



Nevada State Juvenile Justice Oversight Commission
Full Commission
Committee Meeting
August 14th, 2020 at 2:30 pm

Meeting Minutes - DRAFT

Call to Order: JJOC Co-Chair Judge Egan Walker called the meeting to order at 2:45 PM.

Roll Call:

Voting Members Via Phone: Judge Egan Walker, Joey Orduna-Hastings, Eve Hanan, Ross Armstrong, Pauline Salla-Smith, Frank Cervantes, Gianna Verness, Brigid Duffy, Jennifer Fraser, Rebekah Graham, McKenna Finnerty, Ryler Harris, Scott Schick

Non-Voting Members Present: Ali Banister, Heather Plager, Judge William Voy, Mike Whelihan, Captain Kenneth Young, Frank Morningham, Captain Henry Blackeye, Melissa Sickmund, Dave Laity

DCFS Staff: Leslie Bittleston, Kayla Dunn, Kayla Landes, Jennifer Simeo, Kathryn Roose, Alexis Tucey

Absent: Nancy Saitta, Jack Martin, Jo Lee Wickes, Kevin McMahill, Dr. Lisa Morris-Hibler, Mayra Rodriguez, Alejandro Gonzalez, Alexis Waddell-Upton, Paula Smith, Katherine Maher

Public: Sharon Anderson, Kimberly Ortega, Isaac Rowe, Wendy Garrison, Joe Seiz

Leslie Bittleston took roll and quorum was confirmed.

Commissioner Judge Egan Walker: Thank you very much, Leslie. So thanks to everybody who joined us on this Friday afternoon. We've got a lot of ground to cover, and I intend to move fast. I'll ask Miss Orduna-Hastings to interject whenever I'm going too fast, but let's put our thinking caps on. Let's work collaboratively. The purpose for the meeting was to talk about the emergency which we broadly face that's being expressed as a budgetary emergency for many of us. We're going to do the meeting kind of in two parts, but they're, of course, interconnected. You'll see that Discussion Item Number 4 begins with budget. Before I dive in any farther though, let me ask if there's anybody who would like to make public comment? I don't hear any public comment, but I welcome that at the appropriate time at the end as well. So the way we're going to cover this ground is in this way, folks. Obviously, the Governor of the State of Nevada has announced -- several announcements really -- announced an emergency. I'm sure the Governmental entities in each of your jurisdictions have done the same thing. That emergency has expressed itself in many ways, but in particular, it's expressed itself in budgetary emergencies. Those budgetary emergencies have resulted in across-the-board cuts to the DCFS budget, for example, that we'll discuss more in a moment, and it may affect all of you. Those budgetary emergencies of course are driven by the COVID-19 prices. So within the budgetary discussion, we need to talk about what's happening with COVID-19 across the State. Let me perhaps put minds at ease or not related to that conversation, but I ask you all to recall -- we unanimously voted as a Juvenile Justice Oversight Commission, and the vote was unanimous, to adopt the following mission statement of the Juvenile Justice Oversight Commission. The mission statement again is the governance -- that was a word we intentionally selected -- the governance of the selection, policy development, implementation, and enforcement and quality assurance of Nevada's Juvenile Justice System. So we all come together and we must -- not we should, not we can -- but we must share information about the Juvenile Justice system. I want to reinforce that by reminding us all that embedded in statute in a number of places, for example -- but embedded in statute is the following language. It was a part of the bill

that enabled the Juvenile Justice Oversight Commission, and it's at 62H.200, and it mandates that DCFS shall establish a standardized system for the reporting, collection, analysis, maintenance, and retrieval of information concerning Juvenile Justice in this State and each Juvenile Court -- that's me, Judge Voy, and any of the other judges -- and Juvenile Probation Department and the staff of Youth Correctional Services as directed by the Department of Health and Human Services shall comply with the regulations adopted pursuant to this motion, and all of us are required to report as a matter of fact about Juvenile Justice data. So we're going to do it in two parts. I'm going to ask Ross to begin with a presentation about the DCFS budget -- really through Leslie I think -- to share with all of us the information she collected from all of you about how your budgets have been affected or not. Ross will give an overview about the DCFS budget. I think he has some data to reinforce to us about what that means about staffing levels at the DCFS-run facilities. And then we need to talk about what's going on with the virus in each of our jurisdictions and then open the floor more broadly to how we think we can meet some of the needs all of us have as a joint system. Judge Voy is an Advisory Commission member. We set this hearing specifically at this time so that Judge Voy could join. And so, Judge, I want to invite you at any time to weigh in with your thoughts because, of course, we all know Clark has the largest number of children working through the system. And so I'm so glad you're here. Um, Joey --

Judge William Voy: Thank you.

Commissioner Judge Egan Walker: -- are there any comments you want to offer before we dive in and --

Commissioner Joey Orduna-Hastings: No, Judge, except just to make sure that when you reference the reporting of the virus, I believe Leslie's prepared to give us an update on the spreadsheet that she's reported at previous meetings. Is that correct?

Commissioner Judge Egan Walker: Indeed. And I intend once she does that then to turn to each jurisdiction --

Commissioner Joey Orduna-Hastings: Okay.

Commissioner Judge Egan Walker: -- and ask them for reporting --

Commissioner Joey Orduna-Hastings: Thank you.

Commissioner Judge Egan Walker: -- more particularly because Leslie was unable to collect data from Churchill County, from Clark County, or from Spring Mountain related to the virus. And I made a public announcement at the Children's Commission meeting yesterday about significant data from both, as it were, Spring Mountain and Clark County that we need to bring into the light of day and discuss. Thank you for that.

Commissioner Joey Orduna-Hastings: Thank you, Judge.

Commissioner Judge Egan Walker: Judge Voy, I didn't mean to cut you off. Did you want to weigh in in any way at this time before we dive in?

Judge William Voy: No, I just said thanks for including me. Appreciate it.

Commissioner Judge Egan Walker: Of course. Of course. So Ross, let me turn it over to you and/or to your designee for purposes of first talking about budgetary impacts and data that you were able to collect through your offices.

Commissioner Ross Armstrong: Thank you, Judge. In the link of materials, you'll see three different narratives posted in that Google Drive, and that really summarizes the final cuts that occurred to DCFS. I know I explained a little bit at the last one. We weren't quite done with the session at the last one. So, again, agencies were required to come up with 6%, 10%, and 14% cut scenarios. We were informed the 14% cut scenarios would mostly be in the Governor's recommended budget. And so you can see that for the Division of Child and Family Services, one of those major cuts comes to a reduction in beds both at Caliente Youth Center and Summit View Youth Center -- sorry -- Caliente and NYTC. The Nevada Youth Training Center went from 64 beds down to 48 beds. One of the directives in coming up with the reductions was to minimize State layoffs. And so, in particular, programs that had vacant positions were looked at primarily at the beginning, as that would not relate to or result in the reduction of staff and forced layoffs. So, we took a look at each of the facilities that was either below their capacity at that time. CYC was five or six above the stated new capacity. The capacity is aligned with the reduction in staff that got us to that 14%. Our 6% and 10% scenarios only reduced Caliente to 80 beds, but we were unable to stop the bleeding essentially at that 10% level. There were a number of reductions proposed in child welfare to Washoe and Clark Counties that were removed during the legislative process. There were proposed reductions in Community Services Mental Health staff. So for those of you familiar with the Wraparound in Nevada program or Children's Clinical and Early Childhood, we had to do all of those to get to that 14%, and through sweeping accounts and State furloughs, those cuts were saved. We did not have to reduce any of our mental health beds. And so as we talk about mitigating, the harm to our kids in our system with the reduction in the Juvenile Justice beds, we were able to preserve all the beds at Oasis ATC, the Family Learning homes, and the 12-bed expansion at Desert Willow Treatment Center with the hope that some of those cases we may see in our Juvenile Justice facilities that may be more appropriately treated at mental health facilities, those beds would still be available. We also did not cut any of the Community Corrections block grant, as those investment dollars we send to the counties are critical in not increasing our population and trying to keep kids out of the system. And then also there's not a reduction in parole so that they can work harder to ensure that youth don't return. And with that, I can take any questions. Susie's working on a number of projects. I think a couple I'll just mention is our ability to use the actual property and facilities for more purposes or their appropriate services that could be stood up not operated by the State. We have no money to operate services, but could be combined, and have some helpful services at the facility locations. And then also taking a look -- we have a handful of youth every year that are ready to leave. Their treatment is completed in correctional care. But there hasn't been a placement lined up -- either a foster care placement or another placement. And so we need to get that number absolutely down to zero, because if we have youth waiting to leave, then we can't bring youth in. So that is where we are. My understanding is Susie's having some maybe audio issues in terms of being able to unmute, and I'll try to answer as best as I can, and I'm happy to take any particular questions. The three narratives in the Google Drive include the Child Welfare, Mental Health, and JJ1, so they're broken out by system.

Commissioner Judge Egan Walker: Questions for Ross?

Commissioner Pauline Salla-Smith: Commissioner Walker, I have a question.

Commissioner Judge Egan Walker: Please go ahead.

Commissioner Pauline Salla-Smith: So, Commissioner Armstrong, with the reduction in beds, has there been any discussion about the average length of stay at the facilities and if there's different ways to assess if those kids are ready to transition back?

Commissioner Ross Armstrong: Thank you, Commissioner Salla, for the questions. The main length of stay we're looking at it is those that have completed their treatment and are ready to go home. Our averages at the facility still float between six and eight months, which is kind of ideal. I think PU did a study a number of years ago. And there wasn't any value really in keeping youth over that nine-month period, and then keeping it four months or later also had higher correlation to recidivism rates. So we are at that sweet spot in terms of length of stay. But we are taking a look at length of stay, particularly for racial disparities, as we look through everything in that lens to make sure that the lengths of stay are really based on treatment. I think our biggest obstacle there really is making sure that there's a solid place to land afterwards, and so a big focus will be on working with our child welfare agencies and parole to make sure that that plan is already in place the day they enter the facility.

Commissioner Pauline Salla-Smith: Can I ask one more follow up to that?

Commissioner Judge Egan Walker: Please go ahead.

Commissioner Pauline Salla-Smith: Thank you. So, Commissioner Armstrong, do you -- cause I know that you guys -- like the YLS hasn't -- have you been doing it six months? I can't remember. Yeah, you have, right? At least six months?

Commissioner Ross Armstrong: Yes.

Commissioner Pauline Salla-Smith: So has the State noticed if using the YLS can help capture progress in those domains? I guess what I'm thinking about is -- sometimes in facilities, kids get stuck in certain behaviors or we focus on some things that maybe the YLS will help pull us out of. So have you noticed that utilizing the YLS may be a more appropriate placement of those kids going to the State? Has that affected length of stay at all?

Commissioner Ross Armstrong: This is Ross. I don't think it has affected length of stay yet, and Susie will text me if I'm wrong. I mean, we've been using it for six months now, and what we do want to look at is -- do we take the YLS and mash the risk and needs, and is there an ability to more specialize a particular facility to meet a particular profile of youth that could potentially reduce that length of stay? I would say as we're taking a look at the YLS results, we really want to be taking a close look at those low and medium-risk kids to determine if there's any way to keep them in the community, and we haven't really turned away any youth. Cause this is too low risk because you have to take it. You know, the YLS is just one piece of information in that total analysis. So, yeah, we are in the process of taking a look right now. Like okay -- what does that YLS -- now we've had six, nine months of work in it -- what does that YLS profile look at each facility? And are there services that we need to -- maybe -- and this is where that -- the spending cuts are different, right? We can't invest. We don't have extra money to invest, but there may be services that we've always thought in our gut were appropriate, but there are better services that more match those needs to pull in. So as we're hitting kind of enough data to start to make those decisions that will certainly be going forward, and we would welcome any input by any of the JJOC subcommittees and certainly members of NAJJA in terms of -- if there's something that you're seeing when we have our youth returning to your communities that we're not addressing, we want to know that so that we can work to address those.

Commissioner Pauline Salla-Smith: Thank you.

Commissioner Judge Egan Walker: Thank you, Ross. Let me break in for just a moment. Kayla or Leslie, I don't know who the host or cohost is, but if one of you could send an invite to iPad Nancy's second -- I believe that's Justice Saitta. If you hover over the three dots on her screen as the host, you should be able to ask them to join. It may give her a prompt on her Apple device. Apple devices and other devices have different controls on the Zoom platform. So I'd ask one of you to do that to see if we can connect to Justice Saitta. Other questions for Ross?

Commissioner Frank Cervantes: This is Commissioner Cervantes. I have a question for Commissioner Armstrong.

Commissioner Judge Egan Walker: Please.

Commissioner Frank Cervantes: The bed capacity has been reduced to 160, so that's really a staffing issue. If there is a major increase in infection rate, Ross, is there building capacity to handle that that's separate from the staff capacity?

Commissioner Ross Armstrong: Hey, this is Commissioner Armstrong. So, yeah, we do have identified areas in -- we have much bigger physical capacity than we've had budgeted for a bit, so it may be one of those things. So the capacity with the staffing ratio really is driven by PRIA, and PRIA allows for temporary deviations from your staffing ratios in extraordinary circumstances. And so if we do have an outbreak at a particular facility, we will be able to isolate and quarantine. We've been monitoring incoming youth. We had our first positive youth this past weekend at NYTC, which was a recent arrival. And so because the recent arrivals are all in the reception and classification cottage, we were able to isolate that cottage and get everybody tested. So far, the other tests have come back negative, which we are thankful for. But -- so if there were to be an outbreak, we have physical space, and it would just be a matter of bringing staff in for overtime. I'll say that really in the last year, CYC has not been able to get enough staff hire to go above 80. So although it's a difference certainly in budgeted capacity, in terms of real capacity, we're at about where we were able to hire enough staff for.

Commissioner Judge Egan Walker: Other questions before I dive in, please? Any other questions or follow up with Commissioner Cervantes? So here's sort of the 6,000,000-dollar question, Mr. Armstrong that I want to preface in this way. You shared a useful piece of information. We are going to share more useful information in the way you began by saying that a child has tested positive at NYTC. I think one of the many concerns I have is this -- if I could give you a hypothetical -- Washoe County is opening the school district Monday. As of this morning, the most recent information I've heard -- and it's probably changed -- five staff at five different schools in Washoe County are positive. In my view, my fear is what is going to happen in Washoe County is what has happened in Georgia, Tennessee, and other locations, which is -- there will be loci of outbreaks. Let me emphasize and add -- the virus is to blame for those outbreaks, not human beings. I am not interested in playing the blame game about where it comes from or how it happens. But in my view, my fear is that some or all of the schools are going to have to close back down, which is what has happened in other jurisdictions. If that happens to us in the Juvenile Justice system -- for example, there are 160 State beds. So, God forbid, I almost don't want to use this as an example -- but Clark County has to close all or some of its detention. Those children will exceed in number the number of beds in State facilities. So what, if any, plans can you discuss, and then what, if any, plans -- this is a teaser for all of you -- can we discuss so that we can be sort of a joint safety net across the State? Because in my view, we're going to have an outbreak somewhere, and we're going to have to be able to manage it. Your thoughts, Ross?

Commissioner Ross Armstrong: This is Commissioner Armstrong for the record. So our first facility outbreak was at the Oasis Treatment Facility down in Las Vegas, and what I tell Susie when we have a positive test at a facility is a big glass jar, or, you know, in that particular case, it's a cottage, and so isolate and contain, and then test to determine the spread. And it takes about two weeks I think to get through that entire process of figuring out what to do. In the case of Oasis, it was a cottage that had relatively few youth, and we had staff test positive, so we actually brought in the positive staff to work with the positive youth to contain the spread to staff and youth. So certainly if there's an outbreak at any particular facility, you're looking at a two-week disruption. The extent of that disruption is going to depend on the level of the outbreak and how many youth and staff become infected. So we do follow the guidance of the local health authority when that happens. So in Elko, we're currently working with the health authority out there, which is DPPH. The State is the health authority out there. And in Clark County, Susie has developed a wonderful relationship with the Southern Nevada Health District that if she has a suspected or a positive, they come to the table with the testing and resources that are needed. We know that in general, the population we serve is not at high risk, but we certainly do have some high-risk staff and their families back at home, and so containing the virus is -- it's kind of that double-headed crisis we're in -- you know, the virus itself and then all of the secondary things, which include collapses in child abuse reporting, mental health issues, and the budgetary stuff. So I hope that answers your question. It's kind of a long way to say -- like put that glass jar around it. It's kind of a two-week period to clear things up.

Commissioner Judge Egan Walker: This is Egan Walker again for the record. And I appreciate that. It's useful to know the State perspective on how to handle an outbreak, and we'll talk more about that as we talk about what the virus is doing around the State. But my question was this -- given the contraction in your budget, which is not the fault of anyone, you least of all -- but given the contraction in your budget and the reduction in beds, if you have to close a facility or -- let's not use Clark County -- let's say Frank had to close a wing of his facility and couldn't open the wing that he rotates that's open, and he needed to put 30 kids somewhere for the safety of those children, do we have any plans in place in that way or, God forbid, you had to close all three facilities?

Commissioner Ross Armstrong: So, no, there's not currently a plan in terms of -- if all three facilities were to go down, what would we do? No. And I think it -- you know, I don't know that we wouldn't close and send all the kids home, cause that would be then potentially spreading the virus back home. So it'd be more a halt in admissions until it could clear up within the facility, so then that, of course, waterfalls down, cause if we're not accepting folks, then kids are backing up in detention, and then that's a real bad spot for our county partners to be.

Commissioner Judge Egan Walker: Challenge all of us to think about those scenarios. Not because I'm inviting them or want them, but to think about them. My next question, Ross, is a carryover from a question that Judge Voy asked at the Children's Commission meeting yesterday, which is -- I don't expect you to know or be able to disclose all what the budget forecast out of the legislature and/or the executive branch are, but I believe there will be more budget cuts. I believe that that is going to get worse before it gets better, or at least I fear it is. And can you speak at all to any plans you might have? Let's say -- already Caliente is at capacity or over capacity. I understand the metrics. But let's say you have to cut NYTC or Caliente or both. How, if at all, can you share plans with us to redistribute the children or the placements or the resources?

Commissioner Ross Armstrong: I can, and I want to check -- you were kind of garble there, Judge, and so I want to see if that was on your end or my end. It's a thumbs up if you can hear me clearly. If not, I can -- okay. First, let me say the Guinn Center has a great page that goes over the State budget in a very helpful way when we talk about cutting budgets, because it highlights the differences between federal and State

spending, you get a sense of how big each department is. And so Health and Human Services is the largest department. The vast majority of that spending is Medicaid. The vast majority of that spending is federal. When we have a budget cut, it has to come from the general fund. So when we budget, we budget for two years, cause the legislature meets only every other year. We come up with that budget for the two years. In order to build that budget, we're given a cap by the Governor's Finance Office. And that cap is -- for the next session currently -- is built on what we were going to spend this year without the reductions from the special session. So we do not anticipate being able to maintain that, but we have not been given directions in terms of how much we need to cut. Our best guess is we need to cut about what we cut during the special session, which would potentially not have a gigantic impact at least from where we are today looking forward. If we have to cut more, we would likely cut what we proposed to cut previously that did not get cut in this special session, which would be incentive funding to Washoe and Clark County Child Welfare Systems and our Community Services Children's Mental Health. And in coming up with those reduction priorities, what we did -- we had like five days to come up with the cuts, and so we had to quickly come up with a framework for that. We prioritized those services that are statutorily mandated. We prioritized those services that relate to youth and family safety. So that's where we landed. In terms of children's mental health, that's why we work to preserve -- in our proposal, the Mobile Crisis Response Team and the Tier Care Coordination. There are some advancements in terms of community services related to children's mental health and mental health with federally qualified health centers and CCBHCs, which are Community Behavioral Health Centers, in terms of building community capacity for those who the State have served before. So there are currently no plans if we had to reduce or get rid of a facility completely. When you take a look at the three facilities, as I testified during the special session, our kids benefit from having the diversity in those three facilities. If you were to move to shut down some of them, I think we'd see an increase in certifications to the adult system, which we don't want. You have NYTC, which has been performing very consistently, very well in terms of those critical performance measures -- we reviewed earlier this year as a Commission -- and has the flexibility since we run our own high school there for those nontraditional, those kids who need extra help. And then, of course, Caliente is our only facility for young women. They have a more difficult time getting the staff hired. So that analysis doesn't make it an easy choice in terms of which facility would be eliminated. I think we would be able to find the reductions somewhere else, but we would certainly keep the JJOC informed when we're able to. Generally, the budget-building process has confidentiality around it. But the reason why our proposals went to the reduction to 160 beds and no further in part was because we didn't want to lay off staff and another part because I don't think we can go much beyond that and still be effective in terms of providing that service. I don't see us going in the direction of California and eliminating all of our Juvenile Justice Correctional Facilities that are State operated. California has gone that direction. They're shutting them all down and saying the counties need to handle it. That's not the Nevada system. And I don't think that's a direction we would want to go. And I don't think we would go in the direction that some states have, which is a fee to each county per youth they send. So there are some states that have now implemented -- rather than spending the general funds, they charge the sending county 60,000, 70,000 dollars per youth sent. And I also don't think we would head in that direction either. So it's still kind of -- and it's very hard to predict -- right -- because of the path of the virus and then the secondary effects on the economy. But if you do see that we have to cut more from our budgets, understand that those cuts would come from the pre-special session cuts. That's the level of funding they're talking about. And then understand that it's State general fund that has to be cut. And so when you dive into our budgets and you see some budgets are heavily federally funded, it doesn't make any sense to cut there, because you'd have to cut 10 staff for one fully general-funded staff. So those are the choices that we're grappling with at the State level. And, of course, there's always the changes that occur between the Governor's recommended budget and the legislative-approved budget. So

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Commissioner Judge Egan Walker: Ross, let me pause. Are there any questions for Ross otherwise I'm going to switch gears. I believe Miss Bittleston's going to report on what you all gave to the State related to your own budgets. Any questions?

Commissioner Ross Armstrong: Yeah, Judge --

Commissioner Joey Orduna-Hastings: Let me interrupt. Your microphone there might be -- I don't know -- again, it might just be me, but there's a problem with the microphone. You're echoing. Is everyone else having that issue?

Commissioner Ross Armstrong: Yeah.

Commissioner Joey Orduna-Hastings: Yes.

Commissioner Judge Egan Walker: I'm so sorry, but my son entered our home through the front door. That causes my microphone to glitch. I've got to leave and come right back in. I'll hand over the meeting to you. I'm going to step out, and I'll try to rejoin. Leslie and Kayla, please keep an eye out for me.

Commissioner Joey Orduna-Hastings: Okay. Thank you, Judge.

Judge William Voy: It's Judge Voy. Can I ask a question?

Commissioner Joey Orduna-Hastings: Yes, sir.

Judge William Voy: That's all right. Ross, I know we've been talking about the virus issue, and I get that temporary -- you know, a couple weeks to clear it, and I think everyone can agree that we can kind of hang in there if that's the issue. Right? But my concern is this -- the ripple effect in the bed closure at Spring Mountain Youth Camp -- for example, we had a reduction there -- or Spring Mountain Residual Center, a 12-bed facility is now closed. We've lost a lot of community partners, a lot of community-based intervention programs. And so anyways, so my point being -- I don't see that changing anytime real soon, and it might get worse. So my point being this -- the ripple effect that's going to happen and with the bed limitation you currently have, you're going to see -- I can almost guarantee it -- you're going to see an increase in commitments to the State, because there is going to be a lack of lower-level services and community-based services, and, of course, the reduction in bed space at Spring Mountain Youth Camp. If you haven't thought of that contingency yet as far as what we do, would you be in a position to work on that here real soon so that if it does happen, you've got some kind of reasonable plan on how to maybe absorb it or modify length of stay, whatever, because it's going to happen, and it's going to end real bad, and that's coming from Clark, and I'm sure Washoe is going to have some similar issues popping up in that regard. So have you had a chance to go down that road yet?

Commissioner Ross Armstrong: This is Commissioner Armstrong. We have not. What I would say is -- if there's a source of funding that appears, we would certainly advocate that those be invested in those community and front-end programs to avoid needing that. One of the things that we're looking at in terms of the co-location -- is there opportunity to partner with a private provider to have say transitional housing on campus, so we might have the same number of youth on campus, but only some in that Correctional Care and others working on their way heading home. I have to double check. I know that the Department of the Military was working on the youth challenge at the National Guard facility in Carlin, um, which would be a lot of beds for lower risk youth and potential treatment there. So I will follow up on that for this Commission in terms of making sure. I think that was going to be almost fully federally funded, so I don't

think it was cut in the special session, but we will follow up with them on that. And then I think those are really the two big ones -- is can we have additional services on the campus that aren't necessarily State operated -- not correctional services, but that transition home? And then if there is additional funding, invest in those front-end programs? I would I guess challenge all the counties to join me in taking a good look at any way that we can maximize other sources of revenue in those community programs. Because the federal government views the children in our Correctional Care as prisoners, they are not eligible for any Medicaid reimbursement. That is not true for those youth that are out in the communities on probation. And so agencies and the agencies that they partner with or contract with for services should be taking a close look to see if there's any way to maximize that federal revenue, whether it be Medicaid or grants. There's been some good clarification in terms of the use of the Victims of Crime Act Assistance grant. It used to be a pretty bright line -- if somebody was ever an offender, you could not treat them with VOCA dollars. At this point, they've clarified that as long as the treatment you're paying for is related to their issues of victimization that those VOCA dollars may be available. And we can help with some outreach to NAJJA certainly. And I'll keep -- Commissioner Salla can ping me on that to make sure I follow up on that with NAJJA in terms of getting that application, particularly I think for our juvenile sex offender population that has often victimized because they were victimized. There are some potential opportunities there. So that's what it's going to take. I don't think -- you know, there were some measures passed in the last special session that may change the outlook of revenue for the State of Nevada. With our current revenue structure, I don't see a giant windfall anytime soon, and so working towards those other sources of funding are going to be critical to mitigate the harm from the current budget crisis.

Judge William Voy: Just one follow-up comment. Don't hold your breath on Project Challenge. That's been 15 years in the making still just so you know. We were talking about Project Challenge in 2005 just so you know. I would love to see it. I would love to see it happen. But, again, like I said -- we've been talking about it for 15 years now, good times, bad times, economically speaking, and we still haven't pulled it off, but it would be great if you could, but good luck on that. I hope.

Commissioner Ross Armstrong: Yeah. And one of the proposals that we have floated, and we've submitted it to the Interim Committee on Children Welfare and Juvenile Justice, and we're working through the Governor's process of getting BDRs, would be some sort of mechanism where any money that is saved from our three correctional accounts could then be transferred to the Community Corrections block grant and then sent to the counties for prevention services, so that is a budgetary mechanism that hasn't been done before. Usually, the legislature likes to bring back all that general fund that they can. We would like to isolate it and keep it in Juvenile Justice, so that is a push we're going to attempt to make at least in times when we're not necessarily in a financial crisis -- to take any savings we have, which are generally from vacancy savings, from one year and send it to the County Probation Departments the next year.

Commissioner Joey Orduna-Hastings: Thank you, Ross. Are there any other questions of Ross before we move to the COVID update from Miss Bittleston? I also see that Judge Walker has rejoined us. Welcome back, Judge.

Commissioner Judge Egan Walker: I'm back on. Is my audio better?

Commissioner Joey Orduna-Hastings: Perfect.

Commissioner Judge Egan Walker: All right. If it happens again, let me know, and I'll sign off and sign on. Word to all of you -- if you have too sensitive a microphone and it picks up a sound in the background, it applies a filter that then garbles your voice unnecessarily. So just one of the roadblocks. Joey, I might

suggest -- I think Leslie had a brief report to give about the information she got back from all of the counties about their own budgetary impacts before we move to the COVID update.

Commissioner Joey Orduna-Hastings: Oh, okay. Thank you, Judge.

Leslie Bittleston: Hi, everybody. So I did send out a request to all of the counties to ask them if they were facing any budget cuts over the next year, and I want to thank all of the counties. Every county did respond. However -- excuse me -- only five counties are facing budget reductions this current year. There is a document in the group Google Drive called County Budget Cuts for State Fiscal Year 21. It lists those budget cuts. Churchill is facing budget cuts. Clark County, Elko, Lyon County, and White Pine County. The remaining counties have all stated -- no, that they are not facing any budget cuts right now, but their budgets are year to year, so that could change next year. But for this year, that is the information we've got from all of the counties.

Commissioner Judge Egan Walker: So let me note -- Clark County had the largest cut reported -- 674,000 dollars. That's a big chunk. Who would like to or can respond from Clark County about what sort of the next layer would a cut might be, how bad that is to you, et cetera?

Mike Whelihan: This is Mike Whelihan, Assistant Director. So, what's happened so far is -- they froze several positions. We're 80 positions down in the department. Not all of them are law enforcement, but many of them are, so as Judge Voy alluded to earlier, we had to make some staffing changes because we shut our halfway house, which is a 12-bed facility. And then we took Spring Mountain down from 100 to 60. And then we don't know what the future holds, obviously. As you can see, our casino industry is almost like a ghost town even still, even though they're reporting that they're -- did you guys lose me? Okay. I'm back on. It disappeared for a minute. So we don't know the long-term effects, but we've already taken furloughs. Uh, the entire Clark County's taken a 5% reduction and we're on a 4 hour furlough, so many of the buildings for Clark County have been shut down to four days a week -- the ones that aren't housing children. And we still have probation services on the weekends, but all our administrative and other things are Monday through Thursday now, and so is the Clark County Government Center. So I don't know what the long-term effects are until we see when the conventions and some of the things start coming back, because right now, we have no conventions and no shows. And in January, I think we'll know a little bit more, but we had a voluntary separation program. We had 27 staff, and those will be frozen for a year. There was about 15 POs, a manager and assistant manager, and a lot of support staff as well that will be frozen at least for a year if the economy improves. We've got some staff resigning. We've got some discipline things that have led to some terminations that are in what you would call the administrative process. So there's a lot going on with Juvenile Justice when it comes to our staffing issues right now. Oh, and one other thing is -- if you're not aware, there was a fire -- I believe it was June 28th. So we evacuated down to our Juvenile Detention Center. So what we've done is -- we've taken two units and turned them into Spring Mountain for now. We're hoping to go back in September, so we're actually still down there. So when you're asking for data from Spring Mountain, it's kind of included with the Clark County data, so I can talk about that later.

Commissioner Judge Egan Walker: So thank you very much for that, Mike. Here's part of the reason I ask. You -- and I trust that you and Jack will know much better than any of us -- what those 80 cuts mean. That scares me. That's not a blame placed to you. That's -- I'm feeling bad and worried for you guys. So you got to communicate to us how bad it's getting, because I don't know, of course, the structure or the personnel structure or how bad that is, but that strikes me as an emergency speaking in support of you all. I had a conversation with Frank Cervantes yesterday, where I said to Frank -- is a state -- in my opinion, we're going to have to discuss how are we going to help Washoe County, Churchill County, Clark County if they

have to close? How are we going to take those kids so that our kids don't fail? So, Mike, I need to open a line of communication with you and Jack so that you can tell me -- look, Judge. I got to let you know -- I know you would, of course, talk to Judge Voy about it, who has jurisdiction, and I'm not in any way trying to evade that jurisdiction -- but in terms of the JJOC, you got to let us know -- look, we're at a crisis point now. Wow we can't keep the kids safe. Our staffing ratios are going to be out of compliance to the extent they aren't already -- because I think Jack shared that a little bit the last meeting. Does that make sense, Mike?

Mike Whelihan: Yeah. So we're not putting kids in a safety position right now. What we're doing is -- so the ratios are still okay, but what we've had to do is close like our halfway house, cut the bed numbers down at Spring Mountain Youth Camp, and then the State went in at the same time. We don't know what the long-term effects are going to be. I remember years ago when I started, the average length of stay was like six months before they could go to Spring Mountain or the State, so we're hoping not to get to that point. But as far as the safety for the kids and some of the services, the caseload numbers have gone up. We've repurposed staff in the field. We've got an intensive supervision program. So we changed some of their duty assignments to move some of those staff to detention. And so there's been some shuffling. Some of the good work that we've done over the last five, six years -- you know, we're kind of going backwards a little bit, but, obviously, the safety of the children and keeping the program's efficacy intact is important to us. So right now, we're managing, but any further, it's going to be tough.

Commissioner Judge Egan Walker: I can only imagine. I'm not wishing it for you guys. I'm an optimist. I hope it gets better, but I think candidly, the economic tsunami is yet to really begin or come. So, Mike, just please reach out to me, reach out to Joey, reach out to all of the Commission members. You got to let us know -- look, we're going to need your help at the legislature, with the Governor. I don't care where, but I know you have a lot of kids that you're responsible for. I think you guys do a phenomenal job with them. I just want to be an ally. And when I hear that --

Mike Whelihan: And we appreciate that.

Commissioner Judge Egan Walker: When I hear that --

Mike Whelihan: We really do.

Commissioner Judge Egan Walker: When I hear that 80 number, it scares me for you. So, again, I trust you guys. Sounds like you got it. I don't mean to apply otherwise. But this line of communication has to be open, because then I can pressure Frank or Liaty or whoever else and say -- look -- or actually, I'm going to go to Schick first, because sometimes he has no kids in Douglas County Detention, and say -- you know, can you take some of these kids for Clark County? I know Scott. I'm just picking on you a little bit.

Mike Whelihan: Well, we appreciate that, Your Honor. And I know we communicate pretty well with NAJJA -- Jack and myself, so -- without all the board members, so we have good, open relationship. So we'll just make sure that we include you and some of the others as well. We get kind of complacent cause we're used to talking to the same people. So we'll make sure that you're more involved and some of the other JJOC Board members.

Commissioner Judge Egan Walker: I appreciate it. So are there any other concerns you want to share about the budget cuts you've had to make thus far?

Mike Whelihan: No, I think that pretty much wraps it up.

Commissioner Judge Egan Walker: Is there anybody here from Churchill County this afternoon?

Commissioner Joey Orduna-Hastings: I don't see anyone on the list.

Commissioner Judge Egan Walker: So, Pauline, I'm sorry to pick on you, but you come right in the middle of my screen. Would you reach out to them and tell them that I have the same concern related to your budget cuts that I do for Mr. Whelihan? So I know 133,000, of course, is less than 674, but Churchill County's budget is orders of magnitude smaller than Clark County's budget, and that's a big cut to my eye. You all would know better, but please communicate to them -- hey, you got to let us know if we can help you advocate with your county or with the State if that's cutting to the bone or beyond. Does that make sense, Pauline?

Commissioner Pauline Salla-Smith: It absolutely does. And I'm more than willing to do that.

Commissioner Judge Egan Walker: All right. Anyone from any of the other jurisdictions that had to realign, cut, or know of cuts that are coming in the future that is going to raise an urgency or an emergency? So I don't see any hands, but I want to make the same entreaty to all of you that I made to Mr. Whelihan. We started this Commission recall as One Nevada, and I believe that to the core of my being -- if a child fails in Clark County custody, I'm not interested in blaming Clark County or Judge Voy. I'm interested in helping that child succeed. That's a loss to me. If a child fails anywhere in the State, that's a loss to me. And we are only going to get through this crisis, in my opinion, together and if we help each other. So as to the budget cuts in this budget report, thus far, other than the caveats Mr. Whelihan has offered, I don't see children in danger yet. Does anybody disagree with me? All right. Hearing no other disagreement, are there any other questions related to budgetary information thus far? I also see no hands or questions. Let's move now to the COVID information, and I want to broach this subject as gently as I can in this way. So yesterday, I shared at the Children's Commission meeting that I became aware this week of a couple of pieces of information. First, Ross shared with me that we had a positive child hit the system in the State, as it were. That child was admitted to NYTC. It happens that child emanates from Clark County, but it could have been from anywhere. You know, that's neither here nor there other than that was the place of origin of the child. Then from three independent sources, all in the last couple of days, I was informed that there may be a group of children in Clark County who are positive and/or staff who are positive and that those children and staff may have part of this source tracing of the infection may be that some of the children and/or some of the staff attended either a rap presentation or a rap concert or rap poetry or something to that effect. I don't know the accuracy of any of that. I'm going to turn to Mr. Whelihan or whoever would like to address it in a moment, but before we go there, I want to talk about the reporting that Leslie got back to the entreaties that we decided to make as a Commission. Recall that we voted as a Commission that we were going to report to each other about what's happening with COVID around the State. So let's begin, Miss Bittleston, with what you know about what's happening with COVID around the State in terms of testing and any positives.

Leslie Bittleston: Yes, Mr. Chairman. Normally, what I do is I reach out to all of the facilities -- the seven detention facilities, the two youth camps, and the three State correctional facilities -- once a month to get updated information from them. However, I did reach out just the beginning of this week, knowing that we had a Commission meeting this week, just to get some updated information. So this is what I have -- the latest information. One hundred fifty-one youth tests have been done statewide with all of those facilities combined with one positive -- the positive at NYTC. And then there were 145 staff tests statewide with 7 positives -- one positive from Humboldt County and 6 positives from Washoe County. Most everybody has been reporting, but some facilities have not reported since mid-June, and those facilities are Churchill,

Clark, and Spring Mountain. So I do have some information from those facilities in here, but nothing since mid-June. So that's the latest information I have on testing.

Commissioner Judge Egan Walker: So, Frank, if I could direct a question to you, please. Just by way of information as to those six positive staff members, how are you handling it to prevent further intrusion into your detention facility or among your staff?

Commissioner Frank Cervantes: So Frank Cervantes for the record again. You know, we get the information in three different ways. There's self-reporting, there's somebody who has a symptom, and then there's the actual confirmation with the COVID testing. And so when we have a positive test, that person stays out of the facility for a period of days until there is a clearance of no symptoms, no fever -- some of the CDC and health district guidelines that we have set up here. Incidentally, we tested all of the kids today again, so we'll see what that looks like when we get those results back. You know, the biggest risk for infection for kids is staff coming out because they're in and out of the building. So it's a really interesting time period to be in the middle of this because there's no perfect scenario on how to control it. The testing is only as good as the day that you test. And so, you know, we can randomize that. We can do them. We are going to do a little something different, Judge, for our placements, and so, Ross, if you can hear this -- I think about five to six days before transports, we're going to test again in addition to the testing that we do upon arrival and in between just so we can see and get that information out to the State. Now, again, within that five days, there's still opportunity, but the opportunity is a lot less. And so the use of quarantine on kids, really good reporting by staff, keeping folks out of the building, we've been able to manage, and I'm knocking real loud -- I do this all the time -- a zero child positivity rate in the facility. And so we've really, really had to emphasize not only a policy around following the COVID practices, but an overall culture around health and illness in a facility. You know, the standard used to be -- I'm going to work through anything. You know? I don't want to use up my sick time. I need to get to work. The new culture is -- if you are not well with symptoms, don't show up at the building, or you're going to be turned away. And then there's the honesty check at the building, right? Everybody gets a temperature check, but there really is an integrity check that goes along with it that. When somebody shows up at the door, there has to be some honor that says -- you know what? I do have these symptoms. I'm going back home. That's the challenge. And so we've managed it, and we've managed it through the policies and implementations of the staff, but we've also worked really, really diligently at keeping the kid count down in detention. And so that's been an outreach effort with local law enforcement. You know, we have some screening that we've always done with our probation officers. That's actually going pretty well. But we're up today eight kids two weeks ago. So there is this trend on an increased detention population, and just by virtue of general math -- you're right -- there's no way we'll probably be able to continue a zero positivity rate through the end of this pandemic. But the plan is to have a plan at every stage. And so we really plan accordingly around the policies and around how we use the architecture of our building to manage kids inside of it to try to control -- you know, because that's something we've never seen before -- the best we can. I know we talked a little bit yesterday, Judge, about -- you know, one of my concerns is -- I don't think we've hit the worst part of this. I think as we move into fall, we're going to have to control for the traditional flu season, the traditional cold season, and then the novel coronavirus season all converging into one, and the symptoms are so similar in so many ways. It is quite possible that we have a depletion of staff in this building at any given time based on symptomology. So we are making sure that we are staggering our crew so that in the event of that, we can control it. But there's only so much control of something that's organic, right? We'll manage the operations around it, but we'll have to see what happens here come cooler weather and fall.

Commissioner Judge Egan Walker: So thank you very much for being transparent with us, Frank, for sharing that. I know you all share much of that information at NAJJA, and I apologize for the repetition, if any. Let me say -- you gave me the opportunity to do this, Frank. It is a testament to how good all of you do

your work that the first positive we had hitting the State happened this week, in my opinion. In reality, given my understanding of the demographics, nothing short of miraculous. So I actually am very proud of the work you all do that we haven't had more positives. As I ask about the positives we have, I'm not interested in placing blame for how those kids got coronavirus. That is a recipe for insanity, in my opinion. But we all got to have the information about whose positive and how and then how are we going to manage it. So, thank you, Frank. Pauline, I don't know if you want to make any comments or add anything about the positive you had with the staff number?

Commissioner Pauline Salla-Smith: Sure. So for the record, Commissioner Salla. On August 4th, one of my staff members contacted me to say that her mom had just went into the emergency room, got tested for COVID, and had all the symptoms. So until the results came back confirmed, they were ruling it a presumptive positive. She actually had worked graveyard the night before. So luckily, we were empty. Our facility had been empty for four days. We actually had a couple kids booked in, but she was on her off days. So then I quarantined her, and then she went and got tested. She came back confirmed positive. She lives with her mom. But she's asymptomatic, has been asymptomatic the whole time. She went through our screening. Never had a temperature. So we wouldn't have caught that one through our screening process, which was concerning to us, too, but we knew that that could happen. So at that point, I actually had to put four staff on quarantine, and in a facility our size, four staff is probably like ten or twenty in another facility. So we've been maintaining our staffing ratios, but we also have probation officers covering some shifts if needed until those four staff make it through quarantine. Luckily, three staffs' results have come back, and they're negative. So their actual working day, mandatory quarantine per our health officer even if they are negative, but they had contact with a positive -- they'll all be able to return next week on the 18th. So I'm still waiting for one, but we have so many protocols in place also, and she was asymptomatic. So if she wouldn't have been honest with me in the beginning, she could have been working, too, and so, Commissioner Cervantes is right. There's an integrity check for our agencies and our facilities that need to occur with our staff. And the other part that happens when this happens is -- even if staff are feeling well, but they're concerned -- right -- I had a lot of staff who didn't want to go get tested cause they didn't have symptoms. They just had some anxiety about it, because they knew they were going to have to quarantine for 14 days or until the test results come back. And for Humboldt County, that's anywhere from seven to fourteen days to get test results back. So there's that issue, too. Like they don't want to not come to work because they know we're already short staffed. So there's a lot of things that go into it. We had our facility sanitized -- deeply sanitized. They have contact with us in the front office, too. So I know it's going to continue to happen as Commissioner Cervantes said, so we just have to have plans in place.

Commissioner Judge Egan Walker: Thank you, Pauline. Ross, is there anything you want to share about insights, challenges, concerns regarding the child who we identified or you identified as positive at NYTC?

Commissioner Ross Armstrong: I think to echo Commissioner Salla, there was also a lag of days between the test and the result. And so what we have done across the department of HHS for our residential facilities -- we just worked with our DAGs to get permission to take immediate action if we find out that staff are not appropriately wearing masks during their shift when they're providing direct care, regular State rules -- there's like a notice, and then you get 30 days to investigate. Well, that's too long to say -- no, you go home now, and you don't get paid today. So be more responsible next time. So we are about to be able to have that lever if we have staff who are not, but in general, I can't imagine how extra complicated it is for our detention centers, because when people ask me -- are you panicked about having positives in your system? And we know there's lots of talk out there about how dangerous our (inaudible) are in terms of COVID. But we have a pretty controlled entry and exit for our State Correctional Facilities. And so we don't have law enforcement showing up at the door with a kid. We don't have information on them like our detention centers. So I feel for our county partners in that way. I do think we are going to be instituting

that you need to have a negative or recent negative test in order to be transported to us. The Governor adjusted the framework for recovery last week. We're still waiting to see, so we may have some waivers for those counties that are not in the medium or high-risk area. But in terms of that youth, it was a youth who recently arrived, so that probably greatly reduced the potential for spread throughout the facility. We have not been blanket testing everybody yet. It's upon notice and concern just because of -- Pauline -- we don't want to clog up the system, and so we just test the symptomatic folks. We have a system throughout our division -- not just in our JJ facilities -- where if somebody has reason to believe they've been exposed or if they've been contacted by a Health District, there's a special form they fill out, submit to our HR so that we can make decisions about whether they're working from home. Obviously, that doesn't work for our correctional staff. So those systems of that honesty check, of self-disclosure, and then following the lead of the local health district is big. We are working with the Division of Public and Behavioral Health to make sure that our NYTC positive case gets submitted to REDCap, which is the State's facility outbreak system, and so it should show up on that public dashboard in the next couple of days. Our Oasis facility outbreak is there. And so if you haven't been to that facility dashboard, it's really interesting. It shows you that youth staff breakdown of positive tests and how much of the staff that equals and that type of thing. So if there are counties that for transparency want to submit to REDCap, we can certainly walk anybody through that process. I know that one of our key stakeholders, ACLU, has been very interested in knowing what those numbers are. Our adult Correctional Facilities in the State have been submitting their numbers, so you can go in there and see what the adult correctional population looks like. When you think about the number of inmates in the adult system and the number of positive tests, it has not been the widespread issues that some other states have had so far, but I would also echo Commissioner Cervantes in this -- this fall could be tough -- just you have somebody with the flu, and then they get COVID. And I think that that fatality rate is going to go up. So we're obviously concerned about the kids we serve and then also about protecting our capacity to serve those families in terms of staff. Not in our JJ area, but in other areas, we have had great potential staff turn down positions because they have made the decision -- they need to stay home and help educate their kids. And, of course, furloughs and pay cuts and freezes make all that the more difficult. So --

Commissioner Judge Egan Walker: Thank you, Ross. Pauline -- unless somebody's joined, there's nobody from Churchill County -- inasmuch as you've agreed -- thank you to reach out to them. Would you just reinforce to them that we need a report back from them as to whether or not they've got any positives? I imagine we would know if they did, but would you make that a part of your outreach, please?

Commissioner Pauline Salla-Smith: I sure will.

Commissioner Judge Egan Walker: Thank you. So that leaves, of course, Clark County. Mr. Whelihan, I don't know if you were another designee for Mr. Martin. I know Mr. Martin was sorry he couldn't make it this afternoon. I know he had another pressing commitment. Can you tell us what's going on, Mr. Whelihan, or the accuracy of sort of the rumors I've reported?

Mike Whelihan: Sure. So the event that people are alleging took place in mid-June. Okay? Our first positive COVID test wasn't till July. So right now, we work with the Southern Nevada Health District in our risk management. So the event that took place was not a rap session. It was a social justice presentation in private chambers where kids were masked and they were six feet apart from each other, so all the social protocols were followed. And there wasn't one kid at the time at Spring Mountain that had COVID. So they didn't get COVID till they came down from the fire. That's when the first COVID started. It was after that. So we do a pretty thorough job working with the Southern Nevada Health District on the tracing elements. I know it was talked to earlier I think by Frank. So we actually have to review cameras and who was in contact with who. The Health Department already does that, so if that would have been true, I can

guarantee you that would have been on the news. Okay? I know that's rumor that our staff believe that's the case, but it's not. The problem -- this is the first I'm hearing about not getting the data, because I know we sent it in June or July. So, Leslie, I apologize, but please feel free to -- I don't think this is an appropriate way to find out that we didn't send our data. I was on the phone on Wednesday with NAJJA. It would have been more appropriate to ask me then or make a phone call and be like -- hey -- because I thought my managers did it. But the problem that we had was -- we've had a change with our nursing supervision. We have a new supervisor in charge of the protocols change. So where before we got the data freely back and forth, now we're going back and forth with our medical providers saying it's a HIPAA violation. So what we've done now is -- we were letting other departments, even non-county entities, go get tested because the Southern Health Department is working great with our contractor on getting people tested, but they were going unknowingly to us from like RPM and other agencies that we don't know how many people got tested. So that's the problem -- instead of us being able to track it -- so we changed our protocols last week. The only way to get tested as staff now is to go through our detention manager. So we'll be able to have better data. I apologize for that. But like I said -- we were working on it. I didn't know that they didn't get -- the kid data should be pretty easy. The staff data is kind of difficult because it's intermingled with -- I know we tested 100 people from DFS next door. We tested bailiffs. We've tested judges. We tested attorneys, district attorney's office, and public defender's office. I could go list on and on how many people we tested. Originally, we tested like 200-something people, and we tested every child. So I just want to (inaudible) our protocols a little bit. So we're having the issues that Ross was talking about with the enforcement of people even taking a test, because you can't tell someone they have to go take a test. So staff can turn you down and say -- I'm not taking a test. So if staff have symptoms now, we can. So if they have symptoms, we can make them take a test, and we can send them home. But if they're asymptomatic, which we're finding out is 50% to 60% of the cases where they have no symptoms, that's where we're having troubles with. So we get the data back pretty quick or the positive test back from the Southern Nevada Health District usually within 24 to 36 hours on kids that are positive. But the problem is the kids that are negative take two weeks. So we have a two-week quarantine period that we're following all the CDC and the Southern Nevada Health District requirements. So we actually have a quarantine unit. So that's for every kid that comes off the street. So automatically go in there for two weeks. If they show any symptoms, then the nursing department will automatically give them a COVID test. But we also have some in an isolation unit, which is different than our quarantine. We have an isolation unit for any kid that tests positive, whether they're asymptomatic or symptomatic. So currently right now, when I left work on Thursday, there was no one in it. So right now, we're free, but I believe Ross and Frank and Pauline were saying that it's the staff we have to worry about, not the kids -- it's the staff coming in. They go out to dinner, they go to the pool, they visit their families, and stuff like that. So it's the asymptomatic, and most of the kids have been asymptomatic as long as the test -- there's only been a handful that showed symptoms. We're enforcing --

Commissioner Judge Egan Walker: So let me jump in --

Mike Whelihan: -- social distance, every staff to have a mask -- yeah?

Commissioner Judge Egan Walker: I'm so sorry to interrupt.

Mike Whelihan: Okay. Can you hear me?

Commissioner Judge Egan Walker: Yes. Go ahead and finish your thought, Mike.

Mike Whelihan: Okay. So what we did do was -- we ordered -- and this is new -- we just got it -- so the NDOC makes masks -- and everyone knows that in the room -- so what we did -- we ordered I think around

3,000 to 4,000 masks, so every kid gets a mask, and they're washable. And then they write their name in it, and we wash them at the end of the shift, so even when they go home, they get to keep their mask. We don't reuse them. The same kids uses them. They put their name on it. And so now, every kid and every staff has to wear a mask. So that's how we're trying to slow down even if a kid or a staff does have it, and we're watching video to make sure that these protocols are being followed.

Commissioner Judge Egan Walker: So, Mike, let me say a couple of things if I could. Sorry. Mr. Whelihan. I apologize for that. But first, I meant what I said when I said it earlier -- that it's miraculous that we haven't had more positives in the entire system. I think it's particularly miraculous that the first time we're having this conversation about any positive kids in Clark County is this late into the pandemic. Given the demographics of the county, how many people transit in and out of that county, how they transit in and out -- it is a miracle. Do you know or can you say or will you please report to us how many kids you found to be positive?

Mike Whelihan: I don't have that data with me. I didn't know that that was -- it wasn't on my agenda to discuss, but I will definitely get you that data. Oh, we'll write a note.

Commissioner Judge Egan Walker: All right. And staff --

Mike Whelihan: And then --

Commissioner Judge Egan Walker: -- and staff --

Mike Whelihan: I'll get you that data.

Commissioner Judge Egan Walker: So let me --

Mike Whelihan: Do you want it from the start of COVID?

Commissioner Judge Egan Walker: Yes. Please.

Mike Whelihan: Okay. Cause I don't think we had our first positive till like July --

Commissioner Judge Egan Walker: I --

Mike Whelihan: -- so it's easy reporting it first.

Commissioner Judge Egan Walker: Yeah. I suspected not. So the other thing I want you to know, and I'm saying this publicly -- I don't know if the ACLU is on the line. I hope they are. I intend together with my Co-Chair, Joey, to be the point of contact for information. So you know the ACLU communicated with the State of Nevada, this Commission, and the Governor -- I don't mean to overstate this, but for simplified purposes -- say you let all the kids out of detention. The ACLU's position nationwide has been -- as I understand it -- that the great majority, if not all of people in adult or juvenile detention, should be released. I'm perhaps overstating that, but that's the way I took the communication. So the only way we are going to live up to our public obligation as a Commission and individuals and answer their concerns is through data. And so I'm concerned. I'm focusing on the data cause I want to be able to honestly tell them -- this is where we're at. And I know -- I think you want that as well. So if we caught you off guard, I apologize. I confess -- I was surprised and upset as Commission Co-Chair that when the first child hit positive to the State and he or she was also from Clark County, and then I heard Clark County had more than one positive, I thought -- how

am I just hearing about that now? I take responsibility for the miscommunication as to this Commission with Joey and one of the guys or gals in charge. So I'll ride the heat for it, Mike. I just want the lines of communication open.

Mike Whelihan: We --

Commissioner Judge Egan Walker: It sounds like they are.

Mike Whelihan: Yeah. I mean, I know Frank and I've talked about how we're both dealing with stuff. So the conversations that've been with NAJJA -- and I didn't know that my managers didn't send what we had. I mean, even if we didn't have it all, we should have sent something. So we take responsibility for that. But I just don't think this venue for me to find out is -- you know --

Commissioner Judge Egan Walker: I can understand why --

Mike Whelihan: -- is the most professional way.

Commissioner Judge Egan Walker: Yeah. I can understand why you're surprised and irritated. I take responsibility for it, Mr. Whelihan. I have communicated with the State. I don't know where the data got lost. I'll ride the heat for it.

Mike Whelihan: Well, it's our failure. Obviously, we failed. We failed to provide the data. I know I had two managers working on it, and it didn't get to where it was supposed to get. But like I said, I just wish I could have --

Commissioner Pauline Salla-Smith: Commissioner Walker?

Mike Whelihan: -- bought the data before this.

Commissioner Judge Egan Walker: Yes, Commissioner Salla?

Commissioner Pauline Salla-Smith: You know, I almost missed reporting, too, so I understand what Mike's saying because the request came out, and I was right in the midst of dealing with my positive staff and getting staffing done. So, I mean, I do see what he's saying -- that just a phone call -- because sometimes are (inaudible), like for me, but last week and the beginning of this week, my emails were secondary to protecting my staff and the kids. And sometimes, a phone call just to say -- hey, I need this data -- is going to be helpful because there are certain things when we have detention centers that are going to take precedence over emails. And I almost missed it, too, so, Mike, I would have been right there with you -- and we've been there before together. So I just want to put that out there. Just a phone call to follow up because those are harder for us to not be like -- okay. Hold on. Let me get it. This is what's going on. But my emails sat for seven days. And --

Commissioner Judge Egan Walker: So I thank you so much for making that point, Pauline, because I want this to be a constructive conversation across the board in this way. So let me share something with you, Pauline, that you all wouldn't know, except that I've been hyper-particular about what we do with Zoom. I got Zoom bombed in the middle of a guardianship calendar with almost 60 people on the line. And they displayed what I think was child pornography. And a judge an hour after me got Zoom bombed, and they made a bomb threat against one of the attorneys in the hearing displaying a picture of her home. So we are all going to have these crises. And I fear they're just going to get worse before they get better. And so I

forget any of the communication sins to the extent I have that power. I'm not interested in the blame game. I've tried conspicuously throughout this meeting to say -- we are going to have positive kids and positive staff. It is going to get worse, in my opinion. And we're going to have to cover each other's backs. I don't mean in a cover-up way or anything like that. I mean in just a resource way. I get the communication. I can't imagine how difficult your inboxes must be. I know how bad mine is. Let's just redouble our efforts to make sure we all got the same communication. So the one point I want to emphasize is the one Ross made. Is it REDCap -- is the name of the program, Ross?

Commissioner Ross Armstrong: Yes. REDCap is the name. It's an online reporting system.

Commissioner Judge Egan Walker: All right. So I request that you give access to that to Joey and I to the extent we can have it so that we can look at it to the extent that that's available. If anybody ever -- I'll confess to you -- when you told me about it yesterday, that's the first time I'd heard about it. And so I obviously need to know about it, and I invite all of you to learn whatever you can about it as well so that we can truncate the game of telephone so that Pauline doesn't have to call Frank, doesn't have to call Jack, doesn't have to tell Mike to call Judge Walker. And we can just kill some of that.

Commissioner Pauline Salla-Smith: I would just be calling Mike, and I would just be calling Frank, and then I'd just be calling you, Judge.
(Laughter.)

Commissioner Judge Egan Walker: Yeah. So, Mike --

Mike Whelihan: Trust me. She would.

Commissioner Judge Egan Walker: Mike, before we go any farther, is there anything else you wanted to share about the challenges, whatever the positive numbers are, or that sort of thing? Anything you want to share about the challenges? Like I want to ask the question and throw it out to all of you. Do you have enough testing kits? I know there's been a limited supply of testing kits. I know the Health Department worked with Frank in Washoe County, but I have no idea what's happening across the rest of this State. Mike --

Mike Whelihan: Mike Whelihan.

Commissioner Judge Egan Walker: Yeah.

Mike Whelihan: Mike Whelihan, Clark County. Originally, it was like almost impossible. I remember when the State asked originally for a COVID test -- we're like -- we can't even get them. But now I think there's so many being tested, now it got to the point where it's actually pretty good, where you were getting the results back within three days. Now we're back up to two weeks again, because we're testing so many people that we can't get the results back. And you can't assume that they're negative because you didn't get it. You know? But I mean, usually when they're positive, we get them back 24 to 48 hours, but you can't assume that. So when the State's like -- yeah, we need a test, I totally get that. But the kid could be sitting there for two weeks because we can't get the test result back when we -- as a State, we can't go -- okay. Well, you know, we didn't get it back, so you're going to take the kid, and then they made a mistake, and then two weeks later we get -- oh, he was positive. You know? So we're kind of in that pickle where -- we haven't gotten to the sweet spot yet on the test.

Commissioner Judge Egan Walker: So I don't mean in any way to imply I have any particular talent. You all know I don't. I demonstrate it all the time. But Joey and I have done what we can to talk to the Governor's Office. We've talked to the Governor's Office through one of his staff members this week. If you guys tell me kids may be at risk of a fatal disease, staff may be at risk of a fatal disease, their families may be at risk of a fatal disease because you can't get test results, I promise I'll put it in writing to the Governor. That's the purpose of this Commission, in my opinion. I don't know --

Mike Whelihan: Timely results would be better if we could get them in time -- like I said, there was a point where we were, but it seems to be taken because of the -- you know, it seems like there's more testing, but I don't know if the lab part can keep up with the testing kits.

Commissioner Judge Egan Walker: Okay. So let's share that information. Joey and I will do what we can to communicate it up the chain of command. It's the only way our kids are going to survive and we're going to get through this. Does anybody have any questions for any of now the reporters about the reporting -- what we know about the virus is doing in Nevada, at least in the JJ system? Anybody got any questions?

Commissioner Joey Orduna-Hastings: Judge Walker, this is Joey. May I make a comment?

Commissioner Judge Egan Walker: Sure.

Commissioner Joey Orduna-Hastings: So I think unfortunately how this information was shared and maybe the surprise nature of it is unfortunate, but I think it goes to how Judge Walker opened up this meeting in the reminder of the role and, quite honestly, the charge and expectation that this JJOC has. So this should be the safe place. This should be where you raise the flag to say -- I need help -- because we do have an obligation to report back to the Governor and the Legislative Council Bureau the issues that you're facing. And so we can be -- this group together can be the champion, the advocate for the needs that you all have. And so again, just to reiterate -- and maybe it goes without saying -- I mean, communicate, communicate, communicate. And we need to do a better job of making sure that the reporting is maybe more regular and expectations are set forth more publicly so that things aren't missed. So thank you. I just want to thank Mike cause that wasn't an easy thing, but I appreciate you being willing to answer the questions.

Commissioner Judge Egan Walker: Pauline, I think you wanted to weigh in?

Commissioner Pauline Salla-Smith: I did, but I can't remember why now.
(Laughter.)

Commissioner Judge Egan Walker: It's okay. When it pops into your mind, just come at us again later. Anyone else have any questions related to what we know from this meeting about what COVID is doing in the State?

Commissioner Brigid Duffy: This is Brigid. I just want to thank you and Joey for taking some leadership with the Governor's Office on this. I see it's a morale issue among essential employees. In my staff, you know, we deem them essential. We deem them essential for community safety, and we deem them essential for the best interests of children. And I'm a huge sports fan, and I am loving that I can turn on a game at the end of the day, but we all know that these athletes are getting tested within 24 hours because they can pay for it out of pocket. And so there is a mechanism to support essential workers to get tested quickly so that they can go home to their families and know that they're not taking it to their at-risk parents or children or spouses. So I think we need to really build up the morale of the people within our community,

within our Juvenile Justice community, and family services, which isn't about this call, but to say -- you know, we do value the fact that you get up and come to work every day in a facility that could really put you at risk. So I appreciate that you would take that message back to the Governor and say -- you know, this is what we do for these kids every day.

Commissioner Joey Orduna-Hastings: And if I might, Judge Walker. Commissioner Duffy, I appreciate that. And I will tell you -- literally in the last two weeks, we've talked to the Governor's Office three times, and we've said that very thing. And the Governor's Office reiterates the continued support of the JJOC and the work that we're all doing. But you're right. We need to be visible. We need to really humanize these issues and it not just be a Commission, but children, people, morale, ongoing operations and safety. And so we will continue to make those phone calls, and I'm thankful that they return the calls.

Commissioner Judge Egan Walker: So I'm going to volunteer, and I apologize, Joey, because it's going to involve you. And I apologize to Judge Voy, but the way I intend to answer the information you've given me thus far is to put into a brief synopsis what we've described about the budgetary impacts, what we've described about what we know about COVID across the State in our JJ facilities, and emphasize to him the challenges you're having in timely results and illustrate as briefly as I can why that creates dangers for all of the people. Now, I don't mean to be Pollyanna. That and five bucks may get us a cup of coffee somewhere, right? Because I know this testing efficacy and frequency issue is a problem in the school districts as well. But I assure you all -- if you share the information with Joey and I, I'll do what I can to make the noise I can. Bill, I'm going to invite you to sign off on the letter if you'd like. As an Advisory Commission member, I realize that neither of us likes that position, but I think if two of us as judges sign off on it, perhaps it'll get some more traction. Would you be willing to do that? I think we may have lost Judge Voy. I'll reach out to him offline and ask him to do that. So we now come to the point in the meeting on the agenda, in my view, where I turn it to you guys to brainstorm. I've demonstrated I don't have many, if I have any, of the answers. I have some basic understanding about how the system works. I want to reiterate something I said that goes right to the heart of what Brigid said, which is -- I think it's miraculous that we're only now in the pandemic talking about positives among kids and staff in our system. That is a testament to what you all do. I said it before, and I mean it. It is remarkable to me how well you all work. What are we missing? What do we need to talk about now? Who'd like to speak? Justice Saitta's probably dying. She's been trying to join the audio the whole time without success. She hasn't texted me any message, but I know she's probably dying.

Commissioner Ross Armstrong: So, Judge, this is Commissioner Armstrong, and just as a follow up in that discussion -- Susie will send to Pauline to get to all the members of NAJJA the instructions for the REDCap reporting. If you go to the Nevada Health Response website, there's a dashboard of all the Nevada numbers. Below that as a link about facilities. And if you click that link, that REDCap information feeds directly into that. And so you don't need any special access to look at what's coming in. It's public. And we had some facilities early on like Willow Springs Hospital in Reno have an outbreak. And so all those licensed facilities are up on there. And so we will follow up so that that's an easy reporting mechanism for all the different agencies. I would say that in the discussions today, really, as we look towards potentially more budget reductions is to figure out ways to effectively advocate before the legislature when that time comes. I'm always in an awkward position because I support the Governor's budget even if it wasn't what I had dreamed and hoped for. I support the Governor's budget. But if you were able to watch any part of the special session, you know those dentists can organize really quickly because those cuts -- they flooded the legislature with letters and data and stories and testimony. And so we are probably going to need that type of effort from those who are in a position to advocate during the next session. And so I know that Commissioner Schick has done a great job of organizing some of that stuff before in terms of speaking with one voice or a thousand voices that are saying the same thing. And although I would agree, I don't think

the current cuts have put any kids in danger. If we have examples of those anytime in the next few months, it's going to be important to bring those to the table next session.

Commissioner Judge Egan Walker: Thank you, Ross. Anyone else? I have a request. Who's the president of NAJJA now? Miss Salla? This is a request. It is, of course, not an order or a direction in any of my capacities.

Commissioner Joey Orduna-Hastings: Not a court order?

Commissioner Judge Egan Walker: No. So my request might be -- because NAJJA is pretty fleet footed. I mean that as a compliment. You all meet regularly. You talk a lot. And I would request that NAJJA perhaps consider proposing a plan to the Commission and among yourselves for -- what are we going to do when we have to close Jan Evans? I'm not hoping for that. I don't want that to happen. It sounds like Frank's doing everything he can to avoid it, but I fear that is within the scope of reality. And if we have to close a facility, whether it's a county facility or a State facility or both, God forbid, how are we going to distribute the resources we have so that we don't lose a kid? And perhaps if you're willing, NAJJA could offer some suggestions back to the Commission. We had a great -- I thought a great Children's Commission meeting yesterday, and Joey and I will report about this meeting to the Children's Commission, which is the structure we have. But one of the great things that they did at the Children's Commission was -- there were just people texting and emailing while the meeting was going on. Hey, I've got this 500 masks. Do you need them? Hey, I've got this resource. Do you need it? And that's what we need to do in the JJ arena as well, because I'm just afraid that if we put you in a small county in the position of a cut like Churchill had, and you only have four staff members in your county -- I'm being hyperbolic, of course -- you only have four staff members in your community, and you have to quarantine them all, how are you going to take care of the kids? Right? Or where are we going to put those kids? So I don't know if you're willing to do that, but I would give that task to NAJJA if you think that's appropriate.

Leslie Bittleston: Thank you, Commissioner Walker. I have an email started to them from this meeting, so they always like getting emails from me anyway, so I'll add that, and we'll put it on the agenda for the next meeting.

Commissioner Judge Egan Walker: All right. Thank you for that.

Commissioner Frank Cervantes: Co-Chair Walker, this is Cervantes.

Commissioner Judge Egan Walker: Go, Frank.

Commissioner Frank Cervantes: You know, for years we've had plans, you know, semi plans around continuity of operations and how to continue -- they're usually around natural disasters, train wrecks, things like that. They really weren't planned around pandemics. So we've had minor discussions around -- you know, if there's an issue with Jan Evans, it's geographic, and the whole building has to evacuate, where do they go? And part of those plans included local schools, the Sheriff's Office, Carson City. So some of those discussions occurred at a much smaller scale, not around a pandemic, of course, around other types of disasters and needs. So there is a forum for that, but I just want to go back and talk a little bit about -- you started the discussion around fiscal implications and budget restraints and things like that. One thing that I've noticed is kind of a secondary consequence of this. As we reduce the number and the volume of kids in detention, our labor costs have actually increased because of the nature of specialized managing the kids. We've got kids in different parts of the building. So it's a much more staff-intensive environment. So the costs are actually a little bit higher in the middle of not-great budget times. And so that's something

to look forward to and plan around as we go forward as well. Every couple weeks, there's a new finding or a new consequence that I see going through this. And that's when that kind of jumped out of nowhere. It was -- wow, we might get a break on some of this cause we have less kids, but actually the composition and management increases the cost and the labor to keep them safely housed while dealing with this virus. So just some other considerations that we're moving forward.

Commissioner Judge Egan Walker: Thank you, Frank. All right. We're obviously going to have to consider -- keep all of that on our conversation plate. Joey, did you want to weigh in with anything?

Commissioner Joey Orduna-Hastings: Yes. I just wanted to offer that through the resource center that we have for the State of Nevada as part of AB472, I've been texting with my staff. We do have access to some existing COVID continuing operation plans from OJJDP and Georgetown, and so we're going to get those posted on that evidence-based resource center and we'll get that information out to all of you so you don't have to do additional research. Maybe we can keep them there for you all to review as well.

Commissioner Judge Egan Walker: Thank you, Joey. Anyone else?

Commissioner Scott Shick: Judge Walker?

Commissioner Judge Egan Walker: Yes, sir?

Commissioner Scott Shick: Scott Shick. Yeah, I kind of want to reiterate what Brigid had said in respect to just -- it is about the kids, and it's about our staff, and it's about the morale in our facilities and our departments and continue to carry that flag and encourage the hands and the mask and everything that goes along with it. We've got to keep that stepped up, and that's why it's working. And I believe that's why -- I'm trying to share your optimism that Washoe County won't be -- Jan Evans won't have to close down, because those guys are all over it. There's a lot of people in a lot of different places in the State right now that are working really hard to keep this thing away or keep it at bay, whatever it might be in their particular circumstance. So I think if we continue to do that and continue to report and continue to network, then we're going to be okay.

Commissioner Judge Egan Walker: So in the words of Governor Brian Sandoval -- we are One Nevada. Those are just words, in my opinion. I hope you all see I mean what I say and I say what I mean, and I am a truth teller. I won't blow smoke up anybody's skirts. Please don't be offended by the reference. I won't tell you things that aren't true. We are all connected. You all matter to me, our kids all matter to me, and I agree with Commissioner Schick -- we'll get through this. Please keep the lines of communication open. If you all think we need a quicker meeting than the next meeting that is set, please reach out. Reach out to Leslie, reach out to Joey, reach out to me. If some crisis occurs -- I pointed out for Mr. Whelihan -- I trust he and Jack to tell me when they've got a crisis -- but if some crisis occurs, please let us know about it, and we'll do whatever we can to help even if it's just make noise about it to get people's attention. Thank you all very, very much for your time. Thank you for all you do. I miss all of you. I hope your families are safe. Please take good care, everybody. Thanks, everyone.

Mike Whelihan: Thank you. Thanks, Judge Walker. Thanks, Joey.

Commissioner Joey Orduna-Hastings: Thanks.

[end of meeting]