MINUTES OF THE
ADVISORY COMMISSION ON THE
ADMINISTRATION OF JUSTICE’S
SUBCOMMITTEE ON JUVENILE JUSTICE

January 13, 2009

The meeting of the Advisory Commission on the Administration of Justice’s Subcommittee on Juvenile Justice was called to order by Senator Steven A. Horsford, Chair, at 1:07 p.m. on January 13, 2009, at the Grant Sawyer State Office Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada, and via simultaneous videoconference at the Legislative Building, Room 3137, 401 South Carson Street, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SUBCOMMITTEE MEMBERS PRESENT (LAS VEGAS):

Senator Steven A. Horsford, Clark District 4, Chair
Catherine Cortez Masto, Attorney General
Fritz Reese, Interim Director, Juvenile Justice Services, Clark County
Susan Roske, Chief Deputy Public Defender, Juvenile Division, Clark County

SUBCOMMITTEE MEMBERS PRESENT (CARSON CITY):

Judge Frances Doherty, Second Judicial District Court, Family Court Division, Washoe County
Pauline E. Salla, Juvenile Justice Specialist, Community Juvenile Justice Program, Division of Child and Family Services, Department of Health and Human Services
Shelly Scott, Deputy District Attorney, Juvenile Division, Washoe County
Fernando Serrano, Deputy Administrator, Division of Child and Family Services, Department of Health and Human Services
Scott Shick, Chief Juvenile Probation Officer, Douglas County
Carey Stewart, Division Director, Department of Juvenile Services, Washoe County
Ryan Sullivan, Chief Deputy Public Defender, Washoe County

SUBCOMMITTEE MEMBERS ABSENT:

Philip Kohn, Public Defender, Clark County
Teresa Lowry, Chief Deputy District Attorney, Juvenile Division, Clark County
Mike Pomi, Director, Department of Juvenile Services, Washoe County
Judge William O. Voy, Family Division, Eighth Judicial District Court, Clark County
Jo Lee Wickes, Chief Deputy District Attorney, Juvenile Division, Washoe County
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OTHERS PRESENT:

Larry Carter, Assistant Director, Juvenile Justice Services, President, Nevada Association of Juvenile Justice Administrators
Lieutenant Tom Roberts, Director Las Vegas Metropolitan Police Department, Intergovernmental Services
Vickie Farnham, Forensic Scientist II, Las Vegas Metropolitan Police Department
Detective Don Fieselman, Las Vegas Metropolitan Police Department, Organized Crime Bureau, Intergovernmental Services

STAFF MEMBERS PRESENT:

Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau
Angela Clark, Secretary

CHAIR HORSFORD:
The Subcommittee has a quorum. We needed to reconvene the Subcommittee prior to the Commission’s final report to the Legislature and that is why we are meeting today. The first item is to approve the minutes of the meeting from July 30, 2008.

ATTORNEY GENERAL CORTEZ MASTO MOVED TO APPROVE THE MINUTES FOR THE JULY 30, 2008, SUBCOMMITTEE MEETING ON JUVENILE JUSTICE.

MR. SERRANO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HORSFORD:
Ms. Lang has put together a report from the Subcommittee that lists our recommendations, Exhibit C. Ms. Lang please go through each of these to refresh everyone’s memory on the recommendations and actions that we are proposing.

RISA B. LANG (Chief Deputy Legislative Counsel, Legislative Counsel Bureau):
The report from the Subcommittee on Juvenile Justice was submitted to the Advisory Commission on the Administration of Justice, and it summarizes the actions taken by this Subcommittee at the last meeting, Exhibit C. The Advisory Commission took action on some items; however, other items were referred back to the Subcommittee for further discussion.
The first item, to propose a bill draft to create a permanent, ongoing subcommittee, was approved by the Commission and will go forward as a bill draft request.

The Commission decided the second item, to create an interim study committee, was not necessary due to the fact that they were proposing a permanent, ongoing subcommittee.

The third item was to provide support in the final report of the Advisory Commission for the bill draft being submitted by the Legislative Committee on Health Care to create a standing committee on issues related to child welfare and juvenile justice. This item was also approved.

The fourth item, to propose a resolution to encourage reform in the juvenile justice system, to encourage the adoption of the Juvenile Detention Alternatives Initiative statewide and support for the Office of Juvenile Justice and Delinquency Prevention Model Program Guide was also approved.

Proposal of a bill draft request to address the jurisdiction of a person who committed a crime while under the age of 18 but is not apprehended until after they reach 21 years of age was referred back to the Subcommittee for further discussion and suggestions.

The sixth item was to recommend to the Executive Branch and the Legislature the reallocation of funding that is designated for unused, secured detention in programs for juveniles, including parole, regional juvenile justice, community-based programs and programs to address mental health issues of juveniles as well as to encourage the Division of Child and Family Services to work with stakeholders to develop an alternative funding formula to present to the 2009 Legislature. The alternative funding formula should provide for the reallocation of funds and identify additional funds to make available to the juvenile justice system. The Commission supported this recommendation.

The seventh item was to recommend that the Executive Branch increase the budget for the juvenile justice system in proportion to any increase in the budget for the adult budget system, including Corrections, and in any amount in which the Department of Corrections budget is reduced due to fewer offenders. The Advisory Commission wants the Subcommittee to continue exploring and discussing this recommendation.

The eighth recommendation was to propose a bill draft request to create an interdisciplinary committee of various stakeholders in the juvenile justice system to address issues related to juveniles as listed in Exhibit C. This was approved by the Commission and is going forward as a bill draft request.

Finally, a recommendation to provide support to the Attorney General in developing a bill draft request related to the registration and notification of juvenile sex offenders in Nevada was supported by the full Advisory Commission.
CHAIR HORSFORD:
We will continue to work with the Attorney General on the recommendation regarding juvenile sex offenders. Ms. Lowry, Ms. Roske and Mr. Serrano will form a working group to meet in between Subcommittee meetings. The working group will report back to the Subcommittee by the end of February with proposals and suggestions regarding the jurisdiction of a person who committed a crime while under the age of 18 years but apprehended after the age of 21 years.

I would now like to have further discussion on item 7, referred back to the Subcommittee for further discussion, regarding a formula by which the juvenile justice system would be funded in accordance with any growth in the allocations to the adult system. I would like ideas or concepts from members of the Subcommittee on ways in which we may be able to approach a process or formula that could be considered by the Legislature and ultimately recommended to the Governor and the Executive Branch. Are there any suggestions on that point?

JUDGE FRANCES DOHERTY (Second Judicial District Court, Family Court Division, Washoe County)
This conversation has occurred in various venues as one possibility for a rational formula to ensure that the juvenile justice system is supported. There is an interest within the adult system in supporting the juvenile justice system in this manner. There is a correlation between the two systems, and we’ve heard in testimonies that the adult system is not interested in accommodating certain juveniles within their system, so I think it’s a viable proposal that should be furthered into a greater discussion in the public domain.

CHAIR HORSFORD:
Do you have suggestions? Should we calendar this as a specific agenda item for the Subcommittee and bring in certain stakeholders to give presentations or suggestions on how this formula might be developed?

JUDGE DOHERTY:
That is a valid way of proceeding, inviting those entities that have access to the more specific information on the budgets and the allocations of those budgets as well as receiving some creative ideas from other states.

SCOTT SHICK (Chief Juvenile Probation Officer, Douglas County)
I can give you a 25 percent figure that would get rid of the loft but I don’t think we would ever need as much as the adult justice system. Ms. Townsend’s intention was to establish an equal forum for funding. Juvenile justice administrators in this State are aligned in how they are going to approach the treatment of kids and their care, and with a little more funding I think we can accomplish a lot. I encourage further dialogue, and we are prepared to take on those challenges with Juvenile Detention Alternative Initiative and to move forward with it.
CHAIR HORSFORD:
I would like to add item 7, Exhibit C, to a future Subcommittee agenda and I would like the key stakeholders and the budget office, as well as the Legislative Counsel Bureau Fiscal Division, to come and make presentations on how the entities are funded now and to look at other models to find the best practice that will work for Nevada.

We will need a report from the working group by February 15, 2009. The bill draft deadline falls within that period and we want to have time to bring forth legislation if that is the consensus.

My office will notify members of the Subcommittee when our particular bill drafts are introduced, what the bill number is and when the bills will be heard. If you would like to participate you can and hopefully you will. This is a process that we’ve worked on over the last few months, and I would like to do it as a team.

We will move to item 4 of the agenda, a discussion concerning the funding of juvenile justice entities and services.

LARRY CARTER (Assistant Director, Juvenile Justice Services, President, Nevada Association of Juvenile Justice Administrators)
We are fully cognizant of the physical limitations that are present in the State and it’s local entities and have great respect for the difficult decisions that the Legislature is going to have to deal with in the coming months, Exhibit D. As an association, we believe it is imperative to put a focus on the ongoing juvenile justice system reform efforts that have had a direct, positive effect on recent juvenile justice trends. Juvenile Detention Alternatives Initiative (JDAI) has been one of the main drivers and pushers of what’s happening on a statewide level. Currently the counties and district courts drive the populations that are placed in state custody and are directly responsible for the mass number of youth that are going to state custody. Institutional placements is one of the most costly elements of the juvenile justice system. The current local reforms have had a significant and important role in the reduction of state institutional populations. State youth correctional facility placements are at historic lows. Counties are effectively utilizing State Community Corrections Partnership Block Grants and other resources to limit placements in state custody. Counties continuing to utilize state assistance for regional youth camp programs is also essential. Clark County initiated an aftercare project with excellent results. The 2008 completion rate of youth coming out of youth camps and the aftercare program was 88.7 percent of the first full year of operation. This is a direct result of the additional funds received during the 2007 legislation. Effective local and youth programs have facilitated the ability to reduce operational costs at state facilities and reduce the number of units that are currently operating. This has created a situation where there are now reduced caseloads in youth parole in the State. A reduced need for local detention beds is also evident. In 2003 we were averaging 262 kids a day in our detention facility, during 2008 this number was well under 200. Clark County
Juvenile Detention is currently at a detention and daily population rate that has not been seen since 1997.

These elements all contribute to a reduced number of youth being referred to the juvenile justice system. We’ve had reduced recidivism, reduced offenders appearing in court, historic highs in the completion of aftercare at both the state and county levels and the aftercare in state youth parole has shown less recidivism in the past year. To continue these directions, we need insight from this Subcommittee, the Legislature and from anybody that has bearing upon the resources that come into the juvenile justice realm. As we continue to drive our successes by using strong data and data-based decision making to measure our accomplishments, we need your continued leadership, including, the state and counties continuing to forge relationships with dialogue, cooperation and cooperative planning on juvenile justice issues, the Nevada Association of Juvenile Justice Administrators ability to be an integral part of the process by outlining our goals and demonstrating the successes that have been accomplished, your continued support of Community Correction Partnership Block Grants and youth camp funding, additional focus on mental health and substance abuse services to juvenile justice youth and reallocation of resource savings to assist services at both ends of the juvenile justice spectrum, including entry level and aftercare. Clark County’s ability to reduce the detention population during the last 4 years resulted in the closing of a 43-bed unit, and that unit would have been nearly $3,000,000 annually to operate. Significant gains have been made with the limited resources that have been given to the juvenile justice system over the years.

MR. SERRANO:
JDAI is something that this Committee has discussed at previous meetings and is something that we are committed to. Larry Carter and myself recently made a presentation to the Nevada Juvenile Justice Commission regarding JDAI. We fully believe in what the Annie E. Casey Foundation has put forward, and we are looking at that system of reform. The Commission was receptive and there are plans to include JDAI in the Juvenile Justice Commission’s 3-year plan.

CHAIR HORSFORD:
Is there a strategic plan for juvenile justice in Nevada?

MR. CARTER:
There is not one in a sense. A great deal of the planning comes from the Juvenile Justice Commission as they deal with the funding sources, not only the local funding sources, Community Correction Partnership Grants and sex offender treatment funds but also the federal money coming through the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Juvenile Justice Commission is beginning their 3-year plan for OJJDP which will include a data analysis looking at the needs and developing our priority areas. The next association meeting of the Nevada Association of Juvenile Justice Administrators (NAJJA) will include taking the focus areas from the Federal Government
and developing which are the most critical to the State of Nevada and presenting them to the Juvenile Justice Commission.

We have a strong working relationship between the Juvenile Justice Commission, the Nevada Association of Juvenile Justice Administrators and the State Department of Child and Family Services (DCFS) which enables us to meet the common goals, including continuing to move forward on detention alternative initiatives, community-based programming, providing adequate and enhanced mental health and substance abuse services and maintaining a high level of public safety for our communities.

MR. SERRANO:
We are formulating the 3-year plan which will be designed to guide us as we move forward, and we plan to have JDAI as a central focal point of that plan. Whether you are talking state or county, the conversation remains the same in terms of treating kids in the community and involving families. DCFS strongly believes in a system of care, and we are trying to implement this in our child welfare and children’s mental health systems. We believe that what we’re talking about is intertwined systems of care within the juvenile justice community so the Division as a whole has the same approach. A number of our youth in the juvenile justice system are known in the welfare system, many of our youth in both systems are in need of mental health services. Hence the priority for the system of care principals to move throughout the Division and specifically here.

CHAIR HORSFORD:
The approach needs to be bigger than government. State and county are a big part of it but not the only part. Community-based providers need to be more included and involved in the solutions. The OJJDP sets the federal standard, and they are our benchmarks. I would like you to come back at the appropriate time and give this Subcommittee a report on what the parameters are for the 3-year plan and what the benchmarks are. They are the federal standard but does that mean that should be our only vision for juvenile justice in Nevada? We need to have a discussion beyond the federal standards. I am familiar with JDAI and those initiatives. They have invested a lot at both the county and state level to bring those initiatives forward, and we should definitely use that as a blue print. There are three priority areas that you believe would help improve the juvenile justice system. I would like to see specific recommendations within each one of those areas. Specifically, I would like to see recommendations, strategies and resources that would help move each one of those objectives forward. We are so under-resourced that we need to look beyond government to the non-profit realm and community-based organizations. They need to be part of formulating that plan. A report on the parameters of the 3-year plan will be put on a future agenda, and I would like you to come back to discuss that.

MR. CARTER:
The private sector is critical to our accomplishments. One of the extreme examples is here in Clark County. We have a population of 2,000,000, and there is currently 11
residential beds for substance abuse for juveniles. There is a definite shortage of resources, and a big part of the JDAI is finding the ability to reallocate resources, along with garnering any that you can. We realize that if we do something that inadvertently decimates a program at one level in juvenile justice now as a result of these shortfalls, it can have a disastrous effect on other elements.

CHAIR HORSFORD:
Mr. Serrano will you work with our staff to identify the other commissions that are in place as well as the structure and membership of those committees? As the bill draft on an interdisciplinary committee goes forward, the idea is to try to collapse and streamline some of them so that we don’t have duplication of effort. I would like to see and understand who those groups are, the membership of those groups and what the statutory requirements of them are.

MR. SERRANO:
We will work with your staff and bring all the entities together to give you an overview of the various commissions and subcommittees that are working with youth and families in our State.

In regards to non-governmental community-based services, the system of care approach that DCFS is committed to includes the involvement of community-based systems. To that end, we will certainly reach out to those entities in the construction of this 3-year plan.

CHAIR HORSFORD:
Next we will move to Item V of the agenda.

LIEUTENANT TOM ROBERTS (Director, Las Vegas Metropolitan Police Department, Intergovernmental Services):
With me today are Forensic Scientist Vickie Farnham from our crime lab and Detective Don Fieselman from our criminal intelligence section. When preparing for the legislative session, we solicit ideas from our department members who are exposed to different areas within their specialty and these two employees brought together the bill draft requests that we have for you today, Exhibit E. They both deal with the subject of fingerprinting so they could probably be combined into one request. These requests fit well with the things this Subcommittee is trying to do through prevention and identifying criminals in the juvenile justice system so they don’t end up in the adult system, one towards solving crime and one towards identifying juvenile offenders that could be confused as adult offenders, through a fingerprint database.

VICKIE FARNHAM (Forensic Scientist II, Las Vegas Metropolitan Police Department):
Fingerprints have been used as a form of identification for over a century. Millions of fingerprints have been scanned into databases called AFIS (Automated Fingerprint Identification Systems) throughout the country. Some states, like Nevada, continue to
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maintain a separate card file, while others put their juvenile prints in with their adult
prints in AFIS, (Exhibit F). To access an electronic fingerprint or palm print file it must
be your job. The only way a juvenile can be identified through AFIS is if he has been
convicted as an adult or has been fingerprinted for a job. Juvenile fingerprints, palm
prints and mug shots can be part of a computer database and still be protected.

We use fingerprints to ensure that a criminal record belongs to one and only one
individual. The only way to compile a true criminal history is by fingerprints. In Clark
County, juvenile fingerprints are taken electronically, sent to a print server in Carson City
where they are printed out and put in a card file. No attempt is made to see if they have
been arrested before or if they gave the correct name and date of birth. Latent print
examiners search and store prints from the scene of a crime. If the prints belong to a
juvenile, it won’t matter until it is too late. When the suspect is finally arrested as an
adult and the print is identified, one of two things usually happen. Either the statute of
limitations has passed or the juvenile system does not wish to populate its juvenile
facilities with adults and they automatically put him on probation. Then there is the
unthinkable, the wrong person might be arrested for the crime and we would never know
it. It’s ironic that the State of Nevada will fingerprint a teenager to work at a day care
and never know he’s been arrested for molesting children.

Examples of crimes that could have been prevented if a juvenile’s fingerprints had been
in the system are included in the materials submitted, Exhibit F.

Today we are asking you to begin the process that will allow juveniles to be fingerprinted
and photographed when they are arrested for any crime that an adult would be processed
for. It would allow these fingerprints, palm prints and photographs to be stored in
electronic databases. This would ensure that juvenile records are correct, prevent
juveniles from impersonating other juveniles, prevent juveniles from impersonating
adults, prevent adults from impersonating juveniles, allow a juvenile’s prints from crime
scenes to be identified and enable detectives to obtain mug shots of juveniles for photo
line-ups.

The legislation we are asking for makes it very clear that a judge can have a record
expunged. What we are asking for is not new. Some states have had juveniles in their
system since the inception of AFIS and others quickly followed, including Alaska,

These statistics are very telling. According to Dawn Peck, Idaho Bureau of Criminal
Investigations, juveniles are 4 percent of their database and 30 percent of their hits. Mr.
Coffman quotes, in a Florida Attorney General transcript, that juveniles are 11 percent of
the database and 46 percent of the hits. I ask that you take this into consideration.

CHAIR HORSFORD:
Are there any questions from the Subcommittee on that recommendation?
SUSAN ROSKE (Chief Deputy Public Defender, Juvenile Division, Clark County):
Doesn’t the current statute provide that for felonies and gross misdemeanors the juvenile court is to take fingerprints and must give them to the Central Repository?

MS. FARNHAM:
Yes, but it doesn’t mention databases. The money has not been given for a separate juvenile database, let alone to integrate them with adult population so that we can keep the record straight.

MS. ROSKE:
We don’t need to change the law then, you just need enough money to put together a database.

MS. FARNHAM:
The law makes no provision for integrating juvenile and adult files, and it makes no provision for databases.

MS. ROSKE:
You could have separate databases, you don’t have to integrate the two, you just need money for the database.

MS. FARNHAM:
I suppose you could have a separate database, but it would not be nearly as effective considering you have latent prints that are crossing from when they were a juvenile and arrested as an adult. You would have adults coming into the juvenile system and juveniles going into the adult system. If those systems aren’t tied, you will never find out unless you are always given the correct name and date of birth.

MS. ROSKE:
Are you familiar with the process of juvenile court and that parents are notified to come to court and identify their children? Examples of adults identifying themselves as children rarely happens. The process has many safeguards to have parents or other individuals identify them. The examples you give of children who are minors identifying themselves as adults are actually victims of sexual exploitation. Do we fingerprint all potential victims in the community and put them in a criminal database?

MS. FARNHAM:
The information I received from the youth probation officer is that this is something he runs across often enough that he felt the need to tell me that it’s a problem. Once an offender develops an extensive enough juvenile record, where they’re afraid that their juvenile probation is going to be revoked, they will take a chance and give an adult date of birth and go down to CCDC, and because they have no adult criminal history, they will be released on their own recognizance or with a small bail. Parents do come and identify their children, but not all of our children or their parents are upstanding citizens and they
don’t always tell the truth. We don’t know how often this occurs, but we know that it does. The statistic from Florida that says that 11 percent of the database comprises 46 percent of their AFIS hits from crime scenes is enough to show we need to be able to search latent prints in a juvenile database.

MS. ROSKE:
We already have a statute in place that states the collection of fingerprints must be submitted to the Central Repository if a child is adjudicated delinquent.

MS. FARNHAM:
They just sit in a file.

MS. ROSKE:
What stops them from putting it into a database?

MS. FARNHAM:
They don’t and won’t if they’re not given legislation to do so. They don’t have the money, the means and they don’t feel that they have the power. I don’t know of any state that has known juvenile prints in a database where there is not a law giving them permission to do so. I don’t think a state would interpret a law that allows them to take a print and file it as the belief that they could put them in a database and let a latent print examiner search them. We have not given them the manpower or the permission, and I don’t believe they would take that upon themselves, no other state has.

MS. ROSKE:
Would adding the language to the present statute, allowing gathered fingerprints into a database, be sufficient?

MS. FARNHAM:
They should be put into a conjoined database. You have to have the right equipment to tie these systems together.

MS. ROSKE:
You also said we should have a procedure to allow the police to use photos of children in line-ups. Doesn’t the statute in place allow for that?

MS. FARNHAM:
We have a database for mug shots, and juveniles are not in it. There is nothing that ensures that they are there. We don’t have the same system in place that is given the same attention and care because it isn’t mandated by law.

MS. ROSKE:
NRS 628.010 (4) says a child who is in custody must be photographed for the purpose of identification.
MS. FARNHAM:
We are asking that those photographs be reposited into a database. We don’t have a law with that verbiage, and I don’t believe any juvenile justice system would do so without permission from their legislature.

JUDGE DOHERTY:
It does sound as though we are talking about a database challenge as opposed to differing language in our statute.

RYAN SULLIVAN (Chief Deputy Public Defender, Washoe County):
It appears to me, in reviewing the current statute and the suggested language, that the major difference is that they want to add misdemeanor offenders or children who are arrested for misdemeanors into these databases. The old statute only makes provisions for felonies, gross misdemeanors and sexual offenses. I don’t see any discussion about creation of new databases in the suggested language. It simply adds children arrested for misdemeanors.

MS. FARNHAM:
There are two bill draft requests (BDRs) and I don’t believe they are identical, Exhibit E. The suggested language on page two of the first BDR talks specifically about fingerprinting and photographing and does include misdemeanors if an adult would have been processed but it says “for retention in appropriate files and/or electronic databases such as AFIS (Automated Fingerprint Identification Systems) for fingerprint and palm prints in the same manner as adult offenders. Any photographs shall be retained by the local agency for retention in the appropriate files and/or electronic databases.” We would like to have any processable offense in these databases because what might be a minor offense can quickly escalate into something much larger. In almost every instance we are talking about, these children have been arrested for minor offenses before. They hadn’t been fingerprinted or photographed or, if they had, they weren’t in a database that was used in such a manner that we could have saved any of their victims. The push is for the database portion and the ability to integrate these systems so they can work effectively together knowing that they are still protected by the keeper of the records.

JUDGE DOHERTY:
What are you thinking about the component of the public policy? What you are proposing is exactly opposite of the intent of the drafters of this chapter and that is to keep children out of integrated systems and not intermingle those names. There is no automatic probation for any child in juvenile court. There are graduated sanctions but every child is a unique child with a unique sentence. I appreciate your frustration in not being able to gather legitimate information that is properly collected under the statute for law enforcement purposes. It is clear that the disconnected information collection system needs work. This statute changes the entire policy of juvenile delinquents and non-juvenile delinquents protected under the statute by integrating the very information that the original legislators were intending to keep out.
Regarding electronic files, each one is separate and that separate file would not be accessed unless it was accessed for the appropriate reason. If it was upon arrest, the juvenile was arrested a second time and we were searching that database to consolidate records to verify we were putting one record alongside the other, that juvenile record would not be accessed unless it hits on that record. Compiling an accurate criminal history doesn’t conflict with protecting juvenile records. If you have a fingerprint from a crime scene and it hits on that juvenile record, it’s only going to hit that teen for that crime. That teen is the owner of that. They do sit in the same database, they do use the same sources, they are only being accessed in an appropriate manner. The only other time you would access that fingerprint record is in the event that law enforcement has developed this person as a suspect. Today if we develop him as a suspect, we would go and get his printouts from the Repository. Nothing has changed except where it is stored.

CHAIR HORSFORD:
This is not the appropriate place to advocate for or against the legislation. I have some logistical questions around the Central Repository so I think we should connect with that office and understand the process and the associated costs. I would ask Lieutenant Roberts to contact the Central Repository and answer some of the questions that you’ve heard here today. That will determine whether we move this forward or rather you choose to do so independent of the Subcommittee on Juvenile Justice.

LIEUTENANT ROBERTS:
I’ll take that direction and contact Mr. O’Neill. I believe he’s in charge of the repository and I’ve had some conversations with him regarding this. We will come back to the Subcommittee.

DETECTIVE DON FIESELMAN (Las Vegas Metropolitan Police Department, Organized Crime Bureau, Intergovernmental Services):
I am here to talk about the victim aspect of the fingerprinting law. For 6 years, I was assigned to the Vice Section. For 4 1/2 years, I worked on the Juvenile Prostitution Squad. I became more or less a victims advocate for these girls. The girls under the age of 18 being arrested for prostitution would be taken to juvenile hall, and I would be called down to interview them as a victim, separate from their arrest. I found that most of the girls had used different identities either in Nevada or in other states. This resulted in the girls being fingerprinted at the county, because they were not fingerprinted when they were properly identified, they could create their own adult identity. This was so common that often the first two hours of the interview was spent properly identifying the juvenile and making sure she was a juvenile. I ran into several occasions where adults gave juvenile dates of birth because they believed they would be quickly turned around out of juvenile hall. We had adults incarcerated within the holding cells of juvenile hall, and we had dozens of girls who
were incarcerated over and over again in adult facilities including one that I’m aware of who was arrested initially, the first arrest of her life was in Nevada. She was not fingerprinted as required by law because it was a misdemeanor. She later went on to be sentenced to 3 years in prison in Illinois based on an adult identity that she created here after her arrest in juvenile hall. She served several months of that sentence before her mother was able to produce a birth certificate and convince the authorities in Illinois that she was a juvenile, 16 years old.

Having these biometric identifiers for these girls helps in the tracking of the victim to see if a study needs to be done on where these victims go after they turn 18 or after they leave the State as a juvenile. The biometric identifiers would aid in those types of studies to determine where we need to put our resources, when the girls are initially identified and what kind of programs work and what things don’t work.

I’ve conducted over 280 juvenile prostitution investigations in my tenure and this was one of the issues that caused so many of these girls to fall through the cracks and be revictimized over and over in this State and in other states.

CHAIR HORSFORD:
This is a very important issue and you raise some valid points on ways in which people try to manipulate the system. This issue needs further discussion. I would suggest you contact the Central Repository and answer some of the questions that have come out of today’s discussion. It doesn’t need to be as broad as you have proposed in the legislation; there is a narrowing approach that can be pursued as well. We would appreciate you continuing to include us in the dialogue and the direction or actions you take.

I would like to take a field trip with the Subcommittee. I feel it’s necessary to take an in-person tour of some of the juvenile justice facilities to gain a perspective beyond what each one of us brings to the table. I request that Mr. Serrano assist us in coordinating these trips. If there are particular facilities that Mr. Serrano recommends in the Northern Nevada area, we can start with those in early February and then schedule a visit of some facilities in Southern Nevada. I would also like to hear from some of the youth in those facilities to the degree we are able to do so.

MR. SERRANO:
I would suggest touring the Jan Evans Center, China Springs Youth Camp and Western Nevada Youth Center in the north. In the south, the detention center at Spring Mountain would be a logical choice. There is also Summit View and Caliente.

CHAIR HORSFORD:
The Jan Evans Center and China Springs would be good choices.
MR. SERRANO:
Those two facilities would be advantageous to the Committee as they would give a first hand view of a predisposition facility (county detention) and a postdisposition facility (regional youth camp).

CHAIR HORSFORD:
I also want to see a boot camp.

MR. SERRANO:
China Springs outside of Minden would give the Committee that exposure.

CHAIR HORSFORD:
The four facilities we will tour are the Jan Evans Center and China Springs in Northern Nevada and Clark County Detention and Summit View in Southern Nevada.

JUDGE DOHERTY:
Would there be a consideration for a visitation of those individuals that are below 18 years of age but in adult facilities?

CHAIR HORSFORD:
Yes, how do you propose we do that?

JUDGE DOHERTY:
The majority of those individuals may be in the south so perhaps it should be with the tour scheduled in Southern Nevada, or a different time but contemplated as one of the areas we might consider.

CHAIR HORSFORD:
We’ll add that to the list so there is a possibility of visiting five facilities. We’ll try to schedule Jan Evans and China Springs in early February and the Las Vegas tours in early March.

We’ll now move to a discussion of dates and topics for future meetings of the Subcommittee. We are going to try to meet every other month through the Legislative Session. The consensus is that Thursday afternoons are the best times for most of the Subcommittee members. Are there any topics that members of the Subcommittee would like to bring forward?

SCOTT SHICK (Chief Juvenile Probation Officer, Douglas County):
The alignment of the Subcommittee with NAJJA is an excellent suggestion. How all those agencies and commissions relate to each other and how we can simplify that process should be on the agenda.
CHAIR HORSFORD:
Giving input on the framework of the strategic plan would be helpful. Understanding all the different agencies and commissions, which are statutorily required, which are federally mandated, recommending streamlining of those efforts. There will be legislation outside of the bill drafts that this Subcommittee has proposed. I have formed a policy council on children, families and communities that I would like to bring a list of bills that impact juvenile justice in particular to this Subcommittee for your review and comment.

Is there any public comment?

JANET WHIT (Custodian of Juvenile Records for Clark County Juvenile Court):
My concerns have been addressed by Susan Roske and Judge Doherty.

CHAIR HORSFORD:
There being no further business to come before this Subcommittee, the meeting is adjourned at 2:45 p.m.

RESPECTFULLY SUBMITTED:

____________________________________
Angela Clark, Secretary

APPROVED BY:

__________________________________________________
Senator Steven A. Horsford, Chair

DATE: ________________________________
EXHIBITS

Committee Name: Advisory Commission on the Administration of Justice’s Subcommittee on Juvenile Justice

Date: January 13, 2008 Time of Meeting: 1:07 p.m.

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