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Nevada State Juvenile Justice Oversight Commission **STRATEGIC PLANNING COMMITTEE MEETING** July 11th at 9:00 am

Transcript

Called to order at 9:02 am.

Roll Call:

(Voting Members)

Present: Elizabeth Florez (Chair), Brigid Duffy, Jennifer Fraser

Absent: Egan Walker, McKenna Finnerty

(Non-Voting Members)

Present: Mike Whelihan

Absent:

(Staff Members)

Present: Leslie Bittleston, Kayla Williamson, Sharon Anderson

Leslie Bittleston took roll and determined quorum was made.

Elizabeth Flores: Wonderful. Thank you very much. Thank you. Okay. With that it- we'll move on to item number three, public comment and discussion. Is there anyone available for public comment?

Leslie Bittleston: Mr. Whelihan has just joined. I will mark him as present.

Elizabeth Flores: I do not see public comments. So with that, we'll move on to item number four, review and approve minutes from 05/25 meeting attachment four, and from 06/03/22 4A. Go ahead.

Leslie Bittleston: Madam Chair, my apologies, 05/25 meeting minutes are included. There was a mistake on the date. The previous strategic planning committee was not 06/03, it was 06/13 and those minutes are not yet ready. So, the only minutes ready for approval are 05/25.

Elizabeth Flores: Thank you for that.

Brigid Duffy: And this is Brigid for the record. I only had one comment and I'm not sure. So, on page six of the SB 398 report, and then if you look at page four of the minutes, page four of the minutes say a comprehensive report package for between \$15,000 -- \$1,550 and \$80,000 and our SB 398 says \$50,000 and \$80,000. So, I think they just misunderstood. Leslie, maybe in the minutes that it's \$50,000 and \$80,000.

Leslie Bittleston: I agree, Ms. Duffy. Ms. Williamson, would you please adjust that in the minutes? And we need to include in the motion that we will approve the minutes pending the amendment that we just discussed.

Elizabeth Flores: Thank you. Were there any other changes to the minutes? Okay. With that, may I have a motion then? Well, let's see. How might I word this then? So, in anticipation of those amendments, I'd like to seek a motion to approve the minutes stated 05/25/22.

Brigid Duffy: This is Brigid. I will make a motion to approve the minutes of 05/25/22 with the amendment on page four from \$1,550 to \$50,000 to match our actual SB 398 plan.

Jennifer Fraser: This is Jennifer for the record. I'll second that motion and amendment. Thank you.

Elizabeth Flores: Moving on to item number five, for review discussion.

Brigid Duffy: Make sure everybody approves it.

Elizabeth Flores: Oh gosh. I always forget about the vote. Okay. All those in favor of approving the minutes from 05/25 as amended, please say aye.

Unanimous: Aye.

Elizabeth Flores: Any objections? No? With that, the motion carries. Now, item number five, SB 398 report. It is attachment number five for everybody's review. At the last we've been working on revisions now with Ms. Bittleston for the last couple of meetings. So with that, Leslie, I'll turn it over to you.

Leslie Bittleston: Yes. Thank you, Madam Chair. As Ms. Flores stated, we have been working on this report for the last couple of months. We have tweaked the language around. A lot of the information that was in the strategic plan, which is really outlined from pages- pages number 5 through -- 5 through 13. My recommendation to the committee is pages 5 through 13 are in a completed state because all of those areas have been addressed and -- and reviewed and updated over the last couple of meetings. Starting on page 14, this is where the recommendations begin and this has been the- the area that DCFS has spent the most time on. And I did want to provide to the committee that through internal revisions, DCFS proposes in this- this- and please add this as a caveat that this piece is almost done, but not quite. So, starting on page 14 at the top, these three recommendations are what we are recommending for general recommendations based on the pages 5 through 13 of the strategic plan. Page 14 going on, on page 14, disparities in the juvenile justice system that has remained the same. That came from the racial and ethnic disparity group. And then moving on to page 15, compliance with the Juvenile Justice Delinquency Prevention Act. This area still requires a little bit of tweaking. And just to provide the committee an overview of the pieces that DCFS is going to recommend, just to refresh everybody's memory, is really looking at the direct file option. We've discussed this a few times or actually the last two meetings not really to eliminate juveniles from going to adult jails, but really focusing on juveniles starting in the juvenile system no matter what the charge is. The reason for this is because the Juvenile Justice Delinquency Prevention Act Reauthorization of 2018 really prohibits the placement of any individual under the age of majority in an adult jail pending trial. So, that is really the reason we are recommending that the legislature look at that direct file option. Not to completely, you know, say that we can't do it, but just to have a judge order, a juvenile judge order a juvenile into the adult system. And then once the juvenile is in the adult system on page -- this is towards the end of the report -- on page 20 there's what's

called interest of justice hearings. Basically this is language right out of the reauthorization of 2018 that states if we do send a juvenile to an adult jail pending trial, we do need to check in on them every 30 to 45 days. In this language on page 20 going on to page 21 is really how the JJR, the reauthorization of 2018 states this. So, that's really around the juvenile, the recommendations of the -- where am I -- compliance with the Juvenile Justice Delinquency Prevention Act. In addition to compliance with the Juvenile Justice Delinquency Prevention Act, DCFS is tweaking some language. It's not quite there yet around adding some language to NRS 211, which is specifically for adult jails to report data to DCFS, if any juvenile is placed in their facility. In the past, we did not get that data because those children or juveniles were considered adults the minute they were placed in an adult jail. So, we are requesting some language into 211, NRS 211 around that. Then moving on to page 16, DCFS, and like I said, there was some moving parts last week that affected this report and I did not get to repost a cleaner version prior to this meeting, but DCFS is going to sponsor. The agency is going to sponsor a bill draft or two specific items. The first specific item is on page 16, new definitions to NRS 62A of custody and dual custody. Those are the -- and we discussed this, I believe in the previous meeting about the differences between custody as related to juvenile justice and custody related to child welfare. So, that is going to be part of an agency sponsored bill draft. Then moving on to page 17 at the top, that's also going to be included in the DCFS sponsored bill draft, is one section at the bottom of NRS 62E.560, which is restitution owed by child parolees. We are requesting to add the language, if the child has met all the requirements except restitution for release from community supervision, the release shall not be held up for unpaid restitution. The juvenile court shall a, for a child under the age of 18, the court shall provide court supervision until the restitution is paid in full or b, for a child who reaches the age of maturity prior -- for a child who reaches the age of maturity, the court shall order a civil judgment for unpaid restitution. So we -- so DCFS agency is sponsoring a bill for the custody definitions and this restitution piece. So, that will be removed from this report. That was a lot of information. Are there -- I think I'll stop for any questions. I just kind of wanted to reiterate that this -- that there was some work last week done on this and the agency did decide to sponsor a bill for those two sections. And then I still need to tweak some of the language around the compliance with the Juvenile Justice Delinquency Prevention Act. So, I open it, Madam Chair.

Elizabeth Flores: Thank you, Leslie. This is Liz- Liz Flores for the record. We had spoken at previous meetings about due dates related to this report and I -- what I had found in my previous notes was that we were supposed to have, this group was supposed to have approved the document going forward to DCFS state leadership. Where are we with our timelines? Will we have an opportunity to review this in time to approve it going forward?

Leslie Bittleston: Leslie Bittleston for the record. This is due August 1st and that's why I wanted to let the group know that pages 1 through 14 are pretty much done. And then that section for custody and restitution will be removed because DCF, it ends. Then the only thing that needs tweaking are the last couple of pages regarding the Juvenile Justice Delinquency Prevention Act recommendations. So, I am not sure that the state will have another opportunity to present the final. I mean, I could provide the final, but I don't know if this group will have another opportunity to approve it before it is required to go to LCB.

Elizabeth Flores: Thank you for that. This is Liz for the -- Liz Flores for the record. I'm concerned that we're not going to be able to weigh in prior to submission to the LCB because it's a JJOC document report. And so, I really believe that's, I mean, that was the intent of SB 398, was that this group would have an opportunity. You know, it's our -- it's JJOC's report. So, I'm concerned if JJOC will not have an opportunity. I recognize that these are strange times because of the other conversations that are happening around the sun setting eventually, or potentially of JJOC. Does any -- I will defer to my fellow commissioners here on any creative thinking around how to accomplish this, recognizing the challenges.

Brigid Duffy: Well, this is Brigid for the record. I think it's, with all due respect to the state, I think it's absolutely egregious that they would send a document in with such big impacts potentially on our system without the whole JJOC voting on it. They either need to ask for an extension from the LCB or not send it in because there's really big implications with pages 14 and on, that if it's sent in with the title of report by the JJOC and it's really just done by DCFS, that's just not cool. Sorry. I mean, and it's no, like, I know this isn't coming from the people that we have here, but because you all work really hard, but I just can't, I mean, there'll be a mutiny. I'll be really upset. I mean, why be on the meeting? Why not just let it be DCF S's way of life.

Elizabeth Flores: Mr. Whelihan.

Mike Whelihan: Mike Whelihan for the record. So, I agree with Brigid. The title on the very top page is the JJOC. So, I think sending it through without their input is reckless and I think that would, I mean, that really could be -- it's against the AB 472 when this whole JJOC was created. So, then there's no point of having the JJOC. So, and then I have some concerns on page 20 when we were talking about the 30-day review. It doesn't say 30-day review. It's meant for the judge to have a hearing to review the case, not for the state to review. Now, the, the state would probably have to ensure that that's taking place, but the review is actually by the adult court system. And then I have a question on -- I know Leslie commented on every single kid would start in the juvenile justice system. I think the JJOC should definitely weigh in on that because at least for Clark County, that's going to change some of the way we do business because we don't deal with those high level of crimes and some of the mental health needs when you're talking people that murder people or do a mass shooting or -- so, I think that really changes the way for us is, you know, probably 30 to 60 kids a year that we're going to have to go through the process with it. Often times, we'll be having to send out to mental health and some of these other things without any fiscal support, you know, because we're going to have to change way that we do business with some of these kids. And then I think it was page 14 -- wait, wait, wait -- 16 on the definition of custody. I think it needs to say peace officer in there as well because oftentimes people that make arrests don't work for the juvenile justice system or the law enforcement agency. So, it can be just a peace officer that can arrest a child not work for a law enforcement agency. So, like Marshalls and some of these other people that remand kids from court. They're not a law enforcement agency. They're peace officers.

Unidentified: So I have a question. So page -- I don't have the bill in front of me, the 398 bill. It seems like we have a report that goes through page 13 or even page 14 at the top because that -- a lot of that, the three considerations are really things that help us finalize things that are in the first 13 pages. Like what's -- are pages 14 through 20 required from the bill like all of DCF S's own recommendations for bill drafts that they're sending to the LCB?

Leslie Bittleston: So, for -- the bill requires general recommendations based on their strategic plan.

Unidentified: Okay.

Leslie Bittleston: Disparities in the juvenile justice system.

Unidentified: Okay.

Leslie Bittleston: And compliance with the Juvenile Justice Delinquency Prevention Act. It requires all three.

Unidentified: Okay. So, without -- so, if there's no time to take it to the full JJOC for voting, then does it require that we make recommendations to come into compliance or can you just stop with here's where we're not in compliance with the JJRA?

Leslie Bittleston: You know, maybe that's a better way to do it. You know, just to say, no, we're not in compliance with these areas.

Unidentified: Right. Because honestly it's not, like Mike said and I'm saying, it's not- it's not just our opinion, right. Mine and Mike's opinion is not going to be the same as somebody else's opinion and it's not going to be the same as the state's opinion. And that's, like -- we -- I don't feel comfortable speaking on behalf of the whole JJOC, but we can state the facts and the facts are here as where we are seeing we are not in compliance with the how we get into compliance is a whole another conversation.

Leslie Bittleston: Okay, perfect.

Jennifer Fraser: This is Jennifer Fraser for the record. I was just looking at the language of the bill and it just says any recommendations for legislation. So, I agree with Commissioner Duffy. I think the language could just be a lot more general, like the recommendations are we need to improve definitions for this. We need to address the disparities for direct file and kids in adult facilities instead of putting in specific BDR language. And I think that would satisfy the statutory requirements.

Elizabeth Flores: This is Liz Flores for the record. And then the third part would be the same as far as the third part compliance with Juvenile Justice and Delinquency Prevention Act would just be, you know, that we make recommendations that we - that we're not in compliance and need to work towards compliance.

Leslie Bittleston: And I -- this is Leslie for the record. I think that's fair. And I also do want to say for the interest of the group, that I have spoken to the chairs of the JJOC and they were not willing to hold a meeting with knowing that things are in flux. So, the state was really in a quandary with, you know -- without the JJOC chairs willing to meet, there's no way we could get anything approved. And so I really hate to say this in an open meeting, but it really is where we are. So, either my recommendation would be to either change the language on the page one that says to satisfy this DCFS is the one that wrote this since the JJOC could not meet. That's up for discussion. I'm just saying that there is a reality that DCFS is still responsible for this report, but we could, you know, without the cooperation, then that's not the right work without the JJOC having a meeting, I guess, is the best way to say it.

Brigid Duffy: If you put, I mean, I think you could rewrite that in a way, but I think it, well, if we can take out pages basically 16 through whatever it is, 21, I guess maybe or 22, you could put in the executive summary that it's in conjunction with the subcommittee of the Juvenile Justice Oversight Commission, because I think, well, at least I am, I'll speak on my own behalf. I'm comfortable with the first, I mean, I've dug through it, reread it. We went through it page by page, pages 1 through the top of 14. So, if we can just pare down that page 15 just as here's where we're not in compliance and --

Leslie Bittleston: Delete the rest.

Brigid Duffy: Delete the rest.

Leslie Bittleston: Okay.

Brigid Duffy: And just say there needs to be conversation about how our state can best address our lack of compliance with the JJRA and we will await the reconvening of the JJOC to bring those recommendations to this legislative body.

Leslie Bittleston: I think that's fair. I can delete all of that language and make a statement that these are the, you know, that the state needs to address these areas of non-compliance.

Brigid Duffy: Right.

Leslie Bittleston: And maybe that's as simple as it gets.

Brigid Duffy: Right.

Elizabeth Flores: This is Commissioner Flores for the record. Just for housekeeping purposes. This is an actionable item. Is it appropriate then to have a motion to adopt what Ms. Duffy just represented and then have this group vote on that? Because it is -- we are altering in order to do the best we can to meet the requirements here.

Leslie Bittleston: This is Leslie for the record. I believe so. I believe yes, you can take -- make a motion that states that we recommend the approval of this document through the compliance with the Juvenile Justice Delinquency Prevention Act E and deletion of the rest, the remaining pages with one statement that states the state -- something to the effect that the state needs to address these areas of noncompliance, something very basic.

Elizabeth Flores: Okay, I'm going to take a run at it. So, this is Commissioner Flores. I like to make a motion that we are going to amend the draft report concerning progress made by the Juvenile Justice Oversight Commission to indicate that the report was prepared by DCFS in conjunction with the Juvenile Justice Oversight Commission Strategic Planning Committee, and that we will adopt pages, the subsequent pages through page --

Leslie Bittleston: Fifteen.

Elizabeth Flores: Fifteen.

Leslie Bittleston: Fifteen ending at E.

Elizabeth Flores: Fifteen through page 15 E. And that everything beyond that will be deleted. And that there will be general statements regarding the areas of non-compliance that require further review.

Brigid Duffy: I will second that fantastic motion.

Leslie Bittleston: Thank you. Okay. So related to item number, oh, we have to put out for a vote. Sorry. So, all those in favor say aye.

Unanimous: Aye.

Elizabeth Flores: Any opposed? Okay. Motion carries. Thank you. Alright. So I believe we can move on to item number six for discussion, which is the bench book for judges. We had had previous discussions about this and I believe that we had agreed that actually this item should be, actually, brought forward to the JJOC for discussion, but I will turn it over to Ms. Bittleston.

Leslie Bittleston: Thank you, Madam Chair. We can table this item until the JJOC meets again, if that is the interest of the sub -- of the committee, but for reference I did do some research on this and found that many states do use bench cards. And this state that I actually provided attachment number 6, this is actually a bench book for judges, which is -- has a lot of information about the ICJ, the Interstate Compact for Juveniles, and a lot of different things. And I'm presenting this kind of as an option to write something like this for our judges, which really gives them some information about items and things that maybe they're not completely up to speed on. Because for example, ICJ, the Interstate Compact for Juveniles, is quite lengthy and does have a lot of pieces to it. The one specific area that I was recommending for a bench card was the use of a valid court order that we've talked about in the past. So, I'm just -- I believe we can table this, but I am -- would like to propose to the overall commission or the committee or whatever that we prepare something like this for judges to kind of help provide them some information about federal laws that may impact their decisions on the bench.

Elizabeth Flores: This is Commissioner Flores. Thank you for sharing this. I'm reviewing it. It is pretty robust. And so we can perhaps keep this on our agenda for future conversation. So, are there any comments or questions regarding this agenda item from the group?

Unidentified: I think it's a great idea. At least looking at it from my perspective in the eighth. We've had, you know, we had the retirement of our longstanding judge, Voy, and new judges coming in. And so it would be a really great resource guide as we have turnover and I don't -- I suspect there's going to be more turnover within the next couple years for us down here. So, I would love to see this happen.

Jennifer Fraser: This is Commissioner Fraser for the record. I agree. And like the ICJ booklet that you included, I use that as a reference myself whenever we have kids with certain ICJ issues. So, it's helpful for all practitioners, too.

Elizabeth Flores: Okay. Alright then, item number seven, new business. Does anybody have any new business that they would like to propose for a future agenda item? Okay. So, for the next meeting hopefully we have in place the minutes from 06/13 meeting in conjunction with today's meeting. And another point is I know we've made a motion and we've sort of an anticipation of an amended document. We've approved that. However, Ms. Bittleston, after your reviews, could you please share that with this group?

Leslie Bittleston: Absolutely, Madam Chair. And I also do want to say really quickly that it takes at least 30 days for us to get the minutes transcribed and back from our vendor. So that's -- so we want to wait at least that -- longer than that because we want the minutes of both meetings completed.

Elizabeth Flores: Okay. So moving on to item number eight, public comment and discussion. Do we have any public comment? Okay. Not seeing any, we'll move on to adjournment. Thank you everybody for your time today.

Leslie Bittleston: Thank you.

Brigid Duffy: Thank you. Thank you, Leslie, for all your work, too.

Jennifer Fraser: Thank you.

Leslie Bittleston: Thank you, Brigid.

Unidentified: Bye.

Unidentified: Have a good day.

Unidentified: Bye.

Unidentified: Have a good day.

Unidentified: Bye.