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Nevada State Juvenile Justice Oversight Commission
Strategic Plan Committee
April 19, 2018

Meeting Minutes

Roll Call:

Commissioner Eve Hanan, Commissioner Frank Cervantes, Assemblyman James Ohrenschall, Judge William Voy, Dr. Joe Haas, Erica Olsen, John Munoz, Commissioner Scott Shick, Commissioner Kelly Wooldridge, Lorna Shepard, Nina Soloman, Commissioner Judge Egan Walker, Katie Brubaker

Public Comment: None

Lorna Shepard: The primary goal of the meeting will be compiling some recommendations to be included in the Strategic Plan for the Commission for the May 11th meeting. As a committee we need to decide on the definition of evidence-based practice. We need to choose a matrix and we have two on the table. We want to get agreement to the goals. We are in the outline that was approved in March by the JJOC. We need to identify some of the initiatives, timing, roadmap and roles for as many of them as we can.

The group wants to get some clarity on some of the anticipated responsibilities of the JJOC for implementation oversight. After July 1 what does the Commission do and how can we clarify the county's roles and responsibilities or recommended timing for compliance with those things that are outlined in the plan and in AB 472?

We will start with input from any participating Strategic Plan Committee members and participating attendees that will inform the Strategic Plan Committee Co-Chair's decisions, a direction or recommendation to be voted on by the committee. Decisions will be shared and presented with the JJOC at the next meeting and also incorporated into the plan as a draft. If there is no decision, we just need to agree to the next steps so that we can move forward to put something forward in front of the Commission.

The bill says we'll establish uniform procedures for DCFS Youth Parole in each department of Juvenile Services, establish procedures for measuring outcomes, select a validated risk assessment tool, a validated mental health screen tool, contract with a qualified vendor to provide technical assistance and training to employees of the Juvenile Justice System on the implementation, operation of such tools. And then furthermore, develop the strategic plan that establishes policies and procedures for the Division and each Department of Juvenile Services related to the use of evidence-based practices.

Commissioner Frank Cervantes: We've already selected the tools we will be using (the YLS, MAISI) so they should discuss evidence-based practices.

The group discussed their five-year timeline and how progress will be measure.

Judge William Voy: It's vital to have funding available through a resource center or else Medicaid providers will just stop serving Juvenile Justice kids and serve other kids where the evidence-based practice isn't in play. The coercive nature of saying we're not going to give you money is best if it's paired with, we're giving you money and we're going to teach you and provide you the resources to provide this. I don't think that will work with getting providers to be evidence-based because the dollar isn't big enough in Medicaid.

Commissioner Kelly Wooldridge: If we start doing it now and we have less kids going to out of state RTC's, less kids getting costly residential, the goal would be to reinvest that funding down into the lower services.

Judge William Voy: I agree. Those folks are underpaid to begin with. They've got kids sitting in detention in Child Haven because they're not paying people enough to implement the programming they need and the personnel they need to be able to keep those kids. And it's been getting worse, not better. There's been no action on it for the last couple years about fixing Medicaid reimbursement rate for home placements. Part of the strategic plan should include getting that fixed because Nevada is the lowest on the totem pole funding-wise. If we could this into the strategic plan somehow it could give us the hook we need to force people's hands to get it done. We've got to weave it into our strategic plan. Because without the incentive to increase that funding, it's not going to happen. So, if we interweave it into the strategic plan mandated by legislation then we're going to force the other folks to get off the fence and get it fixed. Then maybe the group homes for Juvenile Justice can provide necessary treatment and supervision that these kids need that they can't currently get in the existing funding the way that they're funded.

Commissioner Judge Egan Walker: Everyone is saying the same thing. They decrease their commitment, they decrease their out-of-state placement rate and all the millions of dollars they spend every month sending kids out of state and re-invest that in local programming which is exactly what they're talking about.

Lorna Shepard: How do we reallocate money if we're spending less on detention? How do we make sure that money gets into that bottom line?

The group studied some charts and graphs and reports that originated in Florida and then were tweaked and compiled by the CDC and Commissioner Joey Orduna Hastings and then they reviewed and compared some adaptations and revisions of those compilations. They ended up looking at a colored, three column chart, with the goal of moving to the far left hand column by year five. There was a

discussion about funding for evidence-based programs and what qualifies for reimbursement of funding through the state.

The group had a discussion about how state funding is being used- exactly what do they get for their \$72 million a year? Should they be funding anecdotal programs with no research but promising practices? What about shortened programs, modified a bit to fit schedules- is fidelity an issue? Are home grown programs using studied research methods different than those without? If a program is using strategies that you know by research is effective, that should “count”. So that the program, the modality, how you’re delivering the service, the strategies you’re using is demonstrated by social science research as being effective with the population that you’re serving, less about the contents or the actual program.

You have to have access to those evidence-based, research-based programs and they have to be accessible by all the jurisdictions in the state, and there needs to be a menu of such programs that you can pull off the shelf, put in your shopping cart, take that to your agencies.

Commissioner Kelly Wooldridge: If the resource center gets funded, this Evidence Base Practice Library would be housed and grown there for all counties in Nevada to share.

Commissioner Judge Egan Walker: I want to clarify that it’s a valid point to say a program has anecdotal evidence, sound theory but no research but the source of the program is an evidence-based program which is aggression replacement therapy. It’s not just anecdotal; it fits in evidence-informed practice and an emerging kind of program. Can you look to something, can you anchor it on something that you know is an evidence-based practice and show this as a promising policy.

Commissioner Scott Shick: I agree with Commissioner Judge Egan Walker. In the wilderness program in Douglas County they use cognitive behavioral therapy and motivational interviewing. They incorporate good practice and they look at their numbers and they understand that that reduces recidivism. When you talk about results, he hopes those results are directly related to the reduction of recidivism in the populations that they serve. They do have these hybrid programs that are operating within the framework with great practices.

Lorna Shepard: Within the bill there was an inventory for funding being allocated for programs across the state, including program elements of research-based programs, evidence-based practices, motivational interviewing, exercise-based boot camp, self-esteem program, cognitive behavior therapy, etc.

Commissioner Scott Shick: It is important for all of us to assist the smaller jurisdictions with lesser resources to meet the mark to find programs where kids are going to be able to demonstrate sincere behaviors change and reduction in recidivism. That should be a goal for all of them.

Commissioner Judge Egan Walker: I agree with Commissioner Shick and said that as the Co-Chairs of the JJOC, he and Commissioner Joey Orduna Hastings have committed to say to legislature hey, look, you created AB 472, you created this push-down dynamic of funding that you stole from the Feds, but to have these evidence-based programs you now have to pony up some money. They will argue for their colleagues in the rural jurisdictions because when kids fail out there, it’s a failure for all of them.

Commissioner Eve Hanan: There might be validation issues if the statute is talking about evidence-based practices, and a local program that adopts practices that are evidence-based and uses them in a modified way. Why are they moving to the evidence-based program language rather than evidence-based practice language? If they’re employing techniques which have been tested elsewhere in other

places and validated for use with juveniles, does this exact program have to go through a rigorous evidence-based to be validated, or is it enough that those underlying practices are?

Judge William Voy: We need to make sure to understand that we're all talking about the same thing. When something's been evidence-based, that means it's been studied, it's had a control group, and that it's had to go along with what you're testing the program on, and then recidivism studies that are meaningful recidivism studies to show what happened to that child one year out, two years out, three years out, whatever number you're going to pick. I always go for at least age 24 for a true recidivism. Most of what's out there that people call evidence-based, most of what they do with kids, programs and practices, has not gone through that rigorous process to become evidence-based as the true term, evidence-based does exist. If we're going to go back and establish a resource center and it's going to include a half a dozen programs maybe and about half a dozen practices that truly fit the category of evidence-base currently as we sit her today. S, it's not going to be a lot on the shelf.

Commissioner Frank Cervantes: We are actually on to something larger- if you look at it holistically, the practice of a juvenile probation department is to use programming, casework, family engagement, all of these things so your practice encompasses all of these things, and if your holistic practice is evidence-based when it was formed, you're trying to slot kids with things that you know work, and so we know one thing. Usually one thing doesn't just work. I can't send somebody to equine therapy and fix all of their depression for the last 15 years, right? But with that other programming, other things that are involved in that child's specific case plan which goes back to your question, is the standardized risk assessment supposed to help drive what those needs and how they're met? But so really the practice is larger in scope and it's consolidating programs, the engagement, court, all of it, the practice of Juvenile Justice is a system.

Commissioner Judge Egan Walker: What it is, is a continuum of care. Because sometimes the practices are administering MAYSI. Administering YLS, that's a measurement tool which is then supposed to guide programming. And so, they're intertwining. It's about the system of care. My mission statement would be that in five years, the Juvenile Justice Oversight Commission will be able to say that for the continuum of care of children in the State of Nevada they're using evidence-based interventions. At each step they should be able to say this is what we did and what we measured, and this is why we engaged in the next step, and that was informed by a tool, an assessment, both, some other programming.

Lorna Shepard: I'm hearing few disagreements. We will stick with the phrase about the continuum of care, that this is a continuum of practices, to Commissioner Judge Egan Walker's point, and as for changes, they will stay away from "anecdotal" and stick with more about "delivers positive results, especially those required by the JJOC" and that the data needs to support positive outcomes.

The group decided we needed to define practice and program. The group picked practice as the best term to use.

"Practice" is the bigger word. It includes programming. "Program" is the procedure.

Commissioner Judge Egan Walker: I define practice as that which is done that produces evidence which will be measured but related to any step in the life of child, whether measuring what their needs are, what their mental health needs are, what their YLS needs are, what their entry into commitment needs are, what their exit from commitment needs are, et cetera, et, cetera, et cetera.

Commissioner Frank Cervantes: I was excited about the data getting consolidated. We will be able to tell county by county what that looks like. That was part of the whole reason to do this bill is to have data that could actually tell you that. And when you look at the internal data, you will see if the funds that they're using are showing good results. When this thing is all wrapped up and the data starts being funneled to a central location you can get down and look at somebody who's been committed on probation violation and find out what those probation violations are anchored to because that's another big topic is that you're recycling probation violations that they may be anchored to a really chronic or serious offense.

Dr Haas: If we look at the where they want to be in five years from evidence-based practice, right now they're using the practices of the MAYSI and the YLS to identify kids, the needs and risks for kids, and they can apply that against recidivism, both the kind of recidivism that leads to commitment and the up and comers who are recidivating a lot of these recyclers. Eventually then at a county level they could identify the needs of the kids who are recidivating at high levels and are being committed and then as the center progresses, develop evidence-based practices that will target those kids and eventually restrict your funding to programs that target those kids where it can justify that they're diverting kids on the system effectively. You could do it on a county by county level with that, who's getting committed and who's recidivating. That would, I think be applied to your goal of evidence-based practice, and everything moved to the left eventually.

Commissioner Judge Egan Walker: The strategic plan is fundamentally a guiding document for the JJOC to hold counties accountable for the movement of the activities that are articulated in the plan.

Lorna Shepard: When we talk about the four goals, that were proposed, underneath those four goals are initiatives. What is being done by JJOC, what is being done by DCFS and what is expected to be done by when the counties? All of us have to answer what by when. And the idea is to break them out by goals so it's very clear what you are, and the Commissioners are measuring and monitoring, but it's also very clear to the counties- when am I accountable for what?

Lorna Shepard: The first goal is to use a validated needs and risk assessment tool. The second is implementing programs and services proven to reduce recidivism. The third is collaborate across systems to address youth's needs and the fourth is tailor supervision services to youth developmental needs. So those are the goals that by the end of five years we hope to have made progress toward. These four goals come directly from CSG and what nationally they've done. They fit with what other states that have found success do. And so, what we need to do now is break those goals down into very specific strategies to put onto and with the strategic plan.

The group discussed the projects they needed to get up and operational, like the YLS, the MAYSI and Caseload Pro. The YLS has two components. One is the screening portion and the other is the full assessment portion. They realized that quite a bit of their work would be getting done for them when those were up and running, because data collection would establish starting points and set benchmarks so forth. NYSAP will also provide them assistance. Additionally, they can change their initiatives or adjust their benchmarks.

Judge William Voy: We plan on implementing the screener on every kid in Clark County and currently the law reads now it says any kid that's adjudicated has to have the full assessment before the adjudication. The problem you run into is there are a lot of kids who are put on probation that are run through the screener, they get no red flags, no other issues, but they have to adjudicate them because there's restitution or there's some other issue that's not that important, but they still need to be adjudicated. So, the thought was- and to be adjudicated relatively quickly. They do not want to slow

down the adjudication process, but they also don't want to necessarily go through the full evaluation for those kids that don't really need it. And so, the thought was to tweak the language in the current statute that allows flexibility to not do the full evaluation every adjudication. If there's going to be a formal written R&D, for example, that mandates that you have to have full assessment done before you do it.

Commissioner Judge Egan Walker: It makes logical sense. You shouldn't limit measurement because of an arbitrary procedural hallmark called adjudication.

Judge William Voy: I agree. That's the whole point of changing that so it would be mandated that if as a result of the screener, the screener is telling them they should do the full assessment. Some language like that, and that's what they kind of in the legislative subcommittee were proposing for rule change.

The group brainstormed that maybe a better set-up to get the big initiatives for each of the goals laid out might be to think about a timeline in terms of years. So, at the top is year zero which is the year they're in now, year one is next year, year two is the year after and so on. And in the boxes they would fill in set up. It probably should say like ready for roll out, phase in, compliance and reporting, whatever that looks like. So, the intention is to just put some milestones on paper in phased gates related to the initiatives.

Commissioner Kelly Wooldridge: We could come to an agreement on which of those national standards we want Nevada to practice. We could develop a handbook on them or whatever we want to call it and then counties implement them as well as the state facilities. I particularly like Utah and New Jersey and can email copies to everyone.

Judge William Voy: I like the idea of using a handbook that explains the different kinds of engagements for the different places, what if a kid's on probation, or in an RTC and maybe have it broken down what that really means. So, any kid that's in a correctional placement must have a face-to-face contact with family members once a month etc.

The group discussed the merits of including a family engagement plan in the strategic plan and after a very sincere exchange, it was decided the strategic plan would say by whatever date they will have a committee in place to create the family engagement plan.

Commissioner Kelly Wooldridge: I feel the success of our matrix and evidence-based practice would be contingent on the opening of the resource center. I thought there should be a funding initiative included in the strategic plan. If not that, then they should appoint a subcommittee of experts that would function as a de facto resource center. It's about sustainable funding for evidence-based practice.

Judge William Voy: Lamented the pay rates for state and county workers. My God, this state is the worst, and so one of the things we're going to be pushing through is increasing the pay grade, whatever it is, those folks are working in institutions so we can actually hire for the open positions they currently have. You know they have 28 percent vacancy rates sometimes. Any company will tell you once you start having 10 percent vacancy at one time, you're in trouble. And we're 20,28 percent, north of that. It's ridiculous.

It was suggested this should be part of this strategic plan.

Judge William Voy: Exactly, I'm going to be proposing that this next session, and I'd like to have the Advisory Committee discuss that and present it to the full Board or Commission to see if the Commission would back that plan so that when we go to the legislature with that plan we'll have a

Commission which is supposed to represent all the state, come with their recommendation. Including our facility with evidence-based practices, smaller facilities, regionalized, closer to the population bases and staffing ratios that, for example, that do not exist in the county system and the state system, quite frankly. And for more support for more upfront diversionary type programming.

Unidentified Speaker: Brought up Goal2, providing outreach and education to current providers about what's available. Engaging community providers and also educating them about what is the matrix, what qualifies, what do you need to do to qualify, explain the initiatives in the strategic plan and build them into the existing programs they're going to offer.

The strategic plan needs an initiative under quality assurances to expand the human and financial resources for increasing the use of the CPC (Correctional Program Checklist) to community providers. The CPC is the QA tool now only funded for use in the state institutions.

Unidentified Speaker: Several initiatives were already in process: collaboration across departments/systems with the implementation of Caseload Pro. Conduct annual quality assurance reviews, members of the Commission shall conduct an annual quality assurance review of each state facility, training to the QA tool.

There was a discussion about Caseload Pro that was vigorous. The bottom line is that eventually everything will be fine.

There was a discussion about race and privilege in America that was never settled. However, the intake tools are "color blind."

Group Members decided they needed a new category for some of the youth programs they were examining: Better Than Nothing. But some of those are community activities that will help to show improvement in some behavioral issues.

Lorna Shepard: Erica Olsen and I will take a stab at articulating the goals and the initiatives an even plotting a timeline based on this discussion. And on May 11th we should go to Commission with an evidence-based practice matrix. May 3rd is the standing 90-minute meeting. And then on May 17th there's a half-day. On the 17th they will be going to go through the document, a draft document, line by line, to be ready for the June Commission meeting.

Public Comment: None

Adjourned.