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DEPARTMENT OF HEALTH AND HUMAN SERVICES

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Administrator

**Nevada State Juvenile Justice Oversight Commission
Racial and Ethnic Disparities
Committee Meeting
September 20th, 2022 at 2:00 pm**

TRANSCRIPT

Call to Order: Chair, Commissioner Graham, called meeting to order at 2:00 pm.
Leslie Bittleston took roll and confirmed there was quorum.

Roll Call:

(Voting Members)

Present: Rebekah Graham, Jennifer Fraser, Katherine Maher, Daniel Pierrott, Jacquelin Nadar, Brigid Duffy, Sara Bruce

Absent: Jennifer Fraser

(Non-Voting Members)

Present: Trinette Burton

Absent: Esther Rodriguez, Lea Case, Vanessa Dunn

Public Present:

DCFS Staff Present: Jennifer Simeo, Leslie Bittleston

Rebekah Graham: Thank you. I, unfortunately, was not present for last meeting. So, if anybody who was present on to take a moment and look at the minutes from August 16th and perhaps make a motion to approve.

Katherine Maher: I reviewed them so I'll make the motion to approve.

Rebekah Graham: Thank you.

Katherine Maher: Katherine Maher for the record, sorry.

Jennifer Fraser: Jennifer Fraser for the record and I can second that motion.

Rebekah Graham: All right, thank you. All in favor?

Unanimous: Aye.

Rebekah Graham: You know what, it would be much better if Robert throws the order than I presently am. And so, that brings us to item number 5, Contribution of Static and Dynamic Risk Factors to Recidivism

Predictions. And so, this is -- when we were discussing this, I think it was two meetings ago, we were talking about the potential impact of ethnicity or race in the outcomes of the YLS and I was actually able to -- oops, wrong [inaudible] -- who actually able to find an exact study on that from 2021, so pretty recent and the summary of it is that dynamic factors are consistently predictive in both white and black youths. Static factors are predictive in white youth, less predictive in black youth. And so, there is -- that's where potential there is a bias in the static factors of black youth. And so, what they found is them taking dynamic factors and treating dynamic factors, they were able to get the recidivism reduction efficacy versus relying on the static. And so, that might be something that we want to put in our report to keep in mind because what -- you know, to extrapolate from where we think that might come from, we already know that black youths get more police contact to get more arrests. We already saw that in our data previously and so this would then contend you to show that same impact of more police contacts, more arrests equal a longer static history, which increases your total YLS score which then gets -- you see more serious sentences for black youths on the other end. You see more black youth committed to stay [ph]. You see more black youth serving the higher, deeper sentences because the static factors build up. And so, that might be something -- just a recommendation as we talk about our trainings, you know, where do you guys see that impacting our report -- our recommendations if any. Do you think it matters or we should present in some way like what do you think?

Katherine Maher: Katherine Maher for the record. I definitely think we should present it and draw attention to it and then I think that kind of dovetails into what we were talking about at the last meeting which is the possibility of requesting more data to see the practical, I guess, application of this information.

Rebekah Graham: Right, because this is -- this is a fairly limited study. It's one of those tools and research topics that hasn't been explored with a large numbers per se. This is [technical difficulty].

Leslie Bittleston: Rebekah, are you still there? Did we lose her?

Jennifer Fraser: She froze on my screen as well Leslie. This is Jennifer Fraser for the record.

Leslie Bittleston: Oh, she did. Okay thanks.

Jennifer Fraser: Yeah.

Leslie Bittleston: Yeah, I don't see her. Okay. All right, let's give it a minute and hopefully she can log back in.

Jennifer Fraser: Okay.

Leslie Bittleston: And while we're waiting, Dan -- Dan Pierrott, I saw that you joined so I will add you to our roll.

Daniel Pierrott: Thank you and apologies. I had to do a quick Zoom update and had some technical on that.

Leslie Bittleston: No worries. Thank you very much for joining.

Rebekah Graham: Sorry, we had a bunch of thunder strikes and then I disappeared.

Leslie Bittleston: And that was weird, you just blacked out midsentence.

Rebekah Graham: Yeah, it's -- it really did coincide with a couple of thunder strikes nearby and then I was gone. Because out here in the [inaudible] like you shake something too hard, it'll then work. So, I think where we left of midsentence -- it sounds like I'm breathing but no, I'm fine. Where we left of is it is a single study. It's not a larger study. It's not been replicated in other places but it does seem to match some of the other data we're seeing. So, in some ways, like it's -- it's then worth reporting and bringing to people's attention and I definitely think Ms. Bittleston, you know, at the very least, we should put it in our report or put it for guidance and potentially we should pass it along to the probation departments just as something they should consider when they're looking at the YLS instrument or training for the YLS. Because I know they have a lot of trainers in YLS and even including this study and, you know, making sure that they get a copy of our total RED report that shows where the disparity lie in the Juvenile Justice System combined with this report that shows that static factors are not predictive in black youth, you know, or not as reliable. I think it's the best way to put it.

Leslie Bittleston: Right, and we actually do have a YLS trainer on today with Jennifer Simeo and I think my question and maybe Jennifer can help me understand this a little more is the static -- the static factor would be the domain area number 1, is that right Jennifer? You're shaking your head -- yes, okay. So, out of eight domains, domain number 1 is static factor. That is the number of past convictions and detentions stays and all of that which of course doesn't change. With that being said, with the folks that we accept -- excuse me, that are committed to DCFS, we do keep the data. That is a small subset of the total population but I mean we could look at if we're seeing a higher score for black or black and brown youth versus white youth in that one static domain area and just to kind of guide our conversation, I mean, I don't know, do you have any ideas? I'm going to -- Jennifer is the expert. She's the YLS trainer on the call so what are your thoughts?

Jennifer Simeo: Jennifer Simeo for the record. Yeah, with the static domain in the YLS, there are five items to be scored. So, there's five points essentially to that domain which could put someone obviously from low to moderate risk or moderate to high risk certainly. I think we could do data look to see if we were seeing a differentiation. That would be interesting data to get and to provide to the committee if you are interested in that. I think this is the first time I'm seeing this. When we do the YLS, it is rather heavy in data and research so I believe is the first time I'm seeing anything like this so it's definitely good information.

Rebekah Graham: Yeah, because -- I'm sharing my screen page 10 of the study that is included in our materials where it shows the false positive when you're looking at predictive areas and static scores. The false positive for white youth was only 6.7%. The false positive for black youth was 44.4%. That is statistically [inaudible] and you know -- and so, that's just something that -- it's a grain of salt to take the YLS with or to be aware of when we're looking at reducing racial and ethnic disparities, you know, when you're dealing with this population where it's been shown that the static can lead to a 44% false positive, that's a pretty big deal.

Leslie Bittleston: Yeah, and with that being said, I think it -- looking at the data is always going to tell us the story. So, I think that we can provide and then we can figure out down the road if we need additional data from the counties but what we can provide is on all of those youth committed to DCFS, we can provide a break down of just that domain, you know, to see what we're seeing in relation to black and brown and -- versus white youth.

Rebekah Graham: I think that would be really -- really worthwhile because they probably have similar total scores and then it would be interesting to see the split between dynamic and static.

Leslie Bittleston: Right, because we are seeing an average about 20 -- between 22 and 24 and that's amongst all commitments. That's just the average score which is what we want to see. Those are the high-risk kids so we're the backend of the system so we want to see the higher scores, you know, because that means we're getting the right kids. However, looking at that breakdown a little bit more may tell a different story. You know, it's just one domain out of eight. However, that has five pieces in it or five points or I don't know -- Jennifer, what are they called, five points?

Jennifer Simeo: Yes. Five items that equal [inaudible].

Leslie Bittleston: So, I mean we can look at that just with the small amount of data we have and see what it shows us. If we don't think we have a good statistical sample, we can you know, go down the road and ask for some additional data from the counties to see what kind of information, you know, or see if we can get some more data from them.

Rebekah Graham: Yeah. So, if there's no -- so -- let's see. So then, we're moving on to discussion and possible action. It sounds like the action of taking this additional YLS data and analyzing is recommended, you know, for this committee. I would make a motion that we approve Ms. Bittleston's inclusion of this information in our report and her analysis. Do we have a second?

Katherine Maher: Katherine Maher for the record, I definitely second. The only question I wrote down preparing for this meeting was how do we see the domains not just the YLS course. So, I'm just really excited to hear those updates and definitely a second to that motion.

Leslie Bittleston: And again, we can provide -- We, DCFS, on the small subset of kids, can provide average scores by domain. So, we can also provide that. So, we can -- we can slice and dice that data however this committee thinks they would like to look at it. It will take us sometime only because we don't have a report that breaks this down -- I mean that breaks it down that much. So, it will be -- it will be somebody doing, you know, the county and the piece and carrots of all of this. So, it doesn't mean we won't do it, it's just going to take us some time to get it done.

Rebekah Graham: Yeah, and I think that'll be interesting. I'd like to see where that -- the domain scores go along with the rest of our data, you know, the trends and the contact points. I thought that would be interesting to see. Ms. Bittleston, do you want to cover the Race Categories that [inaudible] item?

Leslie Bittleston: Before then, you do want -- you do have a motion that was not voted on yet.

Rebekah Graham: Oh! Yes, that's true. All right. So, I made a motion to include this data and to allow Ms. Bittleston to further analyze it and present it to this committee and potentially -- and to include in our report which is a big all convoluted action item but can I get a second or if somebody --

Leslie Bittleston: Katherine second it.

Rebekah Graham: Okay. All right. So, let's vote then. All in favor?

Group: Aye.

Rebekah Graham: So, who's our fourth?

Leslie Bittleston: Jacqueline Nadar and Danny Pierrott and --

Rebekah Graham: They're both here, sort of?

Leslie Bittleston: They're both here. You can do a thumbs up too guys if, you know, so -- No news is good news so if we don't hear any --

Rebekah Graham: Then I guess, thumbs up, appreciate it. Okay. Then I'll stop sharing this.

Leslie Bittleston: Oh! Look at that, we got clapping and everybody's there.

Daniel Pierrott: [inaudible] figured out how to deactivate it and --

Rebekah Graham: Oh, you're stuck with it now. That's your forever emoji.

Leslie Bittleston: Perfect. So moving on to the Race Categories. Part of my job is to provide data to the Federal Office of Juvenile Justice Delinquency Prevention on an annual basis. I've been this role for over seven years now so I've been providing data to the Feds for several years. They have -- they, the Feds -- they -- specifically the Office of Juvenile Justice Delinquency Prevention or OJJDP has provided an outlined four states on Race Categories that they would like states to provide data on. So, if you pull up attachment number 6, it is the federal definitions for Race and Ethnicity Categories. It gets a little strange when you talk about race and ethnicity because, really, Hispanic is not a race rather an ethnicity but we do not want to exclude the Hispanic population because if we do not count Hispanic as a race, we will get an overabundance of white rather than the breakdown of the white versus Hispanics. So, the Feds, a long time ago, determined that they just want to use race-ethnicity kind of together rather than just saying, "I'm white, Hispanic or non-Hispanic". So, this is what how I've been presenting data for the time that I've been in this role to the Feds on race-ethnicity. The first one being Hispanic or Latino, they define it as a person of Cuban, Mexican, Puerto Rican, South or Central America or other Spanish cultural origin regardless of their race. The second one is the American-Indian or Alaskan Native. So, that's pretty self-explanatory. You know, if you belong to an American-Indian tribe or an Alaskan Native tribe that is the category there. Asian -- Asian is quite large and includes anybody from the Far East, Southwest Asia, the Indians, Cambodia, China, all of those areas fall under Asia. Pacific Islander, those would be the folks from Hawaii, Guam, any of those islands. Black or African-American. White -- white would be persons having origins of western European descent that are not Hispanic and then other in mix. Other in mix was added a couple of years ago because we were getting a lot of data saying unknown and unknown is not really helpful when you are looking at data by a race or by a race category. So, the OJJDP said, you know, we can put an other category as we are finding a lot of mixed races today that -- and that category seems to gather up all those unknowns that we have for a couple of years. So, these are the race categories that I currently use and that I provide a breakdown to the federal government that I wanted to provide to you all for your information on one, how I present the DMC report every year to you guys. This is how I break it down and two, if we want to further request data broken down by a race-ethnicity category that this is how DCFS proposes to present that data to you. That was a long conversation or a long overview of where these came from but like I said this has been a work-in-progress for a long time and OJJDP has really refined these categories probably over the last five years or so. So, are there any questions about that?

Rebekah Graham: No, that makes a lot of sense. I mean -- and it does match to use the federal definitions for federal my day report. I don't have any questions about that. Does anybody else?

Leslie Bittleston: Perfect. So, going forward, any data that is presented by DCFS to this committee will be broken down by those race categories. So, that's how we will include, you know, Asian that's anybody that falls within that or -- so, that's how -- we just want to make sure that we are letting you know how we are presenting that data to you.

Rebekah Graham: All right.

Jennifer Fraser: This is Jennifer Fraser, sorry. I think I do have a question. So, you're getting the data from the different probation departments but then will you know that they're following this definition too? Because I know -- I mean that was the discussion at the last meeting like in Clark County, I -- they're not -- I don't think we are following it this way or most Hispanic kids are classified --

Leslie Bittleston: As white --

Jennifer Fraser: Right, as white and then there's a Hispanic box that they can be checked yes or no. So, I just -- yeah.

Leslie Bittleston: Yes, I have spoken to Clark County Department of Juvenile Justice about this.

Jennifer Fraser: Okay.

Leslie Bittleston: And asked that they -- they have been separating folks very well except for the Hispanic.

Jennifer Fraser: Yeah.

Leslie Bittleston: So, I requested that instead of giving me all the white if there is a Hispanic, check that they give me Hispanic instead of white so it follows those categories.

Jennifer Fraser: Okay. Perfect. Thank you.

Rebekah Graham: All right. And then we did discuss the YLS. There was a possible motion to draft the letter from this committee recommending risks and needs assessment broken down by approved racial categories.

Leslie Bittleston: And I don't know if that's really needed at this point with looking at commitment data first so this may be hold -- held off if we needed additional data but I recommend using data that we have available first and see what that shows and then if we do need something more that we look at what that looks like.

Rebekah Graham: No, I would agree. I think the -- when I'm breaking the YLS scores down by which domain or point and looking at that -- looking at the most value for what we're trying to assess. All right, number 7 for discussion, are there any ideas for additional work for this committee or for this report?

Leslie Bittleston: The only thing that we do have is looking at the additional YLS data but I don't know if there's other work this committee wants to look at. Do they want to look at other data? Do they want to

look at any type of training recommendations or -- so, that's really what I'm throwing out there. Currently, we are still in the process of getting our Nevada Administrative Code language from SP108 [ph]. If everybody remembers what SP108 [ph] is, that is the bill from the last legislative session that require training for all Juvenile Justice Practitioners. That language is going to public hearing on the -- what is it -- the 3rd of October I believe. So, that is still pending and while that language is pending I don't know if, you know, counties or jurisdictions are training their staff at this point. So, that's just a lot of information to see if there's any other ideas that this committee would like to work on.

Rebekah Graham: Yeah, that's fair and I think that, you know, the training was a really nice step that again follow the data, not only follow the data that you presented, it followed the results of our surveys and our conversations with law enforcement where the training was lacking and kind of the exact areas where we're seeing discrepancies. So, allowing that to take effect before we make other big recommendations. It seems to make the most sense but let them implement our first idea but I do think that this YLS data and breakdown is a really important to take a look at and we'll see what it shows, very recent study that we're looking at here that shows the disparities that seemed to match where we're seeing the disparities in our data points and so, that would have be a big deal to either make -- to remake that recommendation and provide it to the State YLS trainers so that they can at the very least bring awareness to that. And you know, for example, the two public defenders and this, you know, we definitely, you know, take -- you know, they would take a look at that too knowing to request to the breakdown on the YLS score. You know, they might take a look at that themselves and going, "Okay, well, my clients you know score is largely this and they're static which we know is 44% unreliable." You know, it's a pretty big leap to commit a kid to the state when their dynamic factors are less than a similarly scored white youth, you know. That's -- it's information you would use. So, yeah, no -- I think I agree. You know, I just want to make sure everybody else does as well. And then any new business? Do we have anything on our list for new business or -- I think we're just pushing forward to getting that our data in our report ready.

Leslie Bittleston: Correct. The other thing that we are waiting on is to see if a legislator will take up that language that we recommended in the Governor's report regarding the training for law enforcements. I do not know if we're going to get any information until legislature -- the legislative session begins. So, that's -- I mean that's kind of on my radar but I just don't have any more information. I did present it to DCFS leadership and it is in the Governor's report, the results of the work of this committee. So, we'll just have to see if somebody takes this committee's recommendation.

Rebekah Graham: [Inaudible] somebody listen to us.

Leslie Bittleston: Yeah.

Rebekah Graham: All right, doing -- what would you recommend Ms. Bittleston for the next meeting date since it's really you and your team that are going to be repulling apart the data that we're going to look at next time?

Leslie Bittleston: I would respectfully request about maybe not next month but maybe a couple of months out. So, it is September so around mid-November. I know we're getting into the holidays but, you know, I don't want to wait much longer than that but it is going to take us a little bit of time to get that together because we want -- I want to look at multiple years. I believe we have three years of data so that's going to be putting together that information for three years.

Rebekah Graham: Yeah. No worries. I think that makes a lot of sense. So, perhaps you can send a doodle poll --

Leslie Bittleston: Perfect.

Rebekah Graham: And I would suggest we send out a doodle poll in another month like send the doodle poll out mid-October for our mid-November meeting because people have a clearer picture of their schedules. I think if we send it out this far ahead, you know, people will pick a date that's available but then a training will come up or holiday plans or something. So, if we send it out mid-October, the view of mid-November will be crystalized a little bit better.

Leslie Bittleston: Great. Great.

Rebekah Graham: Yeah.

Leslie Bittleston: I think that's a great idea.

Katherine Maher: Katherine Maher for the record. I have a question. Would we also be able to have that previous presentation corrected based on the breakdown of White versus Hispanic? Would that be available by that time as well or is that just the YLS breakdown that we're expecting in a couple of months?

Leslie Bittleston: Great question. It is the YLS breakdown in a couple of months that we're expecting. I don't believe Clark County is going to redo their data that they sent last year. This will be the way that they present their data will be on the go forward. So, they will be presenting -- all counties will be providing their annual data in December. So, once I get that data, I will start putting together the next DMC assessment report. So, hopefully, that next report will be a little bit different but it was too much work for staff to go back and go through all that -- all that data so we're going to look at it on the go forward.

Katherine Maher: Thank you for clarifying.

Leslie Bittleston: Sure.

Rebekah Graham: Yeah. Well, thank you. We, you know, I'll open it for public comment and discussion. If anyone would like to make a comment or add anything to the meeting? Hearing none. We'll -- I will go ahead and adjourn the meeting.

Leslie Bittleston: Thank you. Thank you everybody.

Rebekah Graham: Thank you.

[end of meeting]