



Nevada State Juvenile Justice Oversight Commission
Data Performance
Committee Meeting
October 6th, 2020 at 1:00pm

Meeting Minutes - DRAFT

Roll Call-

Commissioner Brigid Duffy, Chair, called the meeting to order at 1:05pm.

(VOTING MEMBERS)

Present by Phone: Chair Brigid Duffy, Ross Armstrong, Gianna Verness, Pauline Salla-Smith

Absent: none

(NON VOTING MEMBERS)

Present by Phone: Ali Banister

Absent: none

(STAFF)

Present by Phone: Leslie Bittleston, Jennifer Simeo, Kathryn Roose, Kayla Landes, Kayla Dunn

(PUBLIC)

Present by Phone: Mike Torres- Douglas County Deputy Chief

Meeting Minutes:

Brigid Duffy: I'm going to call our meeting to order because I'm hoping that -- this is basically -- this was our continuation from September 22nd when we had to have some people drop out due to other emergency meetings and so this one should be pretty quick just to kind of finalize some things that we had pushed off before. I'm going to ask Mike to introduce himself since he's a new face to me, although I recognize the name so we all know who Mike is.

Mike Torres: Ready?

Brigid Duffy: Yes, I'm ready.

Mike Torres: Okay. My name is Mike Torres. I am Deputy Chief General Operation Douglas County, currently Acting Chief Juvenile Probation Douglas County, and that's it. I've been here for 16 years, 15 years. I know most of the faces I've seen. I think I've been in a couple of the meetings in Carson. Yes.

Brigid Duffy: Okay. I'm trying to figure out how to unmute myself. All right. Well, welcome, Mike. Thanks for being here today. We'll try to, like, bring you up to speed on what we're going through, what we're talking about and if anything as acting chief, you're going to come on board as a regular member of the JJOC and everything else, then we'll, as to this subcommittee, if you want to, I can run you through everything to bring you up to speed. I don't know how much Scott left behind in any folders for you, but we'll be happy to bring you up to speed. Hi, Ali. So, okay, so let's take a roll call, Leslie.

Leslie Bittleston: Kayla, can you do roll call for me? My computer is all wiggled out.

Kayla Dunn: Yes, I can. I have that right --

Leslie Bittleston: Thank you so much.

Kayla Dunn: Brigid Duffy?

Brigid Duffy: here.

Kayla Dunn: Gianna Verness?

Gianna Verness: Oh, I'm here.

Kayla Dunn: Ross Armstrong?

Ross Armstrong: Here.

Kayla Dunn: Pauline Salla-Smith?

Pauline Salla-Smith: Present.

Kayla Dunn: And Ali Banister?

Ali Banister: Here.

Kayla Dunn: Okay. We have quorum.

Brigid Duffy: Great. So any public -- I'm muted. Wait. Am I unmuted now?

Pauline Salla-Smith: Yes.

Brigid Duffy: Okay. So any public comment? Anybody on here from the public that would like to make? Do we have anybody at all from the public just appearing on the phone that's listening in?

Pauline Salla-Smith: Doesn't look like it. I checked the chat. You're muted, Brigid.

Brigid Duffy: Am I unmuted now?

Pauline Salla-Smith: Yes.

Brigid Duffy: This one's weird for me. Oh, there's my -- there it is in the corner. Okay. I see it. All right. So no public comment or discussion. Now we're going to move to Agenda Item Number 4, review and approve minutes from August 25th. I reviewed them in preparation for the September 22nd meeting. I had no changes. Anybody else? Do we have a motion to approve?

Pauline Salla-Smith: This is Commissioner Salla. I'll move to approve the minutes.

Ross Armstrong: This is Commissioner Armstrong. I'll second.

Brigid Duffy: All right. Any discussion? For those of us that were there, are we all in favor of approving?

(Ayes around).

Brigid Duffy: Okay. They will approve and pass. All right. Uh, our COVID testing update. Leslie, you're up.

Leslie Bittleston: Okay. Hold on just a second. I think I'm on. Hold on.

Ross Armstrong: You're muted, Leslie.

Leslie Bittleston: Okay. Am I unmuted?

Pauline Salla-Smith: Yes.

Leslie Bittleston: Okay. Sorry about that. I'm having issues today. Okay. Updated COVID testing. Every month. I ask the seven detention facilities, the three state facilities and the two youth camps to provide updated COVID testing numbers. The deadline is today close of business. However, I have heard from all facilities with exception of China Spring, which I hope to hear from today. So currently, we have done 521 youth tests with 14 positive, with a positivity rate of 2.69%. We have done 482 staff tests with 23 positive staff tests with a positivity rate of 4.77%. So that's the COVID updates. And in the last month, we had eight staff test positive in Churchill County and one youth test positive in Clark.

Brigid Duffy: I had some communication with DCFS via email around a youth from Clark that was refusing to get tested before his commitment, so just basically delayed him from going to Caliente or NYTC, so have we -- has that problem and that issue been resolved, Ross, to your knowledge? Because I told my DA's just to start making it ordered that they submit to the testing.

Ross Armstrong: Yeah. And the issue was, I think, the parental consent around the test and there are -- I mean, when they get to DCFS, we send out consents to treat to every, you know, all the parents and they send them in, and if they don't, the legal advice we have is, you know, it's a gray area, so, you know, err on the side of taking care of the health of the kid always, but this was an interesting one because the kid wasn't in our care or custody yet and so I think if it's just included in that commitment order that they're ordered to get the test prior to transfer over, then that should take care of any refusals to take the test.

Brigid Duffy: And then, Leslie, on those -- remember on our last meeting, we talked about the YLS is delaying the commitments as well. Like, we weren't getting them done. Are numbers at least in Clark getting better?

Leslie Bittleston: We have not done a review of those -- we have not reviewed that data point again since it was presented at the last meeting. We will look at it again probably within the next month or two. We did reach out to Clark County directly to speak to them about this issue and what we got back from Clark County was they were still in the process of making sure staff were doing it, training staff. They were following up with master trainers and so I think that there was some little glitches that they were working out internally.

Brigid Duffy: Okay.

Leslie Bittleston: So, but they were aware and they assured us that it would get better.

Brigid Duffy: Okay. So since I brought it up, can we just make sure it goes on our next agenda --

Leslie Bittleston: Yes.

Brigid Duffy: -- for our data points? Okay.

Leslie Bittleston: Ms. Kayla Dunn, can you please --

Brigid Duffy: That way, we can actually have a real agenda discussion about it?

Kayla Dunn: Made a note.

Brigid Duffy: Thank you.

Leslie Bittleston: Thank you.

Brigid Duffy: All right. Anything else on Agenda Item Number 5? All right. Moving on to 6, status of our NACs, Leslie.

Leslie Bittleston: Yes. So the NACs went -- NAC 62B and 62H, the revisions made by DCFS, went to LCB in February of this year. Of course, things happened in February, so I worked with an LCB attorney throughout March and a little bit into April. The NACs have been drafted and they are in the review process and I have followed up several times with that contact that I had and asked what the holdup is because DCFS does not have draft copies of either of those NACs yet. I was told that the holdup was around the language, that DCFS proposes to make sure that counties are providing data per the intention of 472, per the intentions of AB 472, and if they do not provide data, we may withhold locked grant funds, so LCB is being ultra conservative and careful in the review process to make sure that that language is the language that they want to go out and, of course, the COVID has slowed the process down. So in speaking to my contact, I did let her know that this committee was working on some updated definitions and she said that that was fine. Any updated definitions, she would ensure would go into the NACs if we provide one.

Brigid Duffy: Okay. So that's going to transition me right to the next part of this agenda item with regard to the NAC and adding a definition, and that's the definition of referral and that's kind of where we left off at our last meeting in August.

Leslie Bittleston: That's correct.

Brigid Duffy: We discussed, the group that included Scott and everybody else here, Gianna and Pauline and Ross, was that we liked the DMC report language for referral, which if you have your data books or your data definitions or whatever, it's page 23 and the DMC definition of referral, for those who do not have this in front of you, is a referral is when a potentially delinquent youth is sent forward for legal processing and received by a juvenile or family court or juvenile intake agency, either as a result of law enforcement action or upon a complaint by a citizen or school. So it's going to -- picking up where we left off, it was going to be our recommendation to ask that that definition be placed into NAC.

Leslie Bittleston: Okay.

Brigid Duffy: All right? Do we have any other conversation around that? Okay.

Leslie Bittleston: And just for my note taking, it is -- used the data book page 23, the definition of referral.

Brigid Duffy: Right.

Leslie Bittleston: Okay.

Pauline Salla-Smith: From OJJDP, yeah.

Brigid Duffy: It comes from the DMC definition.

Leslie Bittleston: Okay.

Brigid Duffy: So that way, we have an entire state using the same definition. All right. So we'll put that on the full committee. So we our full committee is next Friday, right? The 16th?

Leslie Bittleston: Yes.

Brigid Duffy: Okay. So we'll put that on for them to consider and potentially vote on and then listen to their feedback on that definition. Okay. So anything else on Agenda Item Number 6? I'm going to -- the bulk of our meeting is going to be this Agenda Item Number 7. So this is the sheet that you all need to have, the points and times definition. Gianna, were you able to access it?

Gianna Verness: Yeah. So don't use Explorer. It wouldn't let me into it in Explorer. I had to switch to Chrome and then I could do it. No problem. So, yes, we're good. Thank you.

Brigid Duffy: Okay. Because I was going to try to get it scanned to you. All right. So we can go through these, and just for a little foundation, when we do the data collecting for the state pursuant to a statute and pursuant to our JJOC committee, there were some confusion over terms and when those terms were to be or how those terms were to be used, so for example, if you look at the first one, arrest. We want everybody to have the same definition of arrest so that that same point in time is being used to collect data, so we want to be very clear in the definitions of what an arrest is so that people aren't just throwing the word around. Even though it might be a citation that's not technically been arrest and those of us in the field pretty much know that, but not everybody would have that same concept. So what DCFS staff did was they put together this chart, which shows the JJDP or a federal definition compared to whatever we may have in Nevada as a definition and then ultimately, we need to make a recommendation for the full committee to consider is how we want these items to be defined, so looking at arrest, the only definition of arrest in NRS is in 171 and then you can look at that as compared to the federal definition.

Ross Armstrong: I think the NRS definition is better. This is Commissioner Armstrong, for the record. Because I don't think if you kind of have somebody detained at a crime scene for questioning, I don't consider that an arrest, like, or into custody. I don't know.

Brigid Duffy: Right. Yeah. I thought that was a little odd. I don't know how we would measure that.

Gianna Verness: I like the way they explain arrest in the federal, but for purposes of data collection I don't think it's helpful to know that it can be based on a warrant of complaint filed by a third party, a revocation of probation or parole. That's really kind of the background, an explanation of an arrest as opposed to data collection. What are we considering an arrest?

Brigid Duffy: Right. And I think the most important point of it is that the child's taken into custody. So --

Gianna Verness: Agreed.

Brigid Duffy: Agree? Okay. All right. So everybody seems to like the NRS, so we'll make that recommendation and then adjudication. Here's my little bit of feedback on our definition of adjudication, which isn't really a definition because it's an explanation maybe. I don't know. It's long, but it's already in our statute, so. Do we really have people in the state that aren't sure what an adjudication is for the purposes of data collection and don't just refer to 62E?

Pauline Salla-Smith: I don't think so. I think if we use the statute -- this is Commissioner Salla. I think if we use the statute, it's appropriate. I think what you're going to find with the JJDP act is they describe it. It's not --

Brigid Duffy: Right.

Pauline Salla-Smith: Right. Where our statute is more defined --

Ross Armstrong: Agreed.

Brigid Duffy: Just stick with what we have in the NRS and then commitment. I think our statute is pretty clear to the practitioners.

Pauline Salla-Smith: Mm hmm. Agree.

Brigid Duffy: And I don't like the federal use of the word guardianship.

Ross Armstrong: Agreed.

Brigid Duffy: You don't want that legal responsibility, Ross?

Ross Armstrong: Nope. Nope, I'm good.

Brigid Duffy: Take it up with the guardian.

Ross Armstrong: Yeah.

Brigid Duffy: All right. Delinquent child. Any desire to change statute to more closely resemble the fed's?

Pauline Salla-Smith: This is Commissioner Salla. I like our statute. The feds just want to remind us of status offenses.

Leslie Bittleston: That's very true.

Ross Armstrong: I guess, you know, in taking a look at -- this is Commissioner Armstrong -- in taking a look at the two definitions, and maybe it's in the way that it's captured and maybe we cover it in diversion, but I'm just wondering, you know, we have that whole, like, folks that are maybe on informal probation and they haven't been adjudicated yet, but they're still a, in my mind, a delinquent child receiving services, so that would be the only thing I think not captured in our NRS definition that we may want folks to report. Maybe we have a distinction in terms of delinquent child or, you know, a diversion child or something like

that. But that's my only -- I don't know that if we say, give us all your delinquent children, there's going to be a population that's missed based on that NRS definition.

Ali Banister: I agree with that Ross, too. I was just thinking, you know, for us, we have kids that go to court that are placed on a consent decree, which would be considered diversion, but they're still going through court. They're still going through the process and we really try to avoid declaring them delinquent if we can.

Gianna Verness: I agree with both of you. I have the exact same thought process, because adjudication is kind of a status that we refer to, but it may not encompass all the youth that we want data collected on, and so it might be too broad but maybe a starting point is typically a child who comes within the jurisdiction of the court under chapter 62 and I don't know if that's too broad, but it might be a good starting point.

Ross Armstrong: Yeah. I think -- this is Ross. I think you could take that definition for our purposes and say a child who is adjudicated delinquent pursuant to the provisions of Title 5 of NRS or otherwise under supervision of the court or the probation office. For example --

Gianna Verness: Pursuant to chapter 62?

Ross Armstrong: Yeah. You know, example, consent decree, informal probation.

Gianna Verness: because all of that is under chapter 62, so just saying pursuant to chapter 62, I think would cover all of those kids.

Ross Armstrong: Yeah.

Pauline Salla-Smith: I'm trying to find my data dictionary. This is Commissioner Salla. Because didn't we --

Brigid Duffy: I don't have it. Hold on. I have it up.

Pauline Salla-Smith: I remember robust conversation about this.

Brigid Duffy: Okay. Let me see if I can -- see if I can find it. I have delinquent act defined on page 6.

Pauline Salla-Smith: Not delinquent child?

Brigid Duffy: Delinquent child. It just refers to 62A 070, preferred definition.

Pauline Salla-Smith: Okay. Maybe it was delinquent.

Brigid Duffy: Mm hmm. Yeah.

Pauline Salla-Smith: Okay. I just thought that -- that's not -- yeah, I don't --

Brigid Duffy: Because there's asterisk, but it doesn't -- I don't see where the asterisk refers to.

Mike Torres: All right. This is Mike Torres. On the delinquent, there's no other language in the statute. It states that, you know, juveniles that are alleged to be found delinquent, so does there have to be a finding that they are delinquent because at the time that we have them on our diversions and our, you know, our

misdemeanors, we -- they will admit to a charge. However, it hasn't been adjudicated in a court, so that charge, if they fail to follow through with the consequences to it, can still be a petition in the court where a finding of a delinquency would happen in the court.

Brigid Duffy: Yeah. I know. I kind of struggle with it, too, because it is hard to say that a child who's not actually admitted to any wrongdoing is deemed to be a delinquent child. I agree. I think that's what your point is, right? Like there's some kids that this would be pretty broad and capture a lot of kids.

Mike Torres: As Pauline was talking about the robust discussion, I think that's when you start getting into, are they or have they been found delinquent or have they alleged to have committed a delinquent act, and at that point, are they considered one versus the other, and we have a number that will go through that and never appear in court, but will have admitted to a charge of a misdemeanor-level charge where they maybe got community service hours or some other services, but it's never been adjudicated.

Gianna Verness: So if we add alleged to have committed a delinquent act, the question then becomes alleged by who. Would it be through the formal filing of a petition? Is that too narrow?

Mike Torres: And then also if it's alleged, then that's just an open point, so there's not an admission or denial, so everyone's alleged once they have a referral. If there's a crime alleged to have been, you know, and then when they come in, they can admit or deny the charge or it's found true or not, so in that alleged point, can you still call them a delinquent until there has been a finding?

Brigid Duffy: Well, according to the feds it's a juvenile who has been charged with or adjudicated for.

Gianna Verness: Right. That's why I said anybody who comes under the jurisdiction of the court pursuant to chapter 62 because I don't like alleged. Just because somebody receives a citation doesn't necessarily mean they're a delinquent child. I consider that when a petition is actually filed.

Pauline Salla-Smith: So this is Commissioner Salla. I do remember, now it's coming to me a little bit that the discussion was it wasn't so much delinquent child versus delinquent findings of the child because when we report to the feds, we don't report on delinquent child. We report on delinquent findings, which is formal. Youth are judged to be found to be delinquent during adjudicatory hearings in juvenile court. Being found or adjudicated delinquent is roughly equivalent to being convicted in criminal court. It is a formal, legal finding of responsibilities because when we do our federal report, we identify those kids and then we identify the kids who were diverted in some way.

Gianna Verness: Because that's the dangers. We're missing all the kids that don't have a formal adjudication and that's a pretty big chunk.

Brigid Duffy: Well, it's not --

Pauline Salla-Smith: That's not the most --

Brigid Duffy: -- because we're going to discuss them next.

Pauline Salla-Smith: Right.

Brigid Duffy: Well, in two more blocks.

Pauline Salla-Smith: Yeah.

Brigid Duffy: So I think -- I always have to remind myself to go back to the, why are we doing all of this, right? So we're doing all this to capture data. So I promise we're going to start talking about the diversion kids in two more blocks, but right now, as far as just talking about if we want data on how many -- how many kids were adjudicated delinquent, this is the data we want. We want the data, I think -- now kind of processing it out loud with my zoom meeting, the kids that are actually adjudicated delinquent, which is the kids who have charges, who have admitted and are under -- continue under court jurisdiction and we'll capture the other kids and other data points.

Pauline Salla-Smith: Agree.

Brigid Duffy: Leslie? That cleaning up --

Leslie Bittleston: Sorry I was on mute. Yes.

Brigid Duffy: Okay. Because you're the one who has the heavy lifting with making sure everybody kind of understands that this is what the data point's supposed to be.

Leslie Bittleston: Right.

Brigid Duffy: Okay. All right. So that just keeps us sticking with the NRS. All right. Disposition is in NAC.

Leslie Bittleston: And before we move on, are we making no changes to delinquent child?

Brigid Duffy: I think the definition is adjudicated delinquent, which means if you're adjudicated, you have to admit to the allegations. It's not going to capture our consent decrees, our diversions, our --

Leslie Bittleston: Okay. Just want to make sure I'm documenting correctly. Okay.

Brigid Duffy: So the definition of disposition is in our NAC. It's not in statute. Let me see. I pulled it up.

Gianna Verness: Wait, we have 62D 310.

Brigid Duffy: So NAC 62H 240 and 250 have each juvenile court and local juvenile probation department shall report to the division the disposition of the referrals of each child using the following codes. So then it goes --

Leslie Bittleston: And FYI, those codes are outdated and going away with the NAC revision.

Brigid Duffy: And they're going where?

Leslie Bittleston: They're going away.

Brigid Duffy: Okay.

Leslie Bittleston: Because we have Tyler supervision now, So, yeah. So all of those codes, the ones, twos and threes that is all being updated.

Brigid Duffy: But the actual type of disposition is not.

Leslie Bittleston: No, I don't believe that's being changed, but I just -- don't want to get focused on codes or anything.

Brigid Duffy: Okay.

Leslie Bittleston: So I mean, if it's just a definition and we want to keep that, that's fine, but don't get hung up on codes.

Brigid Duffy: Okay. And then 62H 250 has dispositions in the NAC already, which is child adjudicated delinquent and made a ward of the court, child found not guilty and a petition dismissed with prejudice, adjudication deferred until the child is satisfied condition imposed by the court, adjudicated delinquent and committed to division, petition was dismissed because the child accepted a plea bargain on another petition and petition was dismissed after their child satisfied condition of the court. So those are the six dispositions in our NAC. Anybody have any other comments on that compared to the federal definition?

Pauline Salla-Smith: That seems to include what we need.

Gianna Verness: Yeah. I don't like the federal definition.

Brigid Duffy: Yeah. There's 12 and I'm not hung up on codes, but there's 12 dispositions of a referral that go from transfer to trial, as an adult, directly filed in district court, prosecution deferred, release from detention, unconditionally released or referred to services, impositions of fine restitution, assigned to local probation placement or regional facility placement, another regional facility group home or foster home, assigned to the custody of the division and given a single sanction. Those are the choices.

Gianna Verness: Some of those, I don't think, were really applicable as dispositions.

Brigid Duffy: Yeah, these are from 1996.

Gianna Verness: Yeah.

Brigid Duffy: Yeah. They're old.

Pauline Salla-Smith: Some of those do sound like dispositions that happen in smaller jurisdictions.

Brigid Duffy: That's why we have you, Pauline.

Pauline Salla-Smith: Yeah.

Brigid Duffy: Why we need you and, like, because as you educated me on the last call we had regarding the ability of any citizen to just make a complaint against a kid.

Gianna Verness: So which ones from there do you think we need to keep that still apply?

Pauline Salla-Smith: I mean -- this is Commissioner Salla. So I think unless that part of NACs has been revised, which I didn't see that part on when we were revising them, I would keep those all, not that -- I mean, jurisdictions might not be using them, but I think that's going to have to go back through a NAC revision if we don't want some of those.

Brigid Duffy: Right. It will. I mean, not to say that this group couldn't make recommendations to change the NAC, but I don't think -- I think Leslie just got sick. I think it's going to be awhile until we can do it. Sorry, Leslie. It's just --

Leslie Bittleston: It's like, oh, my God, I'm just, like, which ones are we keeping? Oh my God.

Brigid Duffy: I know. I know. I know. Yeah. I don't think -- I mean, as far as the relevance of this group moving forward, I think it will be, you know, as far as data collection and data points, I think it's definitely something we can take on as we finish off other things, but I don't think there'll be another NAC revision for, what, another couple of years.

Leslie Bittleston: Or until it's required like it was in AB 472.

Brigid Duffy: Right.

Leslie Bittleston: So, yeah.

Brigid Duffy: Yeah. But definitely something, I think, for us to take a look at and provide some guidance potentially in the future. Okay. But yeah, there's a lot of ones in there that I don't -- I don't know. We'll have a rural -- oral lesson. Okay. So diversion is our next little block. It's page 27 of the data book if you have the data book up. Get down there.

Gianna Verness: So Brigid, really quick on that last one. Are we just going to refer to 62H 240 and 250?

Brigid Duffy: I think it's the easiest, although I --

Gianna Verness: Okay.

Brigid Duffy: Yeah, I think it's the easiest, since we're already there.

Gianna Verness: Okay.

Brigid Duffy: Um, diversion, page 27. There it is. Okay. So we don't have a -- either a NAC or an NRF that defines diversion. We only have this Supreme Court data book that defines diversion, so if you have it, they list up their -- the OJJDP definition, which is what is also on your chart that you have, and then they have the definition that the committee came up with which is -- I'll read it if you don't have it, the process of directing youth who have been referred to the juvenile probation departments away from formal court action and towards a method where appropriate level of services, programs and sanctions are applied informally. Diversion may include counsel and release, consent decree, sanctions or agreements that prevent the youth from appearing before the juvenile court in a -- in a formal court proceeding. So -- and here's my thought on this diversion definition. I think it covers a lot of what we do because it talks about the informal meeting with the probation officer, the counsel and release, consent decrees, sanctions and those things. In Clark, we have our juvenile assessment centers and a diversion court, so they actually go before a volunteer judge. I think the bulk of the definition is the process of directing youth who have been referred to the juvenile probation departments away from formal court action and towards a method where appropriate levels of services, programs and sanctions are applied informally is the best it's a solid definition and I definitely am not going to second guess. So many experts have sat in that room and probably debated that forever and say that I could come up with something better than that.

Gianna Verness: The only word I don't like is formal court action because a f supervision and consent decree definitely is formal court action or even when we go in front of the judge and order what we call sometimes sanctions and we hold a petition in abeyance pending the court ordering the child to complete a couple of things. What if we changed it from formal court action to formal adjudication, because I think adjudication is covered under delinquent because we don't want to include obviously delinquency kids, but there are a lot of kids that have formal petitions filed that are adjudicated and that's what I want diversion to cover, tail -- tailing back to our discussion on delinquent.

Brigid Duffy: Right. Yeah, how will we capture those decrees?

Gianna Verness: So could it be away from, you know, instead of away from formal court action, excluding kids formally adjudicated, other than those formally adjudicated or something.

Pauline Salla-Smith: And this is Commissioner Salla. I like that because even with our supervision and consent kids, we go to court, right? But we put it -- we hold it in abeyance and if they do what they're supposed to, then it's dismissed, but we still go to formal court in the beginning, so I mean I do like that. If we put in formal, like, adjudication, I think that will eliminate our delinquent kids, adjudicated delinquent kids, but capture those kids that we have on supervision and consent or any of our other diversion programs also that we have that maybe we do go to court in the beginning, but that's it.

Mike Torres: This is Mike Torres. When we do have those cases that go to court, the judge will -- he'll state that I'm remanding it back to juvenile probation to be handled informally. So it's not a decree of saying informal probation, but just that it's being remanded back to our office to be handled informally, although there was a formal hearing, but they're not declared on anything.

Pauline Salla-Smith: Mm hmm. But if we use this definition, Mike, this is Commissioner Salla, that -- that'll -- those kids won't be counted as diversion now because you went to a formal court hearing. Even if it was just to remand them, it's the same as supervision and consent, right? We're going to hold this in abeyance and give it back to -- to the probation department to work their magic, but it's still -- it'll still capture -- if they have a formal court hearing, we shouldn't count those as diversion if that's what the definition is.

Mike Torres: This is Mike again. I -- on those cases, the way I have handled those, like with the DMC, is that I don't count those as formal -- formally adjudicated, so I put those back into the diversion depending on what we're doing, but sometimes they will do -- go to the court and then just be remanded back after we -- that would be our disposition. They may admit to the charts formally in court but then after that, have it remanded back for disposition informally, not through the formal proceedings.

Pauline Salla-Smith: Commissioner Salla, see, Commissioner Duffy, how things are so different and I think that's why I like if we include formal adjudication in there, because it's going to separate our delinquent kids from our diverted kids.

Brigid Duffy: Right.

Pauline Salla-Smith: No matter how you're reporting it.

Brigid Duffy: Right. So that covers what you do, Mike, if we just use the words that it, you know, it -- it -- short of a formal adjudication?

Mike Torres: Correct. So what -- when we look at those cases, for example, as I assign those cases to our probation officers, I won't assign them as a formal probation status. They'd be assigned as a supervision.

It's a different level for assuring that they're complying with whatever, you know, whatever consequences were given and they'll follow that through. As soon as that's completed, we'll close out the case.

Brigid Duffy: All right. So Leslie, did you sketch down that definition or Kayla?

Leslie Bittleston: I wrote down page 27 of the data book, and then I wrote a note saying excluding kids formally adjudicated. So that's going to go in place of the formal court hearing, because I don't have the data book in front of me.

Brigid Duffy: The process of directing youth that have been referred to the juvenile probation departments --

Leslie Bittleston: Okay.

Brigid Duffy: -- who are not adjudicated --

Leslie Bittleston: Who are not adjudicated. Okay.

Brigid Duffy: So who are not adjudicated delinquent and who are put in a method where the appro -- or put in a -- because the next part of it is, towards the method where appropriate level of services, programs and sanctions are applied informally.

Leslie Bittleston: Okay.

Brigid Duffy: So the process of directing youth who have been referred to the juvenile probation departments away from formal adjudication and towards a method of where, so I guess we just --

Leslie Bittleston: Okay, I got it.

Brigid Duffy: -- change it. You got it?

Leslie Bittleston: Yup.

Brigid Duffy: Okay. Because I want to make sure we take that to the full -- okay. Petition. So we have no definition basically of petition anywhere.

Pauline Salla-Smith: In our data dictionary, we have delinquency petition and most miscellaneous petition from USJR and the date on which the court received -- oh, that's state petition, sorry. Delinquency petition is on page 27. A subcategory of juvenile cases that include cases involving an act committed by a juvenile, which have committed by an adult would result in prosecution in criminal court over which the juvenile court has been statutorily granted original or concurrent jurisdictions. These may include petitions transferred to the juvenile and family court from the criminal court. Under certain conditions, a delinquency petition may include a motion pleading a transfer jurisdiction of the case to criminal court.

Brigid Duffy: Part of me is wondering if petition is -- did we lose Ross? Did he just dip on us?

Pauline Salla-Smith: Ross dipped.

Brigid Duffy: Look at him go. Where'd he go?

Pauline Salla-Smith: Well, I'm going to text him. I'm going to text him because he texted me, so --

Brigid Duffy: So part of me wonders if petition -- because I've been through these -- a petition is the way you commence a civil action, so there has to be a definition of it in court rules somewhere. They --

Gianna Verness: Well, I kind of like the first sentence of the OJJDP, a document filed in juvenile court alleging that a juvenile is delinquent.

Brigid Duffy: Yeah, what page was that on?

Gianna Verness: It's on 26 of the --

Brigid Duffy: The data book?

Gianna Verness: Mm hmm. It's kind of -- I don't know if it's too short, but I kind of like short and sweet here because that's truly what it is. Now, is this the discussion we had? Can a petition be filed in some of the rural counties by a civilian or is it always filed by the state, right? No.

Pauline Salla-Smith: It's always filed by the DAs, at least in -- in ours.

Gianna Verness: Okay.

Pauline Salla-Smith: It's always filed by the DA.

Mike Torres: Filed by the DA in ours.

Gianna Verness: Okay. So we could say, a document filed in juvenile court by the state if we wanted to really narrow it down, alleging that a juvenile is delinquent. Do any of you guys use -- like in -- in Washoe County, we had NHP. They fill out their complaints and then they get filed into -- in justice court and they're sometimes used as the criminal complaint in justice court and that's the only exception I can think of that might -- I've never seen it in juvenile court. It's always filed by the DAs here, but just in case, but that would be the State of Nevada, I guess. Well, in theory, so we could leave it as just a document filed in juvenile court, alleging that a juvenile is delinquent, or we could say a document filed in juvenile court by the State of Nevada.

Brigid Duffy: So that would -- if we use the word delinquent, that excludes our children in need of supervision.

Gianna Verness: Okay. So practice point, that is why we still have CHINS violations in other jurisdictions.

Brigid Duffy: Yeah.

Gianna Verness: For sure. Okay.

Pauline Salla-Smith: We had one today, so yes. Right.

Gianna Verness: Okay. So a document filed in juvenile court, period? By the state.

Brigid Duffy: Right.

Pauline Salla-Smith: I mean, because when else does that happen besides a CHINS for not a delinquent act, can --

Gianna Verness: I guess in theory, you know, MIC is technically a status offense as is now possession of marijuana is a status offense.

Mike Torres: Our truancies go in as a CHINS petition.

Gianna Verness: Truancy. So we could say delinquent, but if we say status offense, then we're going to have to define what status offense is.

Leslie Bittleston: Right. And the other thing also, don't forget that when we've talked about data collection, we want both delinquencies and status offenses, so --

Brigid Duffy: But does it revert to Title 5 of the NRS?

Pauline Salla-Smith: So just so I'm clear here real quick, the feds want to know about all, but they're separated out, right? Because MIC is a status offense for the feds but for us, it's a delinquent offense, so Nevada still reports those as delinquency. We just back those out of our federal report as status, right?

Gianna Verness: Well, what about using the DMC -- a document filed in juvenile court, requesting the court to adjudicate a youth as a delinquent or status offender.

Pauline Salla-Smith: That would capture it.

Gianna Verness: It kind of combines the two on 26 from OJJDP and the DMC, kind of combines those two.

Leslie Bittleston: Would you say that again? I have a document filed in juvenile court requesting the court to?

Gianna Verness: Adjudicate a youth as a delinquent or status offender.

Leslie Bittleston: A youth as a delinquent or status offender.

Brigid Duffy: Well, we would say a delinquent or child in need of supervision. Our petitions are titled Child in Need of Supervision if it --

Leslie Bittleston: Oh.

Brigid Duffy: -- I mean, if we ever file a truancy.

Leslie Bittleston: So should I put status offender or CHINS?

Pauline Salla-Smith: I think status offenders covers everything because in the rules --

Brigid Duffy: all about you, Pauline.

Pauline Salla-Smith: It's not all about me, but we got to -- you know, the whole state is just, I mean, I think that, although we do have CHINS, we -- we do have habitual runaways that are a danger to themselves. We

-- if we have sexually exploited youth, that doesn't go under a delinquency. It goes -- so, I mean, I think that if we -- if we were to have delinquency and status offenses, you capture all of it --

Brigid Duffy: All of it.

Pauline Salla-Smith: -- under those -- those two is how I look at it.

Gianna Verness: Is there any chance that people might confuse whether or not CHINS is a status offense? I mean, is it worth putting them both in or do you -- I tend to think status offense covers it all, but if there's any chance that anybody might get confused as to -- well, CHINS is neither. I -- what do you think?

Pauline Salla-Smith: I think that it'll --

Brigid Duffy: I don't think that it will be an issue in Clark as far as they're pulling the data.

Pauline Salla-Smith: I don't think it will be an issue in rurals where we deal with them more than anyone else, so I think we're really clear about, you know, what we can do with those kids and what we can't.

Mike Torres: This is Mike Torres. Every time I've had interactions with anybody, the word status offense comes up more than CHINS. CHINS comes up with the DA, but everyone else, I think gets confused with CHINS and status offense, even though they're one and the same.

Brigid Duffy: Yeah. And again, this is in context of what we're doing, this is -- if the request is the data on the amount of petitions that a jurisdiction has filed, they need to know what we mean by petitions and so what we mean by petitions is how many cases that we filed that are delinquent or status offenses.

Pauline Salla-Smith: Mm hmm.

Gianna Verness: Agree.

Brigid Duffy: Okay. Referral. We discussed that earlier for the NAC, to add the definition of referral to NAC, so we can cross that one off. Recidivism is already -- well, unless we're going to go back in time and I will -- I will warn you --

Gianna Verness: No. No.

Brigid Duffy: -- Gianna and I will --

Gianna Verness: Please, please, everybody approve. Say aye.

Brigid Duffy: We already voted as a full commission on the definition, so we're going to skip that one.

Pauline Salla-Smith: Of referral?

Brigid Duffy: No, on recidivism.

Pauline Salla-Smith: So can I just step -- can I -- I'm sorry about the referral.

Brigid Duffy: Uh huh.

Pauline Salla-Smith: We did -- because I'm just looking back through my notes. On referral -- because you said we talked about it earlier --

Brigid Duffy: I did on item 6. We're going to go with the DMC language.

Pauline Salla-Smith: Perfect. That's what I wanted to make sure. I was tracking it. My apologies.

Brigid Duffy: Yeah. And then recidivism, the full commission already voted on that definition, so we're just going to skip that one and then finally a waiver to the criminal court.

Gianna Verness: But isn't it in 310 and 390? Wait, waiver to criminal court cases transferred (Inaudible) as a result of the judicial waiver.

Leslie Bittleston: And then for the February requirements, they do not count direct files. We're talking just --

Gianna Verness: Oh, perfect.

Leslie Bittleston: -- those certifications.

Gianna Verness: Okay.

Brigid Duffy: That was my question because then there's cases exempted from the jurisdiction. That's what I was thinking of.

Leslie Bittleston: Right. So -- so when I report federally, it's just the certifications.

Brigid Duffy: Okay, perfect.

Gianna Verness: You were thinking what I was thinking already.

Brigid Duffy: Mm hmm.

Leslie Bittleston: I was already there.

Brigid Duffy: So we have this -- the statutory definition under (Inaudible) 60 -- 62B 390 and the federal definition. Which one do we want our peeps to use? Just looking here real quick.

Pauline Salla-Smith: So this is Commissioner Salla. Our federal report really asked for any kids transferred to the adult system, right, Leslie?

Leslie Bittleston: Yes. So --

Pauline Salla-Smith: So you're saying that --

Leslie Bittleston: -- the cert -- so the certifications only, but the JJOC kind of expanded that a little bit and they also wanted to know the direct files --

Pauline Salla-Smith: Right.

Leslie Bittleston: -- but federally we've historically only provided certifications, but I think the JJOC wants both, so I think we have to separate what's federally required and what the state wants.

Pauline Salla-Smith: Mm hmm. Well, and I think with the -- Commissioner Salla -- I think with the reform going on, even if they're direct files and are bumped back down --

Leslie Bittleston: Oh, yeah.

Pauline Salla-Smith: -- I mean, I think that you may be getting blended data being reported anyway with that and not just discretionary.

Leslie Bittleston: Okay. Good point.

Pauline Salla-Smith: So can we include both?

Brigid Duffy: So I think we do have a data point as being cases that bypass the court's jurisdiction, don't we? Isn't that one of our performance measures? Or no, maybe it's not. I --

Gianna Verness: Well, I thought we talked about a lot how the difficulty in tracking where --

Brigid Duffy: Right.

Gianna Verness: -- are, pulling that data.

Leslie Bittleston: Right. Because remember we talked about -- and I think this was before Pauline joined the group -- we talked about that we don't keep that information in Tyler supervision. It bypasses juvenile probation, so that's not something the juvenile probation would have access to.

Brigid Duffy: Right.

Leslie Bittleston: So we did talk about that, so the only thing that they could provide would be those certifications that bypass -- that go through their office.

Pauline Salla-Smith: This is Commissioner Salla. I mean, at least, for the rurals, I think it'd be pretty easy for us to know who was sort of like just automatically transferred to the adult system because we're so small and it's plastered all over our newspapers, so I and I think that the other piece is that most of the kids are getting bumped down and even in the rurals to hang out in detention unless there's, you know, security or safety reasons, but I think that if we reported on automatic certs, I don't know how Washoe and Clark can do that. I mean, we can report on kids who are in our system that get transferred, but you're going to get some of those kids in that data that were automatically transferred to the adult system and bumped back down to us, so is that really accurate data then? Because we're not reporting on discretionary, are we?

Leslie Bittleston: I can't answer that. I --

Pauline Salla-Smith: Yeah.

Leslie Bittleston: -- I don't know.

Pauline Salla-Smith: I think it's -- I think it will be muffled -- I think it'll be muffled data if it's not clarified.

Leslie Bittleston: So maybe that would be easy for the rurals, but I don't know about Clark and Washoe because they probably have a lot of kids that are bypassing the probation departments. I don't know.

Gianna Verness: It's not a huge deal. There might be a couple that we miss, but generally speaking, the same situation happened that Commissioner Salla was discussing that a child who's under 18 who's direct filed to the adult system, we then at some point revisit their housing at Jan Evans while they're still a juvenile absence, some sort of safety or other concerns, so we're generally aware when there are youth at the jail, but there could be a very rare occasion where we miss it. I would imagine Clark probably has a much bigger tracking issue.

Leslie Bittleston: And just for our perspective is Washoe County is really good at letting us know when a youth is in, has been placed in the Washoe County jail because Kayla Landes will go visit them, but I can't say that I've ever been notified of a new youth being placed in Clark County detention, so I think Washoe's good but Clark, I -- maybe because the numbers are so big, so I don't know. Maybe Brigid can answer that.

Brigid Duffy: Well, for our direct files, for those that bypass our jurisdiction, in 2019, we had 37.

Gianna Verness: We've had one this year. He just happened this week.

Brigid Duffy: We had 37, so -- in one year, and I want to say I had, I think, of those, I believe 16 were murder and attempt murder and the rest were the prior -- one was sex assault and the other ones were the firearms with prior felonies.

Gianna Verness: Right.

Brigid Duffy: Yeah, but still at 37, that's less than 1% of all of our cases.

Leslie Bittleston: But the question remains is how is that going to be reported if it does bypass the juvenile probation office? Because they're not to put that in their data system.

Brigid Duffy: Right. Now, I have a secretary that keeps -- that does all the order, so all of those children, even though they bypass our jurisdiction, they all start with us. Like, the police still bring them to juvenile for their first night so that we can verify. Well, one, on the prior felonies with firearms, the cops aren't figuring that out in the streets, right? They just picked up a kid with a firearm. They don't -- they have his prior history. They don't know if he was adjudicated or not on felony, so the bulk of them always start here and then when we screen them, we say, Oh, this is a direct file. We don't have jurisdiction. On the attempt murder, we've asked as a courtesy to have them brought here first because a lot of times we can use our discretion to drop that attempt murder to battery with substantial, depending on the intent and we don't want to have a kid go to adult jail if we're not going to put them down there anyway, so we have a lot of things in place where they come here first and that my secretary is able to keep track of all of the transport orders to send to the adult system and that's how we keep -- we don't have a case management system either that does it, so it's all hand-kept.

Leslie Bittleston: Oh.

Brigid Duffy: But juvenile justice does not have the data.

Leslie Bittleston: Yeah.

Brigid Duffy: Mm mmn.

Gianna Verness: You know, Jo Lee might have a similar system in place here, but I can't speak for her. I know she's out of the office for -- she just started a vacation this week, but I can check with her before the next meeting and see if they have a mechanism for which they track because they do occasionally -- they don't always go to Jan Evans. They do occasionally figure it out if they get in touch with the district attorney's office or juvenile probation and determine that a youth has that prior felony adjudication for the firearms cases, so it does -- we -- the kid this week, they did. They took him straight to the jail. He never stopped at Jan Evans, so the DAs may have that. I can --

Brigid Duffy: I believe she does because we just did a whole presentation to the interim committee on direct files because they're taking -- looking to take out the prior firearms cases.

Gianna Verness: Okay.

Brigid Duffy: And I'm pretty sure that Jo Lee's people had all the data, although, again, like mine, plus or minus one or two because it's handicapped.

Gianna Verness: Okay. Do you want me to check with her.

Brigid Duffy: What's that?

Gianna Verness: Do you want me to check with her and see?

Brigid Duffy: You can. I can -- once I have my two screens going, I can look and see what she sent me in my emails.

Gianna Verness: Okay.

Brigid Duffy: So I can look and see if I have it and I'll let you know if I don't have it, then you can double back with her.

Gianna Verness: Okay.

Brigid Duffy: But on the certifications, I think when it comes to the data points that we want, I -- I mean, as a -- as a partner in the system, I'd want to know how many certification petitions were filed and how many were actually certified. Those are the two data points and I think both of those are -- are captured in our statute, so we know that that's -- what a certification is 'cause it's our statute. Was there anybody else that wants to weigh in on making sure we're all using the same definition of certification?

Pauline Salla-Smith: I mean, I think -- this is Commissioner Salla. I think -- I think that's fair. As long as that's the definition given to everybody that it's clear that that's how we're all reporting it.

Brigid Duffy: And I think for certifications, we certify probably -- we moved to certify about 200 a year and actually certify somewhere around 50.

Leslie Bittleston: And to let you know, I've never asked for that data. The only data I have ever asked is how many certifications, so that would not be the ones filed. That would be the ones that were certified, so I've never asked for how many versus --

Brigid Duffy: Right how many we actually -- how many motions --

Leslie Bittleston: Right.

Brigid Duffy: -- are certified we filed? Yeah.

Leslie Bittleston: Right. And I --

Brigid Duffy: We file a lot.

Leslie Bittleston: Okay.

Brigid Duffy: But don't actually end up certifying very many and not because -- not -- and not because they're -- we argue and the court doesn't do it. It ends up that they go to DCFS. Some -- some recently we put on probation. Some have gone to the camp, but the majority are going to Summit View.

Pauline Salla-Smith: this is Commissioner Salla. We've never asked that because the feds only want to know how many were certified.

Brigid Duffy: Right. Not how many were petitioned.

Leslie Bittleston: Right.

Brigid Duffy: Well, we just got a 14-year-old on murder this weekend, unfortunately.

Leslie Bittleston: So for the data points in time, I just started this and if there's any points in time definitions that -- or points in times you think I did not include, these were just the ones off the top of my head.

Brigid Duffy: Okay.

Leslie Bittleston: So if there's something missing, I can add it for a future meeting.

Brigid Duffy: Okay. All right. So we'll put that on the agenda for the next meeting as well, so we can take a look at our performance measures and see if there is a point in time that -- because I was not -- I did not prepare myself to do that today. That's kind of a bigger task to go (Inaudible) all of our performance measures and make sure we hit all those points in time, but the next part of our agenda on Agenda Item Number 8 is another big portion of data collection and that's how we define certain areas around our DMC data, and so Leslie has for us -- we moved this from our prior agenda to today on how counties report to DCFS on our DMC and then the templates, so this was the material. They look like this. Right, Leslie?

Leslie Bittleston: Yes. And there are two provided for the materials today. One would be the Fiscal Year 20, which is upcoming, and then the next -- the draft for next year for the clarifications that we've discussed through the various committee meetings, so we did not have enough time to prepare the counties for new ways that we wanted to collect data, so that's why there are two -- two templates out there. So FY20 will be what the counties will be providing to me in December of this year and then FY21 will be what they're providing next year.

Brigid Duffy: Okay. So of the reports that we have, the one that has some blue on it is the 20 to 21, FY2021. You all see there's blue up in the --

Leslie Bittleston: Right. And the blue came -- yeah, the blue came from the meetings with this committee and some of the clarifications.

Brigid Duffy: Okay. So I'm not sure if everybody reviewed all of that, but I think we focus on the FY21 one just to make sure it covers what we and other committees have put in so you can have it.

Leslie Bittleston: That's why it's still a draft, so --

Brigid Duffy: A draft form.

Leslie Bittleston: Yes.

Brigid Duffy: So total referrals, Section 1 are referrals when a police report or any report is received. Some may lead to an arrest. Some may not.

Pauline Salla-Smith: Can -- this is Commissioner Salla. So the DMC report is federally mandated --

Brigid Duffy: Mm hmm.

Pauline Salla-Smith: -- and the definitions used to be the federal definitions on here, but it looks like they were shortened and changed a little bit. Is that true, Leslie?

Leslie Bittleston: Yes. And that is my fault. I apologize. I was getting a lot of questions from -- from various reporting counties that some of the definitions were confusing, so in my effort to try to help the counties with what they should report, I tried to shorten and make them a little more clear, you know, because the way that the feds do it and the way that we here in the state do it can be a little bit different, so -- so that is my fault and you can blame me 100% for that.

Pauline Salla-Smith: No, I'm not -- I'm not here to blame. I'm just -- because the reason we did the federal definitions on it was so that everybody knew we were reporting on those definitions or else they'll report on their own definitions of it, so if this works better and it matches the federal definition, that's all I need to know because the DMC is not a state report. It's a federal report --

Leslie Bittleston: It's a federal report.

Pauline Salla-Smith: -- and so it has to match -- it has to match their definition, so I'm just making sure that even on the 2021 one, that those are still -- they still match the federal definitions.

Leslie Bittleston: They match it. They're just reworded a little differently.

Pauline Salla-Smith: Okay.

Leslie Bittleston: Yeah. And also just to let the committee know, Pauline knows this, but as we've worked on performance measures, I've added some additional measures, so the DMC report template going forward will include those federal measures and some of those performance measures by the JJOC, so this DMC template is morphing into more than what I need to report to the fed, so it will be federal and state, and that's where we get the blue and the clarifications and some of the other additional measures.

Brigid Duffy: So if we all as a subcommittee just agreed to use the DMC definition of referral, because that really lays out to the counties what data is trying to be captured, because it's the DMC definition, that's not the same thing that's -- that still confuses people in the counties?

Leslie Bittleston: Yes. Only because counties do different things. Not everybody calls things the same thing and -- and the way that they track things is -- is very, very different, so I had to kind of simplify and get rid of some of that language to say it's anything that comes into your department.

Brigid Duffy: Okay. Okay. So then the referral source?

Gianna Verness: That's -- I think that everyone understands that.

Brigid Duffy: Okay, a -- a total arrest?

Gianna Verness: This -- that's clear.

Brigid Duffy: This goes back to where we were, the rearrest.

Leslie Bittleston: The rearrest is a state request. That is not a federal request. And if you remember, this is something this group talked about that we had a -- we -- we didn't know how to make that more use specific, so this group agreed that it would just be the total rearrest.

Brigid Duffy: Right.

Pauline Salla-Smith: So I think that -- I mean, are we asking for unduplicated you -- I mean, what if a youth is arrested -- rearrested three times. Your break -- you're -- we're just reporting total arrests, not unduplicated, so isn't it going to be -- isn't it going to show --

Leslie Bittleston: I think it'll -- it -- I think it'll show a high percentage because when I did it last year for the reporting counties, it was a pretty high percentage.

Pauline Salla-Smith: Well then -- then you're -- I'm just wondering for the ethnic break -- breakdown, it just seems like it's weird the way it would capture that.

Leslie Bittleston: So you have one kid that was arrested three times then -- and he's white and he's -- and it's a male, then you would just count three ro -- three -- three whites and three males, you know. That's how you would capture that, so you don't think of it as a person. You think of it as an arrest. I arrested a white male or I arrested a -- a Hispanic female.

Pauline Salla-Smith: Yeah. That's weird. Your number -- the numbers are going to be really, like, high.

Leslie Bittleston: Because if we start doing unduplicated, I don't know if Tyler Supervision can do unduplicated yet.

Pauline Salla-Smith: Tyler Supervision -- our DMC report can't do rearrests either yet, so --

Leslie Bittleston: Yeah, that's true.

Pauline Salla-Smith: I mean, if we're going to -- if we're going to base it on that, take out all the new requirements because Tyler Supervision with the DMC report only does the federal recommendation requirements.

Leslie Bittleston: Right.

Pauline Salla-Smith: That's it.

Mike Torres: I have a question, too, on those rearrests. Is that within the -- just within that capture period for the DMC report that you're looking at the rearrest or a calendar year or what on that one kid. So if one kid got arrested again --

Leslie Bittleston: But what you're doing --

Mike Torres: -- in October or September.

Leslie Bittleston: Yeah. So what you're doing is you're taking -- you're taking a look at all those kids that were arrested the previous year and looking to see if they were rearrested in the current year. That's a rearrest.

Brigid Duffy: And one kid could have been rearrested three times in one year.

Leslie Bittleston: Right.

Brigid Duffy: Mm hmm.

Pauline Salla-Smith: So what's the -- what's the intent behind capturing, like, comparing? Wouldn't that be coming up in our recidivism data after, like, a two-year, three-year period? If we're going to be tracking recidivism, won't we capture the arrest per the definition that we voted on with the JJOC?

Leslie Bittleston: So we've added two things to the DMC report, rearrests and re-adjudications, which are both recidivism measures.

Pauline Salla-Smith: So this is how we're going to start tracking the re -- the recidivism? There won't be a different report we're doing for recidivism?

Leslie Bittleston: I don't -- we have not gotten that far yet. That's kind of -- that was my impression and so maybe somebody can correct me if I'm wrong, but if we have the rearrest and the re-adjudications, I could use both those measures for recidivism.

Brigid Duffy: Yeah. But I think it really does -- if there's not a better way to capture it, then I'm not sure what good the data is going to be to any of us anyway.

Leslie Bittleston: Yeah.

Brigid Duffy: Like if -- if our whole point is we want to see if our interventions are successful and it looks like, you know, White Pine County had, you know, 20 arrests and they had, you know, 40 rearrests, it looks like they've failed every single kid twice, but really, maybe there's, like, two kids that continually were on crime sprees in White Pine County, so I don't -- I -- I -- I don't want to -- I don't want to be a co-chair (Inaudible) you know, a leader of a group that's going to have data collected for -- that we're not going to

be able to really tell anything from. So I don't -- so unless we can specifically break it down by each child -

Leslie Bittleston: So unduplicated.

Brigid Duffy: Right. There's no reason.

Leslie Bittleston: Okay.

Brigid Duffy: It's not going to tell us anything.

Gianna Verness: Right.

Mike Torres: Okay.

Brigid Duffy: It's not going to tell us anything --

Pauline Salla-Smith: And in your ethnic breakdown and your males and females mean something, right?

Leslie Bittleston: Right.

Pauline Salla-Smith: It's skewed if you have a kid arrested three times and you're counting them as three white and three males. It's --

Brigid Duffy: Right.

Pauline Salla-Smith: it becomes skewed in the -- in the data.

Brigid Duffy: Right.

Pauline Salla-Smith: Unduplicated makes more sense.

Leslie Bittleston: Okay. And I will make that change for both arrested -- rearrested and re-adjudicated.

Gianna Verness: So that each child can only be relisted once for data collection purposes? Is that what you mean?

Brigid Duffy: In a year.

Leslie Bittleston: Because that would -- that would -- that -- he means he recidivated.

Gianna Verness: Right. Exactly. So that's what we're trying to --

Leslie Bittleston: Right.

Gianna Verness: -- to get to is that the initial arrest and then for rearrests, we only want to know the first time.

Brigid Duffy: Right.

Leslie Bittleston: Yeah.

Gianna Verness: Okay.

Pauline Salla-Smith: Because your other definitions -- this is Commissioner Salla -- your other definitions, subcategories in -- in the recidivism category is going to capture other points in time.

Leslie Bittleston: Mm hmm.

Brigid Duffy: Right. So on page 2, it talks about diversions, so the total diversions, and then we -- I know this was a -- at least from Clark's perspective and from the DA in Washoe's perspective, it was significant to us. We wanted to break it down to how many felonies gross (Inaudible) that we diverted because I think it says a lot when you show that we're actually diverting high level -- high level offenses as well as misdemeanors in the system. Any feedback on diversions? Page 3, youth placed in secured detention.

Gianna Verness: That's pretty clear.

Brigid Duffy: Yup.

Gianna Verness: Even in the rurals.

Brigid Duffy: Good. This is -- is this going to be duplicated youth though? Or is this unduplicated?

Leslie Bittleston: So again, that's a federal measure --

Brigid Duffy: Uh huh.

Leslie Bittleston: -- and it's my understanding, the same as arrests and referrals. It's all the kids, whether -- so if a kid was replaced and released and placed and released --

Brigid Duffy: Okay.

Leslie Bittleston: -- yeah. So it's all the -- the numbers.

Brigid Duffy: It's -- it's total kids because they look at -- if that's where -- at -- at that point of contact, where the disparate treatment is from, so -- so it's overall kids.

Leslie Bittleston: Yup.

Brigid Duffy: All right. So petitions, and then status petitions and then resulting in formal probation placement.

Leslie Bittleston: Mm hmm.

Gianna Verness: But do we want -- that's adjudication. We mean adjudication by that, right?

Brigid Duffy: Mm hmm.

Gianna Verness: So rather than in saying formal placement on probation, just say, formal adjudication?

Pauline Salla-Smith: And placed on probation 'cause what if they're adjudicated and fined or something or --

Gianna Verness: Yeah, I was just going to say --

Brigid Duffy: in her disposition. Maybe you use the word disposition, right? Case resulting in formal probation disposition?

Gianna Verness: Wait, what?

Brigid Duffy: What? Disposition. Like, because an adjudication is, you know, we found you -- it's true. Your disposition to probation, right?

Pauline Salla-Smith: Yeah.

Brigid Duffy: Or --

Mike Torres: It's Mike. Yes. I think when you use the word placement, some people can get confused thinking the kid was placed even though the intention here is placement on probation.

Gianna Verness: Yeah.

Brigid Duffy: Right.

Gianna Verness: So formal probation disposition.

Leslie Bittleston: Oh.

Pauline Salla-Smith: Because the DMC definition is probation cases are those in which youth is placed on a formal or court-ordered supervision following a juvenile court disposition.

Leslie Bittleston: Okay.

Brigid Duffy: Yup. So formal probation disposition.

Leslie Bittleston: Formal probation disposition. Got it.

Brigid Duffy: Or just case resulting in a disposition of formal probably reads better.

Leslie Bittleston: Okay.

Brigid Duffy: Supervision level. This was one from our performance measures for the RTCs because we wanted to keep track of kids in RTCs.

Pauline Salla-Smith: So can I throw this out there real quick? Every probation department reports that monthly to LCB, our out of jurisdiction placements.

Brigid Duffy: Okay.

Pauline Salla-Smith: Not our in-state ones, but our out-of-state ones, and they have that report through LCB, too, in case somebody wants to go back and look at that because we report that when we have out-of-state kids.

Brigid Duffy: Okay.

Pauline Salla-Smith: I didn't know if you guys didn't think we had that data but LCB has that data.

Brigid Duffy: I don't know if I knew that LCB collected that data, but I know that it was a -- it was definitely something that the per -- JJOC wanted.

Pauline Salla-Smith: Yeah. Just in case you want to track it from previous years.

Brigid Duffy: Okay. Violations of probation, so this would be equal a charge a violation of probation and then the --

Gianna Verness: How do they pull that data?

Brigid Duffy: What's that?

Gianna Verness: How do they pull that data? Who's the person who decides if it's a substantive charge or it's a technical violation or it's, as we frequently see, both?

Brigid Duffy: The what?

Gianna Verness: It's both. Like, they'll say that he did take his mom vehicle without permission and did fail to report to his probation officer, so I'm just wondering how they pull this data. Because that's going to have to be, like, a manually entered and somebody's going to have to make that determination that it's a technical versus substantive charge.

Pauline Salla-Smith: Did the commission want this? The separation of it?

Leslie Bittleston: They did. Yes. The commission did. And what we --

Brigid Duffy: Do you have any idea how many times we've been accused of throwing children away for technical violations?

Leslie Bittleston: Yeah.

Gianna Verness: You guys send kids to DCFS all the time.

Brigid Duffy: On technical violation.

Gianna Verness: All the time. Yeah.

Brigid Duffy: Yup. Right after I dropped that substantive charge.

Gianna Verness: Right. So that's my question is how are we going to -- how do we envision without being tracked if you are -- or maybe you already know.

Brigid Duffy: I don't know.

Leslie Bittleston: So in Tyler Supervision you can put in three different charges at three different points in time. You can do, like, the arresting charge or the ref -- and excuse me if I say this wrong, but the initial charge and then the DA-referred charge, and then the final disposition charge. Those can be three different things, so there is a place in Tyler to capture that. When I look at the data, I find it -- the same thing across the board, maybe because the probation officers don't know and maybe all they have is the final disposition and they just put it across the board, but there is a way to track it, but that's if the POs have that information.

Gianna Verness: Okay.

Pauline Salla-Smith: Okay, well, isn't it -- this is Commissioner Salla. Isn't it pretty clear that if it's a technical violation, it's a violation of their probation standards, like, failure to check in or failure to drug test or blah, blah, blah? I mean, new subs -- at least with our DA, if we have a probation charge and there've been using and we have lab-confirmed results, he'll charge it as unlawful use of a controlled substance, not just the violation of probation term 6. I don't know if that's -- yeah, I don't -- I'm sure that's different across the board with jurisdictions, but I would -- instead of just say new substantial charge, I would have clarification on that, like, technical violation is really violation of probation terms, isn't it?

Brigid Duffy: Yes.

Pauline Salla-Smith: Okay. Then -- then if they're charged like unlawful use, then that would be a new charge.

Brigid Duffy: Correct.

Pauline Salla-Smith: So we can explain it that way. I wouldn't -- I mean, I would just put new charge or technical violation.

Leslie Bittleston: New charge? New charge.

Pauline Salla-Smith: I don't know. What do you guys think about that?

Mike Torres: This is my thing.

Pauline Salla-Smith: I think new delinquent act. Oh, sorry.

Mike Torres: I'm sorry. We may have where our PO tests the kid. They test positive for a substance and will be charged just probation violation, so the DA -- our DA does not always charge that. If a DCSO officer charged a kid alleged, you know, on something, then he may charge that crime and also, but when we've initiated it as a -- as an order of the court, so for example, the only reason the kid tested -- was found to use is because of the order that he has to be tested and so the DA will -- will charge that just as probation violation and not a new use because it's by order of the court, so we'll get both of those, but I do -- I do parse those out as, you know, a probation violation versus a new delinquent charge and I do that in Tyler. When it comes in through a report through a referral, then we can change that as the DA changes it. When it comes through as a violation, we note it as a violation and not as a referral, so there's a little B that goes next to it instead of an R, and that's where I capture our probation violations.

Pauline Salla-Smith: Yeah. I think -- this is Commissioner Salla. I think that's going to really be different through jurisdictions, so the most clear we can be on it, the better off it's going to be.

Leslie Bittleston: So are we -- are we settled on new charge and technical violation?

Brigid Duffy: Or we could say, types of violations of probation would be violating terms of -- terms and conditions or committed a new delinquent act.

Leslie Bittleston: Okay. Committed.

Brigid Duffy: Right? That -- that breaks it down into the -- into really the two.

Leslie Bittleston: Okay.

Brigid Duffy: Or C, both.

Leslie Bittleston: Oh.

Gianna Verness: I like that.

Leslie Bittleston: Or C, both. Okay.

Gianna Verness: I like that.

Brigid Duffy: Because I'll tell you, a hundred percent of the time, if they, you know, carjack somebody while on probation, we're throwing the VOP in there because they'll plead to the VOP and we'll dump off everything else and then send them to DCFS on a technical violation, but they don't have a felony.

Gianna Verness: Agree.

Brigid Duffy: That direct file in the future. Okay. I have to speed it up because I have another meeting really soon after this one. So, where am I? Okay. Juvenile misdemeanors.

Pauline Salla-Smith: Pretty simple.

Brigid Duffy: Are these adjudicated -- are these adjudicated or referred or didn't we have a --

Pauline Salla-Smith: If this is the federal capture, it's -- which I don't think it is. Is this federal?

Leslie Bittleston: Yes.

Pauline Salla-Smith: Well, federal's always all of them.

Brigid Duffy: So referred?

Pauline Salla-Smith: Mm hmm.

Leslie Bittleston: Yeah.

Brigid Duffy: Juvenile misdemeanor for sure?

Pauline Salla-Smith: That was -- that was part of the definition, I think, before, too.

Brigid Duffy: Okay. That must be what may be determined formally or informally means.

Leslie Bittleston: Yeah.

Brigid Duffy: Okay. Juvenile citations. Same thing.

Pauline Salla-Smith: Can we put -- because the federal definition had, excluding traffic citations and last year I had jurisdictions calling me, asking me if they were supposed to report traffic citations.

Leslie Bittleston: Okay. I will note that on misdemeanors and citations. Excluding traffic. Okay.

Brigid Duffy: Okay. Kids placed in county camps.

Pauline Salla-Smith: Yeah.

Brigid Duffy: Secured state facility. Is that just Summit View?

Leslie Bittleston: Secure is DCFS custody.

Brigid Duffy: Okay.

Leslie Bittleston: That's -- it's any of our three.

Gianna Verness: They don't distinguish between staff secure versus --

Brigid Duffy: Oh, okay.

Leslie Bittleston: No. It's just DCFS custody.

Pauline Salla-Smith: And each of the correctional facilities have a dorm with secure rooms for room confinement, so it automatically throws them in this secure.

Leslie Bittleston: Yeah.

Gianna Verness: Is that language that the feds require because I don't -- I think it might throw off -- 'cause we commonly refer to as Cal -- Caliente and NYTCS staff secure facilities, so do we have --

Leslie Bittleston: It is federal language.

Gianna Verness: Okay.

Leslie Bittleston: It's differentiating between a detention facility and a state facility.

Gianna Verness: Okay.

Leslie Bittleston: So.

Gianna Verness: Got it.

Brigid Duffy: Total certified to adult status. We've already discussed this. We know what that means. We just defined it. This is our prior conversation around direct files if known.

Leslie Bittleston: Yup.

Brigid Duffy: That's going to be a tough one and then page 6, total number of delinquent adjudications or findings, re-adjudications. So again, we're going to want that to be --

Pauline Salla-Smith: Non-duplicated, right?

Leslie Bittleston: Unduplicated.

Brigid Duffy: Unduplicated. Total arrested youth or in possession of a firearm. Does it -- does this not include pneumatic? Is it --

Leslie Bittleston: It's -- you're -- are you talking all youth or -- I'm just -- this one just -- this is another federal one --

Brigid Duffy: Okay.

Leslie Bittleston: -- that was added just probably four years ago.

Brigid Duffy: Okay.

Leslie Bittleston: But yeah, they want to know how many kids that were arrested were in a possession of a firearm.

Brigid Duffy: Okay. And their definition of a firearm is an actual firearm, not a pneumatic gun.

Leslie Bittleston: Correct.

Pauline Salla-Smith: An actual firearm.

Leslie Bittleston: An actual firearm.

Brigid Duffy: Total arrested youth living at or below the poverty level and then above poverty, and then page 7 is our LGBTQ and household composition. Okay. And then these blocks. Type in number of charges. Provide a spreadsheet or data printout on the list of charges for all youth arrested.

Leslie Bittleston: And this is really difficult for me because I don't get NRS code. I just maybe get assault and battery or possession of marijuana or trespass or open and grow -- I mean, I get hundreds of different things, so what I try to do is I try to put them in categories for data collection, and what I did not get in the past, which I'm asking, is felony, gross misdemeanor, misdemeanor or status offense, because that seems to be the breakdown that the JJOC wants.

Brigid Duffy: Right. Now --

Pauline Salla-Smith: And this is Commissioner Salla. I think the issue is in Tyler Supervision. We can't just check a box that says only give the highest delinquent offense, right?

Brigid Duffy: Right.

Pauline Salla-Smith: We can print out a printout, but it's going to have everything they're charged with and if they're -- you know, we have to put in RS codes in anyways for what they're charged with, but I think the conversation with NAJJA surrounding this, Leslie, was that, like, it has to match either what we have the ability to do in Tyler Supervision or ty you -- we have to change our format report with Tyler Supervision which is why we asked that it not be started this year because we have to go back, so I think we have to have the discussion of what is it going to be. Are we going to give the time to have Tyler Supervision to modify how it pulls our data or are you going to get different information than what you're asking for?

Leslie Bittleston: Okay. I'm making a note of that and also just to let everybody know, Tyler Supervision just recently had a ransomware attack about two weeks ago. They did not notify us, at least not to my knowledge. It didn't come to me and I've found out through the news, so in speaking to Tyler Supervision staff last week, they are at a standstill with any new data reports or anything because there is a criminal investigation going on with the ransomware attack, so any work that we are going to ask for around data or reports is on hold until further notice.

Brigid Duffy: You made it to the end of the meeting to tell us that?

Leslie Bittleston: I didn't think of it. Maybe because I want to slit my wrists every time I think about Tyler Supervision.

Brigid Duffy: I know, I got the notice to change my password. That's -- that's what made -- gave me notice that it happened.

Leslie Bittleston: Yeah. But yeah, we found out through -- through a news article and -- and I called them last week and laid into them for not letting anybody know, you know, at DCFS or anywhere, and so --

Pauline Salla-Smith: And we were notified. Are -- we were, like, jurisdictions were notified and -- and just when I had conversations, Tyler Supervisi -- Tyler Supervision is huge and there was certain areas, and I don't think that it was part -- like our data, our Tyler Supervision. It was Tyler Technologies --

Leslie Bittleston: Right.

Pauline Salla-Smith: -- which includes the budgets, like, a lot of different things, so.

Leslie Bittleston: But yeah. But due to whatever happened and they were very tight-lipped, there is a criminal investigation, so no work until the criminal investigation is done or to the point where they can begin work again, so we're in a standstill with them.

Brigid Duffy: Okay. The -- at the bottom of page 7, it says YLS service matrix with number of youths -- youth who were referred to each service.

Leslie Bittleston: Right. And do you need me to explain that or do you know --

Pauline Salla-Smith: Yes, please. I don't know -- even know what that means.

Leslie Bittleston: Okay. So when we were moving towards implementing the YLS and working on policy, each jurisdiction was asked to create a service matrix of the services that are available to them in

their own area, so it's county by county. and then sometimes local probation offices have internal services that they provide like Forward Thinking, for example, or they may bring in a psychiatrist into the office twice a week or whatever those things they do should be on those service matrices, so that should be all of the evidence-based programs that are provided in that specific county or jurisdiction, so what are those services and then how many youth -- I mean, I wouldn't say it has to be exact, but just like as close as you can get. We're provided that particular service during that reporting time period. Does that help?

Pauline Salla-Smith: So this is Commissioner Salla. Like, help me understand how that information will be used.

Leslie Bittleston: So -- and maybe we need to -- and this may go back to the JJOC. So one of the things that came out, of course, of AB 472 was all of these, are we using evidence-based programs? Are we doing this? So basically through conversations with this group and internally, the only way to assess that is to look at what they're doing and to try to figure out if they are evidence-based or not, and I think that's on DCFS to try to figure that out. So what percentage of, like, if -- if Humboldt is using 10 programs, what percentage of those 10 programs are evidence-based.

Pauline Salla-Smith: This is Commissioner Salla. We report that already to DCFS through CCP money through. I mean, I -- I think it's duplicative, and I think that's a lot of information to throw on this report. Like even for Humboldt County, we have a lot of programs and a lot of services and -- and I report that already through to the state that we have to be evidence-informed, evidence-based. It captures with our kids who are utilizing that funding source through formula or CCP. All jurisdictions get CCP and -- and so I think that that's already captured without asking us to resubmit it on this one. That's my thought.

Brigid Duffy: So can I want to jump in because I have to get off and jump onto my next meeting, but the -- what I wanted to talk about at the end of this meeting was putting what we want on the next agenda and one of the things, and I mentioned this at our last meeting, was we really need to figure out -- we need to prioritize our data collection, right? So when they came to us as the data committee, we came up with everything we wanted, like, what is our dream world, because we were promised the world with Caseload Pro 2 or Tyler Supervision or whatever it is, and so we're, like, Oh, if it can pull all this, and this is everything we want. This will really give us a good snapshot of whether or not we are helping kids to succeed, making them better, leaving us before they got here, right? And one of the things was our service providers, and, you know, if we keep sending kids to this one service provider, and those are the kids that keep recidivating, why are we using this service provider? Obviously, we're just sending them through the motions for something that's not going to work. So that was a pretty important piece of a performance measure, at least from the group of us that started in the beginning for this, to be able to know what works and what doesn't work, but in the next agenda, I really want to come back. I want to look at all of our performance measures and figure out for the next -- in the next year so we don't overload ourselves with trying to get too much information that we can't really digest, what do we really want to focus on to see what's going on with our system, and I think this part of this report, Leslie gets down to that stuff that maybe isn't going to be our priority for the next FY.

Leslie Bittleston: Okay.

Brigid Duffy: So does that -- you understand what I'm saying, Pauline and the rest of my Commissioners? So I tend to agree, there's a lot -- there's a lot that we're going to see that you're going to be, like, how are the heck are we ever going to capture this? Well, we were promised the world and now the world isn't coming to us, but we, as a group, did come up with everything we'd like to know and coming from my perspective as a prosecutor, there's no -- I don't want to send a kid to a worthless service. I really do ultimately want to know what of our -- what YLS referrals are remaking and they working because they're

getting money for those services, too, but they're not making our community better, but that might be a really high level thing they're never going to get to, so I'm going to pause us there, unless you all want to keep talking about it. I have to hop and figure out how to get into my next, not zoom, but some other medium to get into and then for our next agenda, we still have to kick over our recidivism data gathering. There was some staff that were brought in by Leslie from (Inaudible) and parole. For our next agenda, I want to make sure, Kayla, since you're jotting it down, that we do talk about prioritizing, what do we really want to prioritize for our data collection so that some of this stuff doesn't bog us down. We need to start talking about the family satisfaction surveys. Pauline, you had mentioned one. I knew the Harbors have one or Commissioner Salla, sorry, so that we have that all -- we can start those conversations as part of our work plan and then before I jump off, I want to see if there's any other public comment, and did anybody find out what happened to Ross?

Pauline Salla-Smith: Yeah. He said he text you.

Brigid Duffy: He did?

Pauline Salla-Smith: Because he had to do a call.

Brigid Duffy: Oh, I didn't -- I wasn't paying attention. Okay.

Pauline Salla-Smith: I did harass him and then he's, like, I text her so.

Brigid Duffy: Does he not know I'm chairing a meeting and not paying attention until --

Pauline Salla-Smith: I totally had to backtrack my harassment of him.

Brigid Duffy: I had -- until my desk phone and my cell phone were ringing with something going on, because the same numbers trying to reach me, so. Okay. Thank you all. I'll make sure the report's ready for our meeting on the 16th and then we'll schedule our next commission meeting probably, I'm going say, January at this point, since we've had a lot back to back.

Leslie Bittleston: Okay. Do you want to do a doodle poll or do you want to schedule a date now?

Brigid Duffy: Gianna, what days do you have court?

Gianna Verness: All of them.

Brigid Duffy: All of them?

Gianna Verness: But if you pick something far enough now, I make the schedule, so absent sometime when I'm on vacation, but January should be pretty flipping clear.

Brigid Duffy: So, I'm just looking at what days are not dark on mine. So I have January 13th. I don't have anything on it. It's a Wednesday.

Leslie Bittleston: So do you want to do January 13th at 1:00 p.m.?

Gianna Verness: Sounds great.

Leslie Bittleston: Okay.

Brigid Duffy: That's good. All right then doodle poll saved Kayla. Yay.

Leslie Bittleston: Yay. So January 13th, 1:00 p.m. next meeting.

Brigid Duffy: All right. And I'll have that report together. Thank you, everybody. Really. Thank you. Like, I don't know -- and, Mike, thanks for stepping up for the rurals and Ali, because it -- it's made a world of difference to be having meaningful meetings. Not that Gianna, Ross and I aren't meaningful, but --

Pauline Salla-Smith: That's totally meaningful.

Brigid Duffy: -- yours is a very big perspective.

Pauline Salla-Smith: Thank you. Thank you guys for having us.

Gianna Verness: No, thank you. We're learning a lot.

Brigid Duffy: Yes. Thanks.

Pauline Salla-Smith: Don't hold it against the rurals.

Brigid Duffy: Bye

[end of meeting]