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Missouri: Fewer Inmates, More Probation

Before Missouri courts began using a system of recommended sentencing encouraging judges to issue more lenient penalties for nonviolent offenders and incorporate probation instead of incarceration when feasible, the state prison population was at an all-time high. Two years later, the prison population has decreased, defying national trends, although a side effect is more people on probation than ever before, according to Brian Hauswirth, spokesman for the Department of Corrections.

Missouri now leads the nation in prison population decline, and is one of only eight states to have a decrease in the number of people behind bars, according to the U.S. Department of Justice. In October 2005, the prison population in Missouri was

30,650. In just two years it dropped by about 865 people, according to a biennial report from the Missouri Sentencing Advisory Commission.



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Although Hauswirth said 38.9 percent of people on probation in the past 12 months returned to prison within the year, the majority committed violations of their sentence rather than repeated the same criminal behavior. Recidivism rates have actually dropped, with 1.2 percent fewer people committing the same types of crimes for which they were sentenced. "We believe a lot of that has to with re-entry programs," Hauswirth said. The Missouri Sentencing Advisory Commission found in a study that when the recommended sentence called for



probation, and a judge assigned an actual punishment of prison, the rate of repeat offenders was much higher than in cases where the actual sentence was probation when incarceration was recommended. "The study confirms statistically what we intuitively believed: that public safety is enhanced when judges statewide follow the recommended sentences," said commission chairman and Supreme Court judge Michael A. Wolff in a prepared statement.

When former Gov. Bob Holden introduced the recommended sentencing system as a pilot program in 2003, the idea was to promote consistency and fairness in sentencing, Hauswirth said. Before the system was introduced, sometimes a judge in one county would issue a sentence of one year where a judge in a different county might impose a much longer sentence for the same crime, Hauswirth said. Judges can now use the recommended sentence as a guideline, although the ultimate decision is still theirs. "Our probation officers and judges deserve a lot of the credit; they make very difficult decisions," Hauswirth said.



Probation and parole officer Jim Plassman in his Cape Girardeau office. With almost 35 years' experience, Plassman has figured out how to handle the 65 to 75 cases he works on in Bollinger County.

The commission currently has nine active members and includes political and judicial representatives as well as private citizens. Its recommended sentences are incorporated into the sentence assessment reports probation officers are required to supply to judges, along with the Department of Corrections method of analyzing risks of reoffending. The

dominant factors that go into the sentencing assessments are prior convictions and the nature of the offense, said Willard Edwards, district administrator of the local Probation and Parole Board office. Age, employment, probation or prison history, and substance abuse problems are also considered when calculating the reports. Locally, the differences between the recommended sentences and actual sentences are relatively small, Edwards said. "Our judges do a good job of evaluating people at the time of the sentencing," he said.

Edwards said he hasn't seen an overwhelming effect of the recommended sentencing program on the workload of probation officers in Cape Girardeau. Statewide, that is not the case, however. "Caseloads have certainly jumped," Hauswirth said. As of June 30, there were 69,662 people on parole, as opposed to only 63,251 five years ago. The number has increased by nearly 18,000 in the last decade, Hauswirth said. "It did increase recently, but so far we've been able to manage it," said Edwards.

On the other hand Ohio passes 50,000

Ohio's prison population has topped 50,000 for the first time, in part because of an influx of nonviolent offenders, most of whom do a short amount of prison time on drug charges, officials said. The state reported a record high 50,016 inmates on Tuesday and is projected to have more than 52,000 a year from now. Female short-term prisoners are pushing capacity more quickly than male prisoners, said Terry Collins, director of the Ohio Department of Rehabilitation and Correction. About 70 percent of women are in prison less than one year, and half stay less than six months, according to department figures. "We're seeing so many people churning in the system," Collins said. "Some of them are coming into the system and being released in two weeks."



The state's 32 prisons - including two that are privately run - are built to hold 37,610 beds. Cells have more people than they are designed for, and thousands of inmates bunk in unusual quarters, like recreation rooms and dormitory common areas. The most crowded prison was Lorain Correctional Institution, at 263 percent capacity. The state also has fewer officers. Last month, there were 7,195 corrections officers, almost 500 fewer than in 2001. "It's becoming a health and safety hazard," said Tim Shafer, president of the officer's union. "If the state of Ohio continues to pass laws and lock people up, then the state of Ohio is going to have to write the check to pay for putting more people behind these walls." Collins said he doesn't believe any of the state's prisons are at a "boiling point" that could lead to a riot like the one in 1993 at the Southern Ohio Correctional Facility near Lucasville. Ten inmates and a corrections officer were killed in the turmoil.

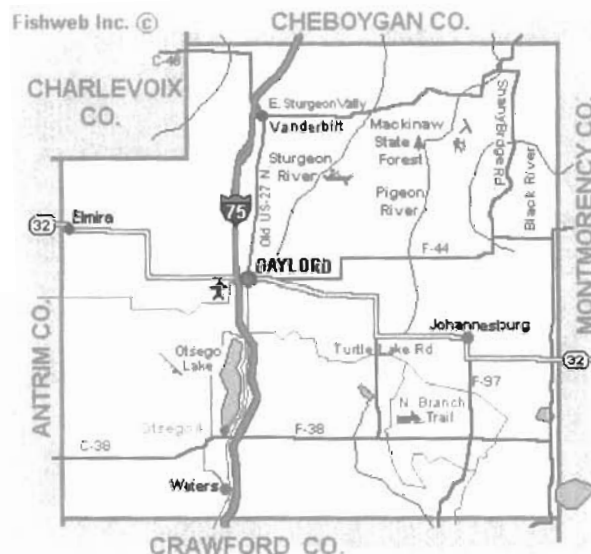
The state Legislature is considering several options to deal with the influx of prisoners, including the possibility of reopening or reusing the Lima Correctional Institution. The prison was closed in 2004 as a cost-cutting measure by then-Gov. Bob Taft.

Michigan county transitions jail

Even though all of the details are not yet firm, Otsego County, Michigan, officials are making progress in their plans to replace the Transition House (T-House) with a work-release day facility. The Jail Technical Committee learned at a meeting Tuesday the county has budgeted \$75,000 to run the facility in 2008.

Grant funding for the T-House is expected to run out by the end of 2007, Goodwill officials have indicated. Last week, the Otsego County Board of Commissioners approved \$14,000 to keep the facility open through December. "We have funding to keep

it (the T-House) open to the end of the year and plans to keep it open as a day-reporting facility," Otsego County Sheriff James McBride said at Tuesday's meeting. As much as officials would like the T-House to remain a 24-hour facility as it functions now, there is not enough funding available to continue that, they said. "We must be as creative as we can to keep it open," Rudi Edel, 46th Circuit Trial Court administrator, told committee members. "We need to keep it open as a relief valve for the jail." The 34-bed Otsego County Jail has been plagued by chronic overcrowding.



In an update from McBride, the committee learned the new plan calls for the facility to open around 7 a.m. for check-in and any drug testing that may be required. Participants then would go to jobs if they are working or go out on a work-release detail and return to the facility in the evening. There they would participate in counseling and GED or other study sessions, then return to their private residences overnight. The plan further calls for four part-time corrections officers to work from the sheriff's department to supervise the work-release program, and a part-time clerical worker who will come from the 46th Circuit Trial Court to supervise morning check-in and the drug tests. Funding for the four corrections officers and the clerk will total



\$68,457 and come from the \$75,000 work-release program budget.

McBride said participants charged with nonviolent misdemeanors or nonviolent felonies will be eligible for the new program. Edel said the program will serve an estimated 12 to 16 people. The T-House has a capacity of 18 to 20.

How to survive without new jails

The following Viewpoint by Marc Levine appeared in the Houston Chronicle:

Harris County, Texas, voters gave their blessing to most of the bond proposals on the November ballot, but 51 percent took issue with the county's \$245 million request for two new jails. The question now becomes, "what next?" No one wants to see dangerous offenders released without proper supervision. Fortunately, there are solutions for addressing this capacity crisis that protect both public safety and taxpayers' wallets.

A new Texas law allows law enforcement officers the discretion to issue citations, instead of making an arrest, for some of the lowest-level misdemeanors. Issuing citations with notices to appear does not reduce the ultimate punishment for these offenses, which include driving without a license and possession of an ounce of marijuana, but it could divert tens of thousands of these pretrial detainees from the Harris County Jail every year. This also keeps more police on the beat when officers are spared the three- to four-hour process of booking a suspect into jail. The Sheriffs' Association of Texas and the Combined Law Enforcement Association of Texas both supported this law. While other counties are successfully implementing it, Harris County District Attorney Chuck Rosenthal has said he will not prosecute cases in which police issued citations for such offenses. Law enforcement agencies and officers in Harris County should be able to exercise

the discretion given to them by the Texas Legislature with confidence that the citations they issue will be fully prosecuted.



As of Oct. 1, the Harris County Jail's inmate population included about 1,000 first-time offenders — more than four times any other county — serving sentences for possessing less than a gram of a controlled substance. A 2003 state law mandates probation for these state jail felony offenders, but Harris County prosecutors have instead invoked another law that allows them to reduce the felony charge to a Class A misdemeanor, which still allows up to one year of county jail time on local taxpayers' dime. As of Sept. 20, another 411 inmates in the Harris County Jail awaited trial on misdemeanors. Many have no prior offenses but cannot afford to post bail. If the person is not a flight risk, they should be offered a less costly personal bond. Public safety, not an offender's financial means, should guide public policy.

Jail overcrowding can also be reduced by offering victim-offender mediation for first-time, nonviolent property offenders. A survey of burglary victims found that 81 percent wanted restitution, but only 41 percent wanted the offender jailed. The victim and the offender can voluntarily choose to enter an agreement for the offender to make restitution and perform community service in lieu of jail time. It's certainly not for every offender or type of offense, but it makes sense in cases like graffiti and stealing a compact disc from a car. Probation reform can also reduce jail overcrowding. Currently, 43 percent of offenders charged with misdemeanors for first- or



second-time drunk driving choose the Harris County Jail over probation. As odd as that seems, it allows them to avoid probation fees and end their case in a month or two instead of two years. One way to encourage more offenders to choose probation would be to increase the availability of early termination for probationers who have fulfilled all their terms and whose conduct has been exemplary.

Another promising avenue is work release, particularly when paired with electronic monitoring. Using GPS technology, probation officials can verify that a person is at work, whether in a factory or picking up trash for the Texas Department of Transportation. Work release is actually a better deterrent than jail time, as a recent survey indicated that offenders would rather spend eight months in prison than two months in work release.

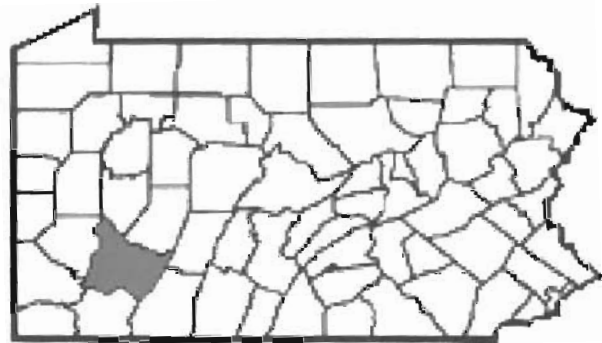
If, after all of that, Harris County still needs more jail beds, it can rent beds from private operators and other counties or offer a less costly bond measure for a smaller new facility. Jails are a necessary evil that costs taxpayers about \$77,000 for every new bed. Instead of just building more boxes, county officials should think outside the cell and implement best practices that relieve jail overcrowding without endangering the public.

COMMUNITY CORRECTIONS

PA County moves toward day-reporting

Westmoreland County, Pennsylvania, officials said Monday that a program used in other parts of the state could be considered to divert as many as 200 inmates from the county prison. Officials are

considering installing a day-reporting program in which criminal offenders would be sent to counseling services, drug and alcohol treatment and other forms of oversight in lieu of being sentenced to the county lockup. The program is modeled after one being used in Franklin County. "If there is an opportunity to fulfill treatment needs and do it more economically we're going to explore those options," said Westmoreland County Commissioner Tom Balya, a member of the county's prison board.



The inmate population at the county jail has ping-ponged this year. At the start of 2007, members of the prison board, at the urging of Warden John Walton, considered options to ease overcrowding at the 15-year-old facility. The number of inmates at the jail had come dangerously close to capacity. The jail can house up to 691 inmates. As the year went on, the number of inmates at the jail decreased. Last month, there was an average of 563 inmates housed in the county lockup. Still, officials expect the inmate population to increase eventually. Prison staff yesterday submitted a report to the board that recommended further study of the proposed day-reporting program. Karen Dickman, the jail's population monitor, said as many as a third of the facility's inmates would be eligible for the diversionary program, saving the county the \$55 a day it costs to house each inmate.

Offenders eligible for the program include new parolees and probationers as well as some pre-trial detainees. Early discussions suggest the county is looking to make use of service providers who already are working with the local court system in providing treatment and counseling for drug and



alcohol offenders. Probation officials said that program could be expanded and broadened for the day-reporting system, should it be approved by prison board members. "We could use existing sites throughout the county so people won't have to travel to Greensburg," Dickman said.

Michigan county to expand alternatives

More help is on the way to prevent crowding in the Lenawee County, Michigan, Jail next year. Three programs aimed at replacing jail time with training and employment are to be launched in January through the Lenawee County Community Corrections Department, said coordinator Al Navarro. The challenge has been to find ways to do more at the county level without additional state funding. Michigan Department of Corrections spokesman Russ Marlan said there was concern that community corrections efforts might be reduced in the struggle to balance the state budget for the current year. "We were fortunate we did not receive any cuts to our budget," Marlan said. But that also means no money is available to help counties do more to keep people from going to jail or prison. "I'm not expecting anything from anybody," Navarro said. "I know I've got to run my own programs."

A day report program that stalled out last year for lack of money is being redesigned to handle more people at less cost, Navarro said. Under that program, inmates are released from jail and report in each day to monitor their behavior and push them to find work or get job training. The day report program used up its budget in February last year after serving only about 35 people, Navarro said. A new design is being worked out with county probation and state community corrections officials that he believes will allow 100 people to be released from jail during the year. Another initiative targets people who are unable to post bonds while awaiting

prosecution and sentence. A proposed pretrial services program, Navarro said, will identify people who are not a safety risk but are in jail because they cannot come up with bonds of as little as \$100. They can instead be attending treatment programs and seeking work, he said. Details of a pretrial services program are being worked out by probation officials, judges and a representative from Lenawee Development Corp., which provides monitoring and residential placement services to the courts.

Options for an electronic tether system will be included in the pretrial services program, said Jim Daly of Lenawee Development Corp. at last week's meeting of the county's community corrections advisory board. A program that simply provides twice-daily alcohol testing could be enough to get some people out of jail and into more beneficial activities, said District Judge James E. Sheridan, board chairman. A third program Navarro expects to put in gear during January is one that puts jail inmates through classes where they are taught how to evaluate choices and steer away from future encounters with law enforcement. Two classes in the Moral Recognitive Therapy (MRT) program were taught in the jail last year when limited funding was available, Navarro said. Eighteen of the 20 inmates successfully completed the classes and none of them has yet gotten into trouble again with the law. "Every one of them called and said it was the best thing that ever happened to them because they didn't understand the choices they had," Navarro said. The program helps offenders understand why they made bad choices and how to avoid those mistakes, he said.

Navarro is planning to use revenue generated through the growing hard labor program to pay the bills to revive MRT classes in the jail. Participants in the county's alternative hard labor program pay a small fee as well as the agencies and organizations that contract for the labor. The program is bringing in more money than it costs to operate, he said. And demand for county hard labor crews has shot up since state prison work crews were suspended in August in a cost-cutting move by the Michigan Department of Corrections. Navarro said he is



hoping results from the expanded programs will turn into more state funds next year when Lenawee County's community corrections grant agreement with the state is up for renewal. "If we could get more money and double our programs that wouldn't be bad," Navarro said, especially if it helps keep the jail population on a downward trend. Numbers have been dropping since August when daily counts went as high as 284 at the 287-bed facility and 18 inmates were turned out early. Average daily counts fell from 261 in August to 257 in September and 247 in October.

RE-ENTRY

Ironworkers' training program in California

The California Prison Industry Authority (PIA) has teamed up with Ironworkers local 118 to create an apprenticeship program in Folsom to prepare inmates for professional careers as tradesmen when they are released on parole.

Under a formal agreement between the PIA and the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, inmates will receive the same year-long pre-apprenticeship training provided to other aspiring craftsmen, taught by a journeyman ironworker and union member. When graduate inmates are paroled, they will be enrolled in union apprenticeship programs throughout California. "If we can offer these people a career in the construction business that pays good wages with benefits, not just a job, these people will not come back to prison," John Rafter, business manager for the union, said in a news release.

The PIA will provide inmates with the basic tools needed for the first day on the job and pay their union dues for one year to help them financially

during the transition. The program will be conducted at the PIA's facility on the outskirts of Folsom Prison, where inmates will learn about safety laws, basic construction requirements and welding techniques. The ironworkers training program is modeled after a successful and similar PIA program that has graduated about 120 inmates into carpentry apprenticeships in the past year at Folsom Prison. Preliminary data from that program indicates that 16 percent of the graduates have committed new crimes and been returned to prison, far below the 70 percent recidivism rate for the general prison population.

INMATE HEALTH

County medics go 24/7

Ramsey County, Minnesota, will offer round-the-clock medical care on-site at its main jail, the County Board decided today, a month after an inmate died there when his diabetes apparently went untreated for days. Randy Gallmeyer, 46, died Oct. 22, after he was found unresponsive in his cell. He had been offered and refused blood sugar tests immediately after his arrest in St. Paul but apparently wasn't checked the next evening, as his condition grew more grave - and despite a personal plea from his mother that he be looked after. "We do not want an incident like this to happen again," Commissioner Rafael Ortega said. "This is not to put the blame anywhere. It's just about making sure that we run an efficient and effective service."

Five colleagues joined him to vote to approve a \$163,000 budget adjustment that would pay for another nursing shift, from 10 p.m. to 6 a.m. nightly. Four nurses currently attend inmates at the jail during day and evening shifts. Only Commissioner Janice Rettman dissented, citing an investigation into the matter and saying she would like to wait and see what a systematic study said about medical



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care at the detention center and address the matter more wholly. "I don't want to do this in a vacuum, where some procedures may prove more invaluable than just staffing," Rettman said. The dead man's father, Bernie Gallmeyer, of West St. Paul, agreed, saying his son's death underlined the need for more jail staff, at the least. "They should have done that a long time ago," Gallmeyer said of the board's action today. "But there's a lot of things that need to change down there, because this is just hell." He said he and his wife, Nora, have heard from others who say staff at the jail responded inadequately to their medical needs. The couple have hinted they would file a wrongful death suit in the matter, and sources with knowledge of the situation said today a settlement offer already is on the table. Law caps the county's exposure at \$300,000, according to Darwin Lookingbill, assistant county attorney.

Sheriff Bob Fletcher, who runs the jail, said he hopes Gallmeyer's death spurs more systemic changes, like better training and licensure for correctional officers and better internal systems to compensate for inmates' separation from their families and friends. "You don't have that patient advocate speaking for you when you're in custody," He did concede that his deputies bore some blame for the death, though he maintained that, on the whole, "you're still safer in the Ramsey County Jail than you are on the street." Public health director Rob Fulton, whose department operates the jail nursing program, said medical care at the detention center is evolving.



Sheriff Bob Fletcher

The county now spends about \$4 million annually on inmate health care - much of it for transport to and care at nearby Regions Hospital. There were 40 such transfers in the most recent quarter of the year. Money for the additional care in the jail likely will come not from county taxpayers but from another revenue stream also the subject of recent County Board discussion: boarding fees from additional prisoners placed in the jail by U.S. Immigration and Customs Enforcement agents. Last December, county officials had briefly considered refusing to take custody of illegal immigrants pending administrative action. The county collects about \$2 million annually, almost 10 percent of the facility's annual budget, from the federal government to house the detainees.

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This document was presented in the 2005 Legislative Session by the Nevada Association of Juvenile Justice Administrators as a response to AB 329.

**JUVENILE JUSTICE COMMISSION WORK STUDY GROUP
BLENDED SENTENCING INFORMATION MEMO**

Through the 1980's and 1990's, the United States saw a dramatic increase in the number and severity of violent crimes committed by minors. This caused many communities to question whether their juvenile justice systems were equipped to effectively address violent juveniles. Several states moved away from the rehabilitative nature of juvenile sanctions, enacting statutes requiring or allowing imposition of adult sentences on violent juvenile offenders. While the nationwide rate of violent juvenile crime has decreased in recent years, sentencing changes cannot be credited. Bill Draft Request 5-66, to be considered by the 2005 Nevada Legislature, proposes substantial changes to juvenile criminal sentencing, similar to those mentioned above, through adoption of blended juvenile sentences.

Blended sentencing and Extended Jurisdiction Juvenile (EJJ) are two terms used interchangeably, although they represent slightly different but overlapping sentencing models. Blended sentencing is a system allowing the juvenile court to impose juvenile sanctions, followed by an adult sentence. The adult sentence is suspended and imposed only if the juvenile does not comply with the juvenile sanction. EJJ is a system whereby the juvenile court retains jurisdiction over a juvenile beyond the age of 18, usually until the age of 21. The juvenile court is able to require the juvenile to continue to participate in services past the age of 18, if it finds that circumstances warrant continued monitoring.

While all 50 states currently use some form of blended sentencing or EJJ, a handful of states have enacted comprehensive sentencing laws that combine the two systems. In these states, juvenile offenders can generally be sentenced in one of five ways: 1) the juvenile court can impose either a juvenile or adult sentence (NM); 2) the juvenile court can impose both a juvenile and adult (usually suspended) sentence (MI, MN, CO, KS, MT); 3) the juvenile court can impose both a juvenile and adult (not

suspended) sentence (CO, TX, SC, MA); 4) the adult criminal court can impose either a juvenile or adult sentence (CA, FL, OK, VA, ID); or 5) the adult court can impose a juvenile and adult sentence (AK, IA, MO). These blended sentences do not exclude the possibility that the juvenile offender may alternatively be certified to adult court.

Alternatively, Wisconsin and New Hampshire have defined Aadult@ for the purpose of criminal prosecution to be anyone 17 years of age or older.

Currently in Nevada, the juvenile court has a form of extended jurisdiction allowing it to impose sanctions until the juvenile reaches the age of 21. Sanctions include several forms of services, but do not generally include incarceration. See Attachment A for a comprehensive list of available services.

The original intent of blended sentencing/EJJ was to reduce the number of juvenile offenders being certified into adult court by granting the court discretion to impose suspended adult consequences on juvenile offenders who had committed serious offenses, but who did not appear to be beyond rehabilitation. This sentencing model was intended as a last resort alternative for the worst of the worst violent juvenile offenders. Statistics show, however, that the number of adult certifications has not been significantly reduced, because blended sentences are permitted as a consequence for most felonies, not only violent ones, it is broadly used as a plea bargaining tool for lesser felonies. As a result, the number of juvenile offenders who face adult prison time through blended sentences and certification has substantially increased.

An unintended consequence has also emerged. Generally any non-compliance with the juvenile sanction results in the imposition of the adult sentence. For instance, if a juvenile offender who is subject to a blended sentence later commits another minor offense, such as shoplifting (not in-and-of itself eligible for blended sentencing), the adult sentence is imposed. When this unintended consequence is combined with the increased number of juveniles subject to adult sentences it is possible that a juvenile may be remanded to adult prison for committing a non-certifiable felony and a minor parole violation. These juveniles cause additional strain on the adult prison system. More importantly, incarceration tends to result in the loss or outright reversal of some of the benefit of the rehabilitative services provided during the juvenile sentence.

In addition to the above-outlined drawbacks of these sentencing systems, blended sentencing/EJJ does not appear to decrease the incidence of violent juvenile crime. Recent studies conducted by and through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) indicate that family involvement, combined with school and community programs which address violence head on, commonly referred to as Aup-front services@ are most likely the cause of the recent reduction in violent juvenile crime. Viewing blended sentencing/EJJ as a whole, it appears that implementation increases the number of juvenile offenders eligible for and incarcerated in the adult prison system, decreases efficacy of existing juvenile prevention programs, and does nothing to decrease the incidence of violent juvenile crime.

Research Documents

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Hofstra- Law Review 2000
2. 2. When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases
Gene Siegal and Rachael Lord
NCJFCJ / OJJDP, June 2004
3. 3. Blending Sentencing in Minnesota: On Target for Justice and Public Safety?
Fred L. Cheesman II, PhD, Project Co-Director; Thomas Cohen (2000-2001); Denise Dancy; Matthew Kleinman, PhD, National Center for State Courts; Heidi Green, Project Co-Director; Minnesota Supreme Court, and State Courts Administrator=s Office NCSC/OJJDP/SJI
4. 4. The Back-Door to Prison: Waiver Reform, ABlended Sentencing,@ And The Law of Unintended Consequences

Marcy R. Podkopacz and Barry C. Field

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5. 5. States New Blended Sentencing Schemes in the Juvenile Court
Richard E. Redding, J.D., PhD
Juvenile Forensic Evaluation Resource Center, 2000
6. 6. Update on Blended Sentences
Greg Jones and Michael Connelly, PhD
State Commission on Criminal Sentencing Policy, June 2001
7. 7. Trying and Sentencing Juveniles as Adults: An Analysis of State Transfer
and Blended Sentencing Laws
Patrick Griffin
NCJJ/OJJDP October 2003
8. 8. Juveniles Facing Criminal Sanctions: Three States the Changed the Rules
Patricia Torbet, Patrick Griffin, Hunter Hurst, Jr., Lynn Ryan MacKenzie, Ph.D,
US Department of Justice, OJJDP, April 2000

The Nevada Association of Juvenile Justice Administrators and the Work Study Group of the Nevada Juvenile Justice Commission agreed that ***AB329 Revises Provisions Governing Juvenile Justice 2005*** may be problematic, despite its discretionary nature, for the following reasons:

AB329 changes the current structure of the Juvenile Court System by allowing for the imposition of juvenile determinate sentencing consequences. Nevada, as many states, had thus far subscribed to the concept that children in juvenile court, are appropriately consequented and rehabilitated consistent with their cognitive and

emotional developmental stages. There is insufficient research to support the superior effectiveness and deterrent value of determinate sentences for juveniles.

AB329 authorizes placement of children 16 and older who are sentenced in the Juvenile court to an adult facility. There currently is no research or justification for the benefit or need for such a facility for children in the juvenile justice system. (Creating a facility for young offenders in the adult system is highly desirable.) Recognizing sight and sound provisions will be made to separate such children from the adult system youthful offenders, there remains concern for the juvenile court placing juveniles into the adult prison system to be supervised by the adult Director of Corrections. The National Youth Law Center has expressed concern that such commitments may be unconstitutional without the child being afforded a right to a jury trial.

AB329 will broaden the time and therefore the number of all children who are detained in or committed to institutional settings. Juveniles currently are committed to state training camps for an indefinite period of time to accomplish rehabilitation. County Detention centers currently detain committed children until spots are available at DCFS training camps. Upon passage of this legislation, children who have committed certain felonies may be committed into training camps for periods of up to 3 years. The number and impact of such long-term commitments, on DCFS as well as on the counties who hold committed children until training camp spots become available, has not been evaluated. However, the longer a child is committed to a training camp, the longer a committed but detained child must wait in a county facility for a spot to become available with DCFS. The logistical and financial impact of this bill on all aspects of state and county juvenile justice providers requires more review.

Recommendations by the ACR 18 report on Interim Study of the Juvenile Justice System, 2005, Legislative Counsel Bureau Bulletin # 05-6 page 17, considered and refrained from making alternative sentencing recommendations for juveniles until sophisticated research and thorough evaluation could be accomplished to guide the Nevada Legislature on these important public safety, juvenile sanctions and rehabilitation issues.

The membership of the Nevada Association of Juvenile Justice Administrators supports this position and would offer their expertise and resources to continue the research and evaluation to establish policy in the crucial area.

Scott Shick

Past President NAJJA

Douglas County Nevada