

Study of Juvenile Justice System



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JUVENILE JUSTICE SYSTEM

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SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE JUVENILE JUSTICE SYSTEM

Assembly Concurrent Resolution No. 18
(File No. 92, *Statutes of Nevada 2003*)

Following is a summary of the recommendations adopted by the Legislative Commission's Subcommittee to Study the Juvenile Justice System at its June 18, 2004, meeting. These recommendations will be forwarded to the Legislative Commission and ultimately to the 2005 Session of the Nevada Legislature, as appropriate.

RECOMMENDATIONS TO DRAFT LEGISLATIVE MEASURES

1. Draft legislation, to create a statutory committee on juvenile justice. The committee would have jurisdiction over all juvenile justice issues.

Additionally, the measure would establish an independent oversight authority within the Audit Division of the Legislative Counsel Bureau. This position would provide oversight and periodically review juvenile facilities and court ordered treatment programs under the jurisdiction of the juvenile court system. Any findings would be reported to the statutory committee on juvenile justice issues. **(BDR 17-193)**

2. Draft legislation, to require mental health and substance abuse screening (such as the MAYSI-2) for all juveniles upon admission to a juvenile detention facility. **(BDR-194)**

RECOMMENDATIONS TO DRAFT A LETTER ON BEHALF OF THE SUBCOMMITTEE

3. Draft a letter to Nevada's Congressional Delegation indicating the need to receive information from individuals directly impacted by legislative policy. (This recommendation was previously adopted at the April 1, 2004, meeting)
4. Draft a letter to the Annie E. Casey Foundation, recognizing and supporting the efforts of the Juvenile Detention Alternatives Initiative. (This recommendation was previously adopted at the May 18, 2004, meeting)
5. Draft a letter to the Division of Child and Family Services (DCFS), the Elko and Caliente Youth Training Centers, and available resources (Nevada's Department of Transportation and Division of Forestry), to study the feasibility of teleconference and/or videoconference capabilities to enable the youth at remote training centers to communicate with their families.

6. Draft a letter to the Bureau of Alcohol and Drug Abuse and the Juvenile Justice Commission's Work Study Group, advocating the continued investigation of the service delivery gaps and related funding resource issues in providing substance abuse treatment services for youths in the juvenile justice system.
7. Draft a letter to juvenile justice agencies, mental health providers, children's services, school districts and welfare administrators, directing the parties to work collaboratively to deliver and fund mental health services in a coordinated, non-duplicative and unified manner, and to make certain that all youths in the juvenile justice system have a treatment plan.
8. Draft a letter to the appropriate entities (school districts and detention facilities), and include a statement in the final report, urging that greater collaboration and information sharing be included on the paperwork sent to the youth training centers. This should include school records and completed information on the background of the youth, to assure that the youth training centers receive full information packages from the previous detention centers and service providers.
9. Draft a letter to Nevada's Congressional Delegation, and to the Bureau of Indian Affairs, voicing a concern for allowing the state to provide greater collaboration and a continuum of care for juvenile Native Americans in Nevada, while recognizing tribal sovereignty.

RECOMMENDATIONS TO INCLUDE A STATEMENT IN THE FINAL REPORT

10. Include a statement in the final report, encouraging service providers and juvenile justice agencies, to utilize memorandums of understanding, to coordinate the integration of case management and to facilitate the sharing of case information.
11. Include a statement in the final report supporting further research and study on the issue of blended sentencing. The study should include juvenile, adult community, and institutional correctional organizations.
12. Include a statement in the final report supporting further study on possible revenue streams for transitional living for children (ages 17 to 20) aging out of the juvenile justice system. The information studied should include an examination of the number of youth that are potentially affected, and the fiscal impact.
13. Include a statement in the final report encouraging the exploration of funding sources to provide integrated case management and school-based wraparound services.
14. Include a statement in the final report, recognizing the necessity and encouraging state agencies to find appropriate solutions to providing mental health services in the rural areas of the state.

15. Include a statement in the final report, recognizing the need to review the Community Corrections Partnership Block Grant and to consider future increases in the amount appropriated to the counties.
16. Include a statement in the final report encouraging and supporting continued communication and consensus building between the Division of Child and Family Services, the Youth Training Centers, management, staff, and correctional officers.
17. Include a statement in the final report encouraging the Department of Corrections to continue efforts to expand programs for youth to provide better education, training, and treatment programs for youth in the adult system.
18. Include a statement in the final report expressing support for the DCFS to create a cost allocation plan amendment to seek funding for allowable Title IV-E program costs for juvenile services.
19. Include a statement in the final report encouraging the continued study of available revenue sources for indigent juvenile defense.
20. Include a statement in the final report supporting the need for, and directing agencies to continue the dialogue regarding increasing social, wraparound, and transitional services for teens at risk of engaging in prostitution and teens who have ceased or are attempting to cease engaging in prostitution.
21. Include a statement in the final report: (1) recognizing the need for community based alternatives to incarceration for American Indian youth offenders; (2) encouraging counseling and treatment programs for American Indian youth in the juvenile justice system which draw upon the strengths of tribal culture; (3) recognizing tribal sovereignty, and the importance of policymakers working with Tribal Councils to reduce jurisdictional boundaries; (4) providing incarcerated youth access to quality education, life skills training, mental health treatment, and rehabilitative experiences; and (5) encouraging policymakers, police, officers of the court, and correctional providers to work together to remove racial inequalities from the juvenile court system.
22. Include a statement in the final report encouraging further study, data development, provision of care, referral services, and assessment on the level of care for available mental health services.

**REPORT TO THE 73rd SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO
STUDY THE JUVENILE JUSTICE SYSTEM**

Assembly Concurrent Resolution No. 18
(File No. 92, *Statutes of Nevada 2003*)

I. INTRODUCTION

A. GENERAL OVERVIEW

Juvenile justice is the area of criminal law applicable to persons not old enough to be held responsible for criminal acts. The first juvenile court was established in the United States in 1889. Since that time, there have been numerous movements and discussions how to properly create and maintain a juvenile justice system.

In most states, as in Nevada, the age for criminal culpability is set at 18 years. The main goal of the juvenile justice system is rehabilitation rather than punishment. To that end, the system attempts to provide treatment and programs, with the goal of diverting youth from a path which may lead to a life of crime and adult prison.

The Federal Juvenile Justice and Delinquency Prevention Act (JJDP) was passed by the United States Congress in 1974, to serve as reform legislation for the juvenile justice system in the United States. The JJDP Act focuses on removing status offenders, such as runaways and truant children, from juvenile correctional facilities and on removing juveniles from adult jails, lockups, and detention centers intended for adults. It also mandates that each state receiving funds and participating under the Act create an advisory group to inform state governors and elected officials about juvenile justice issues.

B. NEVADA OVERVIEW

The Nevada system of juvenile justice is codified in Chapter 62 of the *Nevada Revised Statutes* (NRS). The juvenile justice system in Nevada currently operates as a bifurcated or split system. Generally, the State of Nevada has responsibility for the operation of long-term youth training center facilities and for youth parole and aftercare services. Nevada's 17 counties are then responsible for the operation of local detention facilities and county youth camps, probation, and aftercare services.

Briefly, a youth coming into contact with the juvenile justice system receives an initial evaluation at the county level, and is either: diverted, without court action to informal probation; ordered to pay fines and/or perform community service; placed in community programs; or referred to juvenile court. Depending upon the court action, a youth may be committed to a state-operated training center, a county-operated youth camp, or placed on probation. If a youth does not successfully complete the conditions of probation, court action

may result in the youth being committed to either a state-operated training center or a county facility.

1. *Juvenile Court Jurisdiction*

Generally, unless the child involved is subject to the exclusive jurisdiction of an Indian tribe, and except as otherwise provided in Chapter 62 of NRS, the juvenile court has exclusive original jurisdiction in proceedings: (a) concerning any child living or found within the county who is in need of supervision; (b) concerning any child living or found within the county who has committed a delinquent act; or, (c) concerning any child in need of commitment to an institution for the mentally retarded.

As defined by the NRS, a child means: a person who is less than 18 years of age; a person who is less than 21 years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached 18 years of age; or a person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender.

Additionally, except for certain sexual offenses, if a child is subject to the jurisdiction of the juvenile court, the juvenile court: may terminate its jurisdiction concerning the child at any time, either on its own volition or for good cause shown; or may retain jurisdiction over the child until the child reaches 21 years of age.

Child In Need of Supervision

Except as otherwise provided, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child: (a) is subject to compulsory school attendance and is a habitual truant from school; (b) habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable; or (c) deserts, abandons, or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation.

Child Deemed Delinquent

A child commits a delinquent act if the child: (a) violates a county or municipal ordinance; (b) violates any rule or regulation having the force of law; or (c) commits an act designated a criminal offense pursuant to the laws of the State of Nevada. However, certain heinous acts, such as murder, certain sexual assaults, certain offenses involving a firearm, certain felonies committed on school property, and criminal offenses if the individual had already been convicted of a criminal offense, are deemed not to be delinquent acts, and the juvenile court does not have jurisdiction over a person charged with committing such an act.

Certification to Adult Court

Upon a motion by the district attorney and after a full investigation, the juvenile court may certify a child for proper criminal proceedings as an adult to any court that would have jurisdiction to try the offense if committed by an adult, if the child: (a) is charged with an offense that would have been a felony if committed by an adult; and (b) was 14 years of age or older at the time the child allegedly committed the offense. In certain cases involving sexual offenses or firearms, and if the child was 14 years of age or older, the juvenile court must certify a child for proper criminal proceedings as an adult

Lastly, the court may certify a child as an adult, if the child escapes or attempts to escape from a facility for the detention of juveniles, if the child was previously adjudicated delinquent for an act that would have been a felony if committed by an adult, or the child used a dangerous weapon to escape or attempt to escape.

2. State Juvenile Facilities

The Division of Child and Family Services of the Department of Human Resources provides juvenile correctional services for the State of Nevada.

Nevada Youth Training Center

The Nevada Youth Training Center in Elko is a 160-bed, 24-hour residential juvenile correctional facility for male youth between the ages of 12 and 18 years who are committed by the state's district courts for correctional care. The facility is "staff secure" and does not employ perimeter fencing.

The center operates an accredited junior/senior high school program and also participates in interscholastic sports activities in football, basketball, wrestling, track, and cross-country. Vocational programs are offered including welding, basic auto mechanics, landscape/grounds maintenance, and carpentry and woodworking classes. All youth are involved in a counseling program, both individual and in group settings.

Caliente Youth Center

The Caliente Youth Center is a 140-bed (60 female, 80 male), 24-hour residential juvenile correctional facility for male and female youth between the ages of 12 and 18 years who are committed by the state's district courts for correctional care. The facility is "staff secure," similar to the Nevada Youth Training Center, and does not utilize perimeter fencing.

The coeducational correctional center contracts with the Lincoln County School District for educational and vocational services for students from seventh grade through high school graduation. Vocational training includes hotel/motel management, landscaping, culinary, and graphic arts. Sports activities include basketball, volleyball, softball, football, soccer,

swimming, and other intramural activities. The center utilizes positive peer counseling for peer group interaction, which stresses that students listen to the counsel and advice of each other more readily than they listen to adults.

Summit View Youth Correctional Facility

The 1997 Legislature granted the Department of Administration the authority to privately construct and operate a 96-bed maximum security facility for the most serious juvenile offenders. The Summit View Youth Correctional Facility opened in North Las Vegas, in June 2000; however, the facility was contractually privately run by Florida based Youth Services International. After operational and financial issues forced Youth Services International to cease operations at Summit View, the facility reopened in January 2004 under state management by the Nevada Division of Child and Family Services.

Nevada Youth Parole Bureau

The Youth Parole Bureau provides aftercare services to youth released from the Nevada Youth Training Center at Elko, the Caliente Youth Center in Caliente, and youth committed to Division of Child and Family Services custody at the China Spring Youth Camp in Minden. Youth are assigned a counselor at the time of commitment who works with him/her and institutional staff to identify and implement an appropriate treatment plan. The plan is used to facilitate a successful return to the community. Other programs implemented by Youth Parole include: alternative placement; specialized treatment; intensive aftercare; drug education and counseling; transitional community integration; and, drug testing

3. Nevada's Counties Responsibilities

Probation Function

Chapter 62 of the NRS authorizes juvenile probation functions. It establishes probation departments at the county level and gives them jurisdiction over children in need of supervision and those who have committed delinquent acts (those acts that if committed by an adult would be considered crimes). In addition, one of the purposes of Chapter 62 is to "promote the establishment, supervision, and implementation of preventive programs designed to prevent persons under the age of 18 from coming under the jurisdiction of the juvenile division of the district court." Depending upon the size of the county, local probation departments differ in their organization and reporting requirements.

County-Operated Facilities

Juvenile detention is a temporary, secure, holding facility that ensures the safe custody of juveniles ages 8 to 18 who are accused of conduct subject to the jurisdiction of the Court and require a restricted environment for their own or the community's protection while pending legal action. Further, juvenile detention provides a wide range of helpful services, which

support the juvenile's physical, emotional, and social development. Not all counties operate detention centers; however, a listing of current facilities throughout the state includes:

- First Judicial District — Carson City and Storey County: Regional juvenile detention center, 18-bed.
- Second Judicial District — Washoe County: Recently opened (2004) the 108-bed Jan Evans Center. The county also operates the McGee Center, a 24-bed shelter care program for status offenders (runaways, incorrigible behavior, children in need of supervision).
- Fourth Judicial District — Elko County: Northeastern Nevada Juvenile Center, 24-bed secure detention facility.
- Fifth Judicial District — Mineral, Nye, and Esmeralda Counties: Secure detention facility located in Mineral County, 14-bed.
- Sixth Judicial District — Humboldt, Lander, and Pershing Counties: Leighton Hall, a 16-bed secure juvenile detention center in Winnemucca.
- Eighth Judicial District — Clark County: 100-bed secure detention facility and the Spring Mountain Youth Camp, for long-term offenders (average length of stay is six months). Through Clark County Department of Juvenile Justice Services, a maximum bed capacity for 235 youth.
- Ninth Judicial District — Douglas County: Secure detention facility located in one wing of the adult jail in Stateline with 14-beds and a 40-bed secure youth camp in China Spring.

C. PAST STUDIES IN NEVADA

The issue of studying the juvenile justice system is not new to Nevada. Previous legislative interim studies include A.C.R. 57 (File No. 152, *Statutes of Nevada 1997*) and A.C.R. 13 (File No. 139, *Statutes of Nevada 1999*).

Assembly Concurrent Resolution No. 57

The 69th Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 57 (File No. 152, *Statutes of Nevada 1997*), which directed the Legislative Commission to conduct a study of the system of juvenile justice in the State of Nevada. The A.C.R. 57 Subcommittee, chaired by the late Assemblywoman Jan Evans, held six meetings, including a work session, during the course of the interim study.

With the assistance of nationally known consultant James C. “Buddy” Howell, Ph.D, the Subcommittee approved 15 recommendations, grouped into three separate time intervals for action (immediate implementation, the next two years, and two to ten years). The

recommendations for immediate implementation included: need for consistent placement instruments, need to create intermediate sanctions and interventions, assessment of existing substance abuse programs, and assessment of existing drug court models in Washoe County. The recommendation to be completed within two years was to complete a new serious and chronic juvenile offender facility.

Finally, the recommendations to be completed within a two- to ten-year timeframe included: restructuring of the state-county relationship; conducting a statewide gang survey; conducting a school violence assessment; surveying alternative programs offered by local school districts; deferring the statutory amendments proposed by the district attorney; considering developing standards of operation for juvenile facilities; evaluating the mental health needs for juvenile offenders; evaluating the need for truancy centers; deferring the question of whether social workers should be employed by the local school districts to the Study on Special Education and Student Discipline (A.C.R. 44 of the 1997 Legislative Session); and requesting a bill draft to create an interim study on juvenile justice.

Assembly Concurrent Resolution No. 13

As a follow-up to the work begun by the A.C.R. 57 Subcommittee, the 1999 Legislature adopted A.C.R. 13 (File No. 139, *Statutes of Nevada 1999*). The A.C.R. 13 Subcommittee, also chaired by the late Assemblywoman Jan Evans, was created to review and evaluate the progress on the recommendations approved by the A.C.R. 57 Subcommittee during the 1997-1998 interim. In short, the Subcommittee reviewed the progress on the development of placement instruments; additional intermediate sanctions and corresponding interventions for juveniles; various needs assessments; an evaluation of juvenile gang activity; a review of school violence; and the potential to restructure the current state-county relationship in juvenile corrections.

Additionally, the A.C.R. 13 Subcommittee approved a total of 16 recommendations, including four bill draft requests, at its final work session meeting. These recommendations included: recognizing the need to continue refinement of placement instruments; continuing the creation of additional alternative sanctions and interventions; continuing the assessment of substance abuse treatment programs; monitoring the progress on the implementation and evaluation of placement instruments and performance-based standards; developing a longitudinal study of diversion, intervention, and aftercare programs; continuing the evaluation of youth gangs; analyzing the availability of alternative education programs; creating a statutory Legislative Committee on Juvenile Justice; developing issues to be studied by the Statutory Committee; implementing performance-based standards; consider expanding the Juvenile Justice Commission; reviewing the transfer and certification of juvenile offenders to adult status; reporting of National Center for Juvenile Justice study results; studying minority overrepresentation in the juvenile justice system; amending the NRS to allow a detention home to share common facilities or grounds with an adult jail; and, amending the NRS to give the courts the power to place parole violators in detention or in a county jail.

D. 2003 LEGISLATIVE SESSION

How to effectively operate a juvenile justice system is a constant source of debate nationwide. With the recent occurrences and subsequent federal investigation of the level of care at the Nevada Youth Training Center in Elko, the issue of juvenile corrections was widely discussed during the 2003 Nevada Legislative Session.

Several major issues were examined during the session, including: certification of juvenile offenders, the exchange of confidential information in the juvenile system, restitution for juvenile offenders, and the interstate compact for juveniles. Additionally, the 2003 Legislature passed Senate Bill 197 (Chapter 206), which reorganized the entire juvenile justice code into Title 5 of the NRS.

With the growing number of measures affecting the juvenile justice system, the need to continually reexamine the issues in light of the previous studies, and the failed recommendation to create a full-time statutory committee, the Legislature felt it was necessary to introduce and adopt A.C.R. 18 (File No. 92, *Statutes of Nevada 2003*).

II. CREATION OF AN INTERIM STUDY

The 72nd Session of the Nevada Legislature adopted A.C.R. 18 (attached as Appendix A), which directed the Legislative Commission to conduct an interim study of the juvenile justice system in Nevada. The Commission appointed a subcommittee of six legislators (three members of the Senate and three members of the Assembly).

The members appointed to the subcommittee were:

Assemblywoman Sheila Leslie, Chair
Senator Terry Care
Senator Maurice Washington
Senator Valerie Wiener
Assemblyman Bernie Anderson
Assemblyman John Carpenter

Legislative Counsel Bureau staff services were provided by Nicolas C. Anthony, Principal Research Analyst, Research Division; Risa B. Lang, Principal Deputy Legislative Counsel, and Joel Benton, Deputy Legislative Counsel, Legal Division; Larry Peri, Senior Program Analyst, Fiscal Division; and, Lucinda Benjamin, Senior Research Secretary, Research Division.

III. OVERVIEW OF SUBCOMMITTEE PROCEEDINGS

The subcommittee held five meetings, including a work session, during the course of the 2003-2004 Legislative Interim. Four meetings were held at the Legislative Building in Carson City, and one meeting was held at the Grant Sawyer State Office Building in Las Vegas. All meetings were simultaneously videoconferenced between the two locations. During the course of the study, the subcommittee received extensive expert testimony from well-known national experts and local practitioners. In addition, the subcommittee heard from members of the public and interested persons.

Due to the extensive nature of the subject matter, each meeting was scheduled to address specific agenda topics within the call of the resolution. The first meeting was largely informational and provided an overview for the study. The meeting recapped earlier recommendations from the A.C.R. 57 (File No. 152, *Statutes of Nevada 1997*) and A.C.R. 13 (File No. 139, *Statutes of Nevada 1999*) interim studies on juvenile justice.

The second meeting provided an update from the Bureau of Alcohol and Drug Abuse on the progress of recommendations from the last study and on the client information system, federal reporting requirements, current prevention and treatment programs and policies for curbing substance abuse in Nevada. The subcommittee also received an update from the Department of Human Resources, on the Civil Rights of Institutionalized Persons Act (CRIPA) report filed in response to conditions at the Nevada Youth Training Center in Elko. The subcommittee was informed that safeguards such as new policies, training, and additional staff were being instituted, and that Nevada was close to signing a memorandum of understanding with the Department of Justice.

Finally, at the second meeting, the subcommittee heard a presentation from the Juvenile Justice Commission's Work Study Group. Members of the group spoke on substance abuse treatments, stressed the need for increased collaboration with the Nevada school system and agencies providing youth services, addressed over-representation of minorities and females in the juvenile justice system, discussed alternative education programs and the need for work study group involvement in planning these programs, and further explained the mental health needs of children in the juvenile justice system.

The third meeting addressed a national perspective on juvenile detention alternatives, an overview of blended sentencing and juvenile transfer/certification as adult offender issues, the integration of juvenile and child welfare systems, and the study of resources devoted to legal representation of youth in Clark County. Finally, the subcommittee considered an overview of issues at the federal level.

At the fourth meeting, the subcommittee heard testimony on a number of topics including: the need for independent oversight at detention centers; state and local funding ratios and the Community Corrections Partnership Block Grant; an update on juvenile detention alternatives and blended sentencing; quality of care in state facilities; employee safety at the youth training

centers; standards for quality assurance; transitional/independent living for youth exiting the juvenile justice system; mental health status of juveniles; juvenile justice issues affecting tribal communities; overrepresentation and disparate treatment of minority youth; gender specific services; and, truancy and teen prostitution in Nevada.

At the fifth and final meeting, the subcommittee held a work session, wherein they considered 26 recommendations. Ultimately, the subcommittee approved 22 total recommendations, including two recommendations for the drafting of letters that were previously approved at prior meetings. Of the total recommendations approved, two of the final recommendations were for the drafting of legislation, seven authorized the drafting of a letter to certain agencies, and thirteen recommended including a statement in the final report.

The final recommendations address the following major topics:

- Creating a statutory committee on juvenile justice, with ongoing oversight and performance review of juvenile facilities;
- Mental health and substance abuse screening;
- Information sharing at the federal level;
- Juvenile detention alternatives;
- Substance abuse treatment for juveniles;
- Mental health issues, including services in the rural areas, for juveniles;
- Collaboration and information sharing between agencies in the juvenile justice field;
- Juvenile justice issues in tribal communities;
- Further research and study on blended sentencing; and,
- A review of funding sources and programs.

General information regarding the meetings of the Subcommittee, including the minutes (without exhibits), and a copy of this report are electronically available on the Legislature's Internet Web site under "Interim Information," available at: <http://www.leg.state.nv.us>. In addition, all supporting documents and meeting minutes are on file with the LCB's Research Library (775/684-6827).

IV. DISCUSSION OF ISSUES AND RECOMMENDATIONS

This report is intended to provide a concise summary, with relevant background, of each recommendation adopted by the Subcommittee. The outline is organized by action type (drafting legislation, drafting a letter, or including a statement in the final report) as approved at the Subcommittee's June 18, 2004, work session.

A. RECOMMENDATIONS TO DRAFT LEGISLATION

At the final work session, the Subcommittee reviewed the merits of 28 recommendations (including two recommendations that were previously adopted). Ultimately, the Subcommittee felt that several recommendations warranted closer legislative attention, and subsequently approved two recommendations to draft legislation to be introduced during the 2005 Legislative Session.

Recommendation No. 1 actually contains two subparts that are interrelated. The first part reflects the Subcommittee's sentiment that juvenile justice issues need to be continually reviewed by the Legislature. The second part contains an independent oversight mechanism, in which status of the state's juvenile facilities would be monitored.

1a. Recommendation to Create a Standing Committee

Throughout the study, the Subcommittee received substantial testimony and information from local and national experts on the current system of juvenile justice in Nevada. Several major issues that were identified as needing continued review and possible further study included: blended sentencing, alternative sanctions, aftercare services, substance abuse and mental health treatment, and transitional living for those aging out of the juvenile justice system. With the ongoing concern for the care and importance of the children and the system, the Subcommittee felt that it was necessary to again request a bill draft creating a statutory committee on juvenile justice. This recommendation is a continuation of the recommendation originally made by the A.C.R. 13 Subcommittee, in the form of BDR 17-572 (Senate Bill 262 of the 71st Legislative Session); however, that bill was not voted out of the Senate Committee on Judiciary.

1b. Recommendation to Review Juvenile Facilities

A source of concern and focus throughout the interim was the recent findings at the Nevada Youth Training Center in Elko. On December 6, 2001, the United States Department of Justice (DOJ) notified the state of its intent to investigate conditions of confinement at the Nevada Youth Training Center, pursuant to the Civil Rights of Institutionalized Persons Act (CRIPA). In February of 2002, the DOJ and its consultants toured the facility and during an exit conference outlined its preliminary findings and recommendations.

From the time of the investigation in February 2002, the State of Nevada and the Training Center began stringent efforts to address the concerns brought forward by the DOJ. In November of 2002, the DOJ issued findings that outlined the concerns present at the Training Center. The DOJ also acknowledged that the state had engaged in significant activities to improve the quality of the conditions present at the facility.

The result of this process was the signing of a memorandum of understanding on February 26, 2004. The memorandum addresses: (1) staff to youth ratios for day and night shifts; (2) orientation of youth and families regarding a grievance filing process; (3) formation of an Incident Review Team; (4) child protective service (CPS) reporting and investigation; and (5) quality assurance standards. The DOJ and the state have agreed to the implementation of changes to improve conditions and services to Nevada's youth over the next two years, with positive quarterly reports made in May and July of this year.

Initially, a recommendation to provide greater oversight was brought forward by the Nevada Judges Association. A significant number of district court judges were troubled by the recent occurrences at the Nevada Youth Training Center, and were concerned about the ongoing treatment and care of offenders in the juvenile system. It was felt that independent oversight was needed with regard to all governmental institutions where juveniles are incarcerated, detained or under court ordered residential treatment.

During the work session, there was discussion as to where this independent body should be placed. Ultimately the Subcommittee felt that it would be best placed in the Audit Division of the Legislative Counsel Bureau, with any reports or findings periodically reported to the statutory committee on juvenile justice.

Recommendation No. 1 — Draft legislation, to create a statutory committee on juvenile justice (BDR 17-193). The committee would have jurisdiction over all juvenile justice issues.

Additionally, the measure would establish an independent oversight authority within the Audit Division of the Legislative Counsel Bureau. This position would provide oversight and periodically review juvenile facilities and court ordered treatment programs under the jurisdiction of the juvenile court system. Any findings would be reported to the statutory committee on juvenile justice issues.

Attached as Appendix P is a copy of BDR 17-193.

2. Recommendation on Mental Health and Substance Abuse

Throughout the Interim, the Subcommittee was apprised of alarming evidence as to how many children in the juvenile justice system had mental health and/or substance abuse issues. In 1994, the United States Department of Justice concluded that 73 percent of youth in the

juvenile justice system reported mental health problems. Additionally, many youth have co-occurring disorders with substance abuse problems as well. It has become well known nationally, that mental health screening and treatment at juvenile justice facilities are inadequately addressing children's mental health needs.

As such, the Subcommittee recommended amending state law to require mental health and substance abuse screening and assessment for every child that comes into contact with the juvenile justice system. A suggested form, such as the Massachusetts Youth Screening Instrument Version 2 (MAYSI-2), would be administered by detention staff upon intake for each youth. According to the Nevada Institute for Children's Research and Policy, the MAYSI-2 is inexpensive and the results would be comparable with other studies.

Recommendation No. 2 — Draft legislation, to require mental health and substance abuse screening (such as the MAYSI-2) for all juveniles upon admission to a juvenile detention facility (BDR - 194).

Attached as Appendix P is a copy of BDR 194. Attached as Appendix B, is a Summary and Recommendations prepared by the Work Study Group on "The Unmet Needs of Youth with Mental Health and Co-occurring Disorders in the Juvenile Justice System."

B. RECOMMENDATIONS TO DRAFT A LETTER ON BEHALF OF THE SUBCOMMITTEE

At the final work session on June 18, 2004, the Subcommittee unanimously voted to draft five letters to individuals and entities, with the hopes of encouraging or supporting certain actions. At its previous meetings, the Subcommittee already voted to draft letters to Nevada's Congressional Delegation and the Annie E. Casey Foundation, thus bringing the total number of letters to seven. The background and testimony of all seven letters are discussed below.

3. Recommendation on Lobbying and Communication

At the April 1, 2004, meeting, the Subcommittee was apprised of a recent policy change at the federal level, in the form of an amendment to 18 U.S.C. Section 1913, the "Anti-Lobbying Act." The result of the amendment was a significantly expanded restriction on the use of federally appropriated funding for lobbying. Further, the Subcommittee was informed that the U.S. Department of Justice (DOJ) and its Office of Juvenile Justice and Delinquency Prevention (OJJDP), has interpreted this amendment to prohibit recipients of federal grants from appearing before state and local government officials.

Given the necessary functions of state advisory groups to advise the Governor, Legislature, local government officials, Congress, and the President on juvenile justice issues affecting each state, the Subcommittee believed it was necessary to draft a letter to Nevada's Congressional Delegation. The letter urges the Delegation to consider maintaining an open and free line of

communication not only with the state advisory groups, but with all agencies and grantees that receive federal funding.

Recommendation No. 3 — Draft a letter to Nevada’s Congressional Delegation indicating the need to receive information from individuals directly impacted by legislative policy. [This recommendation was previously adopted at the April 1, 2004, meeting]

A copy of the letter to Nevada’s Congressional Delegation, dated April 22, 2004, is attached as Appendix C.

4. Recommendation on Juvenile Detention Alternatives

At the April 1, 2004, meeting, the Subcommittee heard testimony from David Doi, Executive Director, Coalition for Juvenile Justice. Mr. Doi defined detention reform as secure confinement on a pre-trial basis. Further, he provided statistics on the average cost of new construction of facilities and operating costs for detention facilities, the numbers and ages of youth detained each year, and the percentages of minority youth detained. Mr. Doi stated the Annie E. Casey Foundation has spear-headed detention reform using the Juvenile Detention Alternative Initiative (JDAI) program and has developed three model sites in Chicago, Illinois; Portland, Oregon; and Santa Cruz, California. A key point of the model programs is the use of a risk assessment instrument, which has reduced the number of youth in detention; the average length of stay from 33 to 9 days; and case processing from 204 days to 140 days.

Also at the May 18, 2004, meeting, it was brought to the attention of the Subcommittee, that the Annie E. Casey Foundation would be making a site visit to Nevada, to consider the state for its pilot program. Thus, the Subcommittee moved to draft a letter to the Casey Foundation, supporting the efforts to use Nevada as a possible location for their model programs, and to offer support in any way to help reduce the number of juveniles unnecessarily detained in our state.

Recommendation No. 4 — Draft a letter to the Annie E. Casey Foundation, recognizing and supporting the efforts of the Juvenile Detention Alternatives Initiative. [This recommendation was previously adopted at the May 18, 2004, meeting]

A copy of the letter to Bart Lubow, Annie E. Casey Foundation, dated May 25, 2004, is attached as Appendix D.

5. Recommendation on Communications at the Youth Training Centers

During a visit by several Subcommittee members to the Nevada Youth Training Center in Elko, the members became increasingly aware of the remote location of our youth training centers in Caliente and Elko. In speaking with the detained youth, it became clear that many

were homesick and did not have the opportunity to visit with family, since they were oftentimes hundreds of miles from home.

Assemblyman Carpenter recommended that the Division of Child and Family Services work together with other state agencies in the regions, in a cooperative effort to establish a means of communication through teleconference and/or videoconference.

Recommendation No. 5 — Draft a letter to the Division of Child and Family Services (DCFS), the Elko and Caliente Youth Training Centers, and available resources (Nevada’s Department of Transportation and Division of Forestry), to study the feasibility of teleconference and/or videoconference capabilities to enable the youth at remote training centers to communicate with their families.

A copy of the letter is attached as Appendix E.

6. Recommendation on Substance Abuse

Throughout the course of the study, and as a follow-up to the previous interim studies on juvenile justice, the Subcommittee was reminded of the strong nexus between substance abuse and a life of crime. To that end, the Juvenile Justice Commission’s Work Study Group submitted a position paper with recommendations addressing substance abuse in juveniles. The recommendations included: screening, assessment, coordination of resources, and a reallocation of resources to ensure that all available funding sources are maximized.

At the final work session, the Subcommittee unanimously approved that a letter be drafted to the Bureau of Alcohol and Drug Abuse and the Juvenile Justice Commission’s Work Study Group, advocating the continued investigation and study of service delivery gaps and related funding resource issues in providing alcohol and drug abuse treatment services for youths in the juvenile justice system.

Recommendation No. 6 — Draft a letter to the Bureau of Alcohol and Drug Abuse and the Juvenile Justice Commission’s Work Study Group, advocating the continued investigation of the service delivery gaps and related funding resource issues in providing substance abuse treatment services for youths in the juvenile justice system.

A copy of the letter is attached as Appendix F. Additionally, a copy of the Substance Abuse Legislative Position Paper, submitted by the Work Study Group, is also attached as Appendix G.

7. Recommendation on Mental Health

Similar to the discussion on substance abuse, the Subcommittee heard testimony on the high correlation between mental health issues and the number of youth in the juvenile justice system. It was brought to the attention of the Subcommittee, that children suffering from mental health challenges are substantially overrepresented in our detention facilities and youth training centers. As a result, case management efforts are being overwhelmed statewide. In addition, District Court Judge Frances Doherty presented on behalf of the Juvenile Justice Commission's Work Study Group, a position paper titled "The Unmet Needs of Youth with Mental Health and Co-occurring Disorders in the Juvenile Justice System."

At the June 18, 2004, work session, the full Committee unanimously voted to send a letter urging juvenile justice agencies, mental health providers, children's services, school districts, welfare administrators, and those affiliated with the juvenile justice system to consider mental health issues.

Recommendation No. 7 — Draft a letter to juvenile justice agencies, mental health providers, children's services, school districts and welfare administrators, directing the parties to work collaboratively to deliver and fund mental health services in a coordinated, non-duplicative and unified manner, and to make certain that all youths in the juvenile justice system have a treatment plan.

A copy of the letter is attached as Appendix H. Also, as previously referenced, and attached as Appendix B, is "The Unmet Needs of Youth with Mental Health and Co-occurring Disorders in the Juvenile Justice System."

8. Recommendation on Records

During an informational site visit to the Nevada Youth Training Center in Elko, several legislators were apprised of the need for detention and youth training facilities to receive timely and accurate school and case records for each child in the system. Assemblyman Bernie Anderson recommended that a letter be drafted to all school districts and detention facilities, and the recommendation was unanimously approved at the final work session. Additionally, the Subcommittee voted to also include a statement urging greater collaboration and information sharing in the final report.

Recommendation No. 8 — Draft a letter to the appropriate entities (school districts and detention facilities), and include a statement in the final report, urging that greater collaboration and information sharing be included on the paperwork sent to the youth training centers. This should include school records and completed information on the background of the youth, to assure that the youth training centers receive full information packages from the previous detention centers and service providers.

A copy of the letter is attached as Appendix I.

9. Recommendation on Native American Juvenile Justice

Throughout the interim, the Subcommittee was reminded of the concern for juvenile justice issues for Native Americans and those living on Indian Lands. Richard Harjo, Chairman, Nevada Indian Commission, explained that the Commission has held stakeholder meetings to discuss juvenile justice issues of Nevada tribes. Mr. Harjo stated that Native American issues are sometimes overlooked, so there is a great need for collaboration between state and county agencies, service programs, and tribal programs regarding the juvenile justice process.

Sherrada James, Executive Director, Nevada Indian Commission, provided statistics on American Indian youth which indicate a higher rate of arrests; the issue of double jeopardy in tribal, state, and federal courts; higher alcohol-related arrests; extremely high youth suicide rate; and a 24 percent increase in youth incarceration in the Federal Bureau of Prisons. Ms. James explained there is only one juvenile facility for American Indian youth in Nevada, which is located in Hawthorne. Lastly, she emphasized the importance of education relative to the Native American culture and spirituality, and stressed the need to improve society's cultural sensitivity regarding existing youth facilities and programs.

With these issues in mind, the Subcommittee unanimously voted to draft a letter to Nevada's Congressional Delegation and the Bureau of Indian Affairs.

Recommendation No. 9 — Draft a letter to Nevada's Congressional Delegation, and to the Bureau of Indian Affairs, voicing a concern for allowing the state to provide greater collaboration and a continuum of care for juvenile Native Americans in Nevada, while recognizing tribal sovereignty.

A copy of the letter is attached as Appendix J.

C. RECOMMENDATIONS TO INCLUDE A STATEMENT IN THE FINAL REPORT

Of the 22 total recommendations adopted, in many instances the Subcommittee felt strongly enough about the issue to include a statement encouraging or supporting a position. Although not solely directed at any one individual or agency, these statements are intended to show support for beneficial changes in the juvenile justice system.

10. Recommendation on Sharing of Case Information

This recommendation was originally brought forward to draft legislation by amending NRS 62H.030 to authorize certain persons and agencies to inspect juvenile records without a court order. Throughout the study, testimony repeatedly indicated that sharing of case

information was absolutely necessary between agencies such as social services, the Division of Child and Family Services, school counselors and law enforcement. Ultimately, the Subcommittee expressed concern over privacy and implementation issues, and the discussion arose as to whether NRS 62H.030 was the correct place to address such an amendment. After deciding that the issue warranted further study, the Subcommittee unanimously voted to include a statement encouraging the use of memorandums of understanding in specific cases and the integration of case management for those entities involved with youth in the juvenile justice system.

Recommendation No. 10 — Include a statement in the final report, encouraging service providers and juvenile justice agencies, to utilize memorandums of understanding, to coordinate the integration of case management and to facilitate the sharing of case information.

11. Recommendation on Blended Sentencing

During the course of the interim, several high profile felony level crimes involving youthful offenders occurred in Nevada. These events, coupled with a changing national landscape, prompted the Subcommittee to visit the issue of blended sentencing.

Generally, the issue of “blended sentencing” authorizes juvenile courts to impose adult sentences and/or extend their sentencing jurisdiction over certain juveniles past the age of majority. In states without blended sentencing, such as Nevada, youths charged with serious or violent offenses may be tried as adults only through the transfer/certification process.

The Subcommittee heard from national experts Patrick Griffin and Hunter Hurst, Jr. from the National Center for Juvenile Justice, authors of *Trying and Sentencing Juveniles as Adults: An Analysis of State Transfer and Blended Sentencing Laws*. The presenters suggested that there are generally two basic types of blended sentencing laws: juvenile blended sentencing and criminal blended sentencing. In juvenile blended sentencing, a juvenile court judge has an opportunity to make use of sanctions that are more serious than are ordinarily available to juvenile court judges. There are also criminal blended sentencing laws, where the trial would have already taken place in criminal (adult) court, and the judge then has the opportunity to send the juvenile back into the juvenile system for disposition.

In both types of blended sentencing schemes, the final disposition can involve a combination sentence. Such a sentence would involve a juvenile court disposition, but a criminal sentence hanging over the juvenile’s head. The general concept is that a youth would begin in the juvenile correctional system, and assuming that he or she makes rehabilitative progress and doesn’t re-offend, the suspended criminal sentence would disappear; however, the juvenile may end up in the adult correctional system if he or she does not cooperate. Thus, regardless of where the trial took place (juvenile or adult court), the youth could end up in the adult correctional system.

Additionally, Judge William O. Voy, Eighth Judicial District Court, Family Division, related some of the tough issues facing the juvenile courts where a stiffer sentence may be appropriate, but stated courts currently do not have that mechanism under state law. Judge Voy also stated that he would work with the interested parties in hopes of crafting some legislation for the upcoming Legislative Session.

At the work session, the Subcommittee felt that further research was necessary to determine the number of cases statewide where blended sentencing may apply. Also, there was some sentiment that further research into states such as Minnesota and Texas, where blended sentencing is already on the books, should be completed to see if it is a viable alternative. The Subcommittee was also concerned that a blended sentencing approach may cause “net-widening” and may in-turn require additional capital improvements to house such individuals. Thus, the Subcommittee recommended that all agencies should work together in exploring blended sentencing options, in hopes that some concrete policy suggestions may be made in the future.

Recommendation No. 11 — Include a statement in the final report supporting further research and study on the issue of blended sentencing. The study should include juvenile, adult community, and institutional correctional organizations.

Attached as Appendix K is a letter, from the Work Study Group, dated May 17, 2004, indicating that the Work Study Group will continue to seek technical assistance through the National Council of Juvenile and Family Court Judges or the National Institute of Corrections, with the goal of developing an amicable approach to blended sentencing for presentation to the 2005 Legislature.

12. Recommendation on Transitional Living

Kirby L. Burgess, Director, Clark County Department of Juvenile Justice Services, on behalf of the Work Study Group, explained to the Subcommittee that juvenile justice system transition issues parallel the needs of children exiting the child welfare system. As youths reach the age of majority and exit the juvenile justice system, it is acknowledged that they are ill equipped to handle the realities of independent living. Many of these youth, have no familial or economic resources, and thus it becomes likely that they will enter the adult criminal justice system as a result of survival driven crimes.

It was represented that approximately 200 children between the ages of 17 and 21 years of age have been identified statewide. Mr. Burgess explained there is a need to develop a revenue stream to provide assistance for youth transitioning from the juvenile justice system to independent living. A suggestion was made to explore the possibility of A.B. 94 (Chapter 603, *Statutes of Nevada 2001*) as a funding source, which provides funding for youth transitioning from the child welfare system; however, it did not appear that A.B. 94 monies would be a viable funding source. Thus, the Subcommittee unanimously voted to include a

statement recognizing the importance of the issue, and supporting further research as to available revenue streams for transitional living.

Recommendation No. 12 — Include a statement in the final report supporting further study on possible revenue streams for transitional living for children (ages 17 to 20) aging out of the juvenile justice system. The information studied should include an examination of the number of youth that are potentially affected, and the fiscal impact.

Attached as Appendix L is a letter, from the Work Study Group, dated May 17, 2004, indicating that the Work Study Group recommended identification of a revenue stream to fund transitional services for young adults.

13. Recommendation on Integrated Case Management and Wraparound Services

At the January 15, 2004 meeting, Theresa M. Anderson, Deputy Administrator, Northern Region, DCFS, on behalf of the Work Study Group presented a position paper titled “Education and the Juvenile Justice System.” Ms. Anderson explained that it is difficult for school districts to address all of the social ills of youth, especially in rural areas where children who display delinquent behaviors at early ages have a lack of alternative education programs to address their needs. She recommended increased collaborative planning between teachers, parents, and alternative education administrators, and teacher training in pro-social behaviors.

At the final work session, the Subcommittee voted to include a statement in the final report encouraging the exploration of funding sources to provide integrated case management and school-based wraparound services. In order to provide greater wraparound services, the recommendation encourages programs in Nevada to include:

- Family resource specialists;
- Teacher support and training;
- Bilingual and ethnic/cultural collaboration; and
- A paid mentor program with emphasis on behavior management and academic success.

Recommendation No. 13 — Include a statement in the final report encouraging the exploration of funding sources to provide integrated case management and school-based wraparound services.

Attached as Appendix M is a position paper titled “Education and the Juvenile Justice System,” submitted by Theresa M. Anderson on behalf of the Work Study Group.

14. Recommendation on Mental Health Services in Rural Nevada

During the Subcommittee's discussion of mental health issues at the final work session, Assemblyman Carpenter referenced the ongoing problems associated with securing mental health professionals in Elko and other rural areas of the state. Oftentimes, practitioners in the rural areas are paid significantly less, have to travel greater distances, and many professionals do not want to leave the urban lifestyle. Thus, the Subcommittee unanimously voted to include a statement in the final report recognizing the problems of providing mental health care services to our youth in rural areas, and encouraging state agencies and service providers to work together to address the issue.

Recommendation No. 14 — Include a statement in the final report, recognizing the necessity and encouraging state agencies to find appropriate solutions to providing mental health services in the rural areas of the state.

15. Recommendation on the Community Partnership Block Grant

At the May 18, 2004 meeting, Kirby Burgess presented a letter submitted by District Court Judge David R. Gamble, Ninth Judicial District, advocating that the Community Corrections Partnership Block Grant should be increased. Traditionally, these Block Grants are awarded to Judicial Districts on a formula basis. The requirements to receive funding include: collaboration of community-based resources in the development and implementation of the program; no capital expense items; compliance with NRS 62.420 Juvenile Justice Data Collection; implementation of programs that will reduce commitments to state institutions; the funds cannot be used to supplant ordinarily available resources; and, approval of the programs by local probation committee.

Testimony indicated that an increase in funding would ultimately serve as a cost saving measure to the state, in terms of reducing the number of juvenile commitments to state operated institutions. Further, Mr. Burgess indicated that appropriations under the Community Corrections Partnership Block Grant have increased very little since the program's inception in 1997, and have not increased at all since 2000.

Recommendation No. 15 — Include a statement in the final report, recognizing the need to review the Community Corrections Partnership Block Grant and to consider future increases in the amount appropriated to the counties.

A copy of a letter dated April 8, 2004, with comments directed to the Community Corrections Partnership Block Grant contained on page two, from Judge David R. Gamble, is attached as Appendix N.

16. Recommendation on Staff Relations at Youth Training Centers

Testimony at the May 18, 2004, meeting indicated that staff at the state run youth training centers are often placed in difficult and challenging environments. Further, because of their remote location and closed-type supervision, the staff needs to have an open line of communication to address their concerns. Scott MacKenzie, Executive Director, State of Nevada Employees Association, recommended that a statement be included in the final report, encouraging greater communication and consensus building between staff and management at the Division of Child and Family Services.

Recommendation No. 16 — Include a statement in the final report encouraging and supporting continued communication and consensus building between the Division of Child and Family Services, the Youth Training Centers, management, staff, and correctional officers.

17. Recommendation on Youth Programs in Adult Correctional Facilities

This recommendation stems from written testimony submitted by Jackie Crawford, Director, Nevada Department of Corrections. Director Crawford suggested that children (under 18), and youth in general (up to age 23) should be housed in facilities separate from other inmates. Currently, the Department of Corrections has attempted to separate youth from other inmates in their own housing unit, within a single facility, at both Lovelock Correctional Center and High Desert State Prison; however, youth often have separate needs (such as education) and requirements (such as safety and classification issues) than the general population.

During the study, the Subcommittee was not inclined to make a policy and fiscal decision to build or establish a separate facility for such individuals. In light of the situation, the Subcommittee believes that the Department of Corrections should continue investigating available methods and resources to expand programming, education, and training specifically designed for young offenders.

Recommendation No. 17 — Include a statement in the final report encouraging the Department of Corrections to continue efforts to expand programs for youth to provide better education, training, and treatment programs for youth in the adult system.

18. Recommendation on Title IV-E

The issue of Title IV-E funds was raised in a letter from the Work Study Group, dated May 17, 2004, and was discussed throughout the interim. Title IV-E is a subpart of Title IV of the federal Social Security Act. The program provides federal reimbursement to states for the costs of children placed in foster homes or other types of out-of-home care under a court order or voluntary placement agreement.

The Work Study Group indicated that the Division of Child and Family Services currently has the personnel and expertise to develop and submit a cost allocation plan amendment to the Federal Administration for Children and Families Division of Cost Allocation. A request for these allowable Title IV-E program funds will benefit juvenile services at the state and county level in Nevada. The DCFS has included a request for three staff positions (two professional and one administrative) in their future budget.

Additionally, testimony throughout the study indicated that the issues of mental health, education, and other services are necessary and may be funded through the pursuit of Title IV-E program funds. Thus, the Subcommittee unanimously recommended including a statement, expressing support for further investigation of Title IV-E funding.

Recommendation No. 18 — Include a statement in the final report expressing support for the DCFS to create a cost allocation plan amendment to seek funding for allowable Title IV-E program costs for juvenile services.

Attached as Appendix O is a letter, dated May 17, 2004, urging the Subcommittee to support the DCFS in creating a cost allocation unit, from the Work Study Group.

19. Recommendation on Indigent Defense for Juveniles

Franny A. Forsman, Federal Public Defender, Office of the Federal Public Defender, testified at the April 1, 2004 meeting on the issue of juvenile defense. Ms. Forsman stated there is a dire lack of representation and that there is oftentimes no voice for indigent juveniles in Clark County. She indicated that previously there were only two lawyers available for juveniles, however, now there are six, and yet they are still vastly understaffed. Each attorney in Clark County currently has a caseload in excess of 800 juveniles per year.

Ms. Forsman explained that counties and the State of Nevada need to address indigent defense so a child's rights can be protected, and that there is the possibility in Clark County of a civil or class action for deprivation of civil rights due to caseload levels. It was also stated that Nevada is among a minority of states that do not provide state funds for indigent defense.

At the work session, the Subcommittee felt that this issue warranted a statement in the report, encouraging further and continued study of available resources for indigent juvenile defense.

Recommendation No. 19 — Include a statement in the final report encouraging the continued study of available revenue sources for indigent juvenile defense.

20. Recommendation on Child Prostitution

During the interim, through research on issues affecting other states, the Subcommittee was apprised of the burgeoning nationwide problem of child prostitution. In response, at the request of the Chairwoman, Scott Kavon, Vice Detective, Las Vegas Metropolitan Police Department, discussed the growing child prostitution problem in Clark County. Detective Kavon provided information on how children are often kidnapped from other states, transported to Las Vegas, and forced into prostitution. He also stated there is a need for more social services, because there currently are no programs in Nevada that address the specific needs of these young women.

Vice Detective Don Fieselman, Las Vegas Metropolitan Police Department, also explained that the vice squad is charged with investigating the circumstances and persons responsible for placing juveniles into prostitution. The investigations are often lengthy and complex, and a case must be built then submitted to the District Attorney's office for prosecution. Detective Fieselman added the vagueness of credibility of young prostitutes can also be an obstacle for convictions, and that oftentimes there are difficulties with charging and proving cases of child prostitution.

In light of the testimony, and the issues raised, representatives of the Clark County Office of the District Attorney met with the detectives of Las Vegas Metropolitan Police Department. The two parties agreed to continue to work together on the arresting, charging, and prosecution of child prostitution offenses. Additionally, all parties agreed that additional services needed to be directed to those youth who are caught in the dangers of prostitution.

Recommendation No. 20 — Include a statement in the final report supporting the need for, and directing agencies to continue the dialogue regarding increasing social, wraparound, and transitional services for teens at risk of engaging in prostitution and teens who have ceased or are attempting to cease engaging in prostitution.

21. Recommendation on Native American Juvenile Justice

As was discussed earlier under Recommendation No. 9, the Subcommittee was apprised of a number of juvenile justice issues affecting Native Americans. The Subcommittee felt that it was important to both draft a letter to Nevada's Congressional Delegation, and to include a statement in the report recognizing these issues.

Recommendation No. 21 — Include a statement in the final report: (1) recognizing the need for community based alternatives to incarceration for American Indian youth offenders; (2) encouraging counseling and treatment programs for American Indian youth in the juvenile justice system which draw upon the strengths of tribal culture; (3) recognizing tribal sovereignty, and the importance of policymakers working with

Tribal Councils to reduce jurisdictional boundaries; (4) providing incarcerated youth access to quality education, life skills training, mental health treatment, and rehabilitative experiences; and (5) encouraging policymakers, police, officers of the court, and correctional providers to work together to remove racial inequalities from the juvenile court system.

22. Recommendation on Juvenile Mental Health

Jennifer Personius, Nevada Institute for Children's Research and Policy, University of Nevada, Las Vegas, submitted written recommendations for juvenile mental health services. As a result of the research conducted by the Nevada Institute, the submitted recommendations consist of four parts: (1) Data: conduct ongoing data development, data analysis, and report production; (2) Provision of Care: ensure that juvenile detention facilities are able to provide intensive, appropriate mental health services by qualified mental health personnel; (3) Referral Services: identify mechanisms for juvenile detention facilities to identify and refer offenders with family problems to community agencies who provide multiple levels of services and assistance to families; and (4) Needs Assessment: conduct a community needs assessment project designed to determine available mental health resources in each community.

At the final work session, the Subcommittee unanimously voted to include these recommendations as a statement in the final report.

Recommendation No. 22 — Include a statement in the final report encouraging further study, data development, provision of care, referral services, and assessment on the level of care for available mental health services.

V. CONCLUSION

Throughout the interim, the focus of the Subcommittee was to efficiently and effectively evaluate the current system of juvenile justice in Nevada. Although limited on time and budgetary resources, the Subcommittee addressed the entire range of topics in the call of the resolution. As Recommendation No. 1 (to create a statutory committee on juvenile justice) indicates, it is hoped that this study serves as not a final conclusion, but rather as a starting point to carry forward meaningful discussion of the issues raised.

The Subcommittee wishes to thank all of those who testified throughout the interim and submitted comments and recommendations. The Subcommittee was honored to hear from both national and local experts who volunteered their time in an effort to improve Nevada's system of juvenile justice. Additionally, the Work Study Group of the Juvenile Justice Commission should be commended for its efforts in bringing together the necessary stakeholders and in its willingness to share information and to provide concrete recommendations. It is the goal of the Subcommittee to forward these approved recommendations to the 2005 Nevada Legislature, and to prospectively encourage meaningful reforms that are beneficial to the youth of our state.

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APPENDIX A

Assembly Concurrent Resolution No. 18
(File No. 92, *Statutes of Nevada 2003*)

Assembly Concurrent Resolution No. 18—
Committee on Judiciary

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the
Legislative Commission to conduct an interim study of the
juvenile justice system in Nevada.

WHEREAS, The juvenile court system was created in the United States in the early 20th century on the philosophy that children are inherently different from adults and that states should take on the responsibility of protecting and rehabilitating young offenders; and

WHEREAS, The fundamental difference between the juvenile justice system and the criminal justice system is that rehabilitation is considered to be the primary goal for young offenders and, despite actual declines in youth crime rates, research indicates an increasing emphasis on punishment and detention and a decreasing emphasis on treatment and rehabilitation; and

WHEREAS, Institutionalization of young offenders has proven expensive and Nevada spends an average of \$95 to \$105 per day, or almost \$40,000 per year, on each such offender, which is more than four times the cost of full-time enrollment at a state university for 1 year; and

WHEREAS, Serious concerns have been raised regarding the resources available to rehabilitate young offenders and the quality of supervision and treatment of such youth in state juvenile correctional facilities; and

WHEREAS, The Legislative Commission's Subcommittee to Study the System of Juvenile Justice in Nevada (A.C.R. 13, Statutes of Nevada 1999) identified numerous areas of concern and recommended that the 2001 Legislature create a statutory committee to continue its study of the juvenile justice system, but this committee was not created; and

WHEREAS, Because the Legislature is responsible for funding the State's juvenile justice system and addressing the needs of young offenders, continued study of the juvenile justice system will assist the Legislature in making informed decisions concerning such funding and care; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a committee consisting of three members of the Assembly and three members of the Senate who are representative of the various geographical areas of this state to conduct an interim study of the juvenile justice system in Nevada; and be it further

RESOLVED, That the study must include, without limitation, consideration of:

1. A coordinated continuum of care wherein a broad array of community-based program and service options are combined to ensure that health services, substance abuse treatment, education, training and care are compatible with each youth's specific needs;

2. Individualized supervision, care and treatment to accommodate the individual needs and potential of the youth and his family, and treatment programs which integrate such youth into situations of living and interacting that are consistent with a healthy, stable and family-like environment;

3. Aftercare and reintegration wherein youth continue to receive the support of treatment services following their active rehabilitation in a facility to prevent the relapse or regression of progress achieved during the recovery process;

4. Overrepresentation and disparate treatment of minority youth in the juvenile justice system, including a review of the various places where bias may influence decisions concerning minority youth;

5. Gender specific services, including programs that consider female development in their design and implementation and that address girls' needs, including victimization and abuse issues, substance abuse, mental health and educational needs, and vocational and skills training that may provide a meaningful life and livable wage following release;

6. Quality of care in state facilities, including staff qualifications and training, documentation of agency and facility performance, coordination and collaboration of agencies, availability of services relating to mental health, substance abuse, education, vocational training, and treatment of sexual offenders and violent offenders, and the feasibility and necessity for independent monitoring of state facilities; and

7. Programs utilized by different states such as Missouri which has developed a system of community-based residential and non-residential programs that allow young offenders to be placed in more specialized programs according to their needs and which has produced recidivism rates as low as 11 percent; and be it further

RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of the members of the Assembly and a majority of the members of the Senate appointed to the committee; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 73rd Session of the Nevada Legislature.

APPENDIX B

Summary and Recommendations Prepared by the Work Study Group
Titled “The Unmet Needs of Youth with Mental Health and
Co-occurring Disorders in the Juvenile Justice System”

The Unmet Needs of Youth with Mental Health and Co-occurring Disorders in the Juvenile Justice System

Summary and Recommendations Prepared by the Work Study Committee, Nevada Juvenile Justice Commission, January 12, 2004

Juvenile mental health problems¹ and co-occurring disorders² have become focal points of our juvenile justice delivery system. Children suffering from mental health challenges are substantially over represented in our detention facilities and are challenging our case management responsibilities. Nevada is unprepared to effectively identify and serve this growing segment of our juvenile justice community.

In 1994, the United States Department of Justice concluded that 73% of youth in the juvenile justice system reported mental health problems. Research indicates that the median age for mental health disorder onset is 11 and the median age of onset for substance abuse disorder is 17.³ Further, research on the prevalence of incarcerated children suffering from mental health problems is anywhere from 50% to 75%.⁴ At least half are believed to have co-occurring substance abuse disorders.⁵ Nationally, mental health screening and treatment at juvenile justice facilities are found to not adequately address children's mental health needs.

"The Juvenile Justice System has largely become a warehouse for children suffering from mental illness."⁶

The Coalition for Juvenile Justice reported the following key facts in its 2000 Annual

¹ "Juvenile Mental Health" is a generic term. Youth may have a "mental health disorder" with a diagnosable condition that meets criteria in *Diagnostic and Statistical Manual of Mental Disorders, DSM-IV* (American Psychiatric Association) such as psychotic, learning, conduct and substance abuse disorders. As many as 80% of youth in the juvenile justice system may qualify for a mental health disorder diagnosis. Or, they may suffer from a mental illness identified as a "serious emotional disturbance", also in the DSM-IV but indicative of more serious mental health problems that substantially interfere with a youth's functional capacity such as schizophrenia, major depression or bipolar disorder. It is estimated that 1 in 5 or at least 20% of youth in the juvenile justice system suffer from a diagnosable "serious emotional disturbance" disorder. *Youth with Mental Health Disorders: Issues and Emerging Responses*; Juvenile Justice Journal, Volume VII, Number 1. http://www.ncjrs.org/html/ojjdp/jjjnl_2000_4/youth_2.html. Last search: 1/2/2004.

² It is estimated that upwards of half of youth receiving mental health services also have a substance abuse diagnosis. *Youth with Mental Health Disorders: Issues and Emerging Responses*; Juvenile Justice Journal, Volume VII, Number 1. http://www.ncjrs.org/html/ojjdp/jjjnl_2000_4/youth_2.html. Last search: 1/2/2004

³ *Blamed and Ashamed: The Treatment Experiences of Youth with Co-occurring Substance Abuse and Mental Health Disorders and Their Families*; Federation of Families for Children's Mental Health and Keys for Networking, Inc., Alexandria Virginia, 2001. Pages 47-48.

⁴ *Handle With Care, Serving the Needs of Young Offenders*, CJJ 2000 Annual Report. An Overview.

⁵ Id.

⁶ *Handle With Care, Serving the Needs of Young Offenders*, CJJ 2000 Annual Report. An Overview.

Report⁷:

- Everyday, only 1/3 of youth who need mental health interventions receive them.
- 36% of respondents to a national survey said their children were in the juvenile justice system to access mental health services.
- Highly successful mental health treatment programs for court-involved youth have been shown to reduce reoffense rates by as much as 80%.
- 75% of our country's youth are in facilities that fail to conform to basic suicide prevention guidelines.
- 2/3 of all dollars spent on juvenile justice go to housing that provides little more than warehousing.
- 75% of youth treated in costly residential treatment centers were readmitted or re-incarcerated within 7 years.
- Incarcerated African American youth are less likely than their white counterparts to have previously received mental health services.
- Youth of color, particularly males are misdiagnosed or not diagnosed.
- Girls are 3 times as likely to have experienced sexual abuse and suffer from related mental health problems. There is a dearth of gender sensitive research and treatment resources for girls in the juvenile justice system.

Nevada's Challenges

Nevada's experience with youthful offenders closely tracks the outcomes of national research. Children with mental health and co-occurring substance abuse disorders are straining resources while their treatment needs remain substantially unmet. Statewide research is minimal. Clark County found in April 2002 an average of 2800 youth were involved in juvenile justice programming. Of those, 1950 had behavioral health needs: 416 were receiving some services, 79% were not. However, statewide anecdotal needs and service gaps most commonly identified in Nevada include the following:

- Detention facilities statewide report a high frequency of mental health problems for incarcerated youth, consistent with the 50% to 75% cited in national research.
- Youth are not screened with any level of consistency for mental health or co-occurring substance abuse disorders in the juvenile justice system.
- Nevada's mental health delivery systems are inadequately staffed and funded to respond to the actual needs of youth with mental health problems in the juvenile justice system.
- Delivery systems, including state, local, public and private mental health and substance abuse providers are fragmented at their points of access and in coordination of treatment;
- Many Families seek assistance from the juvenile justice system as a last resort for obtaining treatment services for their children.
- Public and private resources to support assessment and treatment services are inadequate.
- There are more children in the juvenile justice system that need mental health treatment than there are those who receive it.
- Community based providers are limited;

⁷ Id.

- Special Education needs and requirements for youth in the juvenile justice system are substantially unmet.
- School District Partnerships with the juvenile justice system are entirely insufficient.

*Whenever possible, youth with serious mental health disorders should be diverted from the juvenile justice system.*⁸

Recommendations⁹

Promptly responding to the emerging mental health crisis in Nevada's juvenile justice system is a necessity. According to the Coalition for Juvenile Justice, whenever possible, youth with serious mental health disorders should be diverted from the juvenile justice system. Funds going to house youth in expensive detention, residential treatment or commitments facilities for behavior associated with undiagnosed or untreated mental health or co-occurring substance abuse disorders is impractical and ineffective. The following emerging strategies generated statewide and nationally provide guidance in identifying solutions for Nevada:

1. **Mental Health Screening and Assessment:** Because of the substantial presence of children with undiagnosed and untreated mental health disorders in the juvenile justice system, state law should require that a mental health and substance abuse screening assessment be done on every child who comes in contact with the juvenile justice system.¹⁰ Full-scale assessments should be conducted on youth diagnosed with mental health and co-occurring disorders. Each child with such diagnoses should have an *Individualized Treatment Plan* developed. The plan should be regularly updated and should follow the child throughout his experiences and placements in the juvenile justice system. Earlier screening will result in earlier community based treatment and diversion from long-term out of home placements. An identified stream of funding must simultaneously be identified.
2. **Require Cross System Collaboration and Cooperation:** No single agency in Nevada is able to respond to the demand for mental health services for youth in the juvenile justice system. Juvenile justice agencies, mental health providers, children's

⁸ Id.

⁹ In September 2003 Governor Kenny Guinn convened The Governor's Summit on Juvenile Justice: Building An Alliance For Nevada's Youth. Juvenile justice representatives statewide attended the Summit. Many of the challenges identified herein were highlighted at the Summit. Resulting recommendations, many of which are consistent with this report, are summarized in the Summit's Final Report dated December 3, 2003 and will not be repeated herein. Similarly, Mental Health Consortiums formed to make recommendations to the Nevada Mental Health Plan Implementation Commission have made in excess of 200 recommendations, which are viewed, as consistent with the recommendations made herein.

services, school districts and welfare administrators should be directed to collaboratively work to deliver and fund mental health services in a coordinated, non-duplicative and unified manner. Funding incentives to encourage unified case management, unified budgetary requests, wrap around community based services, interagency cross training on mental health and substance abuse treatment and identification. Creative collaborative efforts should be encouraged and tied to funding.

3. **Special Education:** All school districts and juvenile facilities should be required to abide by the Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act. Children's special education file should travel with them during all residential placements and reentries into the community.
4. **Access to Treatment:** All youth in the juvenile justice system, whether in the community, detained or committed, identified as receiving or requiring mental health treatment, including substance abuse treatment, should have a treatment plan that identifies the manner in which the child will access and pay for treatment. Treatment shall continue until it is documented as no longer being needed. Youth receiving medication shall be under the care of a psychiatrist who is personally acquainted with the child.
5. **Independent Auditor of Residential Placements:** The State should mandate the creation of an independent auditor or oversight committee charged with monitoring the treatment of children placed in residential treatment facilities and correctional institutions. Monitoring should include oversight of mental health services and treatment, access to special education services and advocacy on behalf of institutionalized children with unmet treatment and/or special education needs.

APPENDIX C

Letter dated April 22, 2004, to Nevada's Congressional Delegation,
from Sheila Leslie, Nevada State Assemblywoman

SHEILA LESLIE

ASSEMBLYWOMAN

District No. 27

ASSISTANT MAJORITY WHIP

COMMITTEES:

Member

Commerce and Labor

Health and Human Services

Ways and Means



State of Nevada Assembly

Seventy-Second Session

April 22, 2004

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Fax No.: (775) 684-8871

The Honorable John Ensign
United States Senate
364 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Harry Reid
United States Senate
528 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Berkley
House of Representatives
439 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jim Gibbons
House of Representatives
100 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jon C. Porter
House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

Dear Nevada Congressional Delegation:

As chairwoman, and on behalf of the members of the Assembly Concurrent Resolution No. 18 Interim Study on Juvenile Justice, I am writing to you today to convey our deepest concerns over an issue that recently came to our subcommittee's attention.

The basis of this letter stems from a recent amendment to 18 U.S.C. Section 1913, the "Anti-Lobbying Act" (copy enclosed). The result of the amendment is a significantly expanded restriction on the use of federally appropriated funding for lobbying. Apparently, the U.S. Department of Justice (DOJ) and its Office of Juvenile Justice and Delinquency Prevention (OJJDP), has interpreted this amendment to prohibit recipients of federal grants from appearing before state and local government officials.

By way of background, State Advisory Groups (SAGs) operate under the federal Juvenile Justice and Delinquency Prevention Act (JJDP), and are appointed by the Governor, to advise the Governor, Legislature, local government officials, Congress and the President on juvenile justice issues affecting each state. This recent interpretation of 18 U.S.C. Section

April 22, 2004

1913, has led to double jeopardy, as SAGs are mandated by the JJDPa to have regular and frequent contact with government officials; however, the DOJ and OJJDP have informed SAGs that they risk a civil fine of \$10,000 to \$100,000 if they contact government officials, "...either directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government, without the express approval of OJJDP."

The Coalition for Juvenile Justice has requested an opinion from their legal counsel, which has subsequently opined contrary to the position of the DOJ and OJJDP. However, we believe that your actions in Washington D.C. should be made with the utmost care to ensure that all information be freely expressed. As a state legislative body, it is imperative that we maintain an open and free line of communication not only with our State Advisory Groups, but with all agencies and grantees that receive federal funding.

I thank you for your time and sincerest consideration of this important issue.

Sincerely,



Sheila Leslie, Chair
A.C.R 18 Interim Study on Juvenile Justice

On behalf of members:

Senator Terry Care
Senator Maurice E. Washington
Senator Valerie Wiener
Assemblyman Bernie Anderson
Assemblyman John C. Carpenter

SL/me: W41624
enc

cc: Senator William J. Raggio, Majority Leader of the Senate
Assemblyman Richard Perkins, Speaker of the Assembly
Senator Dina Titus, Minority Leader of the Senate
Assemblyman Lynn C. Hettrick, Minority Leader of the Assembly
Members of the Legislative Commission

APPENDIX D

Letter dated May 25, 2004, to Bart Lubow, Senior Associate,
Annie E. Casey Foundation, from
Sheila Leslie, Nevada State Assemblywoman

SHEILA LESLIE
ASSEMBLYWOMAN

District No. 27

ASSISTANT MAJORITY WHIP

COMMITTEES:

Member

Commerce and Labor
Health and Human Services
Ways and Means



State of Nevada Assembly

Seventy-Second Session

May 25, 2004

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Carson City, Nevada 89701-4747
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Fax No.: (775) 684-8871

Bart Lubow, Senior Associate
Annie E. Casey Foundation
Juvenile Detention Alternative Initiative
701 St. Paul Street
Baltimore, Maryland 21202-2311

Dear Mr. Lubow:

By way of this letter, I wish to convey, on behalf of the Assembly Concurrent Resolution No. 18 Interim Study on Juvenile Justice, our sincere support for the furtherance of juvenile detention alternatives in Nevada. It has been brought to our attention, that the Annie E. Casey Foundation is investigating Nevada as a possible location for your model programs.

Throughout the Legislative Interim, the Subcommittee has become aware of the need for juvenile detention alternatives and the Juvenile Detention Alternatives Initiative (JDAI). The Subcommittee heard informative presentations from David J. Doi, Executive Director, Coalition for Juvenile Justice, and John P. Rhoads, and from our own local detention staff and members of our Juvenile Justice Commission's Work Study Group. Additionally, the Subcommittee members have been given and are familiar with the publications, *Pathways to Juvenile Detention Reform: The JDAI Story* and *Unlocking the Future, Detention Reform in the Juvenile Justice System*.

With this background, the A.C.R. 18 Subcommittee is committed to the need to reduce the number of juveniles unnecessarily detained. Further, the Committee is committed to finding appropriate programs and interventions to divert youth from detention facilities, and to make positive strides in changing the lifestyles of our youth.

Bart Lubow, Senior Associate
Annie E. Casey Foundation
May 25, 2004

In closing, we wish to welcome you to Nevada and look forward to your visit in June. If there is anything that you feel would warrant the Legislature's input or support, please contact me at 775/333-6564.

Sincerely,

A handwritten signature in black ink that reads "Sheila Leslie". The signature is written in a cursive, flowing style.

Sheila Leslie, Chairwoman
A.C.R. 18 Interim Study on Juvenile Justice

On behalf of members:

Senator Terry Care
Senator Maurice E. Washington
Senator Valerie Wiener
Assemblyman Bernie Anderson
Assemblyman John C. Carpenter

SL/cb: W42018

cc: John P. Rhoads, Consultant to Annie E. Casey Foundation
David J. Doi, Executive Director, Coalition for Juvenile Justice

APPENDIX E

Letter dated October 5, 2004, to Jone M. Bosworth, Administrator,
Division of Child and Family Services, from
Sheila Leslie, Nevada State Assemblywoman

SHEILA LESLIE

ASSEMBLYWOMAN

District No. 27

ASSISTANT MAJORITY WHIP

COMMITTEES:

Member

Commerce and Labor
Health and Human Services
Ways and Means



State of Nevada Assembly

Seventy-Second Session

October 5, 2004

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Carson City, Nevada 89701-4747
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Fax No.: (775) 684-8871

Jone M. Bosworth, Administrator
Department of Human Resources,
Division of Child and Family Services
711 East Fifth Street
Carson City, Nevada 89701-5092

Dear Ms. Bosworth:

I am writing to you today, on behalf of the Subcommittee to Study the Juvenile Justice System (Assembly Concurrent Resolution No. 18, File No. 92, *Statutes of Nevada 2003*), in an effort to convey our strong support for the consideration of teleconference and/or videoconference capabilities at the Northern Nevada Youth Training Center in Elko and the Caliente Youth Center. At our June 18, 2004, Work Session, the full Committee unanimously voted to recommend the further study of the feasibility of providing a means of open communication. This issue was brought to our attention when several of our members toured the Elko Youth Training Center.

By way of closed copy, this letter is also being addressed to Jeff Fontaine, Director of the Nevada Department of Transportation, and Pete Anderson, State Forester, Nevada Division of Forestry. It is our hope that through a collaborative effort, your agencies can work together to provide a more accessible means of communication for juveniles who are housed at locations that are often several hundred miles from their families and loved ones.

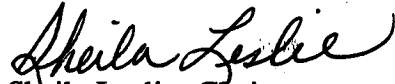
Jone M. Bosworth

Page 2

October 5, 2004

Thank you for your consideration of this important matter. If there is anything that you feel would warrant the Legislature's input or support, please contact me at (775) 333-6564.

Sincerely,



Sheila Leslie, Chairwoman
A.C.R. 18 Interim Study of the
Juvenile Justice System

On behalf of committee members:

Senator Terry Care
Senator Maurice E. Washington
Senator Valerie Wiener
Assemblyman Bernie Anderson
Assemblyman John C. Carpenter

SL/cb:W43412

cc: Jeff Fontaine, Director, Nevada Department of Transportation
Pete Anderson, State Forester, Nevada Division of Forestry

APPENDIX F

Letter dated October 5, 2004, to Maria Canfield, Chief,
Bureau of Alcohol and Drug Abuse, from
Sheila Leslie, Nevada State Assemblywoman

SHEILA LESLIE

ASSEMBLYWOMAN

District No. 27

ASSISTANT MAJORITY WHIP

COMMITTEES:

Member

Commerce and Labor

Health and Human Services

Ways and Means



State of Nevada Assembly

Seventy-Second Session

October 5, 2004

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Carson City, Nevada 89701-4747
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Fax No.: (775) 684-8871

Maria Canfield, Chief
Bureau of Alcohol and Drug Abuse
505 East King Street, Room 500
Carson City, Nevada 89701-3703

Dear Ms. Canfield:

I am writing to you today, on behalf of the Subcommittee to Study the Juvenile Justice System (Assembly Concurrent Resolution No. 18, File No. 92, *Statutes of Nevada 2003*). At the June 18, 2004, Work Session, the full Committee unanimously voted to recommend drafting this letter, urging the Bureau of Alcohol and Drug Abuse to continue the investigation and study of service delivery gaps and related funding resource issues in providing alcohol and drug abuse treatment services for youths in the juvenile justice system.

A closed copy of this letter is also addressed to the members of the Juvenile Justice Commission's Work Study Group. It is the hope of the A.C.R. 18 Subcommittee, that the integral stakeholders of the juvenile justice system can effectively work together to provide greater awareness and substance abuse treatment for the juveniles of our state. Together, the following goals can be achieved:

- Screening and assessment of youth at intake or referral;
- Coordination of resources, services and communications between stakeholders in the juvenile justice system;
- Family involvement and accountability is necessary in the continuum of services;
- Sharing of resources by blending funding streams and creating more formal and informal partnerships;

Maria Canfield
Page 2
October 5, 2004

- Effective and culturally appropriate social and clinical approaches to treatment programming; and
- Geographical barriers as they relate to services provided in the rural and urban communities.

Thank you for your interest in addressing these most important issues related to substance abuse in the juvenile justice system. If there is anything that you feel would warrant the Legislature's further input or support, please contact me at (775) 333-6564.

Sincerely,



Sheila Leslie, Chairwoman
A.C.R. 18 Interim Study of the
Juvenile Justice System

On behalf of members:

Senator Terry Care
Senator Maurice E. Washington
Senator Valerie Wiener
Assemblyman Bernie Anderson
Assemblyman John C. Carpenter

SL/cb: W43413

cc: Members, Juvenile Justice Commission's Work Study Group

APPENDIX G

Substance Abuse Legislative Position Paper,
Submitted by the Work Study Group

SUBSTANCE ABUSE LEGISLATIVE POSITION PAPER

There is an undeniable nexus between drugs and crime. Local, state and national surveys repeatedly indicate that alcohol and drug abuse is prevalent among youth who are arrested. There is also a significant percentage of youth in detention, residential placements and correctional facilities who are in need of treatment services. Indeed, alcohol and drug abuse have a significantly negative impact on youth who come in contact with the juvenile justice system.

Throughout the State of Nevada, juvenile justice authorities are attempting to meet this major challenge through collaborations and partnerships, but there is still much work to be done. Counties, both urban and rural, face similar dilemmas. Consistently, statewide statistics show increases in drug and alcohol referrals. Between 1998 and 2001, drug referrals increased from 7.5% to 9.6% of the total referrals, and alcohol referrals increased from 6.3% to 7.5% of the total referrals. Of particular note is the increase of alcohol referrals in the rural areas, from a total of 570 in 1998 to 626 in 2001, and drug referrals in urban counties, particularly Clark County, saw numbers climb from 831 in 1998 to 1488 in 2001. This picture is not totally complete, as youth who are referred for several offenses are only counted for the most serious. Therefore a referral for a felony burglary may also have an underlying drug or alcohol violation. (Please see the attached document on the Nevada Juvenile Justice Data Collections System as prepared by the Nevada Division of Child and Family Services, Youth Correctional Services Juvenile Justice Programs Office).

At the Governor's Conference on Juvenile Justice that was held in Las Vegas in September 2003, substance abuse by Nevada youth was identified as a major area of concern. Service delivery gaps were identified, if these gaps are rectified, this will enhance better public services to these youth. They are as follows:

- Screening and assessment of youth, especially at the intake level or at the initial time of referral. This process would not only be more cost effective but would identify and provide services to youth much earlier in the juvenile justice system
- Coordination of resources, services and communications between stakeholders in the juvenile justice system. Through this process, better information referral, counseling and treatment would be provided

- Family involvement and accountability in the process as part of a continuum of services
- Sharing Resources by blending funding streams and creating more formal and informal partnerships with juvenile justice stakeholders to allow for affordable and accessible services
- Effective and culturally appropriate social and clinical approaches and responses to treatment programming
- Geographical barriers as they relate to statewide and local services available to rural and urban communities

The provision of appropriate and competent substance abuse services will require intensive coordination and teamwork among the juvenile justice stakeholders. Utilizing existing resources, reallocation of existing funding; i.e., BADA, federal, etc., and blending existing local and state funding streams would enhance a system that greatly needs improvement.

RECOMMENDATIONS

- That the Bureau of Alcohol and Drug Abuse investigate the re-allocation of resources in a manner that will strengthen the services available to the youth populations of the State, with focus on juvenile justice populations.
- That the State directs and guides the full and complete utilization of Title IV E funding at State and local levels for the youth population, with a focus on juvenile justice populations.
- That the State implement procedure, policy and guidelines that assure all available federal funding sources are utilized to the fullest extent possible, and that this eliminates the need to return unspent funds to Federal entities.

APPENDIX H

Letter dated October 5, 2004, to Members of the Juvenile Mental Health
Community, from Sheila Leslie, Nevada State Assemblywoman

SHEILA LESLIE

ASSEMBLYWOMAN

District No. 27

ASSISTANT MAJORITY WHIP

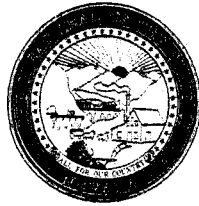
COMMITTEES:

Member

Commerce and Labor

Health and Human Services

Ways and Means



State of Nevada Assembly

Seventy-Second Session

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October 5, 2004

Dear Members of the Juvenile Mental Health Community,

It was recently brought to the attention of the Subcommittee to Study the Juvenile Justice System (Assembly Concurrent Resolution No. 18, File No. 92, *Statutes of Nevada 2003*), that children suffering from mental health challenges are substantially overrepresented in our detention facilities and youth training centers. As a result, case management efforts are being overwhelming statewide.

At the June 18, 2004, Work Session, the full Committee unanimously voted to send this letter urging that juvenile justice agencies, mental health providers, children's services, school districts, welfare administrators, and those affiliated with the juvenile justice system to consider mental health issues. This letter is addressed to many of those entities, however, please feel free to share this common concern with any organization or representative whom you feel may be integral to this effort.

It is the hope of the A.C.R. 18 Subcommittee that all parties can work collaboratively to deliver and fund mental health services in a coordinated, non-duplicative and unified manner. Additionally, the Subcommittee feels that all youth in the juvenile justice system, that are identified as receiving or requiring mental health treatment, should have a mandatory treatment plan.

Thank you for your earnestness in addressing these important issues related to providing mental health services for our state's juveniles. If there is anything that you feel would warrant the Legislature's further input or support, please contact me at (775) 333-6564.

Sincerely,

A handwritten signature in cursive script that reads "Sheila Leslie".

Sheila Leslie, Chairwoman

A.C.R. 18 Interim Study of the Juvenile Justice System

On behalf of members: Senator Terry Care
Senator Maurice E. Washington
Senator Valerie Wiener
Assemblyman Bernie Anderson
Assemblyman John C. Carpenter

SL/cb: W43414

cc: Senator Randolph J. Townsend, Chair, Nevada Mental Health Plan Implementation Commission
Kirby L. Burgess, Juvenile Justice Commission's Work Study Group
Michael J. Willden, Director, Department of Human Resources (DHR)
Jone M. Bosworth, Administrator, Division of Child and Family Services (DCFS), DHR
Larry D. Carter, Juvenile Justice Specialist, DCFS, DHR
Becky Richard Maley, Clinical Resource Specialist, DCFS, DHR
Albert L. Crosby, Silver State Detention Association
Leonard J. Pugh, Nevada Association of Juvenile Justice Administrators
Superintendents, Nevada School Districts
Yangcha Crabb, Chief Executive Officer, Desert Willow Treatment Center
Carlos Brandenburg, Administrator, Division of Mental Health and Developmental Services, DHR
Retta Dermody, Nevada Parents Encouraging Parents (PEP)
Gerthie Polk, Chief, Youth Parole Bureau, DHR

APPENDIX I

Letter dated October 5, 2004, to Nevada School Districts,
from Sheila Leslie, Nevada State Assemblywoman

SHEILA LESLIE

ASSEMBLYWOMAN

District No. 27

ASSISTANT MAJORITY WHIP

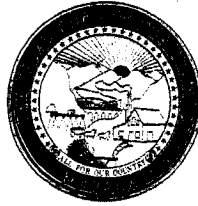
COMMITTEES:

Member

Commerce and Labor

Health and Human Services

Ways and Means



State of Nevada Assembly

Seventy-Second Session

October 5, 2004

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Nevada School Districts

Dear Superintendents,

I am writing to you today, on behalf of the Subcommittee to Study the Juvenile Justice System (Assembly Concurrent Resolution No. 18, File No. 92, *Statutes of Nevada 2003*). At our June 18, 2004, Work Session, the full Committee unanimously voted to recommend drafting this letter, urging school districts to work in conjunction with the State's youth training centers and detention facilities, to provide a greater level of information exchange on the paperwork and school records sent when a youth is detained in a facility.

This issue was brought to the attention of this Subcommittee, when several members learned from the staff of the Northern Nevada Youth Training Center, that they were not receiving education files in a timely manner. I trust that all school districts will work toward the goal of providing this information for our detained youth.

Thank you for your consideration. If there is anything that you feel would warrant the Legislature's further clarification, please contact me at (775) 333-6564.

Sincerely,

A handwritten signature in cursive script that reads "Sheila Leslie".

Sheila Leslie, Chairwoman

A.C.R. 18 Interim Study of the
Juvenile Justice System

On behalf of members:

Senator Terry Care

Senator Maurice E. Washington

Senator Valerie Wiener

Assemblyman Bernie Anderson

Assemblyman John C. Carpenter

SL/cb:W43415

cc: Members, Juvenile Justice Commission's Work Study Group
Silver State Juvenile Detention Association

APPENDIX J

Letter dated October 5, 2004, to Nevada's Congressional Delegation,
from Sheila Leslie, Nevada State Assemblywoman

SHEILA LESLIE

ASSEMBLYWOMAN

District No. 27

ASSISTANT MAJORITY WHIP

COMMITTEES:

Member

Commerce and Labor
Health and Human Services
Ways and Means



State of Nevada Assembly

Seventy-Second Session

October 5, 2004

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The Honorable John Ensign
United States Senate
364 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Harry Reid
United States Senate
528 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Berkley
House of Representatives
439 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jim Gibbons
House of Representatives
100 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jon C. Porter
House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

Dear Nevada Congressional Delegation:

On behalf of the members of the Subcommittee to Study the Juvenile Justice System (Assembly Concurrent Resolution No. 18, File No. 92, *Statutes of Nevada 2003*), I am writing to you today to convey a pertinent issue of interest that was brought to our attention. At our June 18, 2004, Work Session, the Subcommittee unanimously voted to draft a letter to the Nevada Congressional Delegation and the United States Department of the Interior, Bureau of Indian Affairs (by closed copy), voicing concern for allowing the state of Nevada to provide greater collaboration, and a continuum of care for juvenile Native Americans in Nevada, while recognizing tribal sovereignty.

This issue was raised during discussions on juvenile justice issues affecting young Native Americans. There is a growing concern over the importance of education relative to the Native American culture and spirituality, and the need to improve society's cultural sensitivity regarding existing youth facilities and juvenile programs to increase their success rates.

October 5, 2004

Thank you for your consideration of the important issues affecting tribal and state governments. If you have any questions, please contact me at (775) 333-6564.

Sincerely,



Sheila Leslie, Chairwoman
A.C.R. 18 Interim Study of the
Juvenile Justice System

On behalf of members:

Senator Terry Care
Senator Maurice E. Washington
Senator Valerie Wiener
Assemblyman Bernie Anderson
Assemblyman John C. Carpenter

SL/cb: W43416

cc: Robert L. Hunter, Superintendent, Bureau of Indian Affairs, United States Department of the Interior

APPENDIX K

Letter dated May 17, 2004, Regarding Blended Sentencing,
from the Work Study Group

STATE OF NEVADA

KENNY C. GUINN
Governor

JONE M. BOSWORTH
Administrator

MICHAEL J. WILLDEN
Director



LARRY D. CARTER
Juvenile Justice Specialist

THE WORK STUDY GROUP
A SPECIAL PROJECT OF THE NEVADA JUVENILE JUSTICE COMMISSION
400 West King Street, Suite 230
Carson City, Nevada 89703
Telephone: (775) 684-7290 * Fax: (775) 684-7295

May 17, 2004

Assemblywoman Sheila Leslie, Chairwoman
Interim Study on Juvenile Justice
Room 3138 Legislative Building
401 South Carson Street
Carson City, Nevada

Dear Assemblywoman Leslie:

As promised, The Juvenile Justice Commission's Work Study Group has continued to examine the issue of "Blended Sentencing" as a possible method for sanctioning serious and chronic juvenile offenders. On April 30, 2004, the Work Study Group met with Mr. David Humke of the National Council of Juvenile and Family Court Judges to discuss the possibility of receiving technical assistance from the Council. Again, it was reiterated during the discussion that this is a very complex issue that must be studied very carefully to avoid unintended, negative impacts on either the juvenile or adult correctional systems.

On May 14, 2004, the Work Study Group met with Director Jackie Crawford of the Nevada Department of Corrections to receive updated information on the Youthful Offender Program operated by NDOC and to discuss blended sentencing. Director Crawford expressed similar cautions about proceeding too quickly on blended sentencing without careful analysis. Therefore, it was decided that a work group consisting of representatives from both the Work Study Group and the Department of Corrections be formed to work on a possible model for Nevada.

It was further decided that the work group continue to seek technical assistance through the National Council of Juvenile and Family Court Judges or the National Institute of Corrections. Hopefully, between now and the beginning of 2005 Session of the Nevada State Legislature, a recommendation that is acceptable to both sides can be presented.

Sincerely,

A handwritten signature in cursive script that reads "Larry Carter for the WSG".

The Work Study Group
Nevada Juvenile Justice Commission Special Project

APPENDIX L

Letter dated May 17, 2004, Regarding Transitional Living,
from the Work Study Group

KENNY C. GUINN
Governor

STATE OF NEVADA

JONE M. BOSWORTH
Administrator
Division of Child and Family Services

LARRY D. CARTER
Juvenile Justice Programs Chief

MICHAEL J. WILLDEN
Director
Department of Human Resources



**DEPARTMENT OF HUMAN RESOURCES
DIVISION OF CHILD AND FAMILY SERVICES
NEVADA STATE JUVENILE JUSTICE COMMISSION**

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May 17, 2004

Assemblywoman Sheila Leslie, Chairwoman
Interim Study on Juvenile Justice
Room 3138 Legislative Building
401 South Carson Street
Carson City, Nevada

Dear Assemblywoman Leslie:

The families of youths involved in the deep end of the juvenile justice system are often the same families involved in the child welfare system. Indeed, studies show a strong correlation between youths involved in each system. These are families often lacking financial and residential stability, whose members have mental health and substance abuse challenges. Children and youths of color are profoundly over-represented in both systems, as are families in poverty/low social-economic levels of our society.

As youths achieve their majority and exit the juvenile justice system, increasingly it is acknowledged that they are ill-equipped to handle the realities of independent living. Many have no familial resources or support system to provide the bridge between adolescence and stable independent living as an adult. This greatly increases the likelihood of 17,18,19 and 20 year olds entering the criminal justice system as a result of their committing survival-driven crimes.

The issues of transitioning juvenile justice clients to independence as an adult is problematic throughout Nevada in both rural and urban areas. Statewide, it is estimated that annually approximately 200 youths exiting out of the juvenile justice system are ill prepared to live independently and have no families to support them during this process.

It is recommended that a revenue-generating stream be identified and developed to fund services needed to assist young adults in this transition to independence. Services required may include survival, employment and financial skill development; outpatient and residential counseling and treatment; case management; housing, rent, food, clothing, medical and dental assistance. Additionally, qualifying circumstances for these youths

will need to be identified for them to access services and may need to be supported by enabling legislation similar to that available for similarly situated youths in the child welfare system.

Sincerely,

A handwritten signature in cursive script, reading "Ray Cate for the WSG".

The Work Study Group
Nevada Juvenile Justice Commission Special Project

APPENDIX M

Position Paper titled “Education and the Juvenile Justice System,”
Submitted by Theresa M. Anderson on Behalf
of the Work Study Group

EDUCATION AND THE JUVENILE JUSTICE SYSTEM

Summary of Service Gaps and Recommendations Prepared By the Work Study Committee, Nevada Juvenile Justice Commission, January 9, 2004

There is a direct link between academic performance and the likelihood of a minor becoming involved in the Juvenile Justice System. Without early identification and intervention, students experiencing academic difficulties, will continue to fall behind and are at risk of anti-social behaviors leading to involvement with juvenile services. Increased communication and collaboration between school districts, law enforcement and juvenile services is needed to adequately assess needed services as well as develop and implement programs that meet the needs of youth at risk or already out of the education mainstream.

At the Governor's Conference on Juvenile Justice that was held in Las Vegas in September 2003, a major topic area discussed was Educational Barriers and Delinquency Prevention. Participants at the conference also identified the need for improved communication and collaboration. Currently, in Nevada school districts that wish to serve pupils at risk of dropping out of school are required to submit a Plan for Alternative Education (See attached NRS 388.537). The NRS is permissive legislation and does not require participation of key community stakeholders such as law enforcement, social services, mental health or juvenile services. In addition, school districts must "carve out" alternative education programs with their existing teacher allocations.

The State of Wisconsin Department of Public Instruction produces guidance to school districts as to the steps they should take in creating an alternative education program.¹

Key steps include:

1. Establish a district wide alternative education study committee that includes teaches, administrators, parents, and community members (social services, law enforcement, business leaders)
2. Map existing resources and identify service gaps
3. Create a shared vision
4. Study and visit similar programs in other school districts
5. Gather district data and the need for a program such as:
 - Academic reports
 - Discipline referrals
 - Guidance reports
 - Attendance records
 - Juvenile Court notices
6. Map existing resources and identify service gaps
7. Create a shared vision
8. Develop the plan with Partners (higher education, law enforcement, mental health, social services, business)
9. Establish measurable goals and objectives that are student-outcome driven
10. Establish District Policy
11. Consider funding sources
12. Develop curriculum
13. Evaluate yearly

In addition, in Wisconsin the state created a "state competitive grant program" to fund alternative education programs beginning with the 2000-01 school years. During the first three years, "funded programs received 100 percent of the awarded amount with decreasing percentages in the last two years. Nevada may benefit from reviewing other states alternative education programs to improve planning, development and funding of alternative education programs.

¹ Alternative Education Fact Sheet and Frequently Asked Questions, December 2003, Wisconsin Department of Public Instruction

EXHIBIT <u>E2</u> JuvJustice	Document consists of <u>4</u> pages
<input checked="" type="checkbox"/> Entire document provided.	
<input type="checkbox"/> Due to size limitations, pages ____ through ____ provided.	
A copy of the complete document is available through the Research Library (775-684-6827 or e-mail library@icb.state.nv.us)	
Meeting Date <u>1-15-04</u>	

According to a Study group of 22 researches on Serious and Violent Juvenile (SVJ) Offenders convened by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to study the population of SVJ offenders- implementing family, school, and community interventions is the best way to prevent children from developing into SVJ offenders. The Study Group also concluded that programs similar in philosophy to public health approaches (i.e., those that both address risk factors and introduce protective factors) are the most promising prevention and early intervention programs for SVJ offenders.²

The Study Group examined five types of school interventions and eight types of community interventions.: structured playground activities, behavioral consultation, behavioral monitoring and reinforcement, metal detectors and schoolwide reorganization. These interventions varied in effectiveness.

The Study Group also examined eight types of community interventions several of which showed positive results in reducing risk and enhancing protective factors, and in studies with long-term follow-up, certain programs were effective in reducing juvenile crime and substance abuse.

According to the Study Group, the following interventions have shown positive effects in reducing risk and enhancing protection against adolescent antisocial behavior:

- Behavior consultation for schools
- Schoolwide mentoring (paid mentors trained to used behavior management techniques improved school attendance)
- Behavioral mediation and reinforcement of prosocial behavior, good attendance and strong academic performance
- School organization interventions
- Situational crime prevention
- Comprehensive community intervention that incorporates community mobilization, parent involvement and education, and classroom-based social and behavioral skills curriculums
- Policing strategies including community policing and intensive police patrolling, especially in “hot spots”
- Policy and law changes that affect the availability and use of guns, tobacco, and alcoholic beverages
- Mandatory sentencing laws for crimes involving firearms
- Media interventions to change public attitudes and enhance the effects of other community- and school-based prevention strategies

Recommendations

To “Leave No Child Behind” including those youth involved with the Juvenile Justice system the 2003 Governor’s Conference focus group discussed the importance of providing resources and services to support children staying in school and promoting academic success.

1. Increased collaboration between school districts and juvenile justice and other key stakeholders:

- School Districts who elect to provide alternative education programs should be required to include stakeholders from juvenile justice, mental health, social services and the business community in the development of an Alternative Education Plan.
- “Adjudicated Delinquents” should be added to NRS. 388.537 Section One to underscore the important role of education for these youth.
- Funding to support an assessment of Nevada’s Alternative Education Programs to produce recommendations regarding guidelines for development, implementation and funding alternatives.

² School and Community Interventions To Prevent Serious and Violent Offending, Office of Juvenile Justice and Delinquency Prevention October 1999, Juvenile Justice Bulletin

2. Funding incentives to encourage development of integrated case management and school-based wrap around services is needed. Wrap around services has been demonstrated has a successful intervention to maintain youth in their communities. Recommendations for programs in Nevada include:

- Family Resource Specialists to serve as the child advocate and broker of services for the youth and family. They would be responsible for developing and implementing the “wrap around plan”.
- Teacher Support and training in behavioral mediation and reinforcement of pro-social behaviors.
- Bilingual and Ethnic/Cultural Collaborations to support parent involvement in services.
- A paid Mentor program with emphasis on behavior management and academic success.

APPENDIX N

Letter Dated April 8, 2004, Regarding the Community Corrections
Partnership Block Grant, from Judge David R. Gamble



**Ninth Judicial District Court
Douglas County
State of Nevada**

**DAVID R. GAMBLE
DISTRICT JUDGE**

April 8, 2004

**DEPARTMENT ONE
POST OFFICE BOX 218
MINDEN, NEVADA 89423
(775) 782-9961
FAX (775) 782-9964**

**Assemblywoman Sheila Leslie, Chairwoman
ACR-18 Interim Subcommittee on Juvenile Justice
Legislative Building
Carson City, NV 89701-4747**

Sheila
Dear Chairwoman Leslie:

The funding of juvenile justice programs has been a constant challenge in the State of Nevada. Over the years, there has been significant discussion and debate as to whether local jurisdictions or the State is responsible to fund certain functions of the system. Historically, local jurisdictions have been financially responsible for community-based services such as probation, detention, and early intervention programs while the State has been responsible for correctional care that includes the training centers and youth parole.

At times in the past, the line between community-based services and correctional care became blurred and this is when the debate and disagreement typically occurred. Fortunately, partnerships between the local jurisdictions and the State were developed to resolve the differences and to provide the needed services. The primary partnerships that exist are the China Spring Youth Camp, Aurora Pines, the Spring Mountain Youth Camp, and the Community Corrections Partnership Block Grant.

The purpose of this letter is to respectfully request an opportunity to discuss the monetary changes in the original partnerships that have occurred and to recommend changes to the funding formulas that currently exist.

The most recent change that undoubtedly provoked a desire to discuss the funding formulas was the recent change to the funding ratios for China Spring and Aurora Pines. When the camp first opened the funding was established as a 50/50 split between the State and every county except Clark because it operates Spring Mountain Youth Camp. Over time, the ratio changed to the State contributing 36.8% of the operating budget and the counties contributing 63.2% of the budget. It appears that the change was a result of the State funding capital building projects or improvements at the camp. The funding remained at this level for several years until the 2003 Session of the Legislature.

The Camp was treated like other State departments and the existing budget was reduced by 3% for FY03/04 and FY04/05. This decision along with increases to the operating budgets significantly increased each county's contribution some by over 15%.

More importantly, the ratio was changed once again and now the State contribution is reduced to 30% and the counties contribution is increased to 70%. The ratio will remain in effect unless it is revised during the 2005 Session of the Legislature. It is respectfully recommended that the funding formula be restored to the 36.8% - 63.2% that existed before the 2003 Session.

Clearly, this is not a recommendation to shift costs from the counties to the State but to simply restore and maintain the spirit of the partnership as it was first developed. The partnership has reduced the need for the State to build and operate even more correctional beds and the counties have another alternative placement to use for youth that need a structured and secure environment. In other words, it has been a win-win proposition for both sides.

The partnership with Spring Mountain Youth Camp has changed significantly over the years as well and currently Clark County is funding the vast majority of that program. The facility has a capacity of 100 male youth and serves approximately 200 youth per year that would ordinarily be committed to State juvenile correctional facilities. Needless to say, the addition of 200 youth would over crowd the facilities in Elko, Caliente, and Summit View beyond their designed capacity.

Spring Mountain Youth Camp's budget for fiscal year 03/04 is \$6.1 million dollars. Of this amount, approximately \$351,849.00 or 5.7% is contributed by the State of Nevada. With the exception of the Nevada Legislature's 1997 award of \$6.5 million dollars to assist in the expansion of Spring Mountain Youth Camp from 80 to 100 beds, the State's contribution has largely been unchanged for the past 10 years or more.

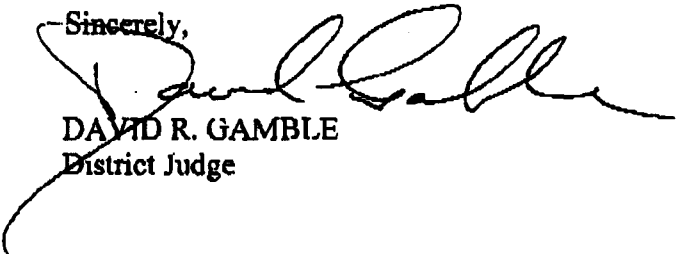
Another partnership is the Community Corrections Partnership Block Grant that should also be revisited because the amount appropriated to the counties has increased very little since the program's inception in 1997 and none since 2000. The program has been very successful in reducing commitments to state operated institutions during a time of vast growth in the juvenile population.

For example, in 1997, the male juvenile population was 119,212 and 612 males were committed to state custody and by 2003 the male juvenile population increased to 164,541 but commitments dropped to 415 for the year. Female commitments did not reduce significantly until the opening of Aurora Pines but last year there were only 89 female commitments compared to 117 in 1997 while the female juvenile population increased by over 35,000 youths during that period. Again, these two partnerships have been win-win propositions also and that is why it is imperative to maintain these positive relationships and not let them erode over time. **It is recommended that the funding formulas for these programs be adjusted to a more equitable balance as well.**

There is concern that the change in funding formulas that has created a long-term increase in the counties' contributions to the operating budgets for all three programs will prevent the counties from effectively providing the community-based services they are responsible to fund. During FY 02/03, the counties funded approximately \$61 million in juvenile justice services and the State funded approximately \$23 million. If the balance of these partnerships is not revised, it won't be long before counties are required to redirect funds that are currently used for community-based services (prevention, probation, detention) in order to pay their mandated allotments. In some counties, this may be occurring already. In the long run, the lack of community-based services will result in more youths escalating to being committed and more youth requiring parole supervision. This is no longer a win-win proposition.

Thank you for your careful consideration of this very important issue. The counties will continue to maintain their commitment to provide effective programs on a local level. The counties need the partnerships with the State to sustain local programs that put youth back in the community in a reasonable time frame and the State needs the counties. With out realistic funding formulas and yearly inflation adjustments, it is just a matter of time before the state correctional facilities need to be expanded and the old arguments and disputes begin to resurface. Consequently juvenile arrests and recidivism rates will rise. The sooner we can resolve this disparity the better for the juvenile justice system in Nevada.

Sincerely,



DAVID R. GAMBLE
District Judge

APPENDIX O

Letter dated May 17, 2004, Urging the Subcommittee to Support the
Division of Child and Family Services in Creating a Cost
Allocation Unit, from the Work Study Group

STATE OF NEVADA

KENNY C. GUINN
Governor

JONE M. BOSWORTH
Administrator

MICHAEL J. WILLDEN
Director



LARRY D. CARTER
Juvenile Justice Specialist

THE WORK STUDY GROUP
A SPECIAL PROJECT OF THE NEVADA JUVENILE JUSTICE COMMISSION
400 West King Street, Suite 230
Carson City, Nevada 89703
Telephone: (775) 684-7290 * Fax: (775) 684-7295

May 17, 2004

Assemblywoman Sheila Leslie, Chairwoman
Interim Study on Juvenile Justice
Room 3138 Legislative Building
401 South Carson Street
Carson City, Nevada

Dear Assemblywoman Leslie:

We urge the Committee to support the Division of Child and Family Services (DCFS) in creating a cost allocation unit to develop a cost allocation plan amendment that specifically requests funding for allowable Title IV-E costs for juvenile services activities at the state and counties level in Nevada. DCFS does not currently have the personnel or expertise to develop and submit such a cost allocation plan amendment to the federal Administration for Children and Families' Division of Cost Allocation. Further, state and county staff will need technical assistance to insure that appropriate steps are taken to claim allowable funds. Such steps include random moment time studies, eligibility determinations and fiscal management. DCFS has included a three person (two professional staff and one administrative assistant) in their future budget. The JJC Work Study Group supports this building of internal, Nevada expertise to request Title IV-E funds from the federal government as youth in state custody and supervised by county probation offices will benefit. This position is consistent with recommendations that evolved from the Governor's Summit on Juvenile Justice that was held in September of 2003. The results of this effort will enhance the ability of the State and its local partners to develop more comprehensive systems of services for our youth both within and outside of the juvenile justice system.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry D. Carter for the WSG".

The Work Study Group
Nevada Juvenile Justice Commission Special Project

APPENDIX P

Suggested Legislation

The following Bill Draft Requests will be available during the 2005 Legislative Session, or can be accessed after “Introduction” at the following Web site: <http://www.leg.state.nv.us/73rd/BDRList/page.cfm?showAll=1>.

- | | |
|------------|---|
| BDR 17-193 | Provides for independent audits of institutions that house juveniles. |
| BDR 5-194 | Provides for screening of juveniles for mental health problems and substance abuse. |