

Summary of Meetings of the
Subcommittee on Juvenile Justice of the
Advisory Commission on the Administration of Justice
with Recommendations

I. First Meeting: April 7, 2008

A. Three priorities identified by the Nevada Association of Juvenile Justice Administrators:

1. Mental Health Services
2. Alternatives to Detention
3. Aftercare and Re-entry Services for Juveniles

B. Discussion regarding the Juvenile Detention Alternatives Initiative (JDAI) through the Annie E. Casey Foundation.

1. Washoe and Clark Counties have participated and are considered replication sites.

2. Through JDAI, Washoe and Clark Counties have sought to:

- (a) Develop alternatives to detention;
- (b) Build partnerships with other agencies; and
- (c) Reduce racial disparity.

3. JDAI is working to establish a committee to review evidence-based program models. They have been reviewing a model used in Washington. Washington has experienced a reduction in crime from evidence-based programs in the juvenile justice system and some early childhood and family intervention. The particular need in evidence-based models are mental health, substance abuse, youth with co-occurring disorders, family services and juvenile sex offender treatment.

4. JDAI is considering ways to reduce out-of-state placements of children.

II. Second Meeting: May 13, 2008

A. Discussion Concerning Certification of Juvenile Offenders as Adults

1. Two types of cases: certification and direct file. Some difficulties were noted with the certification process.

(a) The amount of time set forth under local rules for determining whether or not to file for certification is not long enough. In Washoe County, there is a committee considering the procedural rules and Nevada law to determine necessary changes.

(b) The law was changed in 1997 regarding the presumptive certification of juveniles to apply in cases involving "firearms" instead of "deadly weapons" (NRS 62B.330). The statute does provide for some exceptional circumstances such as mental health, mental retardation, drug and alcohol addiction and emotional and behavioral issues.

(c) There is a challenge with young people who commit a crime before 18 years of age, but who are not apprehended until they are 21 years of age or older.

[Recommendations of Teresa Lowry, Chief Deputy District Attorney, Clark County:

- 1)** Support a Bill Draft Request to authorize the prosecution of cases involving serious felonies committed by a person who is under 18 years of age, but apprehended after the person is 21 years of age.
- 2)** Support a Bill Draft Request to clarify that juvenile courts may grant an extension of time before entering a plea in a case that may involve the certification of a juvenile upon the request of the prosecution to allow for additional time to investigate, evaluate and perform tests.
- 3)** Support a Bill Draft Request to impose limitations on the use of statements made by a minor during an evaluation or test that is performed for the purpose of making a decision regarding certification.]

2. Recidivism of juveniles placed in the adult system is very high.

3. Services offered in the adult system are not designed for juveniles.

(a) Blended sentencing options were discussed, including maintaining juveniles in the juvenile justice system who would otherwise be subject to automatic certification as adults until the juveniles reach 21 years of age.

(b) Alternatives that may include long-term structured residential custodial status.

4. Best practices should be considered. Length of incarceration does not always provide a different result with youth. Other factors are more important including, maturity and development.

5. Specialty court to address certification was discussed.

B. Discussion Concerning Juveniles in the Adult System

1. Difficulty in controlling youthful offenders was discussed by the Department of Corrections. More staff training is necessary.

2. Parole and Probation uses programs that have not been validated for juveniles and resources are lacking for this.

3. Juveniles assigned to the Division of Parole and Probation of the Department of Public Safety are not assigned to staff dedicated to juveniles. Funding is the largest issue.

C. The Types of Offenses Committed by Juveniles

1 Investing in the Juvenile Justice System is necessary to reduce the future prison population and to provide greater public safety in terms of outcome.

2. There is a need for more evidence-based programs.

(a) Clark County has started using the MET_CBT 5 which provides treatment to youth and family. Other jurisdictions using this have experienced a large reduction in substance use.

(b) Functional family therapy is available at the Stewart Probation Center. This is a pilot program offered in an area with many minority referrals. It provides functional family therapy in the home.

(c) WestCare through UNLV delivers services related to substance abuse with co-occurring disorders.

(d) Spring Mountain Youth Camp provides a viable outcome-driven program that focuses on education and skill development.

(e) GirlsCircle provides programs for girls in Clark County.

(f) Community-based treatment programs are funded through Medicaid, but are only available when the youth is placed out of his home and on a fee-for-service basis.

(g) It was suggested that Nevada needs more programs to allow for a continuation of services. Services also must be made available to youth who remain at home.

D. Program funding

1. Funding is primarily through the County. There are not enough programs to service youth.

2. Gender-based programming is necessary to focus on the trauma, victimization and learning style of girls.

3. Rural jurisdictions suffer from a lack of evidence-based programs. Drug courts, however, have been effective. More funding is needed so they can adopt evidence-based best practices.

4. Other necessary programs include day reporting centers, academic and credit recovery programs, mental health programs.

E. Racial Disparity in Referrals to the Juvenile Justice System

1. The Division of Child and Family Services (DCFS) tracks data regarding juveniles.

2. Each county reports certain information pursuant to Senate Bill No. 232 of the 2001 Legislative Session.

3. The Juvenile Justice Office reports annually to the Federal Office of Juvenile Justice and Delinquency Prevention. The disproportionate minority contact report allows the State to identify the areas where disproportionality occurs and allows jurisdictions to evaluate their systems and develop effective programming.

4. The Minority and Gender Committee of the Nevada Juvenile Justice Commission is working to identify the training that is necessary to reduce disproportionality of the representation of minorities in the juvenile justice system.

5. DCFS has been working on the development of a curriculum. Clark and Washoe Counties have developed programming to address the over-representation of minority youth.

(a) Clark County works with the Burns Institute.

(b) Washoe County began using the Altos Program this year to provide programming for Latino youth.

(c) There is a need for cost-effective, evidence-based programming which is adequate to service the youth in this State.

6. There is also a need to be able to identify youthful offenders by the geographic location in which they reside.

F. Sexually Exploited Youth

1. Las Vegas is a major destination for children involved in prostitution. Fifty to sixty percent of the youth arrested for prostitution are from other jurisdictions. Reno also faces similar issues.

2. There is a lack of preventative programs to address the high-risk sexual environment that is present in Nevada.
3. WestCare offered an outreach program, but it is no longer available for various reasons including a lack of security and high turnover in staff.
4. Children arrested for prostitution are often held longer than those who commit other types of offenses. This is to keep them off the streets and away from their pimps for a longer period of time and to allow police to gather evidence on pimps and traffickers.
5. There is a lack of appropriate programming and services for sexually exploited youth. Addressing the needs of these youth is complicated. Programs need to be available when they are detained and when they are in the community. Peer support is very important.
6. Programs available in other jurisdictions were discussed.
 - (a) "Little Wanderers" is a prevention program used in Boston.
 - (b) "Safe House" is a program used in Canada. Safe House treats the children as exploited rather than as delinquents. It provides for a "family services protection hold" rather than a mental health or delinquency hold. This program is a diversion program and it was indicated that support for the program is important.
7. Programs available in Nevada were discussed.
 - (a) Las Vegas Metropolitan Police Department uses "Children of the Night" which comes from Southern California. It is a walk-away facility. Although it is a good program, it is not appropriate for all youth.
 - (b) GirlsCircle provides services and has received positive feedback.
 - (c) It is necessary to have a safe environment for these youth to discuss prostitution and related issues.
8. The use of the child welfare system was discussed. Although some jurisdictions use child protective services and shelters for these youth, Nevada does not. However, Clark County is working with child protective services to see how they can work together to serve children involved in pornography.
9. There was some discussion concerning the point of entry and whether the juvenile justice system is well-suited to determine the needs of these children.
10. The Subcommittee discussed the need to address these youth without abusing them or re-victimizing them as they have been by others.

III. Third Meeting: May 19, 2008

A. Certification of Juveniles as Adults and the Impact of Moving Juveniles to the Adult Criminal Justice System

1. Juvenile courts do not have jurisdiction in certain types of cases. For example, murder, attempted murder, sexual assault, certain attempted sexual assaults and certain felonies resulting in death or substantial bodily harm. (NRS 62B.330) Other youth who commit crimes may be certified as adults. There are certain exceptions and juveniles can petition to return to juvenile court.

2. The difficulties in placing children in an adult system was discussed. Programming is for adults.

3. Juvenile courts need more discretion. Attorneys need more time, resources and information in dealing with these cases.

4. Recommendations to the Subcommittee by Judge Doherty:

(a) Blended sentencing.

(b) Need to gather evidence-based resources and recommendations.

(c) Adopt a statewide risk-assessment tool for determining the needs of youth who enter the juvenile justice system.

(d) Mandate cultural training for all professionals who interact with juveniles in either the juvenile or adult system.

(e) Require data collection to track juveniles placed in the adult criminal justice system.

(f) Require expeditious case processing of juvenile cases in all systems of justice.

(g) Require services that are appropriate for the age of the juvenile to be provided to juveniles who are transferred to the adult system.

[Recommendations by Susan D. Roske, Chief Deputy Public Defender:

1) Support a Bill Draft Request to remove the presumptive transfer provisions. Instead, allow the juvenile courts to make the determination in all cases involving juveniles.

2) Support removal of the statutory exclusions of certain case from the jurisdiction of juvenile courts.

3) Support a Bill Draft Request to provide opportunities for early parole for persons convicted of offenses that were committed before they were 18 years of age. The court should be required to review the case when the person reaches 24 or 25 years of age to

determine whether to grant early parole based upon the person's behavior and conduct while the person is in prison.]

B. Discussion Concerning Programs: Presentation from Bart Lubow, Director, Program for High Risk Youth, Annie E. Casey Foundation.

1. Need to redirect money from institutions to intervention programs that strengthen families and enable successful transition.
2. Several evidence-based programs have been found to work very well: multi-systemic therapy, functional family therapy and multi-dimensional treatment foster care. These programs focus on the family and seek to strengthen the family and its ability to deal with the child and the behavior of the child.
3. There are not many effective treatment models other than with mental health and substance abuse. Wraparound services are beneficial but require an interagency case planning approach to engage the family and the child in determining the type of intervention that is necessary.
4. Sex offender treatment suffers from a significant misunderstanding of adolescent sexual behavior. To impact public safety, we need to do better at distinguishing between genuine predatory sexual offenses versus inappropriate, but predictable, adolescent experimentation.
5. JDAI uses detention as an entry point to broad juvenile justice reform. JDAI tries to safely minimize reliance on secure detention.
6. Basic system reforms need to be considered by each jurisdiction to determine if there is some aspect that is not working.
7. Washoe and Clark Counties are the only sites in the country to have shown measurable improvements in racial disproportionality.
8. Every site must operate with a set of outcome indicators relative to youth being processed through the system.
9. Need to track the outcome of youth who enter the system – are they leaving with strengthened connections in the four domains that predict successful transitions: 1) Connection to caring adults; 2) Education and a connection to the labor market; 3) Positive social networks, connecting with the right peer group; and 4) Connecting juveniles with the appropriate services.
10. Discussion concerning rural counties, tracking juveniles into the adult system, and keeping children who are tried as adults in juvenile facilities, or separate detention facilities until they are adults.

11. Length of detention does not necessarily affect public safety or future adjustment. Rather, it is a policy decision.

12. Aftercare services require advance planning that should occur early so that services are available upon release.

C. Discussion Concerning the Adam Walsh Act

1. Assembly Bill No. 579 (2007) enacted provisions to address the requirements of the Adam Walsh Act. The Act provides for the registry of sex offenders and public notification of sex offenders.

2. Provisions of the Adam Walsh Act have been challenged in Clark County with respect to the application of the Act to juveniles. The retroactivity of the Act has also caused some concern as it applies to any person convicted since 1956. The automatic classification of offenders into tiers based on the offense committed has also caused some concern.

3. Federal funds that were at stake when A.B. 579 was passed no longer exist, though the Attorney General is working with others to try to restore these funds.

4. The U.S. Attorney General has not adopted regulations to assist States with understanding the requirements of the Act.

5. Some members of the Subcommittee noted that most juvenile sex offenders do not reoffend and that including juveniles does not necessarily impact public safety.

6. Attorney General, Catherine Cortez-Masto offered that her office is working to find ways to revise the law to make it serve the intent of the law, the needs of the public and the children involved.

[Recommendation: Support a Bill Draft Request to remove juvenile sex offenders from the requirements imposed by A.B. 579 and instead, return to the requirements that were in place before the effective date of that bill.]

D. Standardization of Assessment Tools

1. Mental health screening uses a standardized assessment tool as required by NRS. The Massachusetts Youth Screening Instrument (MAYSI II) is used.

2. Washoe and Clark Counties have also developed and adopted a risk assessment instrument to help with objective decision-making regarding detention admissions. The focus is on whether the youth is likely to flee and whether the youth is likely to commit another crime.

3. There is no standardized risk assessment tool for Nevada or for probation.

4. If funding was available, it would be beneficial to have a standardized tool for developing case management plans. However, the necessary services must be available or the value of such a tool may be diminished. Nevertheless, such a tool may be beneficial to quantify the needs that exist.

5. Subcommittee members indicated that more long-term study is necessary. There was some discussion concerning the establishment of an interim study of the issue.

E. General Discussion

1. Data Collection: DCFS would like to have custody of all juvenile crime data for the State.

2. Need for programs to offer family services and family engagement.

3. Need for greater collaboration among agencies to be able to provide a wraparound model.

4. Discussion concerning the development of an interdisciplinary committee.

5. Medicaid waivers may be necessary to allow for continuation of services to youth after detention.

6. Discussion concerning partnering with the university system and others to evaluate programs.

7. Need to demonstrate to the money committees at the Legislature the impact that programs have and how intervention programs will help reduce the rate of incarceration. More money needs to be reallocated to the juvenile justice system. Funding between the juvenile and adult systems should be more equitable.

8. More funding is necessary to avoid gaps in services that exist and which undermine the ability to create positive outcomes.

9. White Pine County lost funding for a regional rural detention facility because of budget cuts, however, it is still greatly needed.

10. Another idea was to reduce detention and place money saved into evidence-based programs.

[Recommendation: 1) Encourage the reallocation of funding to both the adult criminal justice system and the juvenile justice system to funding for evidence-based practices and programs that are focused on reducing recidivism and out-of-home placements of juveniles and the collection of data concerning such reallocation to determine the impact/outcome. The data should be reported by race, gender and ethnicity.

2) Provide support for the Bill Draft Request that is to be submitted to establish a funding formula for youth forestry camps with a delayed effective date of July 1, 2012.]

IV. Fourth Meeting: June 13, 2008

A. Department of Education Discussion of Dropout Rates in Nevada

1. Nevada has reliable data regarding dropouts through participation in the National Center for Education Statistics. The current rate is 5.7 percent.
2. The mobility rate in Nevada is very high at about 30 percent.
3. The dropout rate in Nevada is one of the highest in the country. This is in part because Nevada tracks and defines dropouts precisely and consistently.
4. Nevada has made significant efforts to reduce the rate of dropouts in Nevada but the transient population and the rigorous exit exam required in high school makes this challenging.
5. Nevada loses about 20 percent of the population from ninth to twelfth grade.
6. The best prevention strategy is teachers connecting to students. The Department of Education uses peer mediation/conflict resolution programs and is looking at peer mentoring, tutors, adult mentoring and other programs. The Department is limited by available resources. The best prevention program there is, however, does not cost anything. It is a relationship which takes effort. The Department also is trying to build partnerships to bring intervention to children as they need it, rather than after they fall out of the system.

B. Discussion concerning truancy in Nevada

1. Children who frequently miss school or who are truant are at higher risk of drinking, using drugs, getting low grades, dropping out of school, carrying a weapon and reporting sadness, depression, thoughts of suicide and feeling unsafe at school.
2. It is important not to criminalize these youth.
3. Need to find ways to re-engage youth. Washoe County has some successful intervention strategies, including peer mentors.

4. More alternatives are needed for 15 to 18 year olds who are dropping out of school. More technical training and vocational education programs are needed.

5. Judges can also exercise discretion to bring about change with children through their orders. For example, the judge can order a pupil to attend Saturday school or to participate in after-school and alternative education programs.

C. Presentation from Applied Analysis Concerning Mapping and Data Analysis in Southern Nevada: Applied Analysis was hired to perform a mapping and data analysis to assist Southern Nevada in determining the best distribution of funds to youth in need. The report is publicly available and was presented to the Subcommittee.

D. Reentry of Juveniles into Schools

1. Robert Henry, Director of Adult Education, Education Services Division, Clark County School District, discussed what happens to youth upon release.

2. Most detained youth are released to their high school campus. However, the expectations of such youth may be unrealistic.

3. Clark County School District has employed a transition specialist to assist youth to have a successful transition. Other districts do not have the benefit of such a position.

4. More support services to assist students in reintegrating to school is necessary if we expect them to be successful after institutionalization.

5. Clark County School District is trying to expand programming options to re-engage 17 to 19 year olds who have left school without earning a diploma. Using adult education, they can continue their education in a less traditional manner.

6. Money for adult education is available from the Distributive School Account and is based upon enrollment. It would be helpful if there were multiple count days rather than just one count day on the third Friday in September.

7. Models to address the needs of students upon release from detention must be reviewed. There must be adequate alternatives and fewer barriers to reentry.

E. Data Collection

1. The Nevada Juvenile Justice Data Collection is the database used at the Community Juvenile Justice Program. Information is collected quarterly from each county. The information includes county code, date of birth, gender, race, composition of household, referral source, type of offense charged, if detained, when released, disposition referral code, further court proceedings, petition, drug type,

committed/attempted conspired crime, disposition of petition, placement, gang affiliation and economic background.

2. Information by zip code was discussed and Fernando Serrano, Director, Division of Child and Family Services, Department of Health and Human Services, indicated that the Division would begin the process to collect information in that manner.

F. Other Related Matters

1. The Chair indicated a desire to continue meetings of this Subcommittee after initial recommendations are forwarded to the Advisory Commission on the Administration of Justice.

2. There was a discussion concerning the establishment of an interdisciplinary committee to address issues related to juveniles. This may be a statewide Children's Cabinet which is broad based to include all disciplines.

[Recommendation: Require this committee to consider:

- 1) Best practices and the manner in which to have the most impact on recidivism and the prison population;
- 2) Determinate sentencing;
- 3) Certification of juveniles as adults;
- 4) Transfer of juveniles to the adult criminal justice system;
- 5) Programming for juveniles;
- 6) Continuation of services to juveniles who enter the juvenile justice system;
- 7) Outcomes of juveniles; and
- 8) Racial disparity in the juvenile justice system.]

3. There was some discussion concerning supporting the implementation of the JDAI throughout the State.