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**Nevada State Juvenile Justice Oversight Commission  
Full Commission  
Committee Meeting  
December 14, 2018**

**Meeting Minutes - DRAFT**

**Roll Call:** Judge Egan Walker- present, Frank Cervantes- present , Jack Martin- present, Jackie Pierrott- present, Jo Lee Wickes- present, Patrick Schreiber- present, Paula Smith- present, Pauline Salla-Smith- present, Scott Shick- present, Brigid Duffy- present, Eve Hanan- present, Katie Hickman- present, Ross Armstrong- present, Savannah Chavez- present, Gianna Verness- present, Jennifer Spencer- present, Heather Plager- present, Sharon Anderson- present, Emmanuel Torres- present, Kierra Bracken- present, Ross Armstrong- present , Assemblyman James Ohrenschall- present, Judge William Voy- present, Jared Busker- present, Jeff Selbin- present, Savannah Reid- present, Katie Brubaker- present, Leslie Bittleston- present, Kimberly Ortega- present

**Public Comment:** None

**Meeting Minutes:**

Commissioner Judge Egan Walker called the meeting to order on Friday, December 14, 2018 at 1:00 PM.

Commissioner Judge Egan Walker motioned to approve the outstanding meeting minutes from 7/3/18, 8/10/18, and 9/14/18. Commissioner Patrick Schreiber seconded the motion. Motion carried, and the meeting minutes were approved.

Commissioner Judge Egan Walker: Introducing a contingent of representatives from the Berkeley Law and Children's Advocacy Alliance for a presentation related to juvenile fines and fees.

Mr. Jared Busker: During the past legislative session, the Children's Advocacy Alliance worked with many legislators and other key stakeholders to pass Assembly Bill 180 that created the Juvenile Justice Bill of Rights. During the work on that Assembly Bill, there were lots of discussions on the fees assessed to children and their families. The Children's Advocacy Alliance partnered with the University of California, Berkeley Law Policy Advocacy Clinic to conduct research related to these fees in Nevada. I would like to introduce Professor Jeff Selbin, Director of the Policy Institute, and also third generation Nevadan and second year law student, Savannah Reid.

Ms. Savannah Reid: Thank you Commission members for contributing essential information to support our research efforts and for their "invaluable" support. The Policy Advocacy Clinic has been working on the issue of juvenile fees since 2013. They've studied juvenile fee practices and outcomes with local, state and national stakeholders. Juvenile monetary sanctions can be categorized into three broad categories. Fees typically authorized to permit local jurisdictions to charge youth and/or their families for costs incurred in the juvenile system. Fines, meant to punish youth or their parents for their actions, often in lieu of detention. Restitution meant to make victims whole. I will be sharing research only on juvenile fees, the costs that are incurred in the juvenile system. Until recently, juvenile fees received little national attention. In 2014 the DOJ released a report about the activities in Ferguson, Missouri, which brought the issue of monetary sanctions to light, more specifically in regard to adults. In 2016 the Juvenile Law Center issued a national report cataloguing the extent of juvenile fees in all 50 states including Nevada. And a study that went along with the Juvenile Law Center's report, there was a report by Criminologists Vaquero [phonetic] and Jennings [phonetic] about juvenile fees and the way that they increase recidivism for young people. And then in 2017 the Policy Advocacy Clinic published a report on juvenile fee practices in California and found that juvenile fees harmed families and undermined youth rehabilitation. Nevada has been doing a lot of reform work in the Juvenile Justice System recently. In March 2017, the Nevada Advisory Committee to the U.S. Commission on Civil Rights convened public meetings in Las Vegas and Reno to hear testimony, including from some Commission Members, about the issue of criminal justice fees, including juvenile justice fees, and that included testimony from folks from the Gwynn Center, a Nevada based organization. In 2017 Assembly Bill 472 was passed to reduce recidivism and improve outcomes for youth in the system. The fees in Nevada are authorized by the legislature but are not required. System actors have the discretion to request the fees and then judges can decide whether or not to impose them either on a case-by-case basis or a matter of general policy. Policy Advocacy Clinic asked the question what is the impact of charging these fees on youth and their families? They found that in Nevada, the research mirrors national research in that there are three key areas in which juveniles are harmed. Fees are low revenue. In Nevada juvenile fee collection rates and net revenue are low because most families with youth in the system cannot afford to pay. In fiscal year 2017 and 2018 DCFS collected less than \$8,000 statewide. The Clark County Department of Juvenile Justice Services collected less than \$25,000 and Lyon County collected less than \$2,000. Racial Disparities. Although there is no collection data by race in Nevada, juvenile fees generally fall hardest on families of color. According to data from the Juvenile Justice Program's office, black youth are overrepresented at every stage of the juvenile justice process. In 2017 black

youth were three times more likely than white youth to be both arrested and placed in county detention, and then six times more likely to be placed in state confinement. Fees are high harm. Studies across the country have found that juvenile fees harm families and increase recidivism, which ultimately undermines youth rehabilitation and public safety. In terms of harm to families, it undermines family reunification and often weakens family ties. In Nevada, failure to pay exposes families to a variety of consequences including collection actions, negative credit scores, contempt of court, license suspension, prevention of record sealing and criminal liability. The findings on low revenue, racial disparities and high harm are reflected in the views of some of the county probation administrators the Clinic has spoken with in Nevada. The Clinic heard about many things from administrators, including juvenile fees are a drain on government resources in an attempt to collect money from families, juvenile fees are an additional burden on families that negatively impact youth outcomes, juvenile fees impact the Department's relationship with youth and families and the importance of putting youth first and working towards rehabilitation. The National Association of State Court Administrators, State Chief Justices, State Legislators, State Public Defenders and the American Bar Association have all called for the reduction or elimination of juvenile fees. The Reno based Nevada Council of Juvenile and Family Court Judges issued a resolution earlier this year to encourage judges and legislators to reduce and eliminate fees and costs in juvenile courts that create unnecessary family hardship and undermine both rehabilitation and public safety. There's been response all over America. In 2017 California abolished all juvenile fees. In 2017 Philadelphia, Pennsylvania, ended the assessment and collection of all juvenile detention fees. In Kansas, the Johnson County Commissioner repealed all juvenile electronic monitoring fees. The New Orleans Juvenile Court adopted a resolution which ended the assessment and collection of all discretionary juvenile fees. And then just last month the Board of Supervisors in Madison, Wisconsin, eliminated all juvenile detention fees. I hope this presentation was food for thought about juvenile fees and also the relationship to the JJOC's goals of reducing recidivism and improving youth outcomes. Is there were any questions or comments?

Judge William Voy: When I inherited Juvenile Justice at the end of 2003, I eliminated all juvenile detention fees and all other fees. Through the course of many years of dealing with the issue, the total reimbursement for state commitment to or placement at Spring Mountain Youth Camp is a flat fee of \$100 per month assessed against the parents. They fill out an affidavit if they're 200 percent of poverty using that index it's waived. In fact, almost all the time it's waived. I routinely waive the UA fees under small level fees, \$40 and under, to terminate a kid from Probation. In Clark County the only thing being collected is restitution. In fact, the only other fee that does exist is a \$20 application fee that started up many years ago at the request of the public defender, so when the family goes to interview with the public defender for their appointment, they pay a nominal \$20 fee. Again, that's not being enforced anymore. From my perspective, I am totally on board with eliminating all those fees by statute that sit there on the books. I would be in total support of eliminating those statutory provisions. The only mandatory fines that are utilized in Clark County are those dictated by the legislature: \$400 for the first graffiti, \$750 for the second graffiti and \$1,000 for the third graffiti. And most parents are ill equipped to even pay those fines. I allow them to do community service in lieu of money. And for those who can pay? Their kids get off the hook

as far as community service just because the parents can pay. If they could get rid of all those fines, everyone would be better off in the long run.

Commissioner Eve Hanan: Is there any data or information on how the practice varies depending on the county in terms of whether fees are typically waived by court officials, judges and others?

Ms. Savannah Reid: There are a variety of practices in each county, but generally speaking, either the fees are being waived or if not waived, collections aren't being pursued.

Commissioner Ross Armstrong: High harm and what the nonpayment of fees can lead to. Were they able to collect any information on how often those things are happening or is that just a review of the statute that says these things can happen?

Ms. Savannah Reid: This varies from county to county. But overall, it seems like collection actions aren't happening. Most administrators I've spoken to recognize that when families can't pay, this debt following them around for years isn't productive.

Commissioner Judge Egan Walker: Work request for Assemblyman Ohrenschall and the Strategic Implementation Committee. Assemblyman Ohrenschall, can you connect with the Strategic Implementation Committee for future action, because there is broad consensus that the fees serve no good purpose. The remnant "costs of care" that's on both sides of the juvenile justice world is just that, a remnant of history decades ago when children were treated in the child welfare system, whether they were delinquent or dependent. Maybe the Children's Commission and the Juvenile Justice Oversight Commission could collaborate on the imposition of fines and fees in all juvenile justice issues. If the Assemblyman had "the ability or the desire" to burn a bill request of his own, I will look to your assistance to try and make it happen.

Assemblyman James Ohrenschall: After reaching out to the Strategic Implementation Committee, I would be happy to do that. Some bill deadlines, in terms of submitting information to the Legislative Council Bureau, have already passed, but there will be more bills allotted to some of the committees, so it's still a possibility. Ms. Reid, if in the Clinic's research, have they found anywhere in Nevada where unpaid fees led to a child not being able to either get off of Juvenile Probation or Youth Parole or to not get a positive termination from Juvenile Probation or Youth Parole if they had finished all their other requirements and stayed out of trouble?

Ms. Savannah Reid: That definitely happens other places around the country, but Nevada, from everyone they've talked to, is ahead of the game. Not one person I talked to indicated that a kid has been unable to terminate Probation because of outstanding fees.

Judge William Voy: With the passing of the Civil Judgment Legislation, mandatory fees parameters have changed. At 18, kids can get off of supervision and Probation if their outstanding restitutions and the mandatory graffiti fines are released to the parents by reducing those as civil judgments.

Commissioner Scott Shick: The Juvenile Justice System is a balance of accountability, ownership, and responsibility. And that great responsibility is building kids back up and keeping them out of the system. Their job is not to add extra duress or angst. The cost of care will continue, but the state will continue to operate detention facilities and camps without fees. If courts and judges feel that a particular case cannot handle that cost, they're going to waive it. There are creative ways for kids to take care of those fees. They can get "credit" for many things. Their parents can complete a parent training class, the kids can perform constructive community service, the kids can complete tutoring sessions, or participate in a Wilderness Program. Nevada really is ahead of the game.

Commissioner Pauline Salla-Smith: They have no fees for the Washoe Tribe members except for restitution. Electronic monitoring, urine specimens, mental health or psych evaluations are covered.

Commissioner Judge Egan Walker: Thank you Professor Selbin, Ms. Reid, and Mr. Busker for their outstanding presentation. I was very interested to see what kind of legs they can get over the idea that costs of care agenda in both the child welfare and juvenile justice arena have some common issues because they're the same families with many of the same challenges and so the same logic would apply.

Katie Brubaker: If you have not checked out the Center's website, please do so. They can find the link on the DCFS Home Page. We are just wrapping up the first webinar training to be posted on the website. Thank you to all who have participated in that effort. The second online training is going to be about how to implement an evidence-based practice or program in Nevada. I would love to have Commissioners participate in the second training, so if anyone has any experience in an evidence-based practice or program in their county, I would love to hear from them.

Commissioner Judge Egan Walker: That brought to mind one request of Judge Voy and Ms. Duffy, just given their volume of cases. I met with the Fundraising Director of the National Council, and she's out making asks of private foundations and private organizations for funding of the Juvenile Justice Innovation Center. I shared with her that one successful strategy that we've all used is the pulling of heartstrings. I need poignant heart-tugging stories that illustrate how education either Judge Voy or Ms. Duffy may have received or information in the system literally or figuratively helped save a kid's life. Those stories can be utilized when we ask for funding for the Innovation Center.

Commissioner Brigid Duffy: I will start digging through my journals right away.

Commissioner Scott Shick: The webinar training is very well done and very thorough and it's user-friendly. I am looking forward to having his staff start using it.

Commissioner Pauline Salla-Smith: They are working on the video for introducing evidence-based programming that will be placed on the website.

Judge William Voy: We haven't been able to get a quorum. There are a lot of issues that have been coming our way, and I would like to be able to work on them. But, I can't get a quorum and that's very concerning. The committee was tasked to start to look at some of the big picture issues and if we can't get a quorum, we're never going to be able to get there. There are many issues the committee needs to work on and get out to the Full Commission. Should I impose fines and fees for non-participation?

Commissioner Judge Egan Walker: A letter will be going to Governor Sisolak introducing the Commission to the Governor. I will let the Governor, or his representative know who's attending and who's not. I will make personal contact with those persons who are creating challenges, for example, at reaching quorum. It's up to myself and Commissioner Hastings to be the "bad guys" in terms of Commission participation. I will be the heavy to try and get people to show up. Unfortunately, I don't count for a quorum, but one thing I can do is personally call the subcommittee members and remind them of their responsibilities to attend those meetings.

Commissioner Frank Cervantes: I reached out to Katie on this subject to just take a look at everybody who's on the Commission list. Part of our discussion was we were going to reallocate some of the subcommittees. I will take a look at that list and see just from my view who might fit for the Strategic Implementation Committee and maybe reach out at that point when we re-engineer those committees. Hopefully that will produce a little bit more compliance.

Commissioner Judge Egan Walker: This was an excellent plan. No one has told me they want to be on a committee they're not on or they don't want to be on a committee they are on, and all are up for appointment to either or any of the subcommittees.

Commissioner Brigid Duffy: There was a meeting scheduled last week but it ended up not happening. I took that time and looked at the committee assignments under 4 A through D. And what I realized was as a Data Subcommittee, we truly need to get an understanding of CaseloadPro. The subcommittee can't get anywhere with complete implementation of CaseloadPro Phase 1 or 2 or provide the Annual Performance Report because everything relies on CaseloadPro. Without training, we won't be able to make recommendations to the Commission. So DCFS is going to help me set up some way to understand CaseloadPro before the subcommittee goes much further. Under Goal 4A the committee was tasked to develop policy for reporting requirements with use of CaseloadPro, so there will be a heavy reliance on Commissioner Wickes to get the job done. She'll be very helpful in facilitating our understanding of some of the parameters around the YLS, (who exactly is using it, how often it's used, and the training that's required to use it) so that we can then develop the policies for reporting the use of that assessment tool. We will schedule another meeting after the first of the year, so we can get on track, and wait for DCFS to tell us when they can get together and learn about CaseloadPro.

Commissioner Pauline Salla-Smith: Since I've been using CaseloadPro for about 20 months, I would be happy to have discussions with Commissioner Duffy about what they've learned to do with it.

Commissioner Brigid Duffy: That would be great. I will probably use my budget to fly up and be with my other Commissioners and my subcommittee to kind of do it together.

Commissioner Scott Shick: Chief Deputy Mike Torres, who is a pioneer in CaseloadPro, could help them. If Commissioner Duffy was going to come up north, Deputy Torres could be available to work with her and walk her through what he's learned and how he's been able to change it for the better in respect to the data that needs to be collected for the state.

Commissioner Judge Egan Walker: Commissioner Duffy, I am unafraid to give people assignments, and if you need people drafted into your subcommittee, please let me know and it will happen.

Commissioner JoLee Wickes: Our November 5<sup>th</sup> meeting was well attended and fruitful. We had a "robust" discussion about the YLS minimum standards probation policies. It took a fair amount of effort and Dr. Vincent was patient and helpful throughout the process. We worked through some thorny issues and crafted a draft of the Minimum Standard Probation Policy around the YLS. We had broad-based representation in terms of the different disciplines who helped us draft the policy. There were some areas where we had easy consensus and there were some areas where we had a spirited discussion. This item is on the Agenda for possible approval.

Commissioner Judge Egan Walker: To "tee up" the conversation we will move to approve the Statewide Institutional Policy related to the Youth Level of Service Case Management Inventory Policy and then open it for discussion. The discussion that commenced was to clarify the actual documents and policies in the Commissioners' packets. It turns out that there were supposed to be two policies in the packet, one for Probation and one for DCFS Statewide. Some Commissioners only have one policy. If the Commissioners printed the packet out ahead of time, there were two policies in it. The packet we were handed on arrival only had one policy in it, and that was the confusion.

Commissioner Scott Shick: The working relationship between the public defenders and the district attorneys and the judges made this document what it is, and I thought it was going to be very effective as far as risk and needs assessment in the jurisdictions.

Commissioner Judge Egan Walker: To echo and magnify Commissioner Shick's comments by saying when we started on this process, they said it couldn't be done. People said there were jurisdictions where it took two or three or four years to ultimately arrive on and adopt a statewide policy. Nevada may be small, but it's mighty. Nevada is small enough to actually get things done.

Commissioner Eve Hanan: The 8% override figure. Where did that come from? Was there adequate protection for overrides happening differently in different areas?

Commissioner JoLee Wickes: Dr. Vincent told us that 8 percent was based on "conventional wisdom" and that there's no research behind that number.

Commissioner Pauline Salla-Smith: This policy was for meeting minimum standards. We had a lot of discussion surrounding that in our committee. In my jurisdiction they've been using the YLS for over a year and a half and our override is actually at 1.6 percent. The only thing that the override portion of the YLS covers is for the risk to reoffend.

Commissioner Eve Hanan: Capturing in the future where the variations happen and making sure that it's functioning just as the pressure release valve that's needed and the amount of discretion that's needed and no more.

Commissioner Judge Egan Walker: The 8 to 10 percent is the override rate that we begin to see failure of the tool at in other jurisdictions. Said differently, most jurisdictions that exceed 8 percent for administrative overrides have something else going wrong in the jurisdiction about the implementation of the tool. I move to approve the minimum standard policy that they would use on the bifurcated house that includes Probation and the Statewide System. Commissioner Salla-Smith seconded the motion. All voted in favor and the motion carried unanimously.

Commissioner Saitta: The last meeting we were unable to get a quorum. So, we are looking at some shifting and changing of the subcommittee composition. Our next meeting is scheduled for Monday, 12/17. The Youth Committee members are vital because when they become of age these are the people that they need to be preparing to take their places at these tables. They are amazing. They have new and unique ideas and attitudes and a wealth of knowledge that adds to the infrastructure and what they hope the Commission will do.

Judge William Voy: I don't know the criteria to be a member of the Youth Subcommittee, but they should make sure that whoever is on that committee has exceeded the jurisdiction of the Juvenile Court. He would not want to be the cause of them not having a quorum because he may have recommitted a member of the committee to one of the institutions.

Commissioner Saitta: Youth Subcommittee members thus far have been vetted through John Munoz and will continue to be. We have to be approved ultimately for appointment by the Governor's staff as well.

Commissioner Pauline Salla-Smith: Our meetings are once a month, the Thursdays right before the Commission meeting. I think that helps establish quorum because members know they're going to report the next day. At the most recent meeting we prioritized the JJOC's Full Commission goals that were assigned to us. We have completed the evidence-based programs' inventory and now we are working on securing a list of current programs to review and discuss at the next meeting. All the jurisdictions had submitted their evidence-based programming, so Ms. Brubaker was going to try to secure that information for the committee. If that is a no-go, we will work through NAJJA to get the list again. Once the committee gets that inventory, then we're going to work on the evidence-based program criteria which really is already identified in the matrix that came out of the strategic planning committee. There are always requirements that are included in that curriculum that we have to report out on if we're using it, but most of the work is already done. We're just going to



put it together to present for the full Commission. The Committee's third goal was the quality assurance review process. Ms. Brubaker is going to train the committee at our next meeting on the CPC Indicators. That is the quality assurance tool that is being utilized at the facilities throughout the state. It's hard for the Committee to develop a QA review if we don't even know what the tool looks like, so we're going to get trained next month. And then Commissioner Bracken and Commissioner Pierrott are going to secure some corrective action templates with the quality assurance review to bring back to the Committee so we can work on that and bring it to the full Commission. And finally, the Committee had a lengthy discussion about room confinement. We hope to provide some training to facilities around that issue.

Katie Brubaker: The status of CaseloadPro. Clark and Washoe are still working on data conversions, but once both of those counties are up and running, we'll be able to secure the YLS into CaseloadPro. For the MAYSI, we are partnering with NAJJA to create a case plan for statewide use with respect to the YLS. The plan is to take the existing case plan and then make some additions that are unique to Nevada. What that means is the YLS needs to be vetted through multi health systems or the owner of the YLS. Also, with respect to the MAYSI policies on its use, NAJJA will be working on that as well with DCFS staff. Regarding the Correctional Program Checklist, their quality assurance tool, China Spring received their draft report on December 4<sup>th</sup> and have until January 11<sup>th</sup> to provide feedback. Otherwise, it will be considered a final draft. Spring Mountain will be getting their CPC draft report and they will have a similar amount of time, approximately 30 days, to respond with any kind of feedback or changes they see, or they deem necessary for the report. What that means is at the next meeting I will be able to present China Springs, Spring Mountain and Summit View and their results and what those reports look like. We will start training for the YLS for the pilot counties in DCFS some week in January. Details will be forthcoming. There will be one training session in Las Vegas and one in Reno or Carson City. And then in March the Committee will be working on case plan training. By April, if not sooner, we'll push out the YLS training to the remaining counties.

Leslie Bittleston: The Formula Grant update. The current grant is still frozen. Our VOCA Grant is still pending. Commissioner Bracken and I went to Baltimore to attend the DMC Conference. OJJDP is going to be changing the reporting requirements for states on how to report disproportionate minority contact. (FY19) They currently request nine contact points. Those nine contact points will be less than two 5-contact points. Those five contact points are arrest, diversion, detention, confinement and adult certification. In saying that, they will still be collecting the same data that they have always collected in the past. A lot of that data is still required per NAC 62H200 and for many of the performance measures. The reporting requirements to the Feds will actually lessen next year. The Juvenile Justice Delinquency Prevention Act was reauthorized yesterday by the U.S. Senate. They will be going over that over the next month and provide an update to the Commission next meeting on what those changes are. At the last Commission meeting I was given a task to look at what happens to the Formula Grant in all states that are receiving the Formula Grant. Currently all 50 states, the District of Columbia, and five U.S. Territories accept the Formula Grant. In 2017 the total allotment for the Formula Grant for all of those states, District of Columbia and U.S. Territories was \$3,396,245. The smallest allocation was \$59,000 to the U.S. Virgin

Islands. And Nevada received \$394,924 in 2017. The current grant which is what Nevada was just awarded, the total grant allocation for all of the 50 states, the District of Columbia and five Territories was \$44,092,153. The largest allocation was to the state of California for \$4,610,000. And the smallest allocations were \$75,000 to the U.S. Virgin Islands, Guam and Northern Mariana Islands. Nevada received \$411,000. So, in looking at how all states spend or subgrant their grants it is a requirement that states subgrant roughly 66 percent of their total allocation out to community partners or juvenile justice improvement plans or projects. Probably roughly 80 percent of states and territories subgrant out through an RFA process much like the state of Nevada does to several subgrants based on what the state's plan is and their areas of need. Some states like Nevada do a needs assessment to figure out what the highest need categories are, and some states just allocate to any of the 32 program areas available for the Formula Grant. Roughly half the states fund in full or some part a compliance monitor and cover travel to visit onsite facilities. The Formula Grant uses subgrants for program projects and compliance, and very few use their funding for administrative and personnel costs.

Commissioner Judge Egan Walker: The reauthorization of JJDPa is a great big deal because all of them now need to go ask Congress for more money. \$44,000,000 in total grants is not even a second of the interest on the National Debt.

Commissioner Ross Armstrong: Although she indicated that all the states are currently receiving it, my understanding was that there are now four states that have rejected this funding because of the ban on sanctuary cities. Is that the case?

Leslie Bittleston: That was correct. Four states applied for the Formula Grant and were awarded the grant, but they did not accept the funds due to a new special condition on the grant on not allowing those funds to fund sanctuary cities. Or to identify that these funds are not going to non-citizens. One of the states is New Mexico, and the reason that they did not accept their funds is they contract their juvenile detention facilities with ICE, so they do hold some Federal immigrant children, so they did not accept the funding. Three other states have not yet accepted for those same reasons. They said that special condition of sanctuary cities was concerning.

Commissioner Ross Armstrong: It would be great if the State Advisory Group Committee could do more work on this because there have been some questions about how those funds are allocated every year. Nevada is requesting that subgrantees have a sustainability plan so that the sustainability for the programs is not just totally dependent on the Federal funds. Should the grant funds be used like seed money for special projects to help a project get up off the ground and then keep it going? There was a large allocation to the Innovation Center but that was one of the first times it really allotted a chunk to assist an improvement grantee. My "ask" of the State Advisory Group would be to continue to explore how Nevada can best use its Formula Grant going forward.

Leslie Bittleston: Whether we subgrant funding out or use it for system improvement, their requirements are to funnel 66 percent, so whether that be on system improvement or continuing sub grants, it doesn't matter. But we do have to funnel 66 percent out.

Commissioner Judge Egan Walker: Commissioner Armstrong's statement echoed what Judge Voy's frustration is which is to really take a hard look at what are the top three or top five problem areas in the state, and how will the grant money be used. How could we use some of that money to seed regionalization or whatever it is they thought was the big-ticket item?

Commissioner Pauline Salla-Smith: I thought there were some historical stuff that has gotten lost because Formula Grant was always 100 percent first year, 75 percent second year, 50 percent third year and then sustainability had to take over. I encourage everyone to answer the survey that will be distributed regarding the priority areas for OJJDP's Formula funding. The answers to the survey questions are the basis for funding decisions for the Formula, so everyone should complete the survey and identify the areas of most need.

Katie Brubaker: I already finished my portion of the work plan updates, but Ms. Bittleston would do an overview of the YLS Corrections Policy.

Leslie Bittleston: The Youth Level of Service Case Management Inventory. The YLS/CMI Policy is the DCFS Corrections Policy for the use of the YLS. This policy is very detailed and identifies what the state, the DCFS staff, will do when a youth is committed to the state. Prior to this policy, the state was using what was called an Admissions Assessment Report to identify or to do a history on the youth and identify which of the three correctional facilities was the best placement for that youth. Our vendor, NYSAP, studied that Admissions Assessment Report to compare it to the YLS. They found that 95 percent of that Admissions Assessment Report is in the YLS. The only remaining items were on Page 10 and 11 of the policy. There were four questions that were on the Admissions Assessment Report that were not in the YLS. Those questions, Current Weapons Involvement, Prior Weapons Involvement, Current Misconduct Reports while Detained and Prior Escapes or Runaways. We condensed the Admissions Assessment Report into what's now called a Facility Scoresheet. We are going to utilize the YLS as completed by the Probation Department and then we will get the information on these youth, and in conjunction we will identify the best placement for the youth. This policy is probably 90 percent complete. There are still pending quality assurance procedures, so we still have one additional meeting with NYSAP to finalize the quality assurance piece for DCFS.

Sharon Anderson: We are continuing to work on the remaining policies. Those policies are being reviewed by the Deputy Administrator for finalization. We should have them all completed by the March 2019 meeting. With regard to the SOP's, the central implementation team is continuing to work on writing the SOP's for each of the policies and each facility site is working on their own SOP's which are unique to their site. Parole is also working on their SOP's. And finally, in regard to the Case Plan Re-entry Plan, we are working with NYSAP to build the actual case plan, so the Case Plan and Re-entry Plan Policy can be finalized.

Commissioner Scott Shick: The Facility Scoresheet and the impact that it might have on an original YLS decision, risk factors, those domains. Wouldn't that have an impact? How did NYSAP respond to this?

Leslie Bittleston: When we began working with NYSAP on the DCFS Correctional Policy, we sent NYSAP the Admissions Assessment Report which we were using prior to the selection of the YLS. The NYSAP group went through that document and took out all of the things that were already in the YLS and said that these four questions were not part of the YLS and could still be relevant to placement decisions in a correctional facility. That's why they narrowed it down into the four questions in addition to what the risk domains identify in the YLS.

Commissioner Ross Armstrong: It's not changing that final YLS risk score. It's just additional information and helping with the admissions or other determinations. They are going to include the total risk score level and also the risk for each domain. That's incredibly important, especially with case planning and the admissions decision. If anyone has comments, send them to Katie and they'll be taken into consideration going forward. I did approve the Family Engagement Policy, so the division Family Engagement Policy that's required by statute is now in place and ready for implementation. The others were a little bit more reliant on YLS and so that's why it's taking a little longer.

Judge William Voy: The Family Engagement Policy should have some weight, but what's missing is the ability to provide juvenile sex, accredited and official acceptable juvenile sex offender treatment which currently does not exist, but can be provided at Summit View. Those risk levels are not going to be captured within the YLS because YLS does not capture the risk to reoffend as a sexual offender. That means the high-risk juvenile sex offender is not going to get any treatment for the primary reason why they're in the system to begin with, being scored and sent to NYTC or CYC. So, that's a wasted opportunity to get that treatment and to lower the kid's risk so that when they do come back to the community there are options in where to place the child. This is a huge concern that needs to be factored in as a separate category. I am also troubled about mental health considerations. The policy talks about programming, the extent and level of adequate mental health treatment that can be provided. This is a huge component that isn't necessarily captured in the first four or five YLS considerations with primary concern there about weapons and escape. There's a whole category of issues that have been pigeonholed under the last category. I think that those considerations are just as important and sometimes more important than how the kid scores on the first four or five other issues as it relates to the determination that's going to be made as to where the kid goes. I've got real life examples from my courtroom where kids are not getting the best placement to treat their risk areas using the YLS. We are doing a disservice to that child and to the community and wasting taxpayer dollars because that kid's going to come out of nine months at NYTC and that risk level is still going to be just as high as when they went in. I see three main areas that are lacking, mental health, JSO and real true substance abuse treatment. I ask the Commission to consider beefing up this last category, programming at the Facility. One of the reasons why the Supreme Court Commission on Juvenile Justice pushed to reopen Summit View was to be able to provide at Summit View amongst other things for that particular classification of kids. I've had several kids over the last many months now who fit that category that have been rejected for Summit View because of some of the other considerations that are reflected in the first part of this scoring instrument.

Commissioner Judge Egan Walker: The state hears Judge Voy's concerns loud and clear and have been doing so for the 15 years of his tenure. Commissioner Armstrong, can we come back considering Judge Voy's comments with some suggestions to "beef it up."

Commissioner Ross Armstrong: One of the main concerns in seeing this was that it didn't include those domain risks that get pumped out by the YLS because that is exactly the type of information that helps you make the decisions in terms of what programming there is. One advantage too is that if they see that they have kids at a facility, say CYC, and their risk level is not coming down, then that gives them good information about what needs to be retooled at CYC to help those risk scores come down before release. Comments like Judge Voy's are exactly the types of comments that are helpful to them to finalize the policy, and so if any other stakeholders have similar questions or concerns about any of the DCFS policies that are presented for feedback to the Commission, send them to Katie and we'll make sure they're included prior to final approval.

Judge William Voy: I understand what you're saying, but let's be real. You're not going to be able to hire a qualified mental health provider to go to consistently go on a weekly basis to CYC or NYTC to provide these services or it would have been there by now. I've been asking for that for 12, 13 years, too many years to figure it out, and the state's never been able to do that. I'm not blaming anyone in this state. The reality of the situation is the distance and the ability for the state, because of the way everything is budgeted, to hire people, pay them enough money to go there. And that's never happened. That relates both in to the mental health area, but also the general sex offender area and to some extent, the drug and alcohol issue too. You can't staff the regular staff there at your current facilities because of those impediments built into the system because how much you pay these people to work at these facilities, not you personally, but the state in general. The bottom line is you're not going to get those folks. The reason why we have some of you is, so we can bring in contract people from the community that do exist here to provide that service there. But you don't have that in the community in Caliente. You don't have that community in Elko. Those people don't exist up there. I don't see it happening anytime soon unless there's some magic pill in that budget that we're going to find out about that's going to create this huge demand for people that will run out of the urban areas and go run up and live in Caliente and Elko.

Commissioner Judge Egan Walker: Those systematic concerns are valid and shared by a lot of people across the state. And it's good that Judge Voy points out the continued weaknesses. On a positive note, he said he is impressed by the state and their willingness to address systematic concerns. So maybe there is optimism for change. In June of this year there were 55 boys awaiting placement at state commitment. As of December 2<sup>nd</sup>, there were five. And the numbers are the same for girls. As we see systematic changes that stop us from recycling kids in the system the 11 times that CSG pointed out, they're going to see some more fleet-footedness from the state and some more capacity.

Commissioner Scott Shick: To mirror what Judge Voy said in a different way. They're going to take all this time to get the YLS accomplished, define those risk areas, the strength areas, and then they're going to send a child off to a particular program, and they've got to get those services there. There can't be another step. There are challenges to being rural, especially

delivering services in the clinical areas. Should we fill a bus full of clinicians and roam them around the state and have them provide services? Everybody can define the problem, but who's going to be doing the work, who's going to be grass roots and at boot level doing the work with these kids and specifically in the clinical areas? The Strategic Implementation Committee and the Commission are going to have to tackle it.

Commissioner Frank Cervantes: Was there was an override rate attached to this assessment as well as the Probation assessment?

Leslie Bittleston: This was not an area of discussion we had with NYSAP because of the uniqueness of the questions, the additional questions, and some of the override.

Commissioner Ross Armstrong: 8 percent was in the Quality Assurance section which was still remaining to be finalized.

Leslie Bittleston: That is correct. The quality assurance section is still pending. There are two areas that we still need to cover with NYSAP. One is release decisions for releasing youth from the facility to parole, and second is the QA piece in the YLS policy.

Commissioner Judge Egan Walker: The transparency that we see from the state is really refreshing because it gives us an opportunity to have meaningful conversations like the one, we just had. The Governor Elect makes his decision about the composition of this committee, we're going to get some refreshed assignments. The Commission is going to move to quarterly meetings next year, particularly because the legislature's in session. We are proposing meetings in March, May, June, September and December. Wishing everyone a safe and happy holiday season.

The meeting was adjourned.

### **Public Comment:**

Ms. Kimberly Ortega, the mother of two children in the system, called in with some comments. She had concerns like those of Judge Voy. She has personally seen the recycling pattern of Parole, Probation, Detention, and another visit to Judge Voy. The time waiting for proper services is so long that youth can re-offend while they're waiting for service. Some services like mental health and substance abuse treatment never happen. Parents need support, too, and they are not getting it. Ms. Ortega said she was excited to hear that the Commission was wholeheartedly working on efforts to help youth, and as a parent she's applauding them. Once her girls get themselves together they will appreciate the fact that the Commission has been trying their best to make sure that they get out of the system and lead long and healthy lives. Ms. Ortega gave her thanks and said she hoped there would be a seat for her on the Commission one day. Judge Walker thanked Ms. Ortega for taking the time to participate and for being involved as a parent. Parents' voices are sometimes missing from the dialogue and her comments were most welcome.

**Committee Report and Other Notes:**

Judge Walker motioned to approve the outstanding meeting minutes from 7/3/18, 8/10/18, and 9/14/18. Commissioner Patrick Schreiber seconded the motion. Motion carried, and the meeting minutes were approved.

Judge Walker moved to approve the minimum standard policy that they would use on the bifurcated house that includes Probation and the Statewide System. Commissioner Salla-Smith seconded the motion. All voted in favor and the motion carried unanimously.