolutely. It's not shall. It's not shall. It's should. It's just a recommendation.

COMMISSIONER SALLA-SMITH: It's like shoulda, coulda, woulda.

GINA VINCENT: What if -- yeah, what if it is, you know, every attempt should be made to interview the youth separately, or ideally, the youth is interviewed separately --

COMMISSIONER SHICK: There you go.

GINA VINCENT: -- for some period of time. I hear what you're saying. It does make sense.

COMMISSIONER SALLA-SMITH: Yeah, I think should is --

GINA VINCENT: But in some cases, the parents aren't going to be comfortable with that.

COMMISSIONER SALLA-SMITH: I agree.

KELLY CLEMENT: Or something like when possible or --

GINA VINCENT: Whenever possible. Would that be strong enough to make the point that this should be the general practice, but there's exceptions.

KELLY CLEMENT: How about something like unless objected to by the parent or something like that?

COMMISSIONER ARMSTRONG: No, I think that opens up them asking, do you object, right? If you just want to say, ideally --

COMMISSIONER SALLA-SMITH: Although recommended --

KELLY CLEMENT: We're not -- I mean, they don't have to ask.

COMMISSIONER SALLA-SMITH: Although recommended.

COMMISSIONER ARMSTRONG: And part of that will come in the training.

COMMISSIONER SALLA-SMITH: Yeah.

GINA VINCENT: Yeah, it will. We'll discuss this in training, too.

COMMISSIONER SHICK: With that change incorporated, I move that we approve those three bullets, one, two, and three.

COMMISSIONER WICKES: And the leading paragraph?

COMMISSIONER SHICK: And the leading paragraph. Excuse me. I move that we approve the leading paragraph, number one, youth interview, number two, parent-guardian interview, number three, collateral information. This is Scott.

PAULA SMITH: This is Paula. I make a motion to second.

COMMISSIONER WICKES: All those in favor? [Ayes around]. Any opposition? Dr. Gina Vincent, did you want to talk about correcting the scoring before we take a break?

GINA VINCENT: Sure.

COMMISSIONER WICKES: Okay.

GINA VINCENT: Okay.

KELLY CLEMENT: Can I ask one quick question? I'm sorry, for my note-taking here. So, did we want to put anything in the blank for number two?

GINA VINCENT: Yeah, good question. I meant to bring that up. The blank is really individualized by the agency, because it's wherever they document this information.

COMMISSIONER WICKES: So, why don't we just say must be documented, period.

GINA VINCENT: Okay. Perfect.

GINA VINCENT: Okay. Correcting the scoring, this doesn't need to be decided right now, because this may be -- it may be easier to decide after -- well, at the local level, as it suggests, but the purpose of having this section in there is, as I said, sometimes when there's an initial assessment done, the staff don't really know the youth and family yet. And even though they're using the best interview methods possible and trying to gather the most information they can, that you may not have accumulated much collateral information at this point. There may not be a big record on this youth because they're new to the system and what have you, though it won't become circumstances where officers find out later that there's more risk factors going on with this case than they originally thought. We really try to minimize that; however, in those circumstances, it's ideal to have some kind of policy about how that's going to be corrected. The reason to correct this, and you're correct in your initial assessment scoring, is because you don't want to wait for this stuff to factor into your reassessment six months later, because for one, it shows your data are going to look like all the kids are at low risk and you just made them worse, and it's not the reality. That's now what actually happened. That's one reason that you don't want to wait until the reassessment to correct it, but the other reasons are that it may lead to adjustments in the service plan. So, the idea here is simply having some kind of language in here about how they're going to be corrected.

Generally, we recommend that the initial YLS, if it's going to be corrected, it needs to be corrected within 60 days. That should be sufficient time, in my mind, for a probation officer to know if there's something else going on with this youth and family that they missed and that it should be approved by the -- any corrections would be approved by the supervisor. And since you're using a multi-house system software in the CaseloadPRO, this is something to discuss with CaseloadPRO. Are they going to lock your initial assessment so there's no editing that can be done or can they leave that open for 30 to 60 days in case there's any editing to be made? This is going to affect software decisions, too. And I'd also be curious to hear from Humboldt County and Carson City, if you guys do any -- what is it you do now [inaudible] in the YLS?

COMMISSIONER SALLA-SMITH: For correcting the score?

GINA VINCENT: Yeah.

COMMISSIONER SALLA-SMITH: Because that is accurate. You usually find out a lot more information once you start working with the family. So, as information -- unless it -- as we gather the collateral information, unless it changes the actual supervision level, we document it, but we document it on the old YLS and in CaseloadPRO, but we won't -- and we correct the score, but we won't do, like, a reassessment unless we know now it has bumped them up to a new level of supervision and risk.

GINA VINCENT: Okay. Yeah, one thing to think about with the reassessments, of course, is you typically don't do them within this short timeframe, but the other issue is that you're going to get charged for every reassessment. So, that's another reason to do this correction in the initial assessment, and are you guys doing the YLS on paper?

COMMISSIONER SALLA-SMITH: Yeah, we're doing it on paper.

GINA VINCENT: So, it's much easier to do it when it's on paper, of course.

COMMISSIONER SALLA-SMITH: Yeah, much easier.

GINA VINCENT: This will be something to be discussed with CaseloadPRO, clearly, about how they can be corrected after the fact, that standard is that you come up with a timeframe in which the corrections are done. There can't be any more corrections made, and it's approved by a supervisor.

KATIE BRUBAKER: And I know CaseloadPRO is working on inputting or programming that YLS into CaseloadPRO right now. So, I think it's still early enough to where we can make that happen if that's the decision.

COMMISSIONER SALLA-SMITH: Because currently, even though YLS isn't built into CLP, the score sheet of YLS is, the scoring of it, and so when my probation officers do the initial YLS, we still enter the overall score, what the supervision level is, and then we upload the score sheet to that. So, that way, at least I can --

COMMISSIONER ARMSTRONG: It's recorded?

COMMISSIONER SALLA-SMITH: What?

COMMISSIONER ARMSTRONG: At least it's recorded?

COMMISSIONER SALLA-SMITH: Yeah, and that way, I can at least capture how many YLS's we've been doing since we started.

COMMISSIONER MARTINE: I think the question becomes for CaseloadPRO and the YLS, MHS [inaudible]. I apologize if that's incorrect, because of the cost of scoring.

GINA VINCENT: Yes.

COMMISSIONER MARTIN: Once it's done, right, it has to be sent from CaseloadPRO to MHS and then sent back. So, leaving it open might cause multiple scoring costs on one YLS.

GINA VINCENT: I think the purpose of correcting the scoring, it should not, because you're not doing a new YLS, but this is something -- that's definitely something to discuss with MHS and CaseloadPRO. MHS has got to have a way to do this, because they know these things need to happen without charging people, because that's --

COMMISSIONER MARTIN: Right, right, right.

GINA VINCENT: That's something to be discussed. Is that your experience or -- you're working with CaseloadPRO already, right? Is this what -- are you guys working with CaseloadPRO already? Is this Clark County?

COMMISSIONER MARTIN: Yes. They're actually in town today. We had a discussion about this before this meeting today. So, it's really going to become more of a Nevada pushback to MHS around the whole issue.

GINA VINCENT: Really? Okay, well, this is something that I can talk to Dominic about, because we're working with them, too.

COMMISSIONER MARTIN: That would be great. I mean, however we do it. I mean, I don't -- I think it would be [inaudible], you know, but, you know, for them not to allow some flexibility in the program -- I mean, to send everything to them to score is a little ridiculous, too.

GINA VINCENT: That doesn't seem right to me. I will definitely talk to Dominic.

COMMISSIONER MARTIN: Okay. There might be some confusion getting to our IT level folks. I don't -- you know, I don't know.

GINA VINCENT: Yeah, I mean, if you're using their software, it should be scored automatically, not sent back to them and scored, but I don't know how CaseloadPRO is. I don't know enough about that.

KATIE BRUBAKER: So, this is Katie. Gina, if I can interrupt you. I have a meeting with Dominic at MHS next week, so I can address this and bring some information back so that we can move on.

GINA VINCENT: Great. Okay.

COMMISSIONER SALLA-SMITH: And just quickly -- this is Pauline. Mike had a great idea about that, because Caseload already has -- we have the ability in CaseloadPRO to amend or -- what's it called, the referral?

MIKE TORRES: Change the status of the referral.

COMMISSIONER SALLA-SMITH: Change the status.

MIKE TORRES: So, you could have the initial assessment completed and then have another option for correction. Then when you do the correction, it just updates the status, but it does document the date that you put the correction in, who did the correction. So, you could follow it to completion, so initiated, you know, and it's sitting pending further collateral information completed. Then you get something else and just have a correction that notes it. It could be done in that, too. It's already part of their system, anyways, on other statuses.

COMMISSIONER SALLA-SMITH: And it shows the history. Like, every time you make a change, it shows it. So, that's a great idea.

GINA VINCENT: Do you all -- does it make sense from what I'm hearing to hold off on establishing how this is written until someone talks to CaseloadPRO and Dominic?

COMMISSIONER SHICK: Yeah.

GINA VINCENT: Yeah, Dominic can -- it's a multi-house system.

COMMISSIONER SHICK: Yeah, we're tabling it.

COMMISSIONER SALLA-SMITH: Tabling pending collateral information.

GINA VINCENT: Okay. I'm also not sure if it's something that you need in your minimum policy, either. So, you know, that's up to you all, too, obviously. Okay. So, the next section is initial assessment, and this requires a bit more conversation, and we were going to run through the pros and cons of the different options.

COMMISSIONER WICKES: So, I think this -- this is Jo Lee for the record. I think it would be a great time to take a break. We're scheduled to go for about another hour-and-three-minutes. So, I think minimum ten minutes, but I'm open to suggestion.

COMMISSIONER SHICK: Ten-minute break, I concur.

COMMISSIONER WICKES: So, we'll meet back at 12:40 Nevada time, or -- I'm sorry.

LESLIE BITTLESTON: 3:40.

COMMISSIONER WICKES: 3:40 with Dr. Gina Vincent and Mr. KELLY CLEMENT. Does that work?

GINA VINCENT: Yes. Well, for him, it's 2:40.

COMMISSIONER WICKES: Oh, too many time zones. I haven't had enough food or caffeine to calculate all that.

GINA VINCENT: That's fine.

KELLY CLEMENT: I still get confused.

COMMISSIONER SHICK: Thank you.

KATIE BRUBAKER: So, I'm just going to put everybody on mute.

GINA VINCENT: Okay, great.

*BREAK

GINA VINCENT: Is that everybody?

COMMISSIONER SHICK: Lynette and Heather, are you back?

COMMISSIONER WICKES: Ali?

COMMISSIONER SALLA-SMITH: I'll text them. Oh, we have Ali. Ali had to sign off, but she gave me some feedback for the next section.

COMMISSIONER WICKES: So, perhaps we'll wait just a few moments for Dr. Gina Vincent to get back.

GINA VINCENT: Oh, no, Dr. Gina Vincent is here.

COMMISSIONER WICKES: Oh, good, sorry.

GINA VINCENT: I need to get linked in here. Just a second.

COMMISSIONER WICKES: Okay.

GINA VINCENT: Am I the only one?

COMMISSIONER WICKES: Well, I think we need to reconvene the meeting, and presumably, people will join us as they can, if they can.

COMMISSIONER SALLA-SMITH: I'll text Lynette and text [inaudible]

COMMISSIONER WICKES: One, two, three, four, five. We still have a quorum.

COMMISSIONER SALLA-SMITH: Yeah, Ali -- they had to sign off.

KATIE BRUBAKER: Well, we have -- I mean, we can always start, and then if the --

COMMISSIONER WICKES: Okay, so, Dr. Gina Vincent and Mr. Kelly Clement, obviously, we're at the hot topic of the day, which is the timing of the initial assessment, and we are all ears to what you think we need to consider.

GINA VINCENT: Okay. I'm going to see if I can do this without it messing up the screen. Okay, can you all see that?

COMMISSIONER SHICK: Yes, ma'am.

COMMISSIONER WICKES: Yes.

GINA VINCENT: All right, so, we've proposed -- or we've provided three different options, and there's variation of these options, slight variation of each of these options. And these are the ones that counties typically adopt, one of the three, in order to conduct a risk assessment, predisposition, and predisposition is essential, and that's through legislation. So, there's nobody disagreeing with that need. We actually proposed these three different questions to probation. Scott distributed these to his colleagues, and each probation department weighed in about what their thoughts are, which was even more than we were asking for. It was very ideal. We were just trying to get everybody thinking about it, but each one documented what their thinking was. We're paying the most attention, obviously, to the pilot counties, but I think the pilot counties in particular are important to reference here. So, the first option, and we've talked about this a fair bit today, is to bifurcate adjudication and disposition, and I'd ask for any of you to please interject if I'm using terminology that you don't typically use, because there are slight differences in each state, but by adjudication, we also mean admission. You're trying to bifurcate -- this would be a simple idea of bifurcating those two decisions, the admission, adjudication, and the disposition, but what are you going to do? The pros to this approach, obviously, it's still being done predisposition, and so the YLS is still being used to inform case planning, what the outcome of -- what the outcome of the disposition is going to be, and so on. So, you're still getting a lot of bang for your buck. You're doing it at a critical time period. Another advantage to doing it at this time is that there's really no

time wasted, if you want to think about it that way, and then you're only conducting the YLS on youth who are clearly going to be adjudicated, because they've already been adjudicated. They're already admitted. They've already been adjudicated, and now there's going to be decisions about what to do. This is a smaller pool of use, which means they're going to need less staff resources to get all these YLS' done. Now, we've gone through the procedures and the process for completing the YLS. The first time the assessment is done with youth, it is a fairly lengthy process. As Pauline mentioned, though -- I think it was Pauline, so forgive me if I'm wrong. As she mentioned, this is a process that most probation officers who are doing assessments should be going through anyway when they're making disposition recommendations. There should be a standard process of -- or there generally is going to be a standard process of them talking to the youth, talking to a caregiver, and gathering all the collateral information they can. So, that information-gathering phase should be something every office is doing anyways. The YLS just structures this a bit more, and it adds some time, because now they're going to be filling in a YLS and rating the YLS. So, when you figure the amount of time the YLS is actually tacking on to what hopefully they're already doing, you're generally talking about less than an hour, an hour to start, because probation officers need to get used to doing this, and as they get more comfortable with it, they do it quicker. All right, but the whole process is time-consuming. All right. So, the pros is that you're really only doing it with that small group of youth that you absolutely need to do a YLS with. The cons to this approach -- and I should say another pro to this approach -- as Judge Commissioner Walker pointed out, another pro to this approach is that you're generally not -- generally, defense attorneys are completely fine with this idea. There's not going to be any pushback. There's generally not going to be pushback from prosecutors, either. This is -- generally, everyone can buy into this process without concern. The cons is that you're losing the benefit -- or you're not getting the benefit of potentially using risk assessment information in a diversion decision -- in diversion decisions, which if a diversion policy is set up in a particular way, set up well, if you add risk assessment on to the diversion policy, you will find that you divert more cases. Generally, you're diverting more youth. The risk assessment also may not be used -- and I'd like you guys to correct me if I'm wrong. If the risk assessment is done in this timeframe, I'm not sure that it can be used for informal processing decisions, although it may -- you may still be able to decide that the youth is going to get a consent decree at this stage. But you could still here use a consent decree post-adjudication -- consent decree is post-adjudication or is it just post-petition?

COMMISSIONER SALLA-SMITH: I think it varies jurisdiction.

GINA VINCENT: Oh, yeah. Okay, sorry, you said that already. All right. Another issue that we find -- and again, I don't know how much of an issue this is across your jurisdictions, is that in many cases, judges don't want to put enough time in between these two decision-making processes for an assessment to be conducted, because as I said, there's a lot of information gathering to be done. When you factor in the information gathering to be done and the load or the volume that any one probation officer may need to do, ideally, you want to have three weeks, two minimums, to accomplish these, a good YLS. And in jurisdictions that I've worked in, when we try to implement the process where it's going to be done pre-adjudication -- I mean, sorry, post-adjudication, predisposition, it only actually happens in 25% of cases. The rest of the youth get missed, and they don't get their risk assessment done until post-disposition. Now, I know that's not going to happen with you all, because you have this legislation to protect against that happening. So, I think the biggest con here really is ensuring -- is the question can you get judge

buy in to always bifurcate this process in order for the YLS to be done. That's one, and second is you're losing the benefit of potentially including it in diversion decisions. Kelly, I know you would have a lot to offer here, because you guys tried to implement it predisposition, and you had some judges that were very receptive to that, and some was -- it was just a challenge to bifurcate the decision, right? Do you have any information to add?

KELLY CLEMENT: Yes. Well, obviously, as you said, ideally, you know, any assessment is predisposition, because that's kind of the purpose to some degree assisting with that. But again, it's about the judge, like you said, has to buy in and giving you enough time to actually set up the appointment, collect the collateral information, complete the [inaudible] properly [inaudible] to provide the information prior to the disposition. So, you know, like you said, the con could be that the court is not giving enough time for that to take place. And I do know -- and I believe that Nevada is the same, but there are some courts that actually have a habit of doing adjudication dispositions even on the same day, and so obviously, this could not happen in those cases. So, it really could be about judges' buy in and making sure that everybody is on the same page timewise I believe.

GINA VINCENT: Yeah, I think this process largely comes down -- for this to work, it largely comes down to very strong judge buy in, and I mean, that's going to be much easier to get in your case given your legislation I would imagine. So, those two are options we're going to walk through, and then I think we should have discussion, because one option might feed another, and so we want to -- we'll go through all three of them. Okay, next, and again, I may need some help with the language here from you all. So, the other option is to complete the YLS pre-adjudication on all youth referred to the court or you may decide it makes more sense to do this for all youth petitioned, but I think once they're petitioned, you've already left out some of the diversion options. That probably varies across jurisdiction, though. So, the pros of this is that some [inaudible] on all youth referred to the court. The YLS can be used in diversion decisions and decisions about informal processing across the board. It can be used that way in our research, and we published this research. We found it's in multiple states. When it's implemented at this point, inevitably, you get a significant increase in the number of kids who are diverted and handled informally or even just dismissed. Inevitably, I have never seen this work in the opposite direction where you implement the YLS or any risk assessment, valid risk assessment, that early in the process and it resulted in more severe disposition. It's always gone in the favor of the youth. It's always gone in the favor of informal processing, and that's because most youth who are referred are low risk. Most youth who are -- a fair percentage of youth who get petitioned are still low risk, too. So, this only results in increasing the number of kids who are informally processed and diverted. If you're going to see any shift at all, that's the direction I would expect you to see. So, that's a big pro. The more people handled informally or diverted, the lower the caseloads for probation down the road, so they have more time to spend with those youth who are higher risk, higher needs, those youth who are higher risk. So, the selling point for probation is that, yes, you've got more work on the front end. There's going to be a lot more work on the front end, but you're making it up because you've got less work on down the road, because their caseloads get lighter. Okay. It's not often for a probation department to pull this off if it's a probation department of high -- that gets a big volume. It also requires some kind of shift in resources, i.e. developing an intake department if they don't have one, putting more officers into intake and less officers into case management if they split their officers up that way. There're other examples of shuffling that may be done in probation

offices to accomplish this. The cons of this approach, you've got way more YLS's to do, because now it's on every youth that's referred. So, you need a very well-staffed intake department to do that, but again, that varies across counties, because some of you don't have a really high volume of youth, necessarily. Second, this is when it becomes important to have protections in place around information sharing, and, you know, our suggestion is that information isn't shared until there's an admission of guilt, because the information comes into play around, okay, now what are we going to do? Simply because risk assessment should not be relevant to the decision about whether a youth is guilty. Now, I know other things factor in, and what the process actually looks like in reality is not that, and the plea bargain involves admissions, and so on, and so this is up for discussion for that reason, what works in your state. The other disadvantage of this is that many youth may get a full YLS assessment, which is a fairly lengthy process, when they don't necessarily need it, because they're really low risk, and they're not going to be getting any kind of case planning anyways. I mean, the YLS is going to help inform case planning, too. So, you may be getting a lot of information and having more interference with low risk youth than you actually need. That's another downfall of doing this. Okay, so, there's the last one, and this one you'll see is -- there's more pros than there are cons to this one in my mind, if you guys can make this work -- if this can work within your legislation. The other option is doing the exact same thing I just mentioned, only you do it -- you use a risk screening tool pre-adjudication for all youth who are referred. That risk screening tool then is used for your diversion decisions. So, those youth who are low risk, they're eligible for diversion. They become -- the recommendation may be a diversion. They kind of get lopped off right from the beginning. You don't need to do any YLS assessments. You only then do YLS assessments on the youth who you know are moving forward to be petitioned, and the timing of that can -- the timing of when that YLS is conducted can vary. I mean, I'm not sure what works best within your court, whether it's post-admission, predisposition, or whether it's right after the screening has been done at intake. That really is flexible as long as it's done predisposition. So, you've got all the benefits here that I mentioned in the last one, the risk assessment. Those risk assessment information -- the risk screening information at least being used in a diversion decision, it may involve diverting more youth. You're still getting the assessment done prior to disposition, the full YLS assessment done prior to disposition, and you're requiring less staff time to get these benefits. The cons is that if you wanted to use the YLS screening instrument, which in my mind is really the best screening tool, that costs money, and it's not money that -- it's money that would fall on the individual probation department is my understanding. We can help you identify other risk screening tools that are free, that are valid, that don't require self-incriminating information to complete that could be used instead. So, there are some free -- well, there's one. There's one free one I would suggest that could be used, and that's the OYAS screening tool. I understand -- I think you guys in Clark County -- I can't remember if it was Clark County or Washoe who have screening tool already in place. They mentioned that it might be available for other counties. I haven't seen it, so I'd like to see that. Is it possible that might be another option? So, if the legislation says the YLS needs to be conducted with all youth who are petitioned, then if you could do the screening with youth who are referred pre-petition and still do the YLS post-petition, that seems like it may still fit with your legislation, but that is a question for you all. So, those are the three options. Does anyone have questions about those before you want to generate some discussion?

COMMISSIONER SHICK: This is Scott. The one that's on the screen right now, I'm a little confused -- every youth is screened pre-adjudication, and then only low risk are assessed with the YLS. What happens to the high risk child?

GINA VINCENT: Sorry, only non-diverted youth -- only youth who don't get diverted and are going to -- I should rephrase this. Only youth who are not diverted -- oh, is screened pre-adjudication. Only low risk youth are -- I'm sorry, that should say high risk youth. That should say moderate to high risk youth. Sorry.

COMMISSIONER SHICK: Thank you. I'm better.

GINA VINCENT: Yeah, low risk youth would get -- ideally would get diverted.

COMMISSIONER SHICK: Okay.

GINA VINCENT: But that's not going to happen all the time. You're going to have some -- thank you. My bad.

COMMISSIONER SHICK: That's okay.

GINA VINCENT: You're going to have some low risk youth who don't get diverted because they've committed a serious offense, something else is going on. It's always going to happen. So, they would still get a YLS if they're going to get petitioned. I should say only youth who are going to get petitioned would be assessed. Other questions or things that I messed up?

COMMISSIONER SALLA-SMITH: Let's jump into it.

COMMISSIONER SHICK: I mean, I start with this, you know, based on my involvement with the Council of State Governments and the Supreme Court Commission on Juvenile Justice, and, you know -- and all the way back to our juvenile detention alternative initiative. You know, what's the best for the kids that show up on our deck on a weekly basis in respect to this decision? And I think we need to keep the kids in the middle as we talk about this. You know, I respect our public defenders. I respect our prosecutors and our courts, but, you know, what's going to be best for these kids and their outcomes as we move forward with this? And knowing as much good information about them so we can help direct them at a low level of sanction I believe is the best -- is the best way to look at this and which one of these options is going to allow us to accomplish that without a lot of paranoia about, you know, we're going to use this to nail somebody to the cross. You know, I'll just leave it at that.

GINA VINCENT: I guess that depends on whether your philosophy is shared largely by everyone involved in the juvenile court across.

COMMISSIONER SHICK: Well, I know the state. I have a lot of confidence in the state and our networking, and I think -- and I have a lot of confidence in our administrators who network with their public defenders and their district attorneys. I think there's a lot of good collaboration there, and I think -- and we all are held to a certain ethical standard. So, I kind of count on that as we do this and then we move forward. So, hopefully, we can get a lot of that out of the way and make the best right decision here.

COMMISSIONER SALLA-SMITH: This is Pauline. I have a question. If we're doing -- if this is our bare minimum policy, then our -- I mean, our post-adjudication predisposition is written in law, right? That one is really -- it's there.

GINA VINCENT: Is the law post-adjudication or is it just predisposition?

COMMISSIONER WICKES: Just predisposition.

COMMISSIONER SHICK: Just predisposition.

COMMISSIONER SALLA-SMITH: Okay, so --

COMMISSIONER WICKES: Well, maybe not. Let me look. Let me look.

KATIE BRUBAKER: This is predisposition.

GINA VINCENT: I think it's just predisposition, but I'm not the expert on this.

COMMISSIONER SALLA-SMITH: It's just predisposition.

COMMISSIONER SHICK: We have the statute right here.

COMMISSIONER WICKES: Well, it says before the disposition of a case involving a child who's adjudicated delinquent, and frankly, that language is a little unfortunate, because a disposition might be a supervision and consent decree, so you're not adjudicated delinquent, because -- so, it's a little unfortunate. So, honestly, I think you could read it that you have to have the YLS before disposition, and I think there's an argument that it could be post-adjudication, but I think there's an argument that because of the inartful language, you could actually do the YLS before you've been adjudicated to have committed the offense.

COMMISSIONER ARMSTRONG: So, that's the minimum. There's no prohibition on doing it before adjudication.

COMMISSIONER WICKES: Right.

COMMISSIONER SALLA-SMITH: Right.

COMMISSIONER WICKES: A minimum -- yeah, the minimum is -- yeah.

COMMISSIONER MARTIN: I know as far as -- because of our volume, we've learned to -- we are leaning towards the screening tool, and then using the screening tool if the screening tool flags issues, like if it's a mental health issue, dive deeper. If it's another issue, dive deeper, you know, move that under the YLS, I mean, not so much as -- strictly you're moving towards adjudication, but using it to -- using the screening tool to dictate what we do next. I think that's -- you know, because I don't want to YLS everybody that comes in. That's 9,000 kids. I would prefer that we can -- but I also don't want to put the PD in a place where they're having to fight me, you know,

through this. So, I think screening, allowing them to divert, and then looking at it and say, okay, there's this 15 or 20 percent that are screening, but then flagging for other issues. Those are some that YLS and then possibly on the MAYSI 2. Even if we're going to divert them, we could at least divert them in an educated way to the appropriate resources to help them be successful. That's kind of where we're leaning right now.

COMMISSIONER SALLA-SMITH: And this is Pauline. So, I just want to make sure that our policy is the minimum standard, that it still -- if we match the minimum standard to the law, does that negate me from -- because we have so -- our number of referrals is so much less than other areas. If we just go with what the law is written, does that -- would that stop me from being able to use the YLS on all of our kids when parents and kids are in agreement? No.

COMMISSIONER SALLA-SMITH: As long as I meet the minimum -- so, I guess my question, then, is why is -- what's the big discussion? What's the big fight here, because if we meet the general minimum standard, we write it to match the law, jurisdictions like Jack in Clark County can still do the screening instrument and the way he wants to do it. I in Humboldt County can meet with all of our kids and families who agree and give us permission. Washoe can handle it how they want to handle it, but we still meet the requirements of AB 472.

HEATHER PLAGER: The only issue I can see with that is if at any point we want to compare our data. So, if at any point we want to compare risk relative kids in Elko County to Humboldt County to Clark County to Washoe County and we're all using it in different stages, we might not get really true accurate numbers. That's the only thing I can see.

COMMISSIONER SALLA-SMITH: But we can. We can, Heather, because we can pull it in CaseloadPRO for our dispositional reports. You're not going to report on predisposition if you're not collecting -- if you're not doing it, but I might. But if we all run our reports at the same data point, it's going to be the same data, right?

UNKNOWN SPEAKER: [Inaudible] a petition part.

COMMISSIONER SALLA-SMITH: Yeah, because we're not going to count my diverted kids predisposition that receive the YLS.

HEATHER PLAGER: Got you. Well, my only thought was because if you're not using it -- like, let's just say, I don't know, Lyon County decides to not use it prior to adjudication so there might be petitioning kids that they wouldn't have petitioned if they had done it early on; so therefore, even running the petition numbers wouldn't be accurate for, like, if I'm using it, write a referral, and so I'm not petitioning. See what I'm saying? The same kids are not going to be the same population because we're only using petition kids, but if people aren't using it to guide whether or not a petition is filed or any sort of screening instrument to make that decision, those kids aren't really able to be compared.

MIKE TORRES: Mike Torres here from Douglas. I can just say Douglas County, that the petitions are based on the charges, and our treatment would be based on any assessments, but as far as the petitioning, that I know our DA looks at the charges, and that's what he bases the petition

on and not whether they've had a YLS or anything that defines it. And then if after the petition is where we would be looking at putting weight into the YLS, not for the charge.

HEATHER PLAGER: But for us, like, if I made the decision to not even send the case to the District Attorney's Office to make a decision on petition because I used it early on, then I've screened that kid out, and they would never have a -- even if I put the YLS in, because I diverted them out, what Pauline is saying is they wouldn't pull that number where another jurisdiction might say, well, I'm not doing them at all until there's a petition filed. So, that same kid is not the same kid in both systems. One kid got petitioned because they just arbitrarily decided to petition him, where in my system, that kid got petitioned only because he was screened to need that level of intervention.

COMMISSIONER SALLA-SMITH: I think what -- this is --

UNKNOWN SPEAKER: That's not the minimum state standards. They're using a petition to decide that.

COMMISSIONER SALLA-SMITH: This is --

HEATHER PLAGER: But that's why -- all I was saying is -- Pauline's question, I just said -- to me, the only issue is if we want to start comparing data. There's not an issue on how people decide to do it. It's just if at any time the State decides, I want to compare kids in jurisdictions based on YLS risk level, it might not be the same if we're all doing different things.

COMMISSIONER SHICK: I think we can live with it.

COMMISSIONER SALLA-SMITH: But I think we have to be really clear that the YLS is not -- we're not using the YLS to collect data. We're using the YLS to guide our supervision levels. Now, we can absolutely pull data of how many of our kids were low risk, moderate risk, high risk, and things like that, but I think we need to be careful about using the YLS, at what point we're doing the YLS as a data pool, because one of the other things that -- since we've been using the YLS that we've noticed is that when we do the YLS early on and we get those kids in the right programming, we have less recidivism and we have more successful kids who finish our informal. Shouldn't we be showing that data, because our data points that we've identified with the Commission, I can't -- I mean, I don't know all 785 or however many there are. There's not that many, but there's a lot. But I don't remember seeing one about collecting data of when we initiated the YLS. So, I think that as this Committee, we stay clear that the YLS is used to guide our decisions on supervision, which that supervision level and what programming we attach to the kids can then become a data pool of effective services to the risk domains.

GINA VINCENT: Isn't it also being used to guide disposition, though? And I would say an important quality assurance data point outcomes -- let's call it outcomes point would be to see what kind of disposition kids are getting at various risk levels, because some -- yeah, because you've got counties where 80% of their kids are getting a disposition are a low risk. That's an indication that you might -- they might want to adjust their policy.

COMMISSIONER WICKES: This is Jo Lee. I think -- I'm hoping it would be possible that if you're going to pull data, that you pull data for non-petitioned kids who had a YLS, and that way, the jurisdictions who do a YLS can say, here's what our data shows, because some jurisdictions are not going to do a full YLS on every kid, because they can't afford to.

GINA VINCENT: Right.

COMMISSIONER WICKES: And then you could do a separate group of here's the kids that got petitioned and what does that look like, maybe even for other counties that lean towards or end up adopting Jack's approach. Here's what the YLS or some other screening tool showed, you know, for kids that weren't petitioned. I'm hoping that the data could be not just totally low, moderate, high, and what happened with those kids, but at different points in the system so that you can compare apples to apples in the counties that end up using a full YLS on every kid that comes through the door. But there's going to be -- I would be shocked if Washoe County agrees to do a full YLS on all 6,000 kids plus, because I don't think there's money in the budget for that.

COMMISSIONER CERVANTES: I think you're correct, Jo Lee. This is Frank who just joined the call. Thank you.

COMMISSIONER WICKES: Hi, Frank.

COMMISSIONER SHICK: About time.

COMMISSIONER WICKES: I was trying to think like you.

GINA VINCENT: I think another thing that's important to remind you is these -- well, these four counties, there's a pilot going on for a reason. We like to -- Kelly and I are going to work with each of those counties to talk about data tracking, and there's the data that's going into CaseloadPRO, but again in these counties they'll be started off with training tools [inaudible] around data tracking, because the idea is we must now see after several months how this is working, because that helps advise other counties about the tracking -- or what seems to be working ideally. So, I mean, it doesn't have to be perfect when you first put it into place. That's the idea of doing a pilot.

KELLY CLEMENT: So, this policy was to adjust the minimum [inaudible], because, you know, talking about -- then like you said, that other data would be fantastic if people are doing it a little differently, because that could be the selling point to other counties of why they may want to do the training tool or direct [inaudible]. So, again, I think it was brought up several times that this policy may only address the minimum standards, so some may see it a little differently, and like Gina said, that's what's so good about the pilot, is that the information is shared, and then others may say, well, if you all are seeing that kind of success, we definitely want to take a look into [inaudible].

GINA VINCENT: I would also go back to Scott's point. I totally agree. I think -- your point is very well-taken. I think it was Scott, sorry, that, you know, what's in the middle of all this, what the goal is, is to do the work for kids and their families. And my take on what's better for kids and

families is that for low risk youth, doing as little as possible and having as little interference with them as possible is what's best. And even doing a big YLS assessment for low risk youth can be an interference that's unnecessary. Not only are you not getting much bang for your buck, but those youth are likely to be fine without assistance, and that's just more interference than what's in their life, frankly. So, you can adopt a screening tool pre-adjudication, and there's nothing in the legislation preventing folks from doing that. Then I think that's great for those counties that have large volume.

COMMISSIONER SHICK: So, is there anybody else on the -- this is Scott. Is there anybody else on the line that just wants to give feedback on this before we make a motion? Frank?

GINA VINCENT: Oh, sorry, I have one question, because you're going to make a motion about your minimum standard, do you need your minimum standard to indicate how soon before a disposition the YLS needs to be completed? Like, it's going to be given to the judge or attorney seven days prior to disposition. Is there some minimum standard of when that's --

COMMISSIONER SALLA-SMITH: That varies, too, jurisdiction.

COMMISSIONER ARMSTRONG: Yeah, that's going to be -- so, the current language just says it should be completed within 15 business days following the adjudication. I think that seems like a reasonable --

COMMISSIONER SHICK: That's a reasonable timeframe.

COMMISSIONER ARMSTRONG: -- timeframe, and then the discovery requirements are going to be different depending on each jurisdiction.

COMMISSIONER WICKES: I think -- this is Jo Lee for the record. I think 15 days is good, but I think we need to put whenever possible, because we've had kids that come in and admit and then run away, and we issue a warrant, and we can't find them for six months. So, reality is this is the best practice, but when you write something down that this is what you're going to do, I think you need some wiggle language, and I think whenever possible or ideally, because other things happen in families. You know, somebody is diagnosed with cancer. They have to go to California for treatment. Things happen.

GINA VINCENT: Yep. Yep.

COMMISSIONER CERVANTES: [Inaudible] in jail.

KELLY CLEMENT: The other issue I think is just keep in mind if this information would be completed and turned in 15 days prior to the disposition, keep in mind how the timeframe that the judge is going to give after the adjudication, because if we were talking three weeks and then take 15 days off of that --

COMMISSIONER SALLA-SMITH: This is Pauline. I think our timeframes are so different with the jurisdictions, that we meet how it's written, which it does say 15 days. Yeah, Jo Lee? No?

COMMISSIONER WICKES: I guess I have to question as a statewide minimum, do we want to wade into timeframes, because we already have laws about when disposition has to occur. There's ways to waive that time. Obviously, you don't want the YLS done, you know, too far in advance of a disposition, because things could have changed, and that's going to -- right, but I question do we need a statewide minimum timeframe that's --

GINA VINCENT: I think where you're headed, I think maybe the standard to apply is that if the YLS is old within 90 days, it should be redone. I mean, it's basically stale at that point, or some kind of standard. It just -- the bylaw should be fresh within a certain number of days prior to disposition, or that can be left up to the local policies. You're right. It can get outdated, and really, it should be redone -- or updated, not redone, but updated.

UNKNOWN SPEAKER: The other thing, too, with that is a lot of -- you know, after admissions or, you know, judges might order an evaluation or sex offender evaluation and things like that [inaudible].

GINA VINCENT: Yeah, exactly.

UNKNOWN SPEAKER: [Inaudible] and things like that. So, we need to be cognizant of that, too.

GINA VINCENT: Absolutely.

COMMISSIONER SHICK: How can we blanket that then?

COMMISSIONER SALLA-SMITH: Well, I mean, I think we can say pursuant to --

COMMISSIONER CERVANTES: It's up to the jurisdiction.

COMMISSIONER SALLA-SMITH: I think that our minimum standard is the -- I mean, I call it the post-adjudication predisposition. I mean, this has the assessment should be conducted within 15 business days following adjudication. Was that thrown in or that's in this, because I can't find it in AB 47 --

COMMISSIONER WICKES: It's not the law.

COMMISSIONER SALLA-SMITH: Okay, so, then I'd say we take that time out and we match exactly what it says in AB 472, which allows flexibility for the jurisdictions to incorporate how their court processes work. I mean, mine is two weeks. From a plea to disposition, we only have two weeks. That's how our judge sets it up. So, it's going to be different everywhere. So, I would just -- minimum standard.

COMMISSIONER CERVANTES: This is Frank. It should be subject to the local jurisdiction's timeline.

COMMISSIONER SALLA-SMITH: Yeah, agree.

COMMISSIONER SHICK: So, can somebody make a motion?

COMMISSIONER WICKES: So, let me look at this for a second.

COMMISSIONER SALLA-SMITH: Jo Lee is thinking about something. How about if I make a motion -- we can always have more additional.

COMMISSIONER ARMSTRONG: So, I mean, I think the key things in this section, aside from the different options, which it sounds like we're going away from, indicating, right, other than it shall be done before disposition, for me, there's that -- this also would have a policy where you have your supervisor monitoring to make sure that it's being done timely. You would take that out to be whatever your local -- because it's not going to be 20 days of case assignment if disposition is 90 days out, right, if you have a delayed case or something. And then there's this other one about the score is in the case management system within five days of completion. So, I think you still want some of those timely things as an example to jurisdictions about what to put in so that - - I mean, because I think the jurisdiction should have a goal timeframe and then an established policy of how do you monitor that kind of as a QA piece, and then not only completing it, but getting that uploaded into the system so that it's properly captured.

COMMISSIONER SALLA-SMITH: But we're really on timing of administration, right? If we take this first section and we just do the post-adjudication-slash-predisposition, take out the other ones, because if jurisdictions want to, they can do that, but the post-adjudication predisposition meets the requirements of the law, right?

GINA VINCENT: So, leave in predisposition, because some will want to do a pre-adjudication, and you want to allow that it sounds like.

COMMISSIONER WICKES: What?

KATIE BRUBAKER: Yeah.

COMMISSIONER SALLA-SMITH: Right.

GINA VINCENT: Let's make it you can take post-adjudication out of that.

COMMISSIONER SALLA-SMITH: Okay. And just do predisposition?

COMMISSIONER SHICK: Predisposition.

COMMISSIONER SALLA-SMITH: So, I make a motion that in this section, we only include predisposition to meet the requirements of AB 472, which is the intention of administering the YLS/CMI at the stages for disposition recommendations and case managed planning in the courts, period. And I wouldn't include the timeframe, because we're just meeting minimum standards.

COMMISSIONER SHICK: Anybody want to give feedback on that?

COMMISSIONER WICKES: Should we include a sentence -- excuse me -- that says if a YLS has been conducted more than 90 days before the dispositional hearing, it should be updated?

GINA VINCENT: I would suggest that.

COMMISSIONER SALLA-SMITH: In that section or, like, in timing of administration after that below it?

GINA VINCENT: I think that goes in -- I think it goes in this section.

COMMISSIONER WICKES: Because it's not really -- well, I guess that might also partially be answered by negotiations with -- whether or not that would be considered corrections or reassessment.

GINA VINCENT: Yeah, it goes in this section I think, because the reassessment is a different issue. You're updating it. It's an update. It needs to be updated within 90 -- I think you don't want something older than that guiding your disposition decision. That's a suggestion.

COMMISSIONER WICKES: Predisposition, the intention of administering YLS/CMI at this stage is for disposition recommendations and case management in courts, period. If the YLS/CMI was conducted more than 90 days before the dispositional hearing, comma, it should be updated, period. Shall be updated? Shall be updated. Any further discussion about Pauline's motion just modified by me?

COMMISSIONER SALLA-SMITH: It counts.

COMMISSIONER WICKES: Do we have a second to the motion?

COMMISSIONER SHICK: This is Scott. I second the motion.

COMMISSIONER WICKES: All those in favor? [Ayes around]. Any opposition?

GINA VINCENT: That is tremendous progress for one meeting. The rest of this goes a bit quicker, but I just want to reinforce that that's tremendous progress.

COMMISSIONER WICKES: Thank you.

GINA VINCENT: And I think -- I mean, Kelly and I would like to work with the individual pilot counties, and if they want to start putting together their language around when they're going to do the YLS, we'd be happy to be available to talk with you if that's allowed.

COMMISSIONER SHICK: Absolutely.

GINA VINCENT: Okay. I know that two of you already have that language together, but for the two that don't, we'd be happy to start talking with you individually around how you're going to set this up.

COMMISSIONER WICKES: So, this is Jo Lee. In terms of going forward, I don't know what everybody's goal is, and please someone correct me if I'm wrong, but my thought was that we can't start rolling this out in the pilot counties and doing the roadshows until these policies are done, and I'm hoping that Mr. Commissioner Armstrong can weigh in on our ability now that we have this basic document to see if there's a way that we can process some of this in advance of another meeting, because I would personally like to get these done and wrapped up and approved by the full JJOC at the next regular Commission meeting, i.e. not Friday, but the one after that so that we can start moving.

COMMISSIONER ARMSTRONG: We can do that.

COMMISSIONER WICKES: But in all honesty, I don't have time for another 12 hours of meetings between now and then. That's impossible, and obviously, I don't have to be here as long as there's a quorum and another Co-Chair who can run the meeting. I don't have to be here, but I'm hoping that if Ross can weigh in about ways that we might be able to process this to do a little bit of thinking in advance of the next meeting, that maybe we can get by with one more four-hour meeting, because I don't think we –

GINA VINCENT: Is that in a smaller work group? It's just the pilot counties involved and then be brought back to this group?

COMMISSIONER ARMSTRONG: So, this is Ross for the record, and the open meeting law can always complicate things. So, now that we have this document, what can happen is that DCFS staff can send it out electronically to the group, and then staff can receive comments back, right? We have to make sure it's not a cc to everybody. Whatever you do, don't reply all. We're all going to open meeting law jail. But those comments can be received by Katie and then compiled, and then what could likely happen is if there's lots of areas where people have no issues, then we can expedite the next meeting and say, okay, here's all the sections where nobody has any issues, is there a motion to approve all those sections, and then get into the nitty-gritty. And the comments from folks, they can be compiled, and everyone can have everybody's comments prior to the meeting to help speed that meeting along, but we can't do any sort of back and forth without having an official meeting.

COMMISSIONER SHICK: And are those comments only coming from the members or can it come from the jurisdictions like we've done before this meeting?

COMMISSIONER ARMSTRONG: It can come from the jurisdictions.

COMMISSIONER SHICK: Excellent.

COMMISSIONER ARMSTRONG: Yeah, and the complicated piece about maybe doing, like, a group with just the pilot counties, is that -- well, I think with the exception of Carson, right, the

pilot counties are also Commission Members, and so it becomes a meeting of the Committee, and that's where we get into trouble.

COMMISSIONER SHICK: But it's an independent contact and exchange.

COMMISSIONER ARMSTRONG: Right.

COMMISSIONER SALLA-SMITH: But that's a good idea, because I think we can knock out some areas where we're not going to have, you know, that many concerns about it.

COMMISSIONER ARMSTRONG: Or someone has one little tweak.

COMMISSIONER SALLA-SMITH: Yeah.

COMMISSIONER ARMSTRONG: Boom, it goes out. If everyone is agreeable to that at the next meeting, we can knock those out first and then dive into the meatier portions.

COMMISSIONER WICKES: Does anybody happen to know when the next full JJOC Commission –

KATIE BRUBAKER: October 12th.

COMMISSIONER WICKES: October -- ooh, October 12th. Okay. So, we have a short timeframe.

COMMISSIONER SHICK: We can do this.

COMMISSIONER WICKES: Okay.

COMMISSIONER SHICK: Everybody is talking. Everybody is working together, and I think we can do this. I just -- I'm optimistic. We got to take into full consideration the counties, you know, Clark and Washoe and the high volume, and I think we found good -- I mean, this was a -- this was a big step today. So, I think we can do this. We can hear back from all the rural jurisdictions and bring that information back to the next meeting, knock this stuff out.

COMMISSIONER WICKES: Can you send out an invite to get the most –

GINA VINCENT: I'm not -- so, I can't hear all of the discussion. I'm just not clear about what's the decision. Are you suggesting that we get people's comments over email on the policy, the rest of the policy?

KATIE BRUBAKER: So, we will make the changes that were voted on today. Then I will send out the updated policy to everyone and ask for responses, any kind of comments, feedback, suggestions, whatever, to come back individually to me. I will compile those and send those out to the entire group for the next meeting to kind of help us move forward, or if there's things that

nobody has an issue with, we can skip past those. And I will send out a Doodle Poll to see when the most people are available to have another meeting of this sort.

COMMISSIONER WICKES: So, if I'm –

GINA VINCENT: So, it's sort of -- I know -- it sounds very efficient. The only issue I might -- that may come from that process is that the feedback that's coming doesn't have any of the benefit of necessarily hearing the science behind the rationale of the policy or what other people have experienced or any of that sort of thing, which is part of the reason for doing this with the context and the discussion.

COMMISSIONER WICKES: Is there a way that you could –

GINA VINCENT: And so the feedback may be requiring more feedback from us and then more -- and it may actually end up taking longer to do it that way. I mean, I think it is important to get -- I think that is important to send it out, and maybe some things are very easy to go through. The decision-making process I think really requires some discussion, the decision at the end of the policy.

COMMISSIONER SALLA-SMITH: Like the scoring?

COMMISSIONER WICKES: Can she share with them?

GINA VINCENT: The scoring is pretty straightforward, more about what information is shared for disposition, how that information is used, the case planning protocol, the service planning protocol, which I don't know if everyone is trying to get on the same page about what the service plan is going to look like. That's a pretty big discussion. I don't know -- I mean, there is a lot of pieces of this that require a little more than just looking at the template in my mind. I mean, it is very difficult to do with this open meeting law. I understand all of those barriers, but I'm wondering if there's some way of us being able to converse with people also.

COMMISSIONER ARMSTRONG: Individual Commission Members can converse with NYSAP. They just can't converse with each other.

COMMISSIONER SHICK: And our jurisdiction administrators can also contact you directly, Dr. Gina Vincent. So, I think if that door is open, that somebody could call you requesting particular feedback on -- will you be okay with that?

GINA VINCENT: I am okay with if it's -- what do you mean -- yes, I am okay with it in general. We need to monitor the volume, obviously, because [crosstalk].

COMMISSIONER SHICK: Yeah, okay. Yeah.

GINA VINCENT: But yes, and our time is contracted directly from the pilot counties and the State primarily. So, we are working -- we do want to work very individually and hands-on with each pilot county, definitely.

COMMISSIONER SHICK: Okay.

COMMISSIONER WICKES: Do you think it might work if Katie was able to share our individual comments to her with you in advance of the meeting so you could kind of prioritize or triage ahead of time the areas where you believe we need more -- we need additional education and information?

GINA VINCENT: Yep.

COMMISSIONER SHICK: Perfect.

GINA VINCENT: Let's try that.

COMMISSIONER SHICK: Okay. We'll keep the volume down.

GINA VINCENT: I think October 12th is a pretty ambitious deadline.

UNKNOWN SPEAKER: It is Jo Lee, so we'll just do it.

GINA VINCENT: But because you're talking about meeting one more time before then?

KATIE BRUBAKER: Correct.

COMMISSIONER WICKES: And we appreciate that, but we were put in a position of picking the YLS in less than 60 days, because that's what the legislation required, and I don't want to do it badly. I like the idea of slowing down a reasonable amount to do it well. I'm just realistically looking at if we're going to start this forward, we can change these written policies and practices later if it turns out to be ill-advised. But I feel like we need to try to take that first step within something that's close to a reasonable timeframe.

GINA VINCENT: Okay.

COMMISSIONER WICKES: Did I hear a motion to adjourn?

COMMISSIONER SALLA-SMITH: Good, you get to do that.

COMMISSIONER WICKES: This is Jo Lee for the record. I'm moving to adjourn.

UNKNOWN SPEAKER: Thank you, Dr. Gina Vincent.

COMMISSIONER WICKES: Thank you very much.

Public Comment: None

Committee Report and Other Notes: