



DIVISION OF CHILD AND FAMILY SERVICES (DCFS)

JUVENILE JUSTICE SERVICES

COMPLIANCE MONITORING PLAN Juvenile Justice and Delinquency Prevention (JJDP) Act

Compliance Year 2020

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1.0 INTRODUCTION

The JJDP Act, through the 2002 reauthorization, establishes four core requirements with which participating states and territories must comply to receive Title II Formula grants under the JJDP Act:

- Deinstitutionalization of status and non-offenders
- No contact between adult and youth offenders in institutions
- Removal of juveniles from adult jails and lockups
- Reduction of disproportionate minority contact with the juvenile justice system

As a participating state, Nevada must develop a plan to implement and maintain compliance with the core requirements of the JJDP Act. The plan must describe the following:

1. Barriers, if any, faced in implementing and maintaining compliance with the core requirements and the state and local strategies to overcome such barriers;
2. The legislative or administrative authority established for the state to receive, investigate, and respond to reports of compliance violations; and
3. Detailed procedures for performing monitoring tasks that include identification of the agency responsible for each task.

1.1 Related Federal Guidelines

- Federal Law:
 - Juvenile Justice and Delinquency Prevention Act of 1974 as amended in 2002
- Federal Regulation:
 - OJJDP Formula Grants Consolidated Regulation, 28, CFR, Part 31
- Related Federal Guidance:
 - Guidance Manual for Monitoring Facilities under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended
- 42 U.S.C. § 5633
- 28 C.F.R. § 31.303

2.0 IDENTIFY AND ADDRESS BARRIERS TO COMPLIANCE

Statement of Purpose

To identify barriers to maintaining compliance with the core requirements of the JJDP Act and to develop state and local strategies to overcome them.

Policy

To identify and address potential barriers to compliance. Current barriers or potential barriers include:

1. Nevada is a bifurcated system in which the State administers and operations juvenile correctional services and youth parole services. Counties administer and operate juvenile detention and juvenile parole. There are 17 counties and 11 judicial districts. The judicial

districts operate independently of each other and of the state. Currently, there is no common data system or data warehouse system to gather data.

2. The state and all 17 counties are moving towards a common data platform which will be up and running the end of 2018. The state and 15 counties are currently up and running on this platform. Clark County is estimated to go live February 2020, and Washoe County is estimated to go live Spring of 2020. Even though the platform will be the same, the data will be owned individually and will not be freely shared. The state currently has data sharing agreements in place with all counties except Washoe County. This agreement is pending the go live time period for Washoe County. These agreements will allow the state to log in to each county or judicial district and pull certain reports such as the annual racial and ethnic disparity report. The state will not have access to any data, just able to run a series of reports.
3. The State does not have jurisdiction over the city and local police. The state administers and operates highway patrol and adult prisons, and the counties or cities administer and operate police services, jails, and courts. The State does not participate in policy development or training standards with county or local entities.
4. There is no expiration date associated with the Executive Order which identifies the Juvenile Justice Commission and allows for monitoring duties under the JJDP Act.
5. The State does not have penalties associated with violations. Violations are presented and discussed with facilities and they are provided recommendations for correction. This would require legislative changes.
6. Changes in available resources (funding and/or staff) for compliance monitoring may affect the monitoring system overall.

3.0 MONITORING AUTHORITY

Statement of Purpose

To ensure Nevada's legal authority is sufficient so state staff or contracted employees may inspect any facility that could hold youth as the result of public authority for the following purposes:

1. Facility classification;
2. Verification of facility records to reported data;
3. Review of processes and areas used to process and hold youth: in custody; pending Release to parents/guardian or transfer to another facility; and
1. Enforce sanctions when violations are not corrected.

Federal Requirements

The agency(s) responsible for monitoring should have legal authority to monitor all facilities in which juveniles might be placed under court authority. The authority should be sufficiently broad to permit the monitoring agency(s) to require each facility that could be classified as a secure detention or correctional facility to be inspected for classification purposes, to maintain specific juvenile admission and release records, and permit the designated monitors to review these records at selected intervals during the year.

- a. The basic authority should give the agency(s) the right to develop and enforce, pursuant to state statutes, standards for all secure facilities that might hold juveniles, to inspect the

facilities for compliance, to cite the facilities for violations of the standards, and to enforce sanctions when violations are not corrected.

- b. Such authority should permit monitors to review records containing detention information for the purposes of monitoring, with the written agreement that the monitors will respect the confidential nature of the information and will not knowingly record or divulge information which might identify a specific child except as may be required to protect the child.
- c. Effective monitoring and enforcement can only be fully implemented when the agency's legal responsibility is defined in clear and understandable terms and is known to all concerned parties. The primary sanction for compliance violations should be prohibition against the facility admitting juveniles as long as the cited violations exist. An agency, other than the state designated agency, may be given legal authority to monitor, but the state designated agency retains accountability for the overall performance of the monitoring tasks.

State Executive Order

The Executive Order gives authority to the Division of Child and Family Services (DCFS), which is under the Department of Health and Human Services, the authority to conduct compliance related activities.

Executive order, Pub. L. No. 93-415, outlines the requirements of the advisory groups and includes a section for monitoring authority.

Page 4, number 3 states:

Monitor state compliance with the requirements of the Act, including the authority to monitor juveniles incarcerated or potentially incarcerated in adult jails and lockups. To the extent permitted by law, the Division of Child and Family Services Juvenile Justice Programs Chief and/or his or her Designee shall have, for inspection purposes, access to any secure or non-secure facility that detains, or potentially detains minors. If the facility is required to keep a log, a copy of the log, and any related documentation requested, shall be submitted to the Division of Child and Family Services Programs Chief and/or his or her Designee monthly.

Policy

To define the state's legal responsibility in clear terms and make them known to all relevant stakeholders and facilities to ensure an effective monitoring system.

- DCFS will conduct monitoring duties by using juvenile justice staff, non-state contractors, or a combination of both. Any individual utilized will be referred to as a Compliance Monitor throughout this Plan.
- All state employees are issued a state identification card which includes a photo.
- DCFS will provide any contracted monitor with a photo identification card that identifies the individual as a compliance monitor.

Any state employee or contractor has the following expectations when visiting facilities:

1. Should be permitted to review records containing detention information;

2. Will respect the confidential nature of any information obtained during the course of the monitoring visit, including the physical plant, facility policies and procedures; and
3. Will not knowingly record or divulge information, which might identify a specific child except as may be required to protect the child.
4. The monitor will make available during all onsite inspections a photo identification card that clearly identifies who they are.

Qualifications for Compliance Monitors

1. State employees must be employees of the Division of Child and Family Services and either possess or have received training in conducting home visits, site visits, or facility visits.
2. Contracted employees must provide a copy of their resume and driver's license directly to the Juvenile Justice Chief. The resume must indicate experience in adult or juvenile corrections, adult or juvenile probation, or adult or detention facilities.
 - a. The Juvenile Justice Chief will consult with the Juvenile Justice Oversight Commission (JJOC) and/or the Deputy Administrator of Juvenile Services.
 - b. The Chief will complete the necessary paperwork to hire the individual as a contractor. This paperwork can be obtained from DCFS's Fiscal Contract Manager or DCFS Personnel.
 - c. The contractor will work through an employment agency which is the method approved by the Division of Child and Family Services.
 - d. The contractors are required to complete their timesheets on a weekly basis and must be approved by the Chief at the time required by the employment agency.

Training

1. Juvenile Justice Chief is responsible for training of any state employee or contracted individual who will be responsible for compliance monitoring duties.
2. Provide a hard copy of the current executive order to any facility who requests it.
3. Provide a hard copy of facility training information to any facility who requests it.
4. Provide templates and training on the use of a valid court order to juvenile probation staff and juvenile detention staff.
5. State employees or contracted individuals who are responsible for compliance monitoring duties will:
 - a. Provide appropriate compliance standards, training aids, and onsite training to local law enforcement and facility administrators;
 - b. Identify and communicate additional training needs to the Juvenile Justice Chief; and
 - c. Work with local law enforcement and facility administrators to identify training needs within their facilities.

4.0 MONITORING STANDARDS

Statement of Purpose

Nevada does not have state specific laws for monitoring standards; therefore, the JJDP Act, federal regulations, and federal guidance are used to shape Nevada's Monitoring Standards.

Federal Standards

Monitoring System: The development of a statewide monitoring system, if it is to be effective in achieving the monitoring requirements and goals, must be planned in such a way that the system can identify all secure and nonsecure residential facilities in which juveniles might be placed under court authority. At its optimal level, the system must be able to keep track of the juveniles at each step in the confinement process; it must be capable of locating and recording the number and classification of juveniles confined in each residential facility; and to correct incidences of noncompliance with the Act or situations which may endanger the juveniles or cause unnecessary detention. To this end, all applicable laws, regulations, standards, guidelines, policies, etc., must be clearly defined in written form, and made available to all persons involved with the incarceration of juveniles, on a need-to-know basis.

Identification of Monitoring Universe: This refers to the identification of all facilities which might hold juveniles pursuant to public authority and thus must be classified to determine if each should be included in the monitoring effort. This includes those facilities owned or operated by public or private agencies. Planning agencies, in cooperation with other state agencies and organizations, should develop a full list of facilities to be considered for possible inclusion in the monitoring universe. The list should include all jails, lockups, detention centers, juvenile correctional facilities, halfway houses, group homes, foster homes, and any other secure or nonsecure public or private facilities in which juveniles might be detained or placed. Depending on the scope of the jurisdiction and authority of the juvenile court, the list may need to include public or private mental health facilities, chemical dependency programs, and detoxification centers.

Classification of the Monitoring Universe: The classification of all facilities to determine which should be considered as a secure detention or correctional facilities, adult correctional institutions, jail, lockup or other types of secure or nonsecure facilities and thus should be monitored, requires an assessment of each facility based on the OJJDP regulations. Generally, all jails, lockups, juvenile detention centers, training schools and other public and private facilities should be subject to classification.

Policy

The Division of Child and Family Services, Juvenile Justice Services has direct authority over all compliance duties. These duties will be completed in conjunction with the Title II Formula Grant and the JJDP Act. The state will employ a full time Juvenile Justice Specialist/Compliance Monitor.

Establish effective procedures which outline the monitoring activities required on an annual basis. Those activities include:

1. Data Collection and Verification
 - a. Annual Self Report Survey
 - b. Onsite Monitoring
 - c. Reported Status Offences to include Valid Court Orders (VCO)s
 - d. DSO Violations
 - e. Reported Jail Removal Violations

2. Verification of Violations
- Data Collection and Verification**

The Division of Child and Family Services, Juvenile Justice Service's staff will conduct monitoring activities annually. The monitoring year is based on a federal fiscal year which is October 1 – September 30.

- Data on status offenders is collected year around. Juvenile detention facilities report monthly on the Status Offender Monthly Report. This report will include the use of VCO's, if applicable.
- Data on jail removal is collected as needed. Adult jails are aware that juveniles booked into an adult jail or lock up must be reported to DCFS using the Jail Removal Report document.
- The Compliance Universe is reviewed annually during the summer months. The review consists of internet searches and in person contacts to attempt to verify if facilities are still in operation and if any new facilities opened.
- The annual self-report survey is sent to 100% of the Compliance Universe in the fall, but no later than the end of November.
- On site visits may be necessary at any time, but most on-site visits are conducted in the months of November, December, and January.
- Data on status offenders and jail removal is kept in an Access data base, and data is queried in December or January for the compliance year.

The Juvenile Justice Program Officer I will:

1. Collect reports of status offenders monthly from juvenile detention facilities. These reports will be input into an access database housed within the OJJDP Shared Drive.
2. Collect reports of juvenile arrests and confinement in adult jails, as necessary. Adult jails report only when a juvenile is arrested and securely detained in their jail.
3. Annually, in fall, the Program Officer I will send out the self-report survey to the compliance universe. The PO I will track the return rate and follow up by phone and/or email with facilities who have not returned the survey.
4. Keep an updated spreadsheet of the compliance universe by removing closed facilities and adding new facilities as necessary.
5. Complete all travel requests and claims for juvenile justice state staff or contractor conducting onsite inspections.
6. Provide a copy of the self-report survey to the juvenile justice state staff or contractor of the facilities chosen for inspection.

The Juvenile Justice Chief will:

1. Verify violations through the detailed review of juvenile holding logs. The compliance monitor will be the primary agent to discover and report compliance violations throughout the state, and to investigate the violations. The review may occur either onsite when the compliance monitor reviews the logs or when the facility mails the logs to the Juvenile Justice Program Office.
 - a. The Chief will review the data of any adult facility reporting they securely held juveniles during the reporting period. These facilities are automatically included in the universe selected for onsite inspections.
 - b. The Chief will review the status offender and jail removal report to determine which reports are violations and which are not. Each report is reviewed individually.

Consideration for Status Offenders:

- Charge – is the charge a status offense.
- Facility – Juvenile or Adult
- Time in confinement and why. Factors include pending court, pending parental notification and pickup, pending transfer, time of the day/night, and weekend.
- Valid Court Order. Factors include youth initially picked up for a status offense but found to have parole or probation violations or the court has required a period of confinement.
- If a status offender is reported by an adult jail, this jail will be visited in person, during the onsite review timeframe, to verify sight and sound separation.

Note: Minor in Consumption in Nevada is considered a delinquent offense.

Consideration for Jail Removal:

- Charge – some charges are automatic referrals to adult court.
- Accused or Adjudicated.
- Time in confinement and why. Adult jails are allowed to process juveniles and one of the following, 1) Release on bail to a parent/guardian, 2) Release without bail to a parent/guardian, or 3) arrange for transportation to a juvenile facility.
- Accused youth who are not released within six hours, without explanation, are considered a jail removal violation. Explanations may include weather problems (some rural roads are extremely dangerous during snowstorms), transportation problems between the jail and the juvenile facility, weekends, or additional time requested by parent/guardian.
- Any adult jail reporting the confinement of youth may be visited in person to verify sight and sound separation.

Consideration for Certified Juveniles:

- Some juvenile cases are transferred to adult criminal court through a process called certification where either a judge or state law waives the protections that juvenile courts provide. The age of youth may vary based on the nature of the crime and previous interactions with law enforcement. Any individual, under the age of 18, who is confined in an adult jail, adult lockup/detention facility, or adult correctional facility must be separated by sight and sound from adult inmates. Once the individual turns 18, they may be moved into the general population.
 - Adult jails, adult lockup/detention facilities, and adult correctional facilities technically refer to these certified individuals as either “adults” or “inmates” since they have no juvenile protections.
 - These individuals are under the protection of the JJDP Act until age 18 meaning the facilities holding certified youth must be inspected for compliance with sight and sound separation. Policies regarding youth must be discussed and/or reviewed with staff during the inspection.
2. Annually, in November, randomly select the facilities that will be visited during the onsite review timeframe. Determine if state staff can accomplish this goal or contractors are needed.
 - a. 100% of co-located facilities will be reviewed annually.

- b. 30% of secure or partially secure facilities will be reviewed if they indicate they securely held juveniles during the reporting period. These include juvenile detention, juvenile correctional, adult jails, adult lock ups, and court holding facilities.
- c. Spot check facilities that a 100% non-secure. This includes adult law enforcement entities and court facilities.

Onsite Monitoring

To provide a process for onsite review of facilities in the monitoring universe to do the following:

- 1) Classify or update the classification of facilities;
- 2) Inspect physical areas and conduct staff interviews to determine if youth in custody are being handled in compliance with statutory and regulatory requirements;
- 3) Ensure that adequate data and supporting documentation are maintained to determine Compliance with the statutory requirements and to verify self-reported data; and
- 4) Conduct investigations of alleged violations.

The inspection process will include a means to standardize the review process among facilities of the same type; document the results of the review process and compliance with the published standards for the type of facility monitored; and provide an original report (electronic) to the Juvenile Justice Chief.

Juvenile correctional facilities and collocated facilities are to be monitored at least once each year. All other facilities must be monitored at least once every three years.

Federal Standard

Inspection of Facilities: Inspection of facilities is required to classify according to regulations and to review whether adequate sight and sound separation occurs for juveniles housed in facilities which also confine adult offenders. Such inspections are necessary to provide the protections required by the Act and to determine whether adequate data are maintained to determine compliance with the three statutory requirements. The inspection process should include a method for reporting compliance with the separation requirements for each secure facility which holds both juvenile and adult offenders. Reports on each facility's compliance or noncompliance should be made available to the facility as a record of findings of the inspection.

The Juvenile Justice Chief will:

1. By October 1, prepare a list of the compliance universe requiring onsite inspections.
2. Assign the onsite inspections to JJ staff or compliance contractor/s. Individuals assigned onsite inspections may make their own arrangements for visits, but all visits and subsequent reports must be completed by the first week of June.
3. Prior to the onset of onsite inspections, review all onsite inspection forms and make revisions as necessary.
4. Prepare and update a spreadsheet annually with completed inspections to include monitoring reports for each facility, entering the date of the site visit, and updating facility classification and other facility data as appropriate. The spreadsheet must include:
 - a. Name of the facility;
 - b. Address of facility;
 - c. City/town of facility;

- d. Classification of the facility at the last onsite inspection;
 - e. Reporting status (reporting or non-reporting) during the last reported calendar
 - f. Date of the last onsite inspection;
 - g. Whether the facility is in a metropolitan statistical area or rural area;
 - h. Sight and sound separation status of the facility at the last onsite; and inspection (sight separate, sound separate, or uses a process to maintain sight and sound separation through policy and procedure).
5. Follow up with the contracted monitor or JJ staff as needed to clarify any questions raised within completed reports.
 6. Maintain an electronic file for each facility in the monitoring universe in the shared drive: S/OJJDP/Compliance Universe. A completed report includes:
 - a. Letter to the Facility informing them of onsite inspection
 - b. Secure Facility Questionnaire
 - c. Sight and Sound Verification Form
 - d. Facility Inspection Form
 - e. Letter to the Facility informing them of results
 7. Create a folder in the shared drive: S/OJJDP/Compliance Universe/Trainings for completed technical assistance and trainings.

The Compliance Monitor (Combination of JJ Chief, Program Officer I, and Part-Time Contracted Employee) will:

1. Conduct onsite visits of their assigned facilities within the compliance universe. The monitor will create their own schedule, but all visits and subsequent reports will be completed by the first week of June.
2. Conduct a thorough record review to ensure all facilities keep records consistent with state and federal OJJDP Rules and Regulations.
3. Review 100% of the facility’s log of youth detained for the last 12 months.
4. Investigate an allegation of a compliance violation or as follow-up to a documented compliance violation as needed.
5. Complete all required forms associated with facility visits.
6. Keep all original documents in an electronic or hard copy for their own records.
7. Provide one electronic copy of completed report to include all applicable attachments to the JJ Chief within 10 business days of the onsite visit.
8. Identify any youth held in violation of the JJDP Act and not reported as a violation in the facility’s annual self-report survey.
9. Provide technical assistance and training to those facilities not in compliance with record keeping requirements, reporting requirements, or state and federal statutes.
10. Identify any cases where there is non-cooperation in aligning a facility’s systems to OJJDP requirements to the prompt attention of the JJ Chief and/or the Deputy Administrator of Juvenile Services.

Facility Classification

The facility is considered “Secure” if <u>any</u> of these are true	The facility is considered “Non-Secure” if all of <u>these</u> are true
Facility has a secure perimeter	Facility does not have a secure perimeter
Juvenile is cuffed to a cuffing bench or other stationary object	Juvenile is not cuffed to a cuffing bench or other stationary object

Room where juvenile is held is designated or used as secure detention	Juvenile is in a room such as an unlocked lobby, day room, library, multipurpose room, office or interrogation room
The room contains construction features designed to physically restrict the movement and activities of persons in custody such as a lock on the door (whether or not the door is actually locked), a cuffing ring or rail, steel bars, etc.	If the room contains no construction fixtures designed to physically restrict the movement and activities of persons in custody such as a lock on the door, a cuffing ring or rail, steel bars, etc.
If the room is designated or intended to be used for residential purposes	The room is not designated or used for residential purposes
If the room contains delayed egress devices where the delay is greater than 30 seconds and the facility has not received written approval from the fire inspector to use the room	If the room contains delayed egress devices that do not exceed 30 seconds and the facility has received written approval from the fire inspector to use the room
If the area is being used for purposes other than identification, investigation, processing and release to parents	If the area is used only for identification, investigation, processing and release to parents, the juvenile is under constant supervision AND is sight and sound separated from adult inmates
If the juvenile is left in a secure booking area after being photographed and fingerprinted	If the juvenile is booked in a secure booking area and is under continuous law enforcement visual supervision and is removed from the secure booking area (if there is no non-secure booking area available within the facility) to a non-secure area immediately following the booking process for interrogation, contacting parents, or arranging placement or transportation
If the juvenile is being processed through a secure booking area when an un-secure booking area is available within the facility	If the juvenile is under continuous visual law enforcement supervision and physical restriction of movement or activity is provided solely through facility staff (staff secure). A juvenile in a police car is in non-secure custody

1. DCFS will maintain an updated spreadsheet of the current compliance universe by review year. The spreadsheet will include the classification from the last review year. Classifications will remain in place until the facility is reclassified, at a minimum, every three years.
2. The compliance monitor, staff or contractor, will re-classify all facilities during onsite inspections.
3. The Program Office I will update classifications in the spreadsheet as reports are received.

4.4 Compliance Violations

Statement of Purpose

To set forth the procedures used when a facility is alleged or found to be in violation of the JJDP Act. Violations may include sight and sound violations, jail removal violations, or deinstitutionalization of status offenders.

Federal Standards

Inspections or other mechanisms which identify incidences of noncompliance, or other deficiencies which may be dangerous to confined juveniles, are only of value when an agency can act to correct or eliminate the identified problem. Authority to deal with violations is essential. Written violation policies and procedures should be available, so all concerned will know what is expected of them and

what action may be taken. Such authority should allow the monitoring agency to cite a facility for specific violations and to temporarily restrict or prohibit the admission of juveniles to the facility while the conditions exist. The established violation procedures should permit the facility a reasonable time to correct the problem. The authority should also allow for the imposition of a permanent prohibition against the facility holding juveniles if the facility cannot eliminate the cited violation or refuses to act. The established violation procedures should be made available to all classified facilities.

Policy

Self-report surveys, monthly status offender reports, adult jail arrest records, and onsite records review are the primary methods of discovery of potential violations.

All potential violations must be reviewed through additional means such as a desk review of requested records or an onsite inspection and records review.

Procedures

1. The monitor will be the primary agent to discover and report previously unreported compliance violations throughout the state, and to investigate alleged violations as reported either through the self-report process or by other means.
2. The process for receiving, reviewing and responding to a compliance violation is as follows:
 - a. Email a request to the facility requesting review of the system generated report to ensure that the violation is valid and not the result of a typographical error or missing data element.
 - i. If the data on which the violation was calculated was in error, correct the data.
 - ii. If the facility responds that the data is correct, the monitor will verify the reported date during the facility's onsite visit (process described under #3).
 - iii. The circumstances surrounding the alleged violation and the nature of the violation will be documented in the facility's electronic folder including the how the violation was discovered, either through facility self-report or some other method.
 - iv. This entire report is forwarded to the monitor who will make an onsite visit.
 - v. If the monitor confirms it as a violation, it is recorded as a violation in the annual Compliance Report. In addition, the monitor or the JJ Chief will provide technical assistance and training as needed.
3. The process for investigation of a potential violation is as follows:
 - a. The monitor makes an onsite visit to investigate the alleged violation, following OJJDP Rules and Regulations. (This onsite visit will be made during the annual compliance visits as any facility with potential violations will be added to the list of facilities receiving an onsite visit).
 - b. If the investigation either reveals or confirms a violation has occurred the contracted monitor will provide the facility with an explanation of the nature of the violation and immediate onsite technical assistance.
 - c. A completed report, with all findings, will be sent to the facility within 10 business days of the visit. The facility may request additional technical assistance at any time.
 - d. If the facility visit reveals an error in the data reporting system, the facility is asked to make corrections to their system and to generate a subsequent report which indicates no violations.

4. The Juvenile Justice Chief is ultimately responsible for verification of all reported violations. The Chief must reveal each potential violation and report the actual violations in the annual Compliance Report.

5.0 FEDERAL REPORTING GUIDELINES

Statement of Purpose

To set forth the procedures for the Juvenile Justice Programs Office to accurately report the required data in the annual compliance report as required by OJJDP.

Policy

The annual report is compiled based on data collected throughout the entire compliance year. The compliance year runs on a federal fiscal year which is October 1 – September 30.

The data is reported via the U.S. Department of Justice, Office of Justice Programs, and Performance Measurement Platform by February 28th of each year.

Procedures

1. The following data files, documents, or data elements is used for this report.

Name of Data File, Document, or Data Element	Location	Responsible
Nevada Compliance Monitoring Manual	OJJDP-Shared-Compliance Universe	JJ Chief
Nevada Compliance Monitoring Plan	OJJDP-Shared-Compliance Universe	JJ Chief
Compliance Duties Scope of Work	OJJDP-Shared-Compliance Universe	JJ Chief
Compliance Monitor Instructions	OJJDP-Shared-Compliance Universe	JJ Chief
Facility Review Form	OJJDP-Shared-Compliance Universe	JJ Chief Program Officer I
Letter to Facility for in Person Review	OJJDP-Shared-Compliance Universe	JJ Chief Program Officer I
Results Letter to Facility & Compliance Monitoring Results Form	OJJDP-Shared-Compliance Universe	JJ Program Chief Program Officer I
Secure Facility Questionnaire	OJJDP-Shared-Compliance Universe	JJ Chief Program Officer I
Sight and Sound Inspection Checklist	OJJDP-Shared-Compliance Universe	JJ Chief Program Officer I
Facility Checks Folder (Compliance Reports of Facility Visits)	OJJDP-Shared-Compliance Universe by Compliance Year	JJ Chief Program Officer I
Summary Document of Compliance Universe Survey Spreadsheet – 3 year Trend	OJJDP-Shared-Compliance Universe by Compliance Year	JJ Chief Program Officer I
Summary Document of Federal Compliance Spreadsheet (Lists all facilities in the compliance universe and if they received an onsite inspection)	OJJDP-Shared-Compliance Universe by Compliance Year	JJ Chief Program Officer I
Status Offender Report from Access Database	OJJDP-Shared-Compliance Universe by Compliance Year	JJ Chief Program Officer I

Jail Removal Report from Access Database	OJJDP-Shared-Compliance Universe by Compliance Year	JJ Chief Program Officer I
Summary Documents of Violations	OJJDP-Shared-Compliance Universe by Compliance Year	JJ Chief
Monthly Status/Jail Removal Report Document	OJJDP-Shared-Compliance Universe	Program Officer I
Annual Self Report Survey	OJJDP-Shared-Compliance Universe	Program Officer I

1. The Juvenile Justice Program Officer I will:

- a. Enter all data associated with reported status offences or jail removal into an Access Database.
- b. Create and run annual reports from the Access Database for all reported status offences or jail removal violations.
- c. Send out, receive, input, and follow up on the annual self-report survey of the entire compliance universe. This process begins in October and ends when all facilities have returned their completed forms. This process includes keeping an up to date list of the facilities in the compliance universe and the four-year trend data for returned surveys.
- d. Complete all travel requests and claims associated with compliance monitoring duties for state staff or contractors.
- e. Gather and send all self-survey and potential violation data to the state staff member or contractor assigned to conduct onsite inspections, based on a list of selected facilities with the assigned state staff or contractor as provided by the JJ Program Chief.
- f. Order supplies needed for compliance monitoring, such as paper, envelopes, postage, and printer accessories.

2. The Compliance Monitor (Combination of JJ Chief, Program Officer I, and Part-Time Contracted Employee) will:

- a. Create their own schedule of their assigned facilities for onsite inspection.
- b. Provide information based on their schedule to the assigned Administrative Assistant for the creation of travel claims and requests. The monitor may not visit any facility until the appropriate travel documents are completed and approved.
- c. Complete all assigned site reviews by the end of the last week in January.
- d. Send a results letter to each facility visited within 10 business days of the visit.
- e. Complete the entire compliance report for the JJ Chief within 30 business days of the visit. The report includes: a copy of the letter to the facility, the facility review form, the secure facility questionnaire, the sight and sound checklist, and the results letter and any subsequent documentation sent to the facility.

3. The Juvenile Justice Chief will:

- a. Oversee the entire compliance monitoring process and system in the State.
- b. Review all reports provided to the Juvenile Justice Programs Office.
- c. Utilize all available data for creation of the annual compliance report.
- d. Review the compliance manual, compliance plan, and all related documents annually, and revise as required.
- e. Complete the annual compliance report as required by OJJDP.

- f. Report findings to the Juvenile Justice Commission, the Deputy Administrator of Juvenile Services, and the Administrator of the Division of Child and Family Services annually.

Note: The Juvenile Justice Chief may certify the compliance data on behalf of the Division of Child and Family Services as a designee of the Administrator.

6.0 DEFINITIONS: FORMULA GRANT REGULATION DEFINITIONS

Federal Requirement

In classifying facilities and identifying the types of behavior of the juveniles to be counted for monitoring purposes, governmental units need to operate under definitions that are compatible with those found in the Formula Grants Regulation at 28 C.F.R. §31.304. Preferably, compatible definitions will be included in the state code. Where this is not the case, monitoring agencies should adopt and follow the OJJDP definitions for monitoring.

The state utilizes the federal definitions from OJJDP for compliance.

The definitions are listed in Section 3.5 of Nevada's Compliance Monitoring Policy and Procedure Manual.

7.0 RELEVANT STATE STATUTES

NRS 62A.030 – Defines a Child or Juvenile

1. “Child” means:
 - (a) A person who is less than 18 years of age;
 - (b) A person who is less than 21 years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached 18 years of age; or
 - (c) A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender pursuant to the provisions of [NRS 62F.200](#), [62F.220](#) and [62F.260](#).
2. The term does not include:
 - (a) A person who is excluded from the jurisdiction of the juvenile court pursuant to [NRS 62B.330](#);
 - (b) A person who is transferred to the district court for criminal proceedings as an adult pursuant to [NRS 62B.335](#); or
 - (c) A person who is certified for criminal proceedings as an adult pursuant to [NRS 62B.390](#) or [62B.400](#).

NRS 62A.070 – Delinquent Child

“Delinquent child” means a child who is adjudicated delinquent.

NRS 62A.040 & NRS 62B.320 – Defines a Child in Need of Supervision (CHINS) or a Non-Offender

NRS 62A.040 - Child in need of supervision” means a child who is adjudicated to be in need of supervision pursuant to the provisions of this title.

NRS 62B.320 – Continued CHINS

1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:

- (a) Is subject to compulsory school attendance and is a habitual truant from school;
- (b) Habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable;
- (c) Deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation;
- (d) Uses an electronic communication device to transmit or distribute a sexual image of himself or herself to another person or to possess a sexual image in violation of [NRS 200.737](#);
- (e) Transmits or distributes an image of bullying committed against a minor in violation of [NRS 200.900](#);
- (f) Violates a county or municipal ordinance imposing a curfew on a child;
- (g) Violates a county or municipal ordinance restricting loitering by a child; or
- (h) Commits an offense related to tobacco.

2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.

3. The provisions of subsection 1 do not prohibit the imposition of administrative sanctions pursuant to [NRS 392.148](#) against a child who is subject to compulsory school attendance and is a habitual truant from school.

4. As used in this section:

(a) “Bullying” means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

- (1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;
- (2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;
- (3) Places the person in reasonable fear of harm or serious emotional distress; or
- (4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

(b) “Electronic communication device” has the meaning ascribed to it in [NRS 200.737](#).

(c) “Sexual image” has the meaning ascribed to it in [NRS 200.737](#).

NRS 62C.050 Release of child alleged to be in need of supervision required within certain period; exceptions.

1. Except as otherwise provided in this section, if a child who is alleged to be in need of supervision is taken into custody and detained, the child must be released not later than 24 hours,

excluding Saturdays, Sundays and holidays, after the child's initial contact with a peace officer or probation officer to:

- (a) A parent or guardian of the child;
- (b) Any other person who is able to provide adequate care and supervision for the child;

or

- (c) Shelter care.

2. A child does not have to be released pursuant to subsection 1 if the juvenile court:

- (a) Holds a detention hearing;
- (b) Determines that the child:
 - (1) Has threatened to run away from home or from the shelter;
 - (2) Is accused of violent behavior at home; or
 - (3) Is accused of violating the terms of a supervision and consent decree; and
- (c) Determines that the child needs to be detained to make an alternative placement for the child.

□ The child may be detained for an additional 24 hours but not more than 48 hours after the detention hearing, excluding Saturdays, Sundays and holidays.

3. A child does not have to be released pursuant to this section if the juvenile court:

- (a) Holds a detention hearing; and
- (b) Determines that the child:

- (1) Is a ward of a federal court or held pursuant to a federal statute;

- (2) Has run away from another state and a jurisdiction within that state has issued a want,

warrant or request for the child; or

- (3) **Is accused of violating a valid court order.**

□ The child may be detained for an additional period as necessary for the juvenile court to return the child to the jurisdiction from which the child originated or to make an alternative placement for the child.

4. For the purposes of this section, an alternative placement must be in a facility in which there are no physical restraining devices or barriers.

NRS 62B.360 – Native American Youth

The juvenile court does not have jurisdiction over a child who is subject to the exclusive jurisdiction of an Indian tribe.

NRS 62A.180 – Juvenile Court Defined

1. “Juvenile court” means each district judge who is assigned to serve as a judge of the juvenile court pursuant to [NRS 62B.010](#) or court rule.

2. The term includes a master who is performing an act on behalf of the juvenile court if:

- (a) The juvenile court delegates authority to the master to perform the act in accordance with the Constitution of the State of Nevada; and

- (b) The master performs the act within the limits of the authority delegated to the master

NRS 62A.200 - Local Law Enforcement Defined

- 1. The sheriff's office of a county;
- 2. A metropolitan police department; or
- 3. A police department of an incorporated city.

NRS 62A.280 – Juvenile Detention Facility – County Operated

1. “Regional facility for the detention of children” means a regional facility for the detention or commitment of children which is administered by or for the benefit of more than one governmental entity.
2. The term includes, but is not limited to:
 - (a) The institution in Clark County known as Spring Mountain Youth Camp;
 - (b) The institution in Douglas County known as China Spring Youth Camp; and
 - (c) The institution in Lyon County known as Western Nevada Regional Youth Facility.
3. The term does not include:
 - (a) Any local facility for the detention of children; or
 - (b) The Nevada Youth Training Center, the Caliente Youth Center or any state facility for the detention of children.

NRS 62H.310 – Juvenile Sex Offender Defined

1. “Juvenile sex offender” means a child adjudicated delinquent for an act that, if committed by an adult, would be a sexual offense.
2. “Sexual offense” means:
 - (a) Sexual assault pursuant to [NRS 200.366](#);
 - (b) Statutory sexual seduction pursuant to [NRS 200.368](#);
 - (c) Battery with intent to commit sexual assault pursuant to [NRS 200.400](#);
 - (d) An offense involving pornography and a minor pursuant to [NRS 200.710](#) to [200.730](#), inclusive;
 - (e) Incest pursuant to [NRS 201.180](#);
 - (f) Open or gross lewdness pursuant to [NRS 201.210](#);
 - (g) Indecent or obscene exposure pursuant to [NRS 201.220](#);
 - (h) Lewdness with a child pursuant to [NRS 201.230](#);
 - (i) Sexual penetration of a dead human body pursuant to [NRS 201.450](#);
 - (j) Luring a child or a person with mental illness pursuant to [NRS 201.560](#), if punished as a felony;
 - (k) An attempt to commit an offense listed in paragraphs (a) to (j), inclusive;
 - (l) An offense that is determined to be sexually motivated pursuant to [NRS 175.547](#);
 - (m) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection.

NRS 202.020 - Minor in Consumption

1. Except as otherwise provided in this section, a person under 21 years of age who purchases any alcoholic beverage or any such person who consumes any alcoholic beverage in any saloon, resort or premises where spirituous, malt or fermented liquors or wines are sold is guilty of a misdemeanor.
2. Except as otherwise provided in this section, a person under 21 years of age who, for any reason, possesses any alcoholic beverage in public is guilty of a misdemeanor.

3. A person under 21 years of age is not subject to the criminal penalty set forth in subsection 1 for consuming an alcoholic beverage or subsection 2 if the person requests emergency medical assistance for another person whom he or she reasonably believes is under 21 years of age if the person making the request:

- (a) Reasonably believes that the person who consumed the alcohol is in need of such assistance because of the alcohol consumption;
- (b) Is the first person to request emergency medical assistance for the person;
- (c) Remains with the person until informed that his or her presence is no longer necessary by the emergency medical personnel who respond to the request for assistance for the person; and
- (d) Cooperates with any provider of emergency medical assistance, any other health care provider who assists the person who may be in need of emergency medical assistance because of alcohol consumption and any law enforcement officer.

4. A person under 21 years of age for whom another person requests emergency medical assistance pursuant to subsection 3 is not subject to the criminal penalty set forth in subsection 1 for consuming an alcoholic beverage or subsection 2.

5. A person under 21 years of age is not subject to the criminal penalty set forth in subsection 1 for consuming an alcoholic beverage or subsection 2 if the person:

- (a) Requests emergency medical assistance because he or she reasonably believes that he or she is in need of medical assistance because of alcohol consumption; and
- (b) Cooperates with any provider of emergency medical assistance, any other health care provider who provides assistance to him or her and any law enforcement officer.

6. This section does not preclude a local governmental entity from enacting by ordinance an additional or broader restriction, except that any such ordinance must not conflict with the provisions of subsection 3, 4 or 5 or create criminal liability for a person to whom an exemption set forth in subsection 3, 4 or 5 applies.

7. For the purposes of this section, possession “in public” includes possession:

- (a) On any street or highway;
- (b) In any place open to the public; and
- (c) In any private business establishment which is in effect open to the public.

8. The term does not include:

- (a) Possession for an established religious purpose;
- (b) Possession in the presence of the person’s parent, spouse or legal guardian who is 21 years of age or older;
- (c) Possession in accordance with a prescription issued by a person statutorily authorized to issue prescriptions;
- (d) Possession in private clubs or private establishments; or
- (e) The selling, handling, serving or transporting of alcoholic beverages by a person in the course of his or her lawful employment by a licensed manufacturer, wholesaler or retailer of alcoholic beverages.

1. In any county where it is deemed advisable, the juvenile court may establish a youth services commission.
2. Each youth services commission must consist of five persons appointed by the juvenile court.
3. In conjunction with the Division of Child and Family Services, the youth services commission shall advise the juvenile court, the Legislature, the Governor and the governing bodies of each city and the county to:
 - (a) Determine the extent to which various departments, agencies and organizations may wish to cooperate in a common effort to coordinate their existing programs and develop new programs to reduce the incidence of juvenile delinquency;
 - (b) Develop necessary formal agreements among those departments, agencies and organizations, including agreements involving the joint exercise of power;
 - (c) Initiate, where feasible, other special projects for the prevention of delinquency through the use and coordination of existing resources within the community; and
 - (d) Seek and secure money and resources to carry out the purposes of the youth services commission.

NAC 62H.050 - Juvenile Referral to County Department of Juvenile Services

“Referral” means the point in time when a child is brought to the attention of the system of juvenile justice in this State and an official record is opened to document the child’s case.

NRS 62A.280 – Regional Facility for youth that are not juvenile detention facilities or juvenile correction facilities.

1. “Regional facility for the treatment and rehabilitation of children” means a regional facility which provides court-ordered treatment and rehabilitation for children and which is administered by or for the benefit of more than one governmental entity.
2. The term includes, but is not limited to:
 - (a) The facility in Clark County known as Spring Mountain Youth Camp;
 - (b) The facility in Douglas County known as China Spring Youth Camp; and
 - (c) The facility in Lyon County known as Western Nevada Regional Youth Facility.
3. The term does not include:
 - (a) Any local facility for the detention of children; or
 - (b) The Nevada Youth Training Center, the Caliente Youth Center or any state facility for the detention of children

NRS 63.190 – Training requirements for employees who work with youth

1. The facility receives training within 90 days after employment and annually thereafter. Such training must be approved by the Division of Child and Family Services and include, without limitation, instruction concerning:
 - (a) Controlling the behavior of children;
 - (b) Policies and procedures concerning the use of force and restraint on children;

- (c) The rights of children in the facility;
- (d) Suicide awareness and prevention;
- (e) The administration of medication to children;
- (f) Applicable state and federal constitutional and statutory rights of children
- (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility;
- (h) Working with gay, lesbian, bisexual, transgender and questioning children; and
- (i) Such other matters as required by the Administrator of the Division of Child and Family Services.

NRS 63.030 – State Facility/Juvenile Correctional Facilities operated by DCFS

1. “Facility” means a state facility for the detention or commitment of children which is administered by the State of Nevada.
2. The term includes, but is not limited to, the Nevada Youth Training Center and the Caliente Youth Center

NRS 63.790 – Age that a youth in DCFS Custody must be Released/Discharged

1. A child may be discharged from a facility upon reaching 18 years of age.
2. A child must be discharged from a facility upon reaching 20 years of age

8.0 JJDP ACT CHANGES

Statement of Purpose

The latest reauthorization was passed by the federal legislature on December 13, 2018 and includes the following changes to the core protections of the Act.

- Not later than 3 years after the date of enactment, states are required to ensure sight and sound separation and jail removal for youth awaiting trial as adults. This protection previously applied only to youth being held on juvenile court charges. An exception continues to exist for cases where a court finds, after a hearing and in writing, that it is in the interest of justice.
- Youth who are found in violation of a valid court order may be held in detention, for no longer than seven days, if the court finds that such detention is necessary and enters an order containing the following: 1) identifies the valid court order that has been violated; 2) specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order; 3) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile; 4) specifies the length of time, not to exceed seven days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility. Such an order may not be renewed.

- States will be required to collect additional data and report on those new data measures annually to the Office of Juvenile Justice Delinquency Prevention (OJJDP). Those data measures include:
- Change from reporting on race to reporting on race and ethnicity.
- Requires reports on data include both youth with learning disabilities and “other disabilities.”
- Requires a summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government.
- Breakdown of status offender data to identify the number of status offenders 1) petitioned, 2) held in secure detention, 3) with justification on being held in secure detention, and 4) the average time being held if secure detention facility.
- Requires a breakdown of the type of living arrangement a youth is placed in after release from custody; this is mostly likely for county and state.
- The number of juveniles whose offense originated 1) on school grounds, 2) during school sponsored off-campus activities, or 3) due to a referral by a school official.
- The number of juveniles in the custody of secure detention and correctional facilities operated by a State or unit of local or tribal government who report being pregnant.
- States are required to report data in child abuse or neglect reports relating to juveniles entering the juvenile justice system with a prior reported history of arrest, court intake, probation and parole, juvenile detention, and corrections and provide a plan to use the data described above to provide necessary services for the treatment of such victims of child abuse or neglect.

Policy

To define the state’s new methods of addressing the changes in the JJDP Act based on the December 13, 2018 reauthorization.

- DCFS will add all additional data requirements to the annual Disproportional Minority Contact (DMC) Report required by all Nevada counties. This template will be provided to the vendor that provides the statewide data management system.
 - The statewide data management system is up and running in every Nevada County as of January 2019; however, several enhancements and report creation for the system are still pending. Anticipated completion is July 1, 2019.

Procedures

1. The Juvenile Justice Chief will be revised the DMC template and send the revision to the counties for review and to the vendor of the statewide data system for report creation.
2. The Juvenile Justice Chief will work with each county on their reporting timeframes as some counties may be ready to report all new data measures by the 2019 Compliance Year, while some counties may need to wait until the 2020 Compliance Year to provide a solid 12 months of data.

9.0 COMPLIANCE MONITORING CHANGES FOR THE 2020 COMPLIANCE YEAR

1. The state will no longer send out annual surveys to the following facility types:

- a. Non-Secure highway patrol substations
 - b. Non-Secure Juvenile Providers
 - c. Juvenile Probation and Youth Parole Administrative Offices
 - d. Constables
 - e. Adult Conservation Camps
2. The state will continue to send out annual surveys to the following facility types:
 - a. Adult Jails
 - b. Adult Correctional Facilities
 - c. Juvenile Detention Facilities
 - d. Juvenile Youth Camps
 - e. Juvenile Correctional Facilities
 - f. Adult Secure Facilities
 - g. Secure Juvenile Providers
 - h. Non-Secure facilities that are sheriff and police substations and non-secure court houses.
 3. The state will no longer conduct any sort of on-site visit or spot check to the following facility types.
 - a. Non-Secure Juvenile Providers
 - b. Juvenile Probation and Youth Parole Administrative Offices
 - c. Constables
 - d. Adult Conservation Camps
 - e. Non-Secure highway patrol substations
 4. The state will continue to conduct a combined 5% minimum spot check visits to the following facility types:
 - a. Non-Secure facilities that are sheriff and police substations and non-secure court houses.
 5. The state will continue to inspect the following facility types on a three-year cycle.
 - a. Adult Jails
 - b. Adult Correctional Facilities
 - c. Juvenile Detention Facility
 - d. Juvenile Youth Camps
 - e. Juvenile Correctional Facilities
 - f. Adult Secure Facilities
 - g. Secure Juvenile Providers