



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES
4126 TECHNOLOGY WAY, SUITE 300
CARSON CITY, NV 89706
Telephone (775) 684-4400 • Fax (775) 684-4455
dcfs.nv.gov

**Nevada State Juvenile Justice Oversight Commission
Risk Assessment Committee Meeting
November 5, 2018**

Meeting Minutes

Roll Call: Darin Imlay- present, Jack Martin- present, Jo Lee Wickes- present, Pauline Salla-Smith- present, Scott Shick- present, Ross Armstrong- present, Dr. Joe Haas- present, Dr. Gina Vincent- present, Mr. Kelly Clement- present, Katie Brubaker- present, Leslie Bittleston- present, Jesse Gutierrez- present, Calvin Martinez- present, Frank Cervantes- present

Public Comment: None

Meeting Minutes:

Commissioner Jo Lee Wickes called the meeting to order on Monday, November 5, 2018 at 9:00 AM.

Dr. Gina Vincent: I would like to introduce the five sections we will be working on during the meeting, case planning, additional uses of the YLS that may belong in the policy, information sharing, protection of information, and quality assurance. We need to revisit a previous section on reassessments. At the last meeting, the group decided there would be a general guideline that the YLS would be conducted no later than 180 days from disposition and 180 days thereafter. That's consistent with what's in legislation. We decided Probation Departments would be responsible for conducting reassessments prior to any level of care change and any other reassessments would be left up to the discretion of the Probation Office.

The group never discussed reassessments for those youth who violate probation or commit a new offense while on probation. Generally, a YLS would be required there and would not be left up to discretion. I could not find anything in AB472 that spoke specifically to whether a YLS reassessment is required or a fresh or recent YLS is required if a youth violates probation or commits a new offense while on probation and there may be a question of commitment to the state. Is there any specification about the YLS being conducted prior to disposition of the new offense? And if not, should that be stated specifically that a reassessment is needed prior to a disposition hearing for a new offense for youth who are already under supervision?

Commissioner Jo Lee Wickes: If my memory served me correctly, a YLS is required every time a petition is filed prior to going to disposition. If the DA's filing new delinquent charges, a petition is filed. In most of the jurisdictions, violations of probation that are being formalized by going to court usually involved the filing of a petition alleging a violation of probation.

Dr. Gina Vincent: Reassessment is relevant to management of that youth committing another offense in the future. There may be some changes in the need area domains that tell you that this kid needs different kinds of services in the community now to help promote positive outcomes. And it should hopefully give a sense of whether that youth actually needs state commitment. There may have been things that triggered that offense that are risk factors that weren't around before, but now they are and you're trying to get it from the YLS. So, the goal would be to use it in the same way that you would for the initial disposition in guiding your recommendations.

Dr. Gina Vincent: What about timing of administration of reassessments for a new petition for a new offense? Was there any language in the AB472 about the number of days prior to petition or after petition that the YLS need to be conducted? If not, I would suggest that they go with 60 or 90 days. But if the YLS is older than that, then you would do a reassessment, but otherwise not necessarily.

Commissioner Jo Lee Wickes: Maybe the language could say a reassessment will be conducted if there is a new petition filed, period, because it's possible that you get put on probation, they do the YLS, you complete your probation, you're successfully terminated, and then a new petition is filed within a short period of time. The goal is to get the kids what they need and get them off probation as quickly as possible. So I am suggesting is that we get rid of "for youth under supervision" because we don't know if they're going to be under supervision. Most likely they will be, but it's possible that they won't be.

Dr. Gina Vincent: I wasn't sure that I would call that a reassessment. The youth is no longer under supervision, they're no longer with Probation, they commit another offense, you're basically doing a new initial YLS at that point. You would consult the last YLS. It's kind of a different circumstance. I wonder if the language about the previous position assessments applies to that case?

Mr. Kelly Clement: Since we're talking about a youth currently under supervision and they get a new offense or new petition, maybe we should consider keeping the timeframes the same. If they're going to use 90 days maybe it makes sense to use it in both situations.

Dr. Gina Vincent: The way we think about reassessments is this is a continuing supervision of the time that they've had the youth. This is all continuous, we're reassessing their risk, we're updating their case plan. They've had this youth under their supervision this whole time. Then the kids leave, and they do something in the community that ends up bringing them back. They haven't been observing the youth for that period of time. A lot of things could have changed, and if they come back, they're opening a new case. It's like an initial assessment. People in the field would see it that way, that reassessment is when you have a continuous case open with this youth and here is a new initial assessment because the case was reopened. They are going to consult the old YLS when they do the new one if it's someone whose case has been closed and then returned. I agree with Mr. Clement to leave the same timeframes in the policy. A new petition, a new YLS is not needed for youth for a new petition unless the old one is more than 90 days.

Commissioner Scott Shick: We could put the language "under supervision" back in that one line we were discussing. I was completely on board with the 90-day timeframe. Are others okay with that 90 days?

Commissioner Pauline Salla-Smith: I am in agreement with the 90 days.

Jesse Gutierrez: 90 days was definitely appropriate. That's kind of what they've been doing in Carson on what we call the "blue sheet." We've been doing it on 90 days just to kind of set new goals and new risk factors for the youth, and it's been working well.

Commissioner Jo Lee Wickes: In Section 15, Subsection 1, "The law requires that before the disposition of a case, the Department of Juvenile Services shall conduct a validated risk assessment." Subsection 2 requires that they prepare a report and it also requires that the report "must be included in the child's file and provided to all parties to the case." It's required before a dispositional hearing and the court is required to use it that if new charges are filed then a new risk assessment has to be done before disposition regardless of what the time lag or delay is between assessments.

Dr. Gina Vincent: Is everyone still good with the timeframe and the language will need to be updated if it's over the 90 days? I suggest putting in that that's a minimum. The probation officer may at their discretion decide something's a major change with this youth in a shorter timeframe and they want to update it again. This is just the minimum. That complies with Section 15, Subsection 5, where it requires it every six months.

Commissioner Jo Lee Wickes: My opinion is that if they file a second petition, the law requires before they go to disposition that they have a reassessment. The last part of the sentence therefore conflicts with Nevada Law. If it's 85 days, the law still requires a reassessment. I don't want a policy that conflicts with Nevada Law because that's going to create confusion. This situation is slightly different, a new offense was just committed. This is consistent with

the predisposition language that the group agreed on last time. So, if there's a YLS, it needs to be updated prior to disposition if it gets older than 90 days.

Commissioner Scott Shick made a motion that the policy should state that a reassessment will be conducted if a new petition has been filed for youth under supervision if the last YLS/CMI is older than 90 days at a minimum. Mr. Martin seconded the motion. The motion passed 5-1.

Commissioner Jo Lee Wickes: My "nay" vote was because I am opposed to the language. I think it conflicts with the law and it's confusing.

Dr. Gina Vincent: In the initial assessment language, the YLS needs to be done before disposition, and if it gets to be more than 90 days old it needs to be refreshed before that disposition. And that's for those cases where a disposition just keeps getting continued and continued or whatever may happen. The group decided 90 days was good enough, so this situation doesn't seem much different.

Commissioner Scott Shick: I think this would be a jurisdictional decision. The base policy should reflect their earlier view and be equal 90 days in both of those areas and we can move forward.

Commissioner Jo Lee Wickes: The policy is stating something is a minimum and also saying it's a jurisdictional decision. The policy was supposed to be the minimum standards that every jurisdiction is going to comply with. So, if we're giving the jurisdictions discretion, we don't need a sentence in the policy to tell them what the minimum standard is. The minimum standard is the minimum. It's confusing that it's a minimum standard, but jurisdictions can do what they want.

Commissioner Scott Shick: I was talking about jurisdictions that wanted to add more, not take away. That would be a jurisdictional decision. The base policy is anything less than that. If less, then you would be in violation of the policy, of the base.

Commissioner Pauline Salla-Smith: It would be fine as long as they meet the baseline.

Dr. Gina Vincent: If we were setting a minimum, we could always go above and beyond. The jurisdiction powers go above and beyond.

Commissioner Pauline Salla-Smith: The policy we're crafting is a living document. The language can be modified if necessary.

Dr. Gina Vincent: This is a point well taken and the best policy for piloting. If there are revisions that need to be made after the pilot, that's when we're done. The language we are constructing is not set in stone. Moving on to the topic of case planning, AB472 contains a lot of information about case planning. It specifies much of the case plan. Should the policy still contain relevant information from AB472 even if it's being redundant? Did we want to make sure that it is in the policy just so it's there?

Commissioner Scott Shick: Instead of reiterating the language in the policy, why not incorporate it by reference? That way if the statutes change then we don't have to go back and change this as well. You just change one.

Commissioner Jo Lee Wickes: We could have a sentence right under case planning, the first sentence could say, "this policy will conform to current Nevada law." Period.

Dr. Gina Vincent: We could reference Section 16, page 18. Section 16 outlines a pretty rigorous detailed case plan.

Commissioner Pauline Salla-Smith: If we reference that section with the statute then I like it.

Commissioner Jo Lee Wickes: If we use "current Nevada law" these have already been codified. Statute numbers may change. If we say "current Nevada law" then they don't have to worry about the minutia going forward.

Dr. Gina Vincent: What about working with NAJJA to craft a single case plan format that's used from Probation to Facility to Parole?

Commissioner Pauline Salla-Smith: It's actually an Agenda item for NAJJA's next meeting.

Dr. Gina Vincent: I had spoken with Ali Banister about having some individuals from DCFS involved in this work group so that if this is going to be a case plan that everybody agrees on, it's got members from each of the stakeholder groups.

Mr. Kelly Clement: I have also spoken with Ali and she said that would be very welcome and in fact they were going to be meeting about it on November 14th at 10:30 in Reno and that they would be more than happy to have some participants from DCFS be on the committee. If the group could send Ali a list of people who would like to participate, that would be great.

Commissioner Scott Shick: What are everyone's thoughts about the single case plan? What's it going to take to accomplish this?

Commissioner Jack Martin: The reality is that we need to be doing case plans for some time and we oftentimes used the court order to craft the case plan. I hope it becomes a more formalized process in Clark County and make stronger recommendations to the judge based on case plan.

Commissioner Pauline Salla-Smith: It's just trying to figure out what we're going to need to add. We can use the YLS case plan portion of it, but it sounds like that's not going to capture everything we need. My goal is to craft a simplified plan, especially in CaseloadPRO. I want to streamline it and capture what is needed for the kids, not just AB472.

Commissioner Scott Shick: What do we see as the task ahead of us in order to establish this statewide?

Commissioner Pauline Salla-Smith: The first thing to do would be to get copies of YLS's case management plan and AB472 to see what's required and what we need for their probation services and come up with a draft.

Dr. Gina Vincent: Myself and Mr. Clement would like to meet with NAJJA when this first starts because we do have a lot of example case plans that they can go over that might help save some time. None of them are perfect. No state has come up with a model perfect case plan yet.

Commissioner Scott Shick: If those sample plans could be sent to Ali so she could distribute them prior to the meeting? That way everyone would be up to speed from the get-go. Ms. Salla-Smith asked Dr. Vincent to send them to her as well, and she will forward to all members.

Dr. Gina Vincent: It would be very helpful for us to get example case plans from all of the probation offices across the state to see what everyone's doing.

Commissioner Scott Shick: Ms. Salla-Smith could probably solicit the NAJJA to accomplish that.

Dr. Gina Vincent: The document itself is important because it needs to be a lot of things. It's going to be the piece of information that's there that you use in the family. So, it should have language on it that you would share with your youth and the family. It should be very detailed and specific about what is going to be expected to be without supervision. And you need smart goals. Smart goals and framing the goals in that way is incredibly important. The most important part of this is that everybody understands and has the same philosophy about what the case plan is for. This is really about moving away from the notion of court orders being a case plan. This is getting very far away from that and being more strength-based. It's addressing their needs and YLS risk areas. I see the case plan as a philosophy piece and that philosophy is expressed in AB472. We just want to work on a document that's going to address all of the stuff that's in the law and is something that can be shared with youth and families. Another important element of the case plan was data tracking. So, it is a document or system that's going to enable you to do quality assurance and make sure that your plans are really giving youths what they need or doing the best that we can to give youths what they need because staff sometimes have very limited resources to do that. It would help the group to look over AB472 and then look at what proposed language they have to see if any of the proposed language needs to be retained. Some of what's in the normal policy template goes a little beyond what AB472 does. The language about individualized case plans is clear. For every youth under supervision of Juvenile Court pursuant to a supervision and consent decree but under the informal supervision of a Probation Officer or committed to a regional facility for the treatment and rehabilitation of children. That covers everyone. How should they define informal supervision here?

Commissioner Jo Lee Wickes: The statute defines what informal supervision is. There's variability across the jurisdictions, but there's going to still be informal supervision for kids

that never, ever come to court. And the probation departments wanted discretion to not do a YLS on those kids not being petitioning because of the expense involved. The group had a discussion about using one of the screening tools and having Dr. Vincent help the probation departments with that. There will be kids where we file a petition, then the risk assessment is done and there's an agreement or a court order that they can be handled informally under NRS62C200. But there's also going to be times when the informal supervision occurs with kids who don't come to court at all. In Nevada, Probation and Parole have the discretion to handle misdemeanors without a petition being filed or that case referred to the DA's office if the child's admitting to the underlying behaviors. And that's exactly what informal supervision and that type of pre-court diversion is about. Those youths would not need a case plan because the statute doesn't cover them.

Dr. Gina Vincent: The policy must be clear for whom a YLS driven individualized case plan is required as the minimum because this is just a minimum policy, and if individual probation officers want to do a case plan for other youth they can, because they're going above and beyond. There was a discussion about how to differentiate case plans with and without petitions being filed. The law requires a YLS once a petition has been filed before you go to a Dispositional Hearing. But you could go to a hearing and say Probation's going to handle this informally and then leave that petition there until all those informal sanctions are completed, and then it's dismissed. That's still a case plan and it's really everything in Section 16. Section 16 outlines a pretty rigorous detailed case plan. It has everything about the services that kids are going to receive. They should be getting risk reduction services that are driven by the YLS need areas.

Commissioner Jo Lee Wickes: A case plan for a kid who's going to complete informal sanctions is still designed to reduce their recidivism, still designed to reduce their risks and needs even though they're at a much lower level than many of the kids they bring to court.

Elizabeth Florez: Since ultimately all parties agree to informal supervision, why would we need to go through the same extensive process as the child who is going to be adjudicated?

Commissioner Scott Shick: There's going to be lesser case management involved. It could be just a repetitive pattern of behavior and we wouldn't need to get into a full battery of case management and YLS and respect to those. Our front-end services do act and work at that level.

Dr. Gina Vincent: If implemented well, the YLS risk level and YLS information will increase the number of informal handlings because the YLS is being used to guide that decision. Some youth are definitely going to get the YLS and it could still guide a case plan but others may not be getting a YLS individualized case plan.

Commissioner Jo Lee Wickes: Once a petition is filed, they're going to need an assessment, and if it turns out that, that assessment says the kid's low risk, in order for them to hold a petition in abeyance under Nevada Law if the court says go comply with your informal plan, that's a Dispositional order and before they can go to Disposition, they have to have the YLS.

Commissioner Jo Lee Wickes: Washoe County definitely uses 62C200 to put kids on informal with no petition being filed. They also use it to put them on diversion for kids that they want to bring to court, have them admit and waive their fourth amendment right so they can be subject to search and seizure. So you can use AB472 both with and without court action as a legislative grant of the authority. For the kids not coming to court, it's up to each agency or each probation department to decide how they want to assess them. For the kids who come to court the expectation will be the YLS, even if they end up on some sort of diversion as a result of the Dispositional Hearing.

Heather Plager: I am concerned that Section 16 is going to require or does require a written case plan on the youth that are not petitioned. It doesn't distinguish between whether or not there's a petition filed, and it goes to court. It just simply says if they're placed under informal supervision of a probation officer pursuant to 62C200, a case plan is required.

Commissioner Jo Lee Wickes: When it says it's under the supervision of the Juvenile Court, that in combination with Sections 8 and 15 presumes that a petition has been filed. Because otherwise you're not placing them under supervision of the court. You're placing them under the supervision of your agency pursuant to your statutory grants.

Dr. Gina Vincent: According to the law it says juvenile services must use the results of the risk assessment (YLS CMI) and the mental health screening, MAYSI. MAYSI should be used to determine if youth needs a mental health assessment.

Dr. Joseph Haas: The MAYSI has a section on traumatic experiences. It could be used as a screening inventory. The whole document as well as other information would drive court ordered psychiatric evaluations.

Dr. Gina Vincent: Jonathan Clayfield from NYSAP is going to be working with Probation and Detention around the MAYSI implementation, and there are recommendations about how to set the software to signal whether the youth needs an assessment or not. The MAYSI should only be used for deciding whether there should be a referral for an evaluation, that's it. If they should specify as to when the first case plan should be completed? When do agencies generate their case plans now? There were different answers all around.

Commissioner Jo Lee Wickes: I suggest we use some language about the case plan within a reasonable timeframe. We need to leave the agencies to do the good work that they're doing within their discretion based on how their jurisdiction operates. The timeframe doesn't need to be in the policy.

Commissioner Ross Armstrong: The law that dictates case plan is 62E507. There's no statutory requirement on when that initial case plan has to be done. There are just requirements requiring that it be updated every six months or when there's a significant change. It does require that it takes into consideration the assessment, so that's going to be after the YLS is complete.

Dr. Gina Vincent: The language would be something along the lines of “the first individualized case plan will be completed by the staff designated by the Probation Office and be based on the YLS and the MAYSI and other assessments conducted within a reasonable time frame following Disposition.” When they’re doing a policy specific to the YLS, generally what NYSAP recommends is having some language around how the YLS is to be used in order to select the risk areas that will be targeted and the services that will be used to address them. The case plan shall prioritize the need areas that the YLS targets for treatment in the case plan. Services shall be assigned that address as many need areas as possible without overloading the youth and family with services and programming. Appropriate services programming shall be selected using the customized service matrix for the Probation Department. General guidelines apply. High risk youths will be placed in a maximum of three risk reduction services at any one time and they should receive intensive programming. Moderate youth get less, and lower risk youth get little to no service reduction services. This language is consistent with the principles of risk responsivity and is within the orientation and philosophy that’s expressed by AB472. Does the group want this or anything about it in their minimum standard? If it’s not specified in the policy, you can end up with youth with lots of services regardless of their risk levels. There was a discussion about risk reduction services. Risk reduction services were varied, but specifically target a need area. It could be something that’s treatment oriented, therapeutic or it’s a service that is addressing life peer relations and negative peer relations, personality behavior issues, and anything going on with the family. It could be a referral to family therapy. It could be participating in a pro-social activity at the local Boys and Girls Club. It could be cognitive behavioral therapy, multi-systemic therapy, family functional therapy, or just a light mentoring service. It does not include general mental health services like talk therapy. It doesn’t include those things that we would consider to be more sanction oriented like community service, electronic monitoring, and job training. The discussion turned to limiting youth to three services. Conventional wisdom dictated that number of how many services were too much. Different services have different requirements for attendance.

Dr. Joseph Haas: Can we add an exception clause for some youth. If they had an extremely high-risk kid and it’s in the middle of summer time and they fill up the day with risk specific intervention (i.e. recreational sports) that could be used to say well you’re asking our client to do too much.

Dr. Gina Vincent: Can we put in a clause that protective factor related services like leisure activities don’t count?

Commissioner Darin Imlay: I do not like that idea because then what happens is the exception then becomes the rule. All of a sudden there’s going to be deviation in most of the cases rather than in one or two.

Commissioner Jo Lee Wickes: If a youth is being asked to do too much in that summer calls their lawyer, then there will be a review hearing and the judge will make a decision and the court order will be implemented.

Dr. Gina Vincent: There are at least two studies that have shown that the more services youth get, the more likely they are to get a new offense, regardless of their risk level. There are a couple of different explanations, but there is no data to indicate that more services are better. It's smart services, it's wisely selecting services that address their needs. That's what works. The group decided that the general guidelines outlined in the policy language were acceptable to everyone and they would leave the language as is. Responsivity is other needs youth may have that aren't actually risk factors, such as mental health. So, for some youth, mental health is their risk factor and that's something that you work out and figure out with your clinician. But for a lot of kid's mental health doesn't fall into the risk factor area. So, this just says in general you should not be expected to attend more than three rehabilitative therapeutic services at any one time, including services needed for responsivity related factors such as mental health treatment. This is putting a cap on the expectations for the youth and family. Services that treat or assist with responsivity factors may need to be addressed first but should not be addressed in lieu of criminogenic needs. The reason this language was included is that some probation officers have a sense that mental health treatment is fixing every need area and that's all the youth gets.

Commissioner Scott Shick: This might be related to a lack of resources.

Dr. Gina Vincent: Absolutely yes, that's happening more in the areas where there's less resources. In the training they will go over how to address risk reduction in areas that don't have a whole lot of services and programming. Mr. Clement and I will be working with the pilot sites to figure out other resources that can be tapped in those communities. The frequency of updating case plans. The language says they will be reviewed and adjusted in accordance with the results of the YLS CMI reassessments by the assigned Probation Department or other responsible party as designated in the local Probation policy. Does anyone have any thoughts on that?

Commissioner Jo Lee Wickes: Could we add some language, "or as a result of new court orders" because sometimes they'll have review hearings in lieu of filing a petition for violation of Probation and update what they're doing. That would allow them to be responsive to judges who enter orders and those orders have to be followed.

Dr. Gina Vincent: It sounds consistent with 62507 which says the case plan needs to be updated every six months. So, the YLS reassessment needs to be done every six months too, so this is making sure that that case plan is getting updated at the frequency needed.

Commissioner Jo Lee Wickes made a motion to approve the language under the Case Planning section as per discussion. Commissioner Scott Shick seconded the motion. All voted in favor. Motion carried and was approved unanimously.

Dr. Gina Vincent: Additional uses of the YLS that may belong in this policy based on AB472. Could they use it for recommendations for early termination of Probation?

Commissioner Jo Lee Wickes: The whole concept of what is early termination by Probation is going to be very dependent on what jurisdiction you're in and what your standards are. I

don't see the need to have it in the minimum statewide policy because they'll already be doing reassessments and some kids will be terminated before they ever get to a reassessment.

Dr. Gina Vincent: It may be more of a quality assurance piece for supervisors to be checking that youth have accomplished everything that they're supposed to, and their risk has gone down enough to justify a recommendation that supervision is going to end. We need a section in the policy about information sharing and who the predisposition report or YLS, should be shared with.

Commissioner Jo Lee Wickes: The full YLS should go to DCFS for all the youth that are committed so that DCFS has a complete history.

Commissioner Scott Shick: Agreed. It's essential to pick up the case where it left off and focus on whatever brought them to commitment in the first place.

Commissioner Pauline Salla-Smith: In my jurisdiction, the judge actually places it in the court order that they share all the information with Parole when one of our youth gets committed to the state.

Dr. Gina Vincent: I thought this was part of what was going to be discussed with CaseloadPRO for case transfers. If we are asking for courtesy supervision or intrastate contact, how can we share that information with the new jurisdiction? If the youth is committed to DCFS, Probation has to share with them all of this information.

Mr. Kelly Clement: When a youth is referred to DCFS, don't they get a packet of information from the local Probation Department? And doesn't DCFS have some type of checklist that they provide to the local Probation Department saying this is our expectation of what should follow the youth?

Dr. Gina Vincent: I thought this was in AB472. There's something about the YLS has to go to DCFS if they're being committed.

Leslie Bittleston: What is in AB472 is a little more generic. It does not specifically say YLS. What it talks about is that the counties and the state will share their data. So we do have to come up with probably some MOU's between the state and the counties on what's more specific information.

Dr. Gina Vincent: The other area of information sharing that comes up as really important for continuity of care is with service providers. So, any referrals out to services that you're doing outside of your department should include sharing with your providers. NYSAP found that doesn't happen consistently unless it's in the policy. Are there limits around what they can share with service providers that are going to take over some of the care of the youth?

Commissioner Pauline Salla-Smith: That is going to vary jurisdiction to jurisdiction.

Dr. Gina Vincent: They should share, at the minimum, what are the need areas that have been identified (using the YLS) for this youth. That could be done for the case plan. But that's the minimum to make sure that you everyone is sharing common language and that they recognize that those are the need areas that these youth may need to have addressed.

Commissioner Jack Martin: The sharing of confidential, or delicate information like mental health services. What then?

Dr. Gina Vincent: In that case you'd just telling them that a YLS has been conducted and you've identified this need and that's why you're directing them to that. Ideally, providers would want to have a sense of what other types of services youth are getting so that they're complementing it, not overlapping with it. The specific release of information that jurisdictions have will vary. That's why local initiatives just remain locally with either release of information or MOU's they have with specific providers. We could add a bullet point saying that it will be incumbent on the individual Probation Department to try to coordinate with providers to share information as needed. Even though that may be obvious to the group, NYSAP has seen a lot of jurisdictions where this information is never exchanged between providers, and that's one of the reasons kids don't get their need areas addressed. The language could be "Probation Departments should share relevant information from the YLS with providers to ensure coordination of care." Should we add language about the youth camps? It would be the same as sharing with DCFS.

Commissioner Jo Lee Wickes: We can say "for youth placed at regional camps." It could go at the end of the first sentence.

Mr. Kelly Clement: They should include that with the same information as to DCFS and the regional camp.

Commissioner Jo Lee Wickes: With both the kids that are going to be supervised within Nevada and kids that are going to be supervised in a different state are the same. If they want their needs addressed, then the people who are going to be addressing those needs require the information that they would give the regional camps in DCFS because it's really about giving the kid what they need. Perhaps they could add language like "receiving Probation Department for courtesy supervision." The group all liked this idea.

Dr. Gina Vincent: Moving on to the topic of quality assurance, I wrote the section quite generally so that the Probation Offices could construct this on their own within a few guidelines. AB472 mentions quality assurance in multiple places. Are separate policies were going to be written just around quality assurance?

Leslie Bittleston: With respect to the CPC, the Correctional Program Checklist. There will also be a policy talking about new data and performance measures that addresses a little bit about quality assurance, but it's more about quality of the data that they're gathering.

Dr. Gina Vincent: Quality assurance around overrides. The YLS CMI has an override section (Part 4). It's for a discretionary override based on professional judgment, and it is very

specific to overriding the risk level on the YLS. If someone overrides this, it means in their professional opinion, the YLS risk score should be adjusted. The override is there because no risk assessment tool is going to be accurate 100 percent of the time. Sometimes there are youth that have these idiosyncratic factors that need to be accounted for. And so, their risk levels should be adjusted for that reason. Since there shouldn't be a lot of overrides, one recommendation is that the policy states that overrides will be kept to a minimum of no more than 8 percent of cases. And any override requires supervisory approval before the YLS is finalized. It should have supervisory approval, approval and justification. That 8 percent is in reference to the risk level scoring, not necessarily the level of supervision.

Commissioner Jo Lee Wickes: We could underline "overall risk level only." The language could be "Overrides to the risk level only will be kept to a minimum."

Dr. Gina Vincent: The language should definitely include that any override required supervisory approval. I have some recommendations about a general quality assurance guideline. Each Probation Department shall create a policy of quality assurance that describes their procedures for the following, their YLS and case plan booster training and how they're going to train the staff. Supervisory oversight and review of the initial YLS scoring, scoring of reassessments and the quality of case plans as these relate to results of the YLS. All of these are things where supervisory oversight is going to be important. The amount of supervisory oversight that's placed on this process is going to really depend on what's feasible for each individual Probation Department.

Commissioner Jack Martin: That would be a difficult task for Clark County with 4,000 referrals a year.

Dr. Gina Vincent: Since they had so many referrals, they could do a random sampling instead. But that would be completely up to Mr. Martin how he would want to do that.

Leslie Bittleston: I think the third bullet point could be removed. It would be addressed in the data performance measure policy.

Commissioner Jo Lee Wickes: We might say "each Probation Department should strive to create a policy of quality assurance." That's better than dictating specifics when resources and personnel might be slim.

Commissioner Pauline Salla-Smith: I suggest "each jurisdiction will address quality assurance in their policy" and they can take into consideration what resources they have.

Commissioner Pauline Salla-Smith made a motion to approve the language under the Information Sharing section as per discussion. Commissioner Jo Lee Wickes seconded the motion. All voted in favor. Motion carried and was approved unanimously.

Commissioner Scott Shick made a motion to approve the language under the Quality Assurance, Supervisor Approval and Correcting YLS Assessments section as per discussion.

Commissioner Pauline Salla-Smith seconded the motion. All voted in favor. Motion carried and was approved unanimously.

Dr. Gina Vincent: Protection of information for those cases where the YLS is conducted pre-adjudication. The concern when conducting a risk assessment like the YLS pre-adjudication is self-incrimination. The YLS involves asking youth about their substance abuse or use which in most states if they're minors is illegal, so in theory that's illegal activity that if they have not been adjudicated yet, they may well not want to tell you. And if they think the information is going to be used against them, there's all the more reason to not tell you. Another area that could be self-incriminating is if they're being asked questions about their offense which in order to complete a valid YLS is not necessary. You really don't need information about their current offense and whether they actually did it in order to complete the YLS accurately. There's other information in that assessment that could be incriminating as well, so you may be asking them about how many people they've hit, hurt, stuff that's going on in the family that could be incriminating for the parents.

Commissioner Darin Imlay: The first sentence under protection of information should read "the designated staff person administering assessment should not discuss the details of the offense the youth is charged with." Period.

Commissioner Jo Lee Wickes: Mr. Imlay, have you been in situations where the prosecutors call a Probation employee to the stand to have them repeat what your client says?

Commissioner Darin Imlay: No, but if it's going to be included in the report that's provided and depending on who gets that, then when they come to the plea stage the DA already has all the admissions by the youth, everything the youth said about the case, et cetera. It's certainly going to affect negotiations.

Dr. Gina Vincent: Risk assessment really shouldn't be used to decide adjudication. The fact-finding part of the YLS shouldn't be used for that. Where the YLS information is helpful is in the disposition, not the fact-finding. So when the YLS is done post adjudication, pre-disposition, it's just guiding disposition.

Commissioner Jo Lee Wickes: I suggest deleting the whole section. In Washoe County there is a process by which Probation sends my office a request to approve diversion after a petition has been filed. We need an assessment in order to say yes.

Dr. Gina Vincent: That's a great reason for doing it pre-adjudication. Jurisdictions that implement it pre-adjudication greatly increase the number of people who get diverted.

Commissioner Jo Lee Wickes: We need to delete the entire section for another reason. Because to the extent that all jurisdictions do things differently, there are legal protections in place that lawyers can fight about in individual cases if they need to. There are legal protections in place to the extent that if they disagree on what they are, that can be litigated. If you deprive DA's of good information about why they should divert kids, you're not helping the kids and you're not helping the system.

Commissioner Darin Imlay: It wouldn't even matter whether you're going to divert the case or not because the result of the YLS is going to be exactly the same regardless of whether they admit, deny, whatever the case is. Whether the case is diverted or not won't depend on whether they divulge information or self-incrimination.

Commissioner Jo Lee Wickes: The language could be along the lines of "in Probation Departments that administer YLS prior to adjudication to guard against the risk of self-incrimination, designated staff person administering the assessment shall not discuss the details of the offense" period. And that's it, and we get rid of the rest of that paragraph and the second paragraph.

Commissioner Darin Imlay: Leave in the part that says "if the youth does not consent the assessment shall not be completed till after adjudication."

Commissioner Jo Lee Wickes: We don't need the second paragraph at all.

Commissioner Darin Imlay: I disagree. It doesn't affect anything in the prior paragraph, but what it does do is protect the kid who stumbles into an admission that can be used against him during the adjudication process.

Commissioner Jo Lee Wickes: I have a problem with the entire second paragraph. We're trying to write a policy about risk assessment that changes Nevada law. There was no way I can agree to that. If a child blurts out something in a non-custodial interview, they can argue about whether or not it's custodial and whether it's admissible. A policy about how to implement this risk assessment should not try to change Nevada law, and this paragraph changes Nevada law. We shouldn't be trying to change admissibility and the evidentiary standards in a policy about how to implement a risk assessment simply because they're standardizing risk assessment across the state of Nevada.

Commissioner Darin Imlay: I wasn't giving up anything in a sense. It isn't waiving any Constitutional rights for any of the kids. So, I am okay with removing the second paragraph.

Commissioner Scott Shick made a motion to approve the language under the Protection of Information section as per discussion. Commissioner Pauline Salla-Smith seconded the motion. All voted in favor. Motion carried and was approved unanimously.

Commissioner Jack Martin: The next step is presenting the draft policy to the full Commission.

Katie Brubaker: Ms. Bittleston is going to work to put the policy in a different format. And because the full Commission meeting is in four days and the Agenda has already gone out, the policy review will go on to December's full Commission meeting agenda.

Commissioner Scott Shick: We will follow-up with the Nevada Association of Juvenile Justice Administrators, NAJJA, on the case plan particulars. The next NAJJA meeting is November 14th at 10:30.

Commissioner Jo Lee Wickes: Moving on to specifying Agenda items for the next meeting.

Dr. Gina Vincent: We will be working together on the MAYSI. They have started gathering the policies from all of the Detention facilities that already use the MAYSI. We're looking for some suggestion about how to easily work with Detention because there's not really an organized, centralized body. There needs to be a single policy.

Commissioner Scott Shick: There was a policy established several years ago that required them to do a standardized mental health screening for juveniles entering Detention and even some of their programs. We continue to implement that.

Commissioner Jo Lee Wickes: Isn't this something that NAJJA should be involved in? Shouldn't NAJJA should be working on it because it directly affects them? They are the ones who are the experts and they should be drafting a minimum policy for the state.

Dr. Gina Vincent: I hoped we could work with one central group and develop one model and each of them could draft their policies accordingly.

Commissioner Jo Lee Wickes: I am not suggesting that Dr. Vincent work with each detention facility. But I did think a small group of experts that are more qualified than the risk subcommittee should develop the model.

Dr. Gina Vincent: What do you guys think about having a model Probation policy as well and using the Probation sites that are not YLS pilot sites. All the other Probation sites as the pilot sites for the MAYSI. Because they are working on the MAYSI while you guys are working on YLS and then there's a joining of the minds after everybody's piloted. Was that a question for this group?

Commissioner Jo Lee Wickes: The NAJJA administrators were the same people that were running their Probation Departments, so they would be an excellent group to work on the minimum statewide policy for MAYSI.

Commissioner Scott Shick: That topic will be on the next NAJJA meeting agenda.

Commissioner Jo Lee Wickes: Ms. Salla-Smith, what about a timeframe for NAJJA crafting a policy?

Commissioner Pauline Salla-Smith: I thought January would be a good goal.

Dr. Gina Vincent: Our MAYSI person is Jonathan Clayfield and he will be working on the policy template with them. That way we will have a starting place.

Katie Brubaker: Based on the discussion at our November 14th meeting, we may or may not need to have a meeting before January. I will send out a Doodle Poll to get everyone's availability if we do in fact need to meet or should meet before January.

Committee Report and Other Notes:

Commissioner Scott Shick made a motion that the policy should state that a reassessment will be conducted if a new petition has been filed for youth under supervision if the last YLS/CMI is older than 90 days at a minimum. Commissioner Jack Martin seconded the motion. The motion passed 5-1.

Commissioner Jo Lee Wickes made a motion to approve the language under the Case Planning section as per discussion. Commissioner Scott Shick seconded the motion. All voted in favor. Motion carried and was approved unanimously.

Commissioner Pauline Salla-Smith made a motion to approve the language under the Information Sharing section as per discussion. Commissioner Jo Lee Wickes seconded the motion. All voted in favor. Motion carried and was approved unanimously.

Commissioner Scott Shick made a motion to approve the language under the Quality Assurance, Supervisor Approval and Correcting YLS Assessments section as per discussion. Commissioner Pauline Salla-Smith seconded the motion. All voted in favor. Motion carried and was approved unanimously.

Commissioner Scott Shick made a motion to approve the language under the Protection of Information section as per discussion. Commissioner Pauline Salla-Smith seconded the motion. All voted in favor. Motion carried and was approved unanimously.