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DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
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Ross Armstrong
Administrator

**Nevada State Juvenile Justice Oversight Commission
State Advisory Group Planning
Committee Meeting
July 8th , 2021 at 11:00 am**

Meeting Minutes - DRAFT

Chair Pauline Pauline Salla-Smith called meeting to order at 11:00 am.

Roll Call- Leslie Bittleston took roll call and confirmed that quorum was made.

(VOTING MEMBERS)

Present by Phone: Pauline Salla-Smith(Chair), Joey Orduna-Hastings, Jennifer Fraser, Rebekah Graham, Jack Martin, Jaquelyn Nadar

Absent: Jessica Velasquez, Paula Smith, Jeremy Setters

(NON VOTING MEMBERS)

Present by Phone: Heather Plager, Eric Smith, Christine Eckles, Melissa Sickmund, Andrew Walker

(STAFF)

Present by Phone: Kayla Dunn, Jennifer Simeo, Leslie Bittleston

(PUBLIC)

Present by Phone: None

Meeting Minutes:

Pauline Salla-Smith: Great. Alright. Let's move to agenda item number three, public comment and discussion. Is there any public comment? Alright. Seeing none, if we could move to the approval of May 27th's meeting minutes, which is attachment 4. Everyone had a chance to review?

UNIDENTIFIED: I don't see attachment four in our meeting bucket. Oh, I see it. It's just not labeled attachment four. My apologies.

UNIDENTIFIED: Sorry.

UNIDENTIFIED: I make the motion to approve, Madam Chair.

Rebekah Graham: [Inaudible], good afternoon. I will make a second.

Pauline Salla-Smith: Thank you, Commissioner Graham. It's been moved and seconded. Any discussion? All those in favor, say aye.

Members: Aye.

Pauline Salla-Smith: Any opposed?

UNIDENTIFIED: Aye.

Pauline Salla-Smith: Minutes -- oh, do we have an opposition?

leslie bittleston: She was approving. It just came late.

Pauline Salla-Smith: Okay. Okay. Alright. Minutes are accepted as submitted. Let's move to agenda item number five, formula grant and compliance update, formula grant 21 solicitation update, sub grant awards. This is attachment five.

Leslie Bittleston: Yes.

Pauline Salla-Smith: Leslie, do you wanna --

Leslie Bittleston: Yes.

Pauline Salla-Smith: -- take this on?

Leslie Bittleston: Yes, I will. Just to update the committee, I have completed and submitted the FY21 formula grants. As I stated I think in our last -- or maybe it was in the JJOC meeting that this solicitation was quite late this year. Usually, it comes anytime from December to March, but it was not released until the end of May. So, I have completed and submitted that to OJJDP. Attachment five is a spreadsheet. The first thing that I will be going over is a spreadsheet that is titled F-one -- FY21 Formula Grant Slate Proposed Sub Grant Funding. Looks like -- I don't know if you can see me -- but it looks something like this. And basically, what that is is it -- is the six sub grants that we have been funding for the last three years, flat funding. I am recommending that we keep the same flat funding with the six sub grants. However, we may have an additional 100 -- yes, thank you -- thank you, Madam Chair -- so, that is the proposed grant slate for this upcoming year starting October 1st. That is flat funding from the last -- this will be the third year in a row for this flat funding. I anticipate that the formula grant, instead of being \$411,000 will be \$600,000 this year, which mean that we will have some additional funds to sub grant out of roughly \$125,000, which I plan to do a request for proposal for, but I do not plan to do that until this grant is not frozen. So, we will be covering these five -- six sub grantees like we have the last three years and there's an additional \$125,000, roughly, that will be available for sub grant within the next year or so. So, that's an upgrade -- upgrade -- update on the state fiscal year 21 formula grant. Are there any questions on that? Okay.

Pauline Salla-Smith: Don't look like it.

LESLIE BITTLESTON: Alright. Just looking at my agenda. Moving on to next bullet, compliance year 2020 summary document. It looks like this. Basically, this document outlines the compliance work over the last year. Just to let you know that for requirement number one and -- and does everybody have a good understanding of what the four core requirements of the Juvenile Justice Reform Act are? If not, I can do a quick summary. Jacquelynn, are you familiar with it? I think I sent you some materials before.

JACQUELYNN NADAR: Yeah. You sent me materials before. So, I'm good. Thank you.

LESLIE BITTLESTON: Perfect. So, for core requirement number one, the institutionalization of status offenders, we had one individual -- one youth placed in an adult jail for a status offense. That is considered a violation. We had 116 -- excuse me -- 196 juveniles placed in a juvenile detention facility for a status offense. And I gave you some demographics around that. The average age of those youth was 15.13. Of those youth placed for a status offense, 36 of those were MIC, a minor in consumption, which is a delinquent offense here in Nevada but still counted as a status offense federally. And then, out of those 196, 22 were held longer than 24 hours. And out of those 22, there were -- there was only one violation and two valid court orders. And just to kind of summarize what is not a violation for those held over 24 hours, those youth that are held on interstate compacts or out-of-state runaways do not count as a violation and youth that are held over weekends or holidays who cannot -- who -- detention hearing is -- is pushed out to the next business day. So, overall, the state detention facilities -- juvenile detention facilities did a great job, only one violation. And then, the two valid court orders were both in the County of Douglas, both reviewed and both were appropriate. So, that is requirement number one. Any questions on DSO? Okay. Moving on to requirement number two, sight and sound separation. There were zero reported violations for sight and sound separations of juveniles placed in adult jails. So, that is great. Moving on to requirement number 3, jail removal. Ten youth were placed in an adult jail for delinquent offenses over the -- the last compliance year. One was only in the booking area only. Four provided false IDs indicating that they were all age 18 or older. And once all of those -- once their real identities were discovered, they were released immediately. Three met the rural exception, meaning they were placed in one of our rural exception jails and two were violations. Overall age of those youth, those 10, was 15.75, so we are in compliance for jail removal. And then, requirement number four, racial and ethnic disparities plan. That was submitted to OJJDP, so we are pending their review. And then on the next page, number five, compliance monitoring facilities, OJJDP changed its requirements about a year ago to remove requirements to visit non-secure facilities. So, here in Nevada, we still monitor non-secure facilities by doing spot checks, but we are only required to visit secure facilities. So, this is an overview of the facilities that we visited in the last year. And as you know, COVID hit, so we -- we allowed these facilities to do virtual visits if they were comfortable for that or they would have one of us on site. So, some of these were done on site and some of them were done virtually. So, just to go over the spreadsheet, so out of the 25 adult jails we have in the state, 22 reported on their annual survey and nine were visited either virtually or in person, 74 adults secure facilities. Those include court holding facilities. Seventy-four of those, 66 returned their survey and 15 were visited. Juvenile detention facilities, all seven returned their survey and three were either visited in person or virtually. As you can see, these on-site visits were scaled back due to COVID, so the next compliance data you will see we will be scaling up visits over the next year. So, that is what we did for compliance over the last year. Are there any questions? Overall, we are in compliance with everything.

Pauline Salla-Smith: Any questions on that? Let's move on to formula grant accounting, attachment 5B

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LESLIE BITTLESTON: So that --

Pauline Salla-Smith: -- these are frozen.

LESLIE BITTLESTON: Yeah. This is -- this attachment, if you could see it, it is titled, Formula Grant Accounting Summary. This is a little confusing and I apologize but I was trying to get a lot of information on one page. So, you can see the very top chart here, Summary of Current Formula Sub Grants from FY18, FY19, and FY20. Those are the funding that we provided through sub grantee, so \$295,312.76, we provided in FY18. And in the next line, the total paid, that lets you know where we are with reimbursing our sub grantees. So, in FY18, we still have not reimbursed all of our sub grantees. We still have \$48,808 remaining to pay sub grants from FY18. FY19, we still have \$72,551 to pay out. And FY20, we have not reimbursed any of our sub grantees. So, that is just formula grants -- formula sub grantees. Going down to the next chart titled, Summary of Current Funds, this is just letting you know how much the award amount was. So, for FY18, the award amount provided to the state was \$411,267. We were able to get a partial release of \$370,000 blah, blah. We still have a remaining frozen amount of \$40,200 -- so you could see. So, that's -- and then, we also got a partial release from the FY19 grant of \$217,000. So, that is where we are with -- with sub grants and with the status of the formula grant funds. I know this is a lot of information, but are there any questions on this?

Pauline Salla-Smith: So, Leslie, this is Pauline because it just -- I mean, it says like that, you know, we haven't submitted a reimbursement, but I thought we weren't submitting a reimbursement until the funds were partially released?

LESLIE BITTLESTON: As part of the --

Pauline Salla-Smith: Like for --

LESLIE BITTLESTON: Yeah. And so, as you can see for FY19, when I was submitting the partial release of funds to OJJDP, part of the supporting documentation was the sub grantees' requests. So, I reached out, at that time when I was going to request the partial release of FY19 to all of the sub grantees and said if you've done work and completed your work, please submit a -- a request for funds, which I attached as supporting documentation for the release of funds. Some of the grantees did provide request for funds and some did not. So, the grantees that did request reimbursement for funds did get reimbursed.

Pauline Salla-Smith: So -- cause that was for our last one. I mean, that wasn't for the 20, right?

LESLIE BITTLESTON: That was not for the 20. That for way a year past. So, we are a year behind on paying our sub grantees.

JACK MARTIN: Madam Chair?

Pauline Salla-Smith: Yes, Mr. Martin.

JACK MARTIN: This is Jack Martin for the record. And so, I see down on this that Clark County left money on the table. Is that my understanding? And we didn't request for reimbursement? I'm reading at the bottom here, work ongoing but no request for reimbursement. It's on -- on the second page.

LESLIE BITTLESTON: Yes. And basically -- and maybe, I mislabeled that. The -- what I meant to say is that Clark County is continuing to provide the services, but we have not requested a request for reimbursement because we don't have any funds to pay you. So, I think maybe that's probably a little bit mislabeled because the full grant is frozen and I have not been given authorization to request a partial release from FY20 yet. So --

JACK MARTIN: Yeah. I would --

Pauline Salla-Smith: Yeah. That's --

JACK MARTIN: - I would suggest that that's very misleading.

LESLIE BITTLESTON: I -- I apologize.

JACK MARTIN: No problem.

LESLIE BITTLESTON: Yes.

JACK MARTIN: Thank you.

LESLIE BITTLESTON: Yup.

JACK MARTIN: And with regard to Kayden [ph].

LESLIE BITTLESTON: Yeah.

Pauline Salla-Smith: Thank you, Commissioner Martin. I think that maybe we can change that wording if this is going to the full commission because that's how I read it too --

LESLIE BITTLESTON: Okay.

Pauline Salla-Smith: -- for the [inaudible] judicial. That's what I was asking because, yeah, we didn't request any reimbursement because the money is frozen and --

LESLIE BITTLESTON: Okay. Maybe --

Pauline Salla-Smith: Well, I think we clean that up.

LESLIE BITTLESTON: Yes. My apologies. I -- yeah. Maybe all I need to say is work is ongoing and leave it at that because my understanding is you're still doing the work, you just can't request reimbursement because we have frozen funds.

Pauline Salla-Smith: Any other questions, comments, from any of the members? Okay. Thank you. Let's move to agenda item number six, new data requests from counties. So, this morning, there was -- I saw that our definitions went out this morning for our Use of Force definitions that NAJJA -- we work with NAJJA to identify really just some clear definitions to capture accurate data. Hopefully, everybody had a chance to see it. One of the things that we really wanted to ensure is that we weren't counting transports and court hearings on physical restraints or mechanical restraints in any way because that's really just movement of youth. So, if you can see on physical restraints, the -- the definition that NAJJA agreed upon is a facility authorized and trained hold used by staff to subdue -- subdue an otherwise uncontrollable youth to prevent the youth from injuring him or herself or others. This does not include escort techniques and routine contact with compliant youth. Mechanical restraints, this is placing handcuffs, leg restraints, belly chains, spit mask, restraint chair. I just included that SB212 had provided some new requirements with the restraint chair. Some of us are going to the rap, so we may need to add that in here too, excludes youth put in mechanical restraints for transportation, safety and security reasons including movement to and from court hearings. OC spray is really clear, right, OC is deployed. And then, one of the other things that we had discussion with NAJJA is that if we can expand or I guess maybe clean up the template because the full oversight commission had some discussion surrounding incidents versus number of youth because one of the examples that was utilized was, if there's a fight with five kids, OC is deployed or that's one incident but five kids are in there. So that we're -- we're really tracking what's occurring, right, because if -- if we're not specific about the data we're collecting that's -- that would -- it leaves it up for interpretation. So, if somehow we could do incidents and then youth and then un-duplicated youth because we all have our youth in our facilities or agencies that maybe are super users or are frequent flyers with restraints and mechanical restraints. I think that would be beneficial for the counties to be able to report all the same data. And I open it up for discussion at this time.

JACK MARTIN: Madam Chair, this is Jack Martin. I -- I don't disagree at all. I think use of force numbers can get very convoluted very quickly if we don't start to catch incident versus individual, you know. I mean it will absolutely look like some jurisdictions are blown way out of proportion if we don't catch it appropriately. It's gonna take a little extra collection effort but I think it's worthwhile.

Pauline Salla-Smith: Thank you. Heather, any thoughts? You have a facility too so this will affect you.

HEATHER PLAGER: Sorry. No. I agree with the -- the termination for the definitions you gave. I just want to make sure we're clear as well that we're all reporting on the same thing because, otherwise, really, the data to me is no good if we're not actually clear on what constitutes. And I agree with the concern about -- typically, it's one kid who causes a lot of problems over the period of time he's there. So, I want to make sure we can report those numbers accurately so it doesn't appear like it's necessarily several kids when -- when you just have one.

REBEKAH GRAHAM: This is Commissioner Graham for the record. And forgive me if I -- I don't know exactly how the state operates in physical management. Is there one accepted technique across Nevada or are there -- does each facility, each jurisdiction selects their own training or type of physical

managements, handled care, managed pro-act? Like is it up to each jurisdiction to determine what they'll use in the facilities?

Pauline Salla-Smith: Thank you, Commissioner Graham. It is. It -- it just has to be, you know, there's -- we have MANT [ph]. We have Handle With Care. We have Jireh [ph]. So, yeah. The -- the agency can decide what they're going to use. Of course, that needs to have standards and -- and evidence behind it. But not -- we don't all use the same one.

REBEKAH GRAHAM: Right. So, like in -- when I was in probation, our juvenile used Jireh [ph]. When I first joined Rite of Passage, we use Jireh here and we updated to safe crisis management. So, my familiarity with the techniques is that, you know, there -- what we call it a seated physical management, a standing, you know, and then a pure escort where you are escorting the youth somewhere else. And so, the only place I would see the struggle with this and -- and Commissioner Martin, Chief Plager, you can certainly correct me if I'm misstating -- I feel like facilities and people will struggle with -- it was just standing for three minutes that possibly escort bucket and maybe that is what we intend. Under the CARF standards, you know, the Commission for Accreditation of Rehabilitation Facilities, they will kind of restraint anything that fully limits movement. Most commonly, they look at it if the youth touches the floor in a seated or prone position where they're a little more clear on -- on what's a physical management. And so, you guys know your facilities and your data tracking best. We, you know, our internal tracking for our -- our facility, we put escort and standings as a -- as one category and a seated as another category with a higher level of review because the youth's touched the floor. Do we want to consider clarifying for that tracking? Because you'll get one facility that calls everything that's standing as an escort and another facility that's reporting it as a sub [ph] physical intervention. That would be my only concern is you still end up with facilities reporting different data because they're interpreting it differently.

JACK MARTIN: I think from my perspective -- Jack Martin here with your permission, Madam Chair, [inaudible], you know, be the define thing because I can -- I can put my hand on a child and press them up against the wall, securing -- handcuff them and take them. That is a use of force and, you know, versus, you know, and I don't know, but seated position doesn't always, right? I think it's intent that we're really driving at here, you're -- not necessarily result, right, the unintended control, uncontrollable behavior or if -- or am I merely escorting. I mean I think we can -- we can chop this apart a million pieces but I think to keep it vague enough but also specific enough we got to advance that line, right?

Pauline Salla-Smith: Commissioner Graham, when we use MANT here, so we don't have like a floor. You know, MANT doesn't have --

REBEKAH GRAHAM: Right.

Pauline Salla-Smith: -- the different -- like a standing or --

REBEKAH GRAHAM: Seated.

Pauline Salla-Smith: -- or a floor. So, one of the things that we had a lot of discussion about with NAJJA and then all the directors of the detention centers and state facilities were part of it too is that -- that --

that when we're talking about like a physical restraint, right, it's we have to have an uncontrollable youth cause -- cause every curriculum used in the State of Nevada does not support physically restraining a youth who is under their own control, who's self-regulating. So, we wanted to make sure that that was one of the factors and if the uncontrollable youth and to prevent the youth from injuring himself or others because you can have an escort where you just touch an elbow to guide, right, and you might not even touch it. You might just put your hand like next to them and they -- they'll just like move. That's not a physical restraint either.

REBEKAH GRAHAM: Yeah. And -- and that's in line with the CARF definitions --

Pauline Salla-Smith: Right.

REBEKAH GRAHAM: -- for sure.

Pauline Salla-Smith: Yeah.

REBEKAH GRAHAM: There are stand techniques even in Jireh where they call it an escort but by a CARF definition or by our definition it would be a physical intervention. You're -- you're, you know, an out-of-control child, you're taking control of them and escorting them out of the room like for those of you that are familiar with Jireh. They call it an escort but it -- it's not the same as our definition and that's where -- just -- just where [inaudible] on Chief Plager's point, on there's still gonna be different jurisdictions counting things differently and I don't know if that's resolvable. This may still be the best definition. Just with things like Jireh, they have moves that are called an escort but by our definition, are not the same thing, if that makes sense.

HEATHER PLAGER: I think -- this is Heather. I know this is [inaudible]. Sorry. This is Heather. I think that becomes a training issue for the chiefs to deal with as far as I know what program I'm using and so I have to be clear to my staff that just because the program calls it an escort if it meets the definition, we have to report that as a physical restraint. So, I -- I think that's gonna be just something that we have to work hard to overcome.

REBEKAH GRAHAM: No worries. Thank you very much guys.

Pauline Salla-Smith: Thank you, Rebekah. I appreciate those comments. Yeah. We had a lot of robust discussion about this and probably about 50 e-mails going back and forth. So, it's important for us to have other eyes on this too, so we're all clear. Any other questions? Comments? Thoughts? So, Leslie, I would just ask that if your office can work on -- on the template that we can separate incidence plus number of youth and un-duplicated youth so we get a clear picture?

LESLIE BITTLESTON: I will -- I will work on those definitions and send it to you, Madam Chair, for your review.

Pauline Salla-Smith: Great. And then we can take it to NAJJA to discuss when we're gonna -- when we're gonna start collecting it and reporting it.

LESLIE BITTLESTON: Will do.

Pauline Salla-Smith: Thank you. Alright. Let's move to revised DMC template draft. This is attachment 6A.

LESLIE BITTLESTON: Yup.

Pauline Salla-Smith: You wanna -- Leslie, do you wanna talk about this?

LESLIE BITTLESTON: Yes. Just for clarification for this group, the Data and Performance Subcommittee has been working hard to go through all of the data that we're collecting and some of the data that -- that was originally requested as part of AB472. We -- so, we have gone through a lot of these performance measures in the Data and Performance Committee and really identify the things that we can collect and the things that we cannot collect. We also provided some --

UNIDENTIFIED: Thank you. The meeting has now ended.

LESLIE BITTLESTON: I guess you just call back in.

UNIDENTIFIED: We have the data meeting here, didn't we? And they didn't do it.

LESLIE BITTLESTON: Right. I don't like what -- I think it did. No, maybe --

UNIDENTIFIED: No, cause we have the side one before that.

LESLIE BITTLESTON: Sorry on the phone. Our meeting just ended, so hold tight.

UNIDENTIFIED: Oops. Sorry to all the people on the phone.

UNIDENTIFIED: Will do.

LESLIE BITTLESTON: We got to get everybody back. Jacquelynn, are you still there?

JACQUELYNN NADAR: I'm still here. Yes.

LESLIE BITTLESTON: Okay. Following along. Perfect.

UNIDENTIFIED: Enter the pass code and press the pound or hash key. Joining the meeting.

UNIDENTIFIED: No [Inaudible]. I thought, that can't be right.

LESLIE BITTLESTON: Sorry.

UNIDENTIFIED: [Inaudible].

UNIDENTIFIED: You were [inaudible]. You were fine.

LESLIE BITTLESTON: So, my apologies. I have no idea why that happened.

UNIDENTIFIED: I was wondering if perhaps someone intended [inaudible] everybody [inaudible].

LESLIE BITTLESTON: I have no idea. This happened at a separate meeting. So, yeah. Anyway, okay.

UNIDENTIFIED: There's an echo.

LESLIE BITTLESTON: Okay. We need -- please everybody, mute if you're not talking. Thank you. So, back to where we were, the DMC template. As I stated, the Data and Performance Committee has been going through a lot of the data requested and they've provided some parameters around what they really want to see and -- and kind of eliminated other things that -- that are -- are not really relevant or really can't be requested easily. So, you will see on page number one of the DMC revised template that it's in your packet of materials. Under total arrest, this was a discussion that the data and subcommittee had around what does a re-arrest looked like, what do they want to see. And what came out of that is -- if your document is in color, you will see this in blue. It says, re-arrest is when a youth is charged and booked into a juvenile detention facility, but it also includes youth given a citation by law enforcement. That is how the data and performance committee defined re-arrest and I don't know, and this is maybe a discussion for this committee, is that one measure or two measures because a booking -- a new charge and a new booking in a juvenile detention facility is complete separate than a citation and would be counted -- gathered separately. So, I don't know, Madam Chair, yeah.

PAULINE SALLA-SMITH: I think with the -- I think with the data committee, we included citation because during COVID they weren't -- we were asking all of our partners in law enforcement not to arrest, if they could cite the youth, so that we can decrease our detention numbers. If you look at -- I mean I think that the data committee voted on that definition, if I'm not mistaken.

LESLIE BITTLESTON: They did.

PAULINE SALLA-SMITH: Yes, so I don't think they -- they voted on that. I believe they presented at the full commission.

LESLIE BITTLESTON: Yes.

PAULINE SALLA-SMITH: So, we can't -- we can't--I mean that's been voted on by all of us at the full commission and I think you can clean that up and just include citation and arrest and/or arrest, however you want to do it.

LESLIE BITTLESTON: Yes, I guess I would --

PAULINE SALLA-SMITH: Because I don't think --

LESLIE BITTLESTON: Yes, I was trying to think is, would it be cleaner to make it two different measures for data collection purposes? I mean maybe that's a question for Heather and Jack that collect data. I mean -- so I mean maybe we can talk about -- what I'm trying to figure out the easiest way for the counties to report the data to the state.

PAULINE SALLA-SMITH: The easiest way for us to collect data for the state is to have Tyler Supervision have this template.

LESLIE BITTLESTON: Well -- yes.

PAULINE SALLA-SMITH: And you just push our DMC button and it does -- does it all for us.

LESLIE BITTLESTON: That's a whole another conversation and I totally agree but in the meantime --

PAULINE SALLA-SMITH: So --

LESLIE BITTLESTON: I mean in the meantime--I don't know Heather, what are your thoughts or Jack?

HEATHER PLAGER: This is Heather. I mean I think we just have to find a definition and stick to what it means. I mean from a personal standpoint I would ask the question is just because the kid gets a citation, especially now because with that new bill that all misdemeanors will now be citationable now, unless it's a violent misdemeanor or a repeat offense, no law enforcement officer can arrest for a misdemeanor as of I think it's October 1st. So, we're not going to get misdemeanor arrest anymore. Does that mean that -- that's affect rehabilitation? We can make that argument all day long and I think that's a separate argument. If the kid gets a misdemeanor citation for petty larceny when he was a heroin user for me, I don't know if I considered that a failure of the system but I think whatever it is, we have to just make the decision and like if we've already taken this to the JJOC, if they have already said this is what they want the data to be, then to me it goes back to let's get it in Tyler Supervision, so that it pulls directly because it's in two separated areas, the citation is separate than a referral in some of our areas. So, I just want to make sure they're pulling the data right from my department and then it is what it is.

LESLIE BITTLESTON: Okay. Do you have any thoughts, Jack?

JACK MARTIN: Well, I agree with Chief Plager, obviously. I mean, you know, we have a different dynamic. We have a separate dynamic that a lot of our citations go directly to the Harbor [ph] so -- or would you be asking for the Harbor citation data, and you know, different data. We also have an agreement with the school districts, so we have almost citation kind of thing. I don't remember what it's [ph] called but it's, you know, so I -- whatever we defined, I'm fine with collecting it. I agree with both of them, to get Tyler Supervision on board to hit the button but I mean we'll figure it out. I just want a consistent definition, you know.

LESLIE BITTLESTON: Okay. Okay, so in saying that, this is the definition that was approved by the JJOC. So, this is -- I think that--so that's what a re-arrest is and so youth charged and booked and also the citation. So, that's what the JJOC has said a re-arrest is. So that's -- and the reason I'm presenting this in blue is that is indicating the changes from the last template to this template. So, the next change is on

page number 4 that says out of state placements, out of state residential placements. So, what originally was -- this measure was the -- to indicate the number of--or the supervision level. So, in speaking with the data committee, talking about how to gather supervision level was really difficult because youth supervision level changes, you know. How do you -- you just have a point and time and then the data committee came out and said, well, that's not really what we wanted. We wanted to know if there were any kids out of state and I -- well, why didn't you say that? So, clarification, they don't want the different levels of supervision. They want to know how many kids are out of state, sent out of state by your county to group home, to a residential, whatever type of facility that you're sending kids out state too. So, that's the clarification there.

PAULINE SALLA-SMITH: So, Leslie is there --

LESLIE BITTLESTON: Please mute if you're not speaking. Thank you. Go ahead, Pauline.

PAULINE SALLA-SMITH: Is there a reason we're recording this -- oh, actually Rebekah just asked a great question, do we have a quorum?

LESLIE BITTLESTON: One--

PAULINE SALLA-SMITH: Still?

LESLIE BITTLESTON: One, two, three, four, yes.

PAULINE SALLA-SMITH: Just so we know if we can take it.

LESLIE BITTLESTON: Yes, we do. We have four on screen and two on the phone.

PAULINE SALLA-SMITH: Okay. They're still on the phone?

LESLIE BITTLESTON: Yes. I checked while we were in between our --

PAULINE SALLA-SMITH: Okay.

LESLIE BITTLESTON: --kickoff.

UNIDENTIFIED: [Inaudible]

PAULINE SALLA-SMITH: So, where we--we're--oh perfect. We're reporting this information to LCB.

LESLIE BITTLESTON: Okay.

PAULINE SALLA-SMITH: Directly to LCB, so I guess--I mean it's like duplicating reports for us and we have to send it in to them anyway.

LESLIE BITTLESTON: Okay.

PAULINE SALLA-SMITH: So, is there a way that instead of adding this as an element on our DMC report, that your office works with LCB because they keep track of all that?

LESLIE BITTLESTON: Yes. I just made a note, reporting to LCB, so work with them to get the data.

PAULINE SALLA-SMITH: And I believe it comes out in their quarterly report after their auditing facilities. I think there's a section of -- for out of state placements through probation agencies.

LESLIE BITTLESTON: Okay. Alright. That has been noted. So, the next change is on page 5. So, youth certified and direct file. So, we know there's two methods or two ways that juveniles can end up in the adult system either through certification or through direct file. In having a lot of discussion with the data and performance committee, I have explained that most of the data or the data that I generally get from counties are the certifications not the direct files. So, they clarified -- the data performance subcommittee clarified they want both. They want to know the kids that are certified through the juvenile court and they want to know the direct files to the -- that just bypassed the juvenile court. Now, this is on here only because it's reminding me. I don't know if the counties have access to direct file data. Is that -- I see Heather shaking her head. So, this may need to go somewhere else.

PAULINE SALLA-SMITH: I think maybe in the MOU in the adult system or court system, I mean in Winnemucca, do I know? Yeah, because it's small but you know, I mean Jack probably has no idea. I mean we just know because we see the police blotter all time in our papers. So, I think the -- it's not--I mean the only way I think if it's a direct file we would know is if it's bumped back down after a report process, right?

LESLIE BITTLESTON: So --

JENNIFER FRASER: This is Commissioner--Commissioner Fraser. I know Clark County is the only jurisdiction where the officers still book the children in the juvenile detention center and then the state makes their determination on whether or not the charges merit or rise to the level of the statutory direct file. So, there is where the kids are in juvenile custody for a short period of time, but I know in the other jurisdiction that doesn't happen. I think the state would be -- like the district attorney's office they're the ones filing the charges, would have that information.

LESLIE BITTLESTON: Okay.

JACK MARTIN: And then we don't track -- we don't track the disposition on those cases because we have no input on those cases. So, I don't even think they make it in the tracks. I have to check -- I got to check that though.

LESLIE BITTLESTON: Okay. So, the -- this also provides clarification to what you are reporting which are the certifications, just clarifying that this is only certifications through the juvenile court and not to include any direct files, if you know them. So, when you report the data, it's just the certifications. I will work with the data and subcommittee on how to get this direct file data going forward. So, really the last changes -- oh moving on to page number 8. There's a lot of stuff in blue there. That is not because of the

data and performance subcommittee, that -- or those are new data requirements from OJJDP, so the Office of Juvenile Justice Delinquency Prevention. So, in our reporting to the federal government, they are asking for some additional reporting points which are these listed on page number 8. This is not here permanently, it's here for discussion to see if these are things you do collect and if they are things that you do not collect, I need to know because I need to figure out a different way to collect them. So, they are just there to let you know what the feds are asking for, additional information.

PAULINE SALLA-SMITH: Yes, some of this is -- I mean -- yeah.

LESLIE BITTLESTON: Yes, that's what I said.

PAULINE SALLA-SMITH: Learning, this is about -- yeah, I mean total number of youths arrested with learning disabilities or physical or other disability. Like if we work with the children long enough, we might find that. But if we're -- if they're just being arrested, booked and released, I mean that stuff I think would be hard for at least from Humboldt County to collect.

LESLIE BITTLESTON: Okay. You know, in the --

PAULINE SALLA-SMITH: Yeah, child welfare.

LESLIE BITTLESTON: Yeah, in the child welfare, the pregnancy, I mean do you do pregnancy test for girls?

PAULINE SALLA-SMITH: Only if they request it.

LESLIE BITTLESTON: Okay.

JACK MARTIN: I can't remember if we do. I thought it was a part of our -- our normal screening for girls as they come in. I think the part that will be tough for us is the total number of arrested youth for past or current child welfare. I just don't know if it will be accurate. I mean some of the times we -- I mean some of the times we have it but I don't know how accurate it will be, especially -- I mean we have crossover unit that this is what they do and we're still missing kids. You know, we're still finding a lot of kids after the fact, so we have to -- if there was a way to build a pipeline between Tyler Supervision and Unity, I think that would be the -- probably the best bet.

LESLIE BITTLESTON: Yeah, okay. But on the pregnancy, let me ask you, Melissa, this is a kind of a best practice question, is it best practice to provide a pregnancy test to girls in detention?

MELISSA SICKMAN: I don't know that -- that the -- I think their -- it's -- maybe that's practice to ask and -- then if -- or if there's some reason to suspect than to do a test. I don't know about testing just automatically without any reason to bring so but we can find that out. That's important. Well, I know that there is -- there had been items about pregnancy and information like that that was at one time included in the juvenile residential facility census. I'll have to look and see kind of how that was -- that was phrased. But I think it was health report --

REBEKAH GRAHAM: Commissioner Rebekah Graham for the record. I think because of the invasive nature of pregnancy testing, blood or urine, and the protected -- protected health information around pregnancy I think, you know, we probably have to demonstrate a need, you know.

LESLIE BITTLESTON: I mean is it --

MELISSA SICKMAN: I mean certainly if a girl walked in and was obviously pregnant that -- it would be, you know, it's -- it's more -- I think it's more a matter of including as part of a health screening, some questions to probe to see if she thinks she maybe pregnant and, of course, if then -- if so, would she like a pregnancy test. And of course --

LESLIE BITTLESTON: But for some --

MELISSA SICKMAN: -- if there had been any kind of pre-violation activities in the facility while she's there.

LESLIE BITTLESTON: Right but do you have any idea why OJJDP would want this information?

MELISSA SICKMAN: I'm not sure. They -- aren't there issues around not having seclusion or physical restraints and that kind of thing for girls who are pregnant. So, if you don't know if girls are pregnant, you wouldn't be able to follow those guidance.

LESLIE BITTLESTON: Okay. But I think -- so in hearing that, would it be more beneficial to say, girls who report being pregnant because if you say it's okay to put like on a health screening like are you currently pregnant, yes or no, and just take that. Do you want a test? I mean is that appropriate?

PAULINE SALLA-SMITH: This has -- this already has total number of females booked into detention who report being pregnant or determined by detention staff that they are pregnant. So, I don't think it's saying -- I think it's saying that if know you have a pregnant girl in detention either self-report or she's five months pregnant and showing, that we, you know, we capture that information.

LESLIE BITTLESTON: Okay.

PAULINE SALLA-SMITH: I don't think it's asking us to do like pregnancy test on everybody.

LESLIE BITTLESTON: No.

PAULINE SALLA-SMITH: Because again, you know, they're there on an allegation, so.

LESLIE BITTLESTON: But I guess -- I guess what they are asking is if you do find out a girl is pregnant to capture that data, you know, that you've -- somebody that you booked in your detention, if you book them and they say they're pregnant or they're there for a few days and they request a test and they're pregnant, so yeah. Okay, so --

JOEY ORDUNA-HASTINGS: Madam Chair, this is Joey. May I make a comment?

PAULINE SALLA-SMITH: Yeah, go ahead, Joey.

JOEY ORDUNA-HASTINGS: So, like we just had a meeting with Dr. Bradford at OJJDP on Tuesday of this week related to some of these questions and quite honestly the challenges at interpreting the questions. And so, I just want to offer to Leslie that I'm happy to connect her to Dr. Bradford to maybe collect questions and see if they can see clarification, especially as to this issue because I agree. I think it's part of being a healthy medical screening not a requirement to test and obviously keeping in mind all the due process, rights and consents and all those things we need to be mindful of but if that would help, Leslie, I - we can set up a call with Dr. Bradford and answer some of these questions that may help seek some clarification.

LESLIE BITTLESTON: Thanks, Joey. Yeah, I -- and I am -- I am happy to reach out to Dr. Bradford. I get a little frustrated with Dr. Bradford because sometimes they just report they -- when we ask questions because they just always tell us to follow our state law. And a lot of times we don't have the stuff in our state law, so -- but yes, I'm happy to reach out to Dr. Bradford. I've met her personally at conferences, so I can do that and try to get some additional information.

JOEY ORDUNA-HASTINGS: She's doing some training for MCJ, SCJ with our judges and working on flow charts and whatnot. So, if I, again, can assist in --

LESLIE BITTLESTON: Okay.

JOEY ORDUNA-HASTINGS: -- me getting more about concrete answer than to look up statutes. I'm happy to serve as a resource for you from the MCJ, SCJ perspective.

LESLIE BITTLESTON: Perfect. That -- that might be more beneficial, you know, because it's very hard to get OJJDP to provide a concrete answer on anything. So, okay, I wrote that down, Joey. Thanks.

PAULINE SALLA-SMITH: Okay, anything -- anything else on this one? I mean the other ones are detention releases.

LESLIE BITTLESTON: Yeah. And then on the last page really quick. So, number 9, this is just kind of clarifying the different hearings. So, if there's question, you can reach out to me and I also know -- I have tried to reach out to all of your courts, all of your -- your judicial districts and -- to ask for this information and I didn't get a response from any of them. So, I've tried to put this on the courts to provide this but they are nonresponsive. So, this is information that is requested by the JJOC but I am happy to leave it on here for -- for the counties to report or to maybe work with you to work with your courts to report it. I'm just saying that I've personally reached out to the courts and have had no luck.

PAULINE SALLA-SMITH: And Leslie, this is -- I mean we collect this data in Tyler Supervision.

LESLIE BITTLESTON: Okay.

PAULINE SALLA-SMITH: Our detention hearings, our pleas, our disclose.

LESLIE BITTLESTON: Okay.

PAULINE SALLA-SMITH: I mean I would think most jurisdictions since it's in statute wouldn't proceed without an attorney for the review. So, I thought we reported -- did we report this on last year's?

LESLIE BITTLESTON: Only -- only a few counties, not all counties and the feedback that I got from the non-reporting counties was we don't collect this. So, I mean either -- I think we can do one of two things is either require the counties to capture this because there is a space in Tyler Supervision. There's a hearing screen or some other way or work with the courts. I'm open to whatever.

JACK MARTIN: I agree with you Chair -- Chairwoman Salla. I believe, you know, entering, you know, the Tyler Supervision in the place [inaudible], it's already in there.

LESLIE BITTLESTON: Okay.

PAULINE SALLA-SMITH: I think that the juvenile justice agencies can report this.

LESLIE BITTLESTON: Okay.

PAULINE SALLA-SMITH: We're at court with our kids, so the courts are -- I mean, you know, they are busy, so.

LESLIE BITTLESTON: Okay.

PAULINE SALLA-SMITH: So are we. I'm just saying, we collect it, we should be able to report on it.

LESLIE BITTLESTON: Okay, so that -- those were the changes to this. I've made notes on the re-arrest, you know, that is the definition. I also made notes on out of state placements to work with LCB. And then also on the direct files that we needed another way to capture that and I will follow up with OJJDP on a couple of these questions that they're requesting, so that -- that's all for this item.

PAULINE SALLA-SMITH: Okay. Thank you.

LESLIE BITTLESTON: Oh wait, excuse me.

PAULINE SALLA-SMITH: Alright --

LESLIE BITTLESTON: Sorry, one last thing. On the agenda, you'll see a number 1 and a number 2 adult convictions and competency data. The data and performance subcommittee is currently working on ways to do that. That may or may not come down to you guys. We don't know yet but Pauline is on that, on the data and performance committee, so she'll know what's going on but I just want to let you know those are two things that are currently being worked on in the data committee. My apologies Madam Chair, that's it.

PAULINE SALLA-SMITH: So, it's Commissioner Fraser, right?

LESLIE BITTLESTON: Oh, and Commissioner Fraser.

PAULINE SALLA-SMITH: On the data committee?

JENNIFER FRASER: Well, I'm not on the data one, no.

LESLIE BITTLESTON: Okay.

PAULINE SALLA-SMITH: Okay. Let's move to agenda item number 7, Kayla, SB 107 room confinement. This is attachment 7.

LESLIE BITTLESTON: Yes, Madam Chair, it's Leslie. Kayla is out on sick leave, so I will be taking this over for her. The latest data that she had available before she went out on sick leave was April through April. So, you will see on the attachment, there's a lot of different slides, so I'm referring to the slide titled, Total County Detention Room Confinement Incidence, April '20 to April '21. This is a chart of 12 months of data for all of the juvenile detention facilities and then the average population for each of the juvenile detention facilities. So, this is what we see and of course the total youth is at the top. So, the very top-line if you have a color is black, that is the total youth for the month, all of the detention facilities combined. So, for example in April of '21 in detention facilities, there were a total of 50-youth in room confinement. Going on to page number or the second page of the same document, it's just a chart of the same graph. And then going on to third chart, county detention monthly average, that is the average number of incidents of room confinement for detention facilities. And then going on to the next page, what you have is a breakdown of one chart for each juvenile detention facility, Murphy-Bernardini is the first one. You have five in April 20, so those are just the incidents in each facility. You can see spikes at northeastern which is Elko, interesting spikes, Heather. I don't collect this data, so I -- I don't know what cause the spikes. I don't know if you want to share information but since Kayla isn't here, I can't explain those spikes. Okay. Laten [ph] Hall has none. Moving on to Clark County, Douglas and Teurman which is Churchill. So, those are all --

PAULINE SALLA-SMITH: So just -- just to clarify, you see our average population, we're empty a lot, so that's why we're blessed with -- to find no room confinement. So, Heather is accurate, sometimes it's one or two kids-

LESLIE BITTLESTON: Yeah.

PAULINE SALLA-SMITH: -that escalate the numbers which is why if we were counting incidents and unduplicated youth that it would present a clearer picture.

LESLIE BITTLESTON: Right.

PAULINE SALLA-SMITH: Right.

LESLIE BITTLESTON: Okay.

UNIDENTIFIED: That's why we have five because our normal numbers are not as high but we get kid in there and it will cause it to spike.

LESLIE BITTLESTON: Very -- okay, perfect. And then moving on to total facility room confinement, this is the state facilities. Again, the black line, if you have a color copy, the black line is the total of all three facilities, NYTC, Caliente and Summit View. Moving on to the next page, just a different chart for the same data for those and then going on to the third page or actually it's the -- the third page. This is a breakdown of incidents at each facility and you will see some of the same things that you saw with -- with Northeastern Elko. You see spikes and drops and it's most likely due to the same thing, the same kid acts up in detention and acts up in one of our facilities. So -- and we have seen that historically over the last couple of years that one or two kids are causing spikes in incidents overall. So, are there any questions on room confinement?

Okay. I also want to say that we do not have YLS commitment data. We did not get that data completed, so we will move that agenda item to the next meeting, Madam Chair.

PAULINE SALLA-SMITH: Okay.

LESLIE BITTLESTON: And then I can move right into the community corrections partnership block grants. So --

PAULINE SALLA-SMITH: Yes, please do.

LESLIE BITTLESTON: Okay. There is an attachment for -- it's titled the Community Corrections Partnership Block Grant, S -- SFY 21 summary data, chart number 1. Currently, we have reported 682 youth served with 64% of the total funds paid out and this first chart is the gender breakdown, 77% are males, 23% are females. Chart number B is the age breakdown of the youth served. As you can see, the majority are the 13 to 15 age range. Going to chart number C, this is the breakdown of race -- race of the youth served, 48% Caucasian, 27% Latino/Hispanic, 15% African American and so on. And then number 2, youth with reported mental health or substance abuse diagnosis, 38% have a reported mental health diagnosis and 41% have a reported substance abuse diagnosis. Going on to number 3, completion of program, 45 -- 49% reported complete -- complete -- completed the program, 12% unsuccessful completion. This does not equal 100% because there are still youth that are ongoing that have not yet successfully or unsuccessfully completed the program. And then moving on to number 5, this is a breakdown of the services that the funds are paying for, counseling, outpatient counseling, electronic monitoring, assessment evaluation, group home, parent project and the YLS. And then moving on to number 5, a breakdown of charges, you see the highest charge are drugs, the second highest are open and gross lewdness, the third being sexual assault. So, those are the breakdown. Again, this is all data around the youth served with the correctional partnership block grant funds only, so that's the summary of that. I will have another summary probably in another three months as I finish up the last quarters of State Fiscal Year '21. The quarterly reports are due in July, so I'll have another update for State Fiscal Year coming in probably two meetings from now.

JACK MARTIN: Madam Chair, with your permission, it appears to me that the block grant dollars are doing exactly what they're intended to do which is continue to reduce state facility users. I really like that 35% group home and counseling, the in-home services. It looks to me like it's doing exactly what it's intended to do hitting the populations, kids with mental health issues and substance abuse diagnosis should not be going to state committed facilities. So, it looks to me like it's working. That's good stuff.

PAULINE SALLA-SMITH: Thank you, Commission Martin. Anyone else have any questions, comments? Okay. Thank you, Leslie. Let's move to agenda item number 8, is there a full commission meeting in September?

UNIDENTIFIED: Yes.

LESLIE BITTLESTON: Yes, our next full commission meeting is September --

UNIDENTIFIED: Ten, I want to say because it's right -- it's the same week as my birthday.

PAULINE SALLA-SMITH: Yes, September 10th. Alright, so for our agenda, if we can make sure that we have that template revised for use, of course, so we can take it to the full commission for approval. And then our standing items that we addressed every --

LESLIE BITTLESTON: Okay.

PAULINE SALLA-SMITH: -- every meeting. If I'm looking at my calendar for August 2nd, Thursday is August 12th at 11:00.

LESLIE BITTLESTON: Okay.

PAULINE SALLA-SMITH: Does that work for everybody? Alright. Is there any public comment? Thanks Rebekah. Alright, seeing no public comment, let's adjourn this meeting at 12:11 p.m. Thank you all for joining. Thank you all for your feedback and comments and I hope you guys have a great rest of the week and try to stay cool.

LESLIE BITTLESTON: Yes. Thank you.

PAULINE SALLA-SMITH: We're as hot as Vegas.

UNIDENTIFIED: Thank you, Pauline.

UNIDENTIFIED: Good luck with that.

UNIDENTIFIED: Thank you, guys.

LESLIE BITTLESTON: Thank you.

PAULINE SALLA-SMITH: Bye.

LESLIE BITTLESTON: Bye, bye.

PAULINE SALLA-SMITH: Bye, bye.