

**MINUTES OF THE MEETING OF
THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
TO STUDY THE SYSTEM OF JUVENILE JUSTICE IN NEVADA
(Assembly Concurrent Resolution No. 13)
November 4, 1999**

The first meeting of the Legislative Commission's Subcommittee to Study the System of Juvenile Justice in Nevada (A.C.R. 13) was called to order by Senator Valerie Wiener, on Thursday, November 4, 1999, at 9:30 a.m., in Room 4100 of the Legislative Building, Carson City, Nevada. This meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4401, Las Vegas, Nevada.

SUBCOMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator Valerie Wiener, Chairman
Senator Lawrence E. Jacobsen
Senator Joseph M. Neal, Jr.
Senator Maurice E. Washington
Assemblyman Bernie Anderson
Assemblyman John C. Carpenter
Assemblywoman Jan Evans

ADVISORY MEMBERS PRESENT IN CARSON CITY:

Robert S. Hadfield
Judge Robert E. Gaston

SUBCOMMITTEE MEMBERS PRESENT IN LAS VEGAS

Assemblyman Morse Arberry Jr.

ADVISORY MEMBERS PRESENT IN LAS VEGAS:

David F. Bash III

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Larry L. Peri, Senior Program Analyst
Mark Stevens, Assembly Fiscal Analyst
Juliann Jenson, Senior Research Analyst
Kevin Powers, Senior Deputy Legislative Counsel
Jeanne Peyton, Secretary

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OTHERS PRESENT IN CARSON CITY:

Pete Bachstadt
Kathy Bartosz, Division of Child and Family Services (DCFS)
Sherry Blackwell, Budget Division
S. Brennan, Rite of Passage
Kirby Burgess, Clark County Family and Youth Services (CCFYS)
Debbie Cahill, Nevada State Employees' Association (NSEA)
Larry Carter, DCFS
Barbara Caskey, Bureau of Alcohol and Drug Abuse (BADA)

Lynda Dill, Administrative Office of the Courts
Denise Everett, SageWind
Raymond J. Finnegan, Douglas County Juvenile Detention
Linda Fitzgerald, Governor's Office
Bobbie Gang, Nevada Women's Lobby
Stephen T. Grund, Churchill County
Diedre Hammon, Cadre
Steve Hanrahan, CCFYS
Peg Hellman, BADA
Dorothy Nash Holmes, Office of the Attorney General
Lawrence Howell, Rite of Passage
Frankie D. Lemus, SageWind
Bill Lewis, Carson City Juvenile Probation
Steve Mathews, Western Nevada Regional Youth Center
Captain Jim Nadeau, Washoe County Sheriff's Office
Stan Olsen, Las Vegas Metropolitan Police Department
Paul Oberhansli, Mineral County
Sandi Oberhansli, Mineral County
Patricia Plaster, Elko County Juvenile Probation
Leonard Pugh, Washoe County Juvenile Services
Annie Rees
Alicia Smalley, National Association Social Workers
Willie Smith, DCFS
Charles Steele, Lyon County Juvenile Probation
Steven Thaler, China Spring Youth Camp
Maggie Tracey, DCFS
Marci Wehry, Nevada Empowered Women's Project

OTHERS PRESENT IN LAS VEGAS:

Al Crosby
K. Anthony Edwards, Caliente Youth Center
Sidney J. Franklin, Clark County School District
David Gibson, Clark County Youth Center
Fred Gillis
Bruce Kennedy, Youth Parole
Chuck Pyle, Caliente Youth Center
Colleen Wilson-Pappa, Clark County

EXHIBITS:

- Exhibit A is the Meeting Agenda and Packet.

Exhibit B is the Attendance Record.

Exhibit C is a brief overview of the bills and resolutions enacted by the 1999 Legislature, provided by Kevin Powers, Senior Deputy Legislative Counsel.

Exhibit D is a color brochure of Spring Mountain Youth Camp, provided by Kirby L. Burgess, Director, Clark County Family and Youth Services

Exhibit E is a brochure of China Spring Youth Camp, provided by Steven J. Thaler, Director.

ROLL CALL

Chairman Weiner called the meeting to order at 9:30 a.m. and roll was called.

INTRODUCTIONS

The Chairman noted that as a continuation of the A.C.R. 57 Subcommittee of the 1997-1998 interim, the agenda for today's meeting was lengthy. She commented that she was pleased with the composition of the Subcommittee and noted that it would be an active and intensely involved group. She said that the legislators participating in the Subcommittee have a profound expertise in the field of juvenile justice and will be providing a lot of experience to the subcommittee.

Chairman Wiener noted that the advisory members were invited by her to participate as advisors to the Subcommittee. She explained that the advisory members will attend the meetings to render counsel to the Subcommittee, but would not be voting members. She introduced the advisory members as follows:

- David Bash III, who participated in the A.C.R. 57 Subcommittee, is the retired Chief of Youth Parole for the Division of Child and Family Services (DCFS). He now does consulting work in the juvenile justice field.
- Robert S. Hadfield, Executive Director of the Nevada Association of Counties, also has expertise in this field, participated in the A.C.R. 57 Subcommittee and is involved in the work study group of the Juvenile Justice Commission.
- Judge Robert E. Gaston, Eighth Judicial District Court in Clark County, handles the majority of juvenile cases for the court and has a strong interest in the work of the Subcommittee. Judge Gaston will act as a liaison between the courts and the Subcommittee.

Continuing, Chairman Wiener thanked the legislative staff for their great work. She noted that Jeanne Peyton is the Committee Secretary and has already helped with some items this morning. She introduced Mark Stevens, Assembly Fiscal Analyst, Fiscal Analysis Division; Kevin Powers, Senior Deputy Legislative Counsel; Juliann Jenson, Senior Research Analyst, who also serves as the primary staff for the Commission on School Safety and Juvenile Violence; and Larry Peri, Senior Program Analyst, Fiscal Analysis Division, who served as the key staff person to the A.C.R. 57 Subcommittee and will also provide assistance to this Subcommittee. She noted that Mr. Peri would be reviewing Assembly Concurrent Resolution No. 13 (File No. 139, *Statutes of Nevada 1999*), which established the Subcommittee to Study the System of Juvenile Justice in Nevada.

Before Mr. Peri began, the Chairman read the rules for videoconferencing.

REVIEW OF ASSEMBLY CONCURRENT RESOLUTION NO. 13 (FILE NO. 139, STATUTES OF NEVADA 1999)

Larry L. Peri, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau (LCB)

Mr. Peri advised that a copy of A.C.R. 13, as passed by the 1999 Legislature, was included in the members' packet following Tab C of Exhibit A.

Senator Neal interjected and added that A.C.R. 13 states that any action taken by the Subcommittee for submission to the Legislative Commission, must be taken by a majority of the senators and a majority of the assemblymen present.

The Chairman further noted that it is her opinion that the Subcommittee should not weigh its efforts and successes by the number of bill draft requests it submits. She further advised that if there are laws in place that are no longer effective or have become outdated, they could be repealed.

Continuing, Mr. Peri said that A.C.R. 13 directs the Legislative Commission to continue the study of the System of Juvenile Justice in Nevada. He noted that it was indicated by the Chairman that this is a continuation of the A.C.R. 57 study, which was completed during the 1997-1998 interim period. Assembly Concurrent Resolution No. 13

allows the Subcommittee to appoint an advisory committee, which Chairman Wiener has already commented on. Mr. Peri said that according to A.C.R. 13, the study may include, but is not limited to the 14 items listed on pages 3 through 4 of the meeting packet (see Exhibit A). For the most part, noted Mr. Peri, the 14 items specifically charge the Subcommittee to conduct a follow-up of the recommendations that were made by the prior A.C.R. 57 Subcommittee. In his opinion, Mr. Peri said that it was not necessary to go over each item because he would be reviewing each of the recommendations under agenda item D and reports would be heard on a portion of the recommendations following his testimony. He added that the Subcommittee was required to submit a formal report to the 71st Legislature in 2001.

REVIEW OF ASSEMBLY CONCURRENT RESOLUTION NO. 57
(FILE NO. 152, STATUTES OF NEVADA 1997) FINAL RECOMMENDATIONS

Mr. Peri informed the Subcommittee that Agenda Item D (Exhibit A) is a list of the 15 recommendations that were taken from the final report, which was recently mailed to the members. He noted that the final recommendations were approved by the A.C.R. 57 Subcommittee, due to the assistance received from James C. “Buddy” Howell, Ph.D. With sponsorship from the National Conference of State Legislatures, the Subcommittee was able to retain Dr. Howell and secure his assistance in developing a blueprint for the beginning stages of developing a comprehensive juvenile justice system in Nevada.

Referring to page 6 of Exhibit A, Mr. Peri said that the second paragraph details Dr. Howell’s experience. It is noted that Dr. Howell worked at the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the U.S. Department of Justice for 20 years, primarily as the Director of OJJDP’s Research and Program Development Division. Dr. Howell retired from that organization in 1995 to pursue his own research and writing and to work with states and cities on improving their juvenile justice systems. Mr. Peri stated that prior to his visit to Nevada, Dr. Howell reviewed numerous materials. His review included earlier interim studies, needs assessment reports that had been completed earlier for the State of Nevada, *Nevada Revised Statutes*, the Juvenile Code, etc. Dr. Howell conducted a pre-planning meeting in Nevada with legislators and key members of Nevada’s county and state juvenile justice system and other subject matter experts. Continuing, Mr. Peri noted that this preparation and effort culminated in an April 1998 presentation by Dr. Howell to the A.C.R. 57 Subcommittee to review issues that could be considered in developing a comprehensive plan for juvenile justice in Nevada. The resulting product, a Recommended Nevada Phased Plan follows on pages 8 and 9 of Exhibit A, is the outline followed by the Subcommittee in determining the recommendations to the 1999 Legislature.

According to Mr. Peri, Dr. Howell suggested that the Subcommittee consider making recommendations in three distinct time frames, including those that could be: (1) considered immediately, (2) considered within the next two years, and (2) considered within the next two to ten years. Beginning with background information on the first recommendation, Mr. Peri noted that the Subcommittee considered significant testimony and on several occasions discussed the need for consistent placement instruments at all levels within the juvenile justice system. Dr. Howell recommended that Nevada consider developing consistent placement instruments immediately to assist in relieving overcrowding in both county detention and state correctional facilities and to ensure that juvenile offenders are committed to the most appropriate facility or program. The three instruments recommended for the Subcommittee to consider were:

- Detention Placement;
- Probation Community Placement; and
- Corrections Placement.

Continuing with his presentation, Mr. Peri summarized the recommendations of the A.C.R 57 Subcommittee:

Recommendation 1

Referring to page 10 of Exhibit A, Mr. Peri noted that the subcommittee concurred that there was a need for the above items listed, which resulted in Recommendation No. 1 and assigned that task as a joint effort to the Juvenile Justice Commission, the Juvenile Justice Commission Work Study Group and the Nevada Association of Juvenile

Justice Administrators. The A.C.R. 57 Subcommittee also recommended that the National Council of Juvenile and Family Court Judges provide technical assistance and that a final report containing the completed information be submitted to the 1999 Legislature by February 1, 1999. Mr. Peri indicated that the report was completed and made available to all legislators.

Need to Create Intermediate Sanctions and Interventions - Recommendation 2 (see pages 10 and 11, Exhibit A)

Mr. Peri said that Dr. Howell spoke of the lack of intermediate sanctions between probation at the local level and confinement at the state-operated training centers. Dr. Howell suggested that the creation of more intermediate sanctions would relieve overcrowding pressure on residential facilities while still protecting the community by placing offenders in detention when needed.

Mr. Peri noted that in accordance with the suggestions by Dr. Howell, the Subcommittee recommended that the creation of additional intermediate sanctions and corresponding interventions be undertaken through a joint effort of the Juvenile Justice Commission, the Juvenile Justice Commission's Work Study Group and the Nevada Association of Juvenile Justice Administrators; and that technical assistance be requested from the National Council on Crime and Delinquency through cooperation with the National Council of Juvenile and Family Court Judges. He said that this recommendation also involved the request for the evaluation of several programs that were approved by the 1997 Legislature for the Division of Child and Family Services (DCFS). These programs included: (1) the Community Corrections Block Grant Program, which provides funding to local judicial districts with the intent that they implement programs on the local level that reduce commitments to state-operated training facilities; (2) the Transitional Community Reintegration Program which provides other alternatives and sanctions between probation on the local level and incarceration in a state-operated training center. It also provides funding to hire state employees to perform better assessments on classifying youth and directing them to the best level sanction that is available; and (3) the Juvenile Justice Data Collection System, which was approved by an earlier legislative session. Mr. Peri explained that this recommendation also suggested a bill draft request (BDR) with an appropriation to secure funding to update a 1992 needs assessment study that was done on correctional services in the State of Nevada by the National Council on Crime and Delinquency. During the 1999 Legislature, the money committees identified funding within the budget to provide for an update of that needs assessment. Therefore, the BDR resulted in a bill that was not needed and did not pass.

Assess Existing Substance Abuse Programs – Recommendation 3 (see page 13, Exhibit A)

According to Mr. Peri, this subject was discussed in numerous committee meetings due to the high correlation of delinquent youth and their involvement with substance abuse. Dr. Howell suggested the subcommittee consider assessing the existing drug treatment programs to determine which programs were successful in order to maximize financial resources invested in treatment efforts. The subcommittee members also expressed concern that this topic should be broadened to reflect both drug and alcohol abuse. He indicated that initially the topic was drug abuse, but was expanded to include alcohol and drug abuse, prevention and education efforts, and not to be solely limited to assessing drug treatment programs.

Mr. Peri stated that the subcommittee recommended that a work group be formed consisting of representatives from the Bureau of Alcohol and Drug Abuse (BADA), DCFS, the Division of Mental Hygiene and Mental Retardation, schools and the Governor's Commission on Substance Abuse, Education, Prevention, Enforcement and Treatment, to assess existing substance abuse programs for juveniles and their families in Nevada. The work group should pursue technical assistance through cooperation with the National Council of Juvenile and Family Court Judges.

Assess Existing Drug Court Models in Clark and Washoe Counties – Recommendation 4 (see page 13, Exhibit A)

Dr. Howell suggested that existing drug court models in Clark and Washoe Counties be assessed and evaluated for possible replication and expansion in other jurisdictions within the state, which became recommendation 4. Judge Deborah Schumacher, Judge Charles McGee and Judge Gerald Hardcastle were to lead this effort in conjunction with technical assistance from the National Council of Juvenile and Family Court Judges.

Referring to page 14 of Exhibit A, Mr. Peri noted that Section B, titled "Next Two Years," were recommendations that should be considered over the next two-year period.

Complete New Serious and Chronic Juvenile Offender Facility – Recommendation 5 (see page 14, Exhibit A)

Complete New Serious and Chronic Juvenile Offender Facility – Mr. Peri stated that this facility, to be overseen by the DCFS, was approved through the passage of S.B. 495 (Chapter 563, *Statutes of Nevada 1997*) and the Director of the Department of Administration was authorized to enter into a contract to finance, acquire and construct a correctional facility for juveniles. It also allowed for the privatized operation of the new facility. Mr. Peri noted that the new facility is presently under construction and an update on the status of the structure will be presented later today. The facility is tentatively scheduled for opening in June 2000.

Also, Mr. Peri indicated that included in Recommendation 5, was that a status report be prepared by the Department of Administration and the DCFS on the new secure serious and chronic juvenile offender facility. The report was presented to the 1999 Legislature.

Referring to page 14 of Exhibit A, Mr. Peri called the Subcommittee's attention to item C, titled "Two to Ten Years – Restructure State-County Relationship." He explained that this item relates to the Reclaim Ohio Academy, which is a pilot program that was put into operation in Ohio. This program implemented a revised funding formula, which provides funding to counties that retain and serve delinquent youth at the local level. He explained that if those local jurisdictions commit youth to the State of Ohio, the counties must pay the state for the cost of care. The intent of the program was to provide an incentive to counties to retain youth at the local level, which enables families to participate more fully in their treatment.

Restructure State-County Relationship – Recommendation 6 (see page 15, Exhibit A)

Mr. Peri noted that it was recommended that the DCFS act as the lead agency in a collaborative effort with county governments to develop potential recommendations for a similar model to the Reclaim Ohio Program for Nevada.

Conduct Statewide Gang Survey – Recommendation 7 (see page 15, Exhibit A)

Mr. Peri explained that the Subcommittee expressed its concern regarding the escalating gang membership, violence and shootings. The recruitment and utilization of youth and organized criminal gang activity and the fact that this growing problem was not limited to the metropolitan areas of the state but also affected rural Nevada, resulted in recommendation 7.

Mr. Peri stated that the Subcommittee recommended that statewide law enforcement agencies in conjunction with the Nevada District Attorney's Association and the Nevada Association of Juvenile Justice Administrators assess the extent and nature of both juvenile and adult gang activity in Nevada. He explained that a follow-up report was to be provided by October 1, 1999, which has not been received yet.

Mr. Peri explained that Chairman Wiener is planning to cover the last half of this recommendation at the Subcommittee's next meeting.

Responding, the Chairman said that she received statistical information on November 3, 1999, on youth gangs in Nevada. She said it was not a complete list, but would be something for the Subcommittee to start with in reviewing the numbers.

In reply to Assemblyman Anderson, the Chairman said she would have the material distributed by the secretary during the meeting.

Conduct School Violence Assessment -- Recommendation 8 (see page 16, Exhibit A)

Mr. Peri pointed out that the Subcommittee recommended that a request be made to the State Board of Education asking that an assessment be conducted in Nevada's school districts on school violence. The survey could poll students, teachers and administrators, assess security measures and procedures in place, assess gang problems in schools and solicit recommendations to improve security, reduce violence and protect students. The recommendation requested that a report on the assessment of school violence be completed by February 1, 1999. Mr. Peri advised the Subcommittee that this report was never received, but maybe by the next meeting some information will be available.

Mr. Peri mentioned that the Chairman is contemplating placing this recommendation and a portion of Recommendation 7 with the Commission on School Safety and Juvenile Violence, which was created by the Assembly Bill 686 (Chapter 607, *Statutes of Nevada 1999*). He noted that Chairman Wiener would like to discuss the potential to defer several of the recommendations to the Commission on School Safety and Juvenile Violence who they might be more specifically related to.

Chairman Wiener said that prior to this meeting, the intentions of this Subcommittee for the interim were discussed at length. Since the A.C.R. 57 recommendations were made, the Commission was formed, therefore the Subcommittee would like to bifurcate this issue and allow the Commission to handle the portion of recommendation no. 7 that deals specifically with schools and this Subcommittee will continue to work on youth gangs in the community. She further noted that based on the 1999 legislation, violence assessment is the main charge for the A.B. 686 Commission and they are moving forward quite rapidly to develop an emergency response plan to present to the Governor by January 2000.

Assemblyman Anderson commented that bifurcated systems, particularly in the juvenile area, have sometimes caused problems. He noted that it is important for this Subcommittee to receive all information and reports prepared by the Commission. He noted that the Commission has been viewed as a short-term solution to address a problem that requires an immediate result, whereby this Subcommittee has a long-term problem.

Chairman Wiener said that as the Chairman for the Commission, she would ensure that this Subcommittee is supplied with any information submitted to or prepared by the Commission.

Responding to Assemblyman Anderson, the Chairman said that with the exceptional leadership of Assemblywoman Evans during the 1997-1998 interim, the goal for this Subcommittee was to develop a lasting policy.

For the record, Senator Neal said that the Subcommittee would have to vote upon passing a recommendation over to another committee.

Continuing with his presentation, Mr. Peri referred to page 17 of Exhibit A:

Alternative Programs Offered by Local School Districts – Recommendation 9 (see page 17, Exhibit A)

Mr. Peri noted that this subject concerns educational programs offered by local school districts to students and youth who cannot or are not allowed to access traditional educational programs. He noted that a youth who had been expelled from school or who was incarcerated in a detention or juvenile facility are examples of youth who might attend or be provided alternative educational programs.

This recommendation resulted in the Subcommittee recommending that a letter be sent to the Nevada State Board of Education asking them to survey all of the school districts in Nevada to determine what types of alternative education programs are available. It was recommended that the survey could possibly be reviewed and considered by the next interim subcommittee on juvenile justice.

Mr. Peri noted that it was his understanding that the Chairman also wishes to make part of this recommendation the responsibility of the Commission since children may be afraid to attend a public school and may consider alternative educational programs.

Amend the Nevada Revised Statutes Per Recommendations from County District Attorneys – Recommendation 10

The A.C.R. 57 Subcommittee heard testimony and received correspondence from several county district attorneys regarding recommended changes to certain *Nevada Revised Statutes*. Mr. Peri advised that the Subcommittee recommended and agreed to defer all the amendments to statute requested by the district attorneys at that time, and suggested that they instead follow the normal legislative process.

Consider Developing Standards of Operation for Juvenile Facilities – Recommendation 11 (see page 18, Exhibit A)

Mr. Peri noted that the Subcommittee requested that the Association of Juvenile Justice Administrators undertake the development of standards of operation for juvenile detention and juvenile correctional facilities. The term “standards of operation” includes both standards for staff employed in juvenile facilities such as minimum qualifications, training and educational standards and also operating standards for the facilities. This recommendation requires that a report be submitted to this Subcommittee, which will be considered at its next meeting.

Evaluate Mental Health Needs for the Juvenile Offender Population – Recommendation 12 (see page 19, Exhibit A)

Mr. Peri advised that the Subcommittee recommended that the Department of Human Resources, Director's Office function as the lead agency for the DCFS, Mental Hygiene/Mental Retardation, and the Juvenile Justice Commission to complete an across the board needs assessment of mental health needs and services for children and youth at both the state and local level. It was requested that a progress report be provided to the 1999 Legislature by March 1, 1999, which was done. Also, a complete report was to be provided to the next interim Subcommittee on the study of juvenile justice.

He noted that there were several other recommendations included under this heading, including an evaluation of whether an integrated data system should be developed to track youth across all agencies, both on the state and local level and also to assess the current level of compatibility between data processing systems within state and local government relating to the tracking of juveniles.

Evaluate the Need to Establish Truancy Centers – Recommendation 13 – (see page 20, Exhibit A)

The Subcommittee recommended requesting that the State Department of Education work with local advisory boards, which are created in each county to review school attendance to identify factors that contribute to delinquency and also to make recommendations concerning programs that are most effective in reducing truancy.

Mr. Peri noted that this recommendation was discussed with Chairman Wiener and she is considering deferring it in part to the Commission.

Should Professional Social Workers be Employed by Local School Districts – Recommendation 14 (see page 20, Exhibit A)

Mr. Peri explained that it was considered to recommend employment of professional social workers in local school districts. This recommendation was deferred to the A.C.R. 44 Interim Study on Special Education and Student Discipline (File No. 156, *Statutes of Nevada 1997*).

Should the Subcommittee Recommend a Resolution to Create an Interim Study Committee on Juvenile Justice after the Adjournment of the 1999 Legislature – Recommendation 15 (see page 20, Exhibit A)

The Subcommittee submitted a BDR to create an interim study committee on juvenile justice upon adjournment of the 1999 Legislature, which created this Subcommittee.

Responding to Assemblyman Anderson, Chairman Wiener said that she is open to any suggestions by the Subcommittee members. She noted that because Recommendation 7 deals with youth gangs, it was her opinion that youth gangs in schools could be dealt with by the Commission; Recommendation 8, which concerns school violence assessment is a direct charge that could be resolved by the Commission; Recommendation 9, regarding alternative programs is also one the Commission may be able to handle, because of those youths that are afraid to go to school because of violence in the environment; and Recommendation 13, which deals with truancy could be reviewed by the Commission since it may involve students not attending school due to violence.

The Chairman called for a motion to guarantee that the issues are resolved by the committee of jurisdiction, but involve the Commission by report or by referring some of the items over to them.

In reply, Assemblyman Anderson said that his preference would be to share information with the Commission, but not to put aside the Subcommittee's long-term responsibility. It was his understanding that the previous Chairman wanted the opportunity to have a four-year study period so that enough statistical information was gathered to make reliable decisions. In his opinion, the Subcommittee would be best served by having detailed information and not passing on any of the responsibility.

ASSEMBLYMAN ANDERSON MOVED TO SHARE THE INFORMATION COLLECTED ON RECOMMENDATION NOS. 7, 8 AND 9 WITH THE COMMISSION ON SCHOOL SAFETY AND VIOLENCE AND THAT RECOMMENDATION NO. 13 BE MOVED TO THE COMMISSION ON SCHOOL SAFETY AND VIOLENCE AS A PERMANENT RESPONSIBILITY. SENATOR NEAL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY. SENATOR WASHINGTON AND ASSEMBLYMAN ARBERRY WERE NOT PRESENT AT THE TIME OF THE VOTE.

SENATOR NEAL MOVED TO RATIFY THE APPOINTMENT OF DAVID F. BASH III, THE

HONORABLE ROBERT E. GASTON, AND ROBERT S. HADFIELD AS ADVISORY MEMBERS TO THE SUBCOMMITTEE. ASSEMBLYMAN ANDERSON SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY. SENATOR WASHINGTON AND ASSEMBLYMAN ARBERRY WERE NOT PRESENT AT THE TIME OF THE VOTE.

**REVIEW OF REPORTS AND REPONSES TO
ASSEMBLY CONCURRENT RESOLUTION NO. 57 FINAL RECOMMENDATIONS**

Chairman Wiener requested that Mr. Pugh come forward and present his report to the Subcommittee.

Kirby L. Burgess, Director, Clark County Family and Youth Services

Mr. Burgess stated that he was here today with Leonard Pugh, Director, Washoe County Department of Juvenile Services and President of the Nevada Association of Juvenile Justice Administrators, and Steve Hanrahan, Manager of Probation Services for the Department of Family and Youth Services. He noted that it was a joint effort to prepare the power point presentation, which will be shown to the Subcommittee.

Mr. Burgess said that over the last few years, agencies throughout the state have begun to work together and have developed more of a group effort. He said the report that will be presented to the Subcommittee has been prepared by the Nevada Juvenile Justice Commission, which is a mandated body whose members are appointed by the Governor, the Juvenile Justice Work Study Group, of which Judge Gaston is a member, and the Nevada Association of Juvenile Justice Administrators.

Regarding Recommendation 1, which is the need to develop a detention, probation and community and corrections placement instrument, Mr. Burgess said that the tools have been developed and are in various stages of implementation throughout the state.

Leonard Pugh (identified earlier)

Mr. Pugh noted that he was here today to present the Subcommittee with an overview of the work that has been done since the A.C.R. 57 Recommendations were delegated about 1 ½ years ago (see Exhibit A, Tab E). In order to meet the timeline of having these instruments developed by February 1, 1999, it was decided to break up into three subcommittees, including: (1) Subcommittee for the detention instrument, which was chaired by Fernando Serrano, who is the Chief Probation Officer in Humboldt County, (2) Subcommittee on the Development of the Community Placement Instrument, was chairman by myself, and (3) David Bash III and Dan Prince of Clark County, co-chaired the Subcommittee on the Development of the Correctional Placement Instrument.

Mr. Pugh pointed out that a comprehensive strategy for serious violent and chronic juvenile offenders was used as a reference point in the development of the necessary instruments. He called attention to page 30 of Exhibit A, Detention Placement Instrument and noted that there were some detention placement instruments already in place and being utilized in Clark and Washoe Counties. Those instruments were reviewed along with material used by Sacramento County, California and from Idaho. He explained that all the factors were reviewed and a finalized product was developed.

According to Mr. Pugh, the purpose of a detention instrument is to ensure that structured risk screening criteria are used to make objective detention decisions. He said that without using a specific tool, decisions could be subject to the personality of the individual probation officer, which could lead to wrong decisions and overcrowding.

Continuing with his presentation, Mr. Pugh noted that risk screening for detention differs from risk screening for community placement. The factors that must be reviewed in developing a detention instrument are public safety and youth stability issues. Typical measures of risk include the seriousness of the current offense the child was arrested for, the family situation and their ability to properly supervise that youngster if he were released back into the community, the recent nature and frequency of the prior offenses committed, and whether the youth was under court supervision at the time of the new offense.

Mr. Pugh noted that because of the diverse jurisdictions that will be using detention screens, it was determined that local jurisdictions should assign their own scoring system to the instrument. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) guide indicates that it is important to know that there are significant implementation issues involved in obtaining staff commitment to the process and developing the necessary alternatives, which will differ in jurisdictions. Therefore, a framework and basic instrument was developed and local jurisdictions should develop their own scoring system.

Mr. Pugh explained that the instrument on page 31 of Exhibit A is presently being used by Washoe County and was modeled after a Florida county. Pointing to a chart on page 32 of Exhibit A, Mr. Pugh noted that it became a concern around 1995 or 1996 that the instrument being used by Washoe County was not working well. After attending a training seminar provided by Dr. Howell, Washoe County's system was restructured and the instrument on page 31 was developed, which seems to be working well. In 1998, out of 4,334, only 2,595 were detained, which is comparable to what was done in 1991.

Continuing, Mr. Pugh noted that Mr. Burgess is using a similar instrument in Clark County and has been able to control their admissions and the number of youth detained has remained consistent for several years (see chart on page 35 of Exhibit A). In summary, Mr. Pugh noted that only the youth that are being kept are considered to be a threat to the community or themselves, or have violated a direct order from the court.

Chairman Wiener questioned if 35 percent of the youth were detained, what was happening to the other 65 percent.

Mr. Pugh noted that the numbers listed on page 32 represented only those youth that are brought to the facility and booked. For example, Washoe County had about 9,000 total referrals. The difference is made up in citations and written referral requests. Those youth are then processed through the normal legal system, in terms of meeting with a probation officer and submitting the petition request to the district attorney. The district attorney will then decide whether or not to file charges and the Department of Juvenile Services would then pursue court action. He explained that the less serious offenses would be handled through the probation officer who would direct the child to complete certain sanctions. If the child were noncompliant, he/she would be forwarded to the court system.

Mr. Burgess added that overcrowding is an ongoing program for Clark County's detention centers. Therefore, the county has developed a number of sanctions for youngsters, including the community-based work program, new direction program, an intensive supervision program for youngsters between the ages of 10 and 14, truancy court program, and the drug court program. He also said that Clark County has added an art program and employment skills program, which are designed to get the youngster interested in something meaningful and help keep them out of the system.

The Chairman noted that Assemblyman Arberry arrived at the Las Vegas location of the meeting.

Assemblyman Anderson noted that there has been a large rise in the juvenile population in Washoe County, which is indicated by the increase in class size and questioned if it was due to the lack of space in the facilities that only a proportionate rise in the number of juveniles being detained is occurring.

Mr. Pugh noted that one of the items that could lead to overcrowding is because an objective criterion was not being used and the lack of other intermediate sanctions that kids could be released to. Mr. Pugh said that later in the presentation the instruments developed to reduce that problem would be discussed. He stated that Washoe County has developed some internal policies to control the overcrowding situation, including the implementation of electronic monitoring devices, an increase in the use of house arrest contracts, disallowing rural counties to use its facility when overcrowding exists and changing the fees that parents are charged. He explained that since only the youth that truly meet the criteria of being a threat to the community are being detained, the average length of stay is longer than it was four or five years ago.

Responding to Senator Neal, Mr. Pugh said that:

- Wittenberg Hall shows such a high retention rate in terms of the number of kids detained because if a child is ordered to perform certain sanctions (i.e., school attendance or drug testing) and is noncompliant, they may be brought back into the facility. He explained that even though they might not score high enough to be detained, they must be brought to the courts attention the following day and the court will make the decision as to whether

or not they can be released.

- Factors such as the types of resources that are available to release youth to and the nature of the types of offenses may vary within jurisdictions.

Responding to Assemblyman Carpenter, Mr. Pugh said that:

- The form on page 36 of Exhibit A was developed for the jurisdictions that were not using any instrument. The form is a combination of the instruments used by Clark and Washoe Counties and can be used as a guideline for the jurisdictions to follow, but each entity has the opportunity to make the necessary modifications to meet its separate needs.
- All jurisdictions have been sent a copy and have been encouraged to begin implementing use of the instrument.
- It was not known at what stage of use each jurisdiction is in, but this could be prepared for the next meeting of the Subcommittee. He said that a work session was held two weeks ago, but attendance was low due to conflicts in schedules. Consequently, a full understanding of how far along some of the jurisdictions are in implementing the new instrument has not been established. It was suggested to the jurisdictions to involve their staff in developing a tool that will meet their specific needs.

Responding to Assemblyman Anderson regarding what is driving these programs is the matter of overcrowding. Clark County's detention centers are experiencing a 200 to 250 percent overcrowding rate, even with the strictly enforced criteria. Therefore, the county is always looking for new ideas and programs to relieve overcrowding.

Assemblywoman Evans said that there are three examples of instruments in Exhibit A that are used in different jurisdictions, and separate placement instruments that were developed by the state. She questioned if it is true that the state will not use one single instrument and that the separate jurisdictions will be provided an example so that those who are not using any instrument may adapt this example to their area. She further questioned if each jurisdiction was divided by county or judicial district.

Responding, Mr. Pugh said that they were divided by judicial district. He also noted that the problem is that there are only six detention centers in the entire state. Therefore, some jurisdictions may not develop an instrument of its own, but would have to meet certain criteria when requesting to hold a child in another jurisdiction.

Responding to Assemblywoman Evans, Mr. Pugh said that no timeline has been established when all jurisdictions would be using the necessary instruments. He also noted because it was unknown what would occur during the 1999 Session, that no timetables were set and suggested that this could be discussed at a future meeting.

Assemblywoman Evans said that perhaps a recommendation could be presented to the Subcommittee in the near future. She added that she did not want this issue to go on over a period of many years since it is so close to being finalized.

Mr. Pugh said that he would take care of finalizing the issue.

Responding to Senator Wiener, Mr. Burgess said that if a youngster committed a serious offense that was gun related, or had a chronic delinquency background, he would be detained. Mr. Burgess said that he has directed his staff to take appropriate risk with children, which means if a youngster can be maintained in the community or on electronic monitoring or intensive home supervision as an extension of Clark County's detention facility, that will be done. He noted that if more than 250 children must be kept, it would also be done. The center has some additional beds coming available in mid-2000 and will increase from 112 beds to 235 beds. However, this is a partial solution and the county still needs to remain creative in its approach of punishment of juvenile crimes, said Mr. Burgess.

Mr. Pugh moved on to the probation community placement instrument and noted that a similar format was used to develop this instrument. He said that the purpose of a placement instrument is to predict the offender's risk of recidivism and the type of supervision that should be recommended to properly ensure the safety of the community. The proper interventions or treatments must also be determined for each offender. After the information on an

offender is assessed, it should be matched to a matrix to determine the appropriate treatment and services available. Mr. Pugh said that Clark, Churchill and Washoe Counties are using risk and needs assessments to make community placement decisions at the current time. Clark and Washoe Counties are using much of the same criteria that had been validated as predictors of repeat behaviors in other jurisdictions around the country. Mr. Pugh said that some of the predictors of recidivism are the:

- Age at the time of the first admitted offense;
- Number of prior delinquent referrals;
- Seriousness of the current offense;
- School status and behavior;
- Drug and alcohol involvement;
- Level of parental and caretaker control;
- Prior status offenses; and
- Peer relationships.

In addition to those listed, Mr. Pugh said that it was determined through the work study group that family strengths, connections to other family members, and involvement in connections to churches in the community that provide support should be considered in predicting recidivism and determining the appropriate interventions in the community.

Referring to page 38 of Exhibit A, Chairman Wiener asked if the age at time of first admitted offense meant when the youth was admitted to the system for detention.

In reply, Mr. Pugh said it was the age of the youth at the time he/she either admitted to committing the offense, or went to trial and was found guilty.

Continuing, Mr. Pugh said that the Association of Juvenile Justice Administrators developed a matrix to be used in conjunction with the assessment instruments. He noted that the matrix is (see page 40 of Exhibit A):

- Designed similar to a model used in Indiana that was proposed by the OJJDP Guide.
- Divided into the category of offense (i.e., violent, severe, serious, minor) and the risk level (i.e., low, medium or high).
- The placement decision requires a two step approach:
 1. Determination of the risk level; and
 2. Cross indexing the level of risk with the nature of the current and most serious prior offenses.

He explained that this approach allows for distinctions to be made between youths who commit similar types of offenses, but have different levels of risk. It also allows for the flexibility of linking classification results to a full range of security and placement options. If a child is a low-risk offender, then probably a sole sanction would be an appropriate intervention in that case and there would be no need for long-term supervision. For example, the child would be assigned to a community service project or work program and if there were restitution involved, he would be ordered to complete that payment. However, Mr. Pugh noted that if an assessment is done on an offender and there are several risk factors involved in the child's history indicating a high likelihood that he will continue to offend, the Department becomes involved earlier before a more serious offense is committed. Also, he noted that

with early intervention, there is a better chance of being successful.

In reply to the Chairman, Mr. Pugh said that the Department decided to develop a matrix, but he noticed after reviewing Exhibit A, that it was recommended by Dr. Howell as part of the A.C.R. 57 study.

Responding to Assemblyman Carpenter, Mr. Pugh said that he did not have any specific statistics regarding recidivism of offenders whose only punishment was community service in his district. He did mention that after reviewing other models such as the restorative justice model and the balanced approach model, it has been proven that if a combination of items is addressed in punishment and the child must pay back the community for any damage he had caused, that it connects the child with the offense they have committed.

The Chairman informed the people testifying before the subcommittee that she realized the information being presented was of great important, however, each person on the agenda must have time to speak. Therefore, she requested that each person be as brief as possible since the agenda was extensive.

Regarding the youth correctional institutional placement instrument, Mr. Pugh said that a point system was developed for the type of offenses in the child's history. After the offender is evaluated by the point system, he is then assessed according to a matrix based on violent, severe, serious and minor offenses; the frequency of the offense, and whether or not the juvenile is a first or second time offender or has committed multiple offenses. Mr. Pugh said that the type of placement is based on the number of points that child is assessed at. He could be placed on probation services, or placed in one of the county youth camps or training centers or the state's serious and chronic offender facility, depending on how the youth is assessed.

Mr. Pugh indicated that Mr. Bash (identified earlier) was the primary person that developed the placement criteria.

Referring to page 65, the Chairman questioned if the certification to adult prosecution began with the drive-by shooting serious offense or would it be applicable to all the type "4" Violent Offenses.

Mr. Pugh said that type "4" Violent Offenses could be treated in any one of the three ways listed, which are:

- Certification to adult prosecution;
- Commitment to the State Serious and Chronic Offenders Facility; or
- Commitment to the State Youth Training Center.

Mr. Bash said that he wanted to make the Subcommittee aware that the point system is not something that that can be generated from a computer to make a placement decision. He explained that the placement instrument is intended to balance two questions that are asked in making placement decisions, which are:

- The severity of the offense; and
- The chronicity of the youngster's past history.

Continuing, he noted that these two items are balanced with the rehabilitative needs that the youngster has. In addition to the points listed, such factors as: presenting problems, substance abuse, gang involvement, mental health and social issues are also measured in the evaluation. He added that the point system is a benchmark to begin the offender's evaluation.

Mr. Pugh said that the work study group is currently reviewing the issue of using this sort of instrument in terms of the procedures that will be used in the future for making correctional placement decisions. At this point in time, a final recommendation to the Subcommittee has not been decided upon, but the issue of placement is being discussed to try to reduce bed-driven decisions.

Mr. Burgess said that there are four items included in the recommendation, including:

- Creating additional intermediate sanctions and corresponding interventions.
- Reviewing of the Community Corrections Partnership Block Grant (CCPBG) and the state's Transitional Community Reintegration Program;
- Evaluating the DCFS Juvenile Justice Data Collection System; and
- Updating the National Council on Crime and Delinquency (NCCD) needs assessment study that was completed in 1992.

Mr. Burgess indicated that the Nevada Association of Juvenile Justice Administrators (NAJJA), in cooperation with the Juvenile Justice Commission (JJC) and work study group have finalized the sanctions and since the completion of the A.C.R. 57 study, several new programs have been created (see page 69, Exhibit A).

Mr. Pugh noted that to help identify additional intermediate sanctions that needed to be developed, the matrix was reviewed that was developed for community placement, but at that time many of the programs did not exist in certain jurisdictions. However, since that time, the jurisdictions have been working on the development of additional sanctions. Referring to page 72 of Exhibit A, Mr. Pugh explained that this was a listing of the programs and sanctions that are now available throughout the state, which are broken down into three categories: (1) Prevention, (2) Community Protection, (3) Competency Development and Family Strengthening, Victims, and Accountability. Listed on the bottom of page 72, Exhibit A is a listing of the programs that have been added since completion of the A.C.R. 57 study, including the:

- Day Reporting Programs in Clark and Washoe Counties;
- Douglas County Detention Center.
- Drug Court in Carson City;
- Truancy Court in Clark County;
- Residential Girls Program in Washoe County;
- Victims Offender Reconciliation Program;
- Girls Program at China Spring Youth Camp;
- Counseling Program for adolescent girls in Douglas County;
- On-Site School has begun at the Youth Parole Bureau in Washoe County and an Automated Monitoring and Employability Program; and
- A Residential Treatment Program has been constructed in Silver Springs, serving five counties, including Carson City, and Churchill, Douglas, Lyon, and Storey Counties.

Responding to Assemblyman Anderson, Mr. Pugh said that Washoe County has been operating a juvenile drug program for about two years. Recently, the program was modified, but both Clark and Washoe Counties have had juvenile drug courts in existence for some time. He also noted that a recommendation has been made to evaluate the existing programs in Clark and Washoe Counties.

DIVISION OF CHILD AND FAMILY SERVICES' STATUS REPORT

Stephen A. Shaw

Mr. Shaw, Administrator of the DCFS testified that a great deal of progress has been made since the completion of A.C.R. 57. He thanked former Chairman Jan Evans for her foresight to request that the Subcommittee continue its work for two biennium.

New Unclassified Deputy of Youth Corrections Position

Mr. Shaw said that the Deputy Administrator for Youth Corrections of the DCFS was authorized in the 1999 Session. Ms. Willie Smith was hired on October 1, 1999. He noted that the Division is fortunate to get an employee of Ms. Smith's caliber. She brings with her talents of a seasoned administrator, having worked at Westcare for the past 12 years, which is the largest substance abuse treatment program in Nevada with operations in Arizona and California. Ms. Smith was the Vice President of the Westcare Foundation and during her tenure with the company, held positions such as Chief Operating Officer, Quality Improvement Administrator, and Clinical Director. Prior to Westcare, Ms. Smith worked for the State of Nevada as a Senior Youth Parole Counselor and a Youth Parole Counselor for over 12 years. He indicated that Ms. Smith has a bachelor's degree in sociology and a master's degree in counseling from the University of Nevada Las Vegas (UNLV). Ms. Smith has also served on the JJC for over six years, and chaired that body from 1995 to 1998. Next week, Ms. Smith, who is nationally well known, will chair the Program Committee for the National Coalition of Juvenile Justice Conference in Utah. She has a reputation in Nevada for integrity, ethics, strong administrative talent, and commitment to troubled youth.

Mr. Shaw stated that he has directed Ms. Smith to be the primary liaison to the A.C.R. 13 Subcommittee and to research female program needs. The A.C.R. 57 Subcommittee revealed the shortage of female programming. Ms. Smith has also been directed to examine the representation of minority youth in Nevada's juvenile justice system and to provide program oversight to the serious and chronic facility in Las Vegas. Ms. Smith will be based in Las Vegas.

Willie Smith

Ms. Smith, Deputy Administrator for Youth Corrections, DCFS, said that the first item on the agenda is Recommendation 2(a), which is to update the juvenile corrections needs assessment. She noted that in 1992, NCCD conducted a needs assessment for the State of Nevada and the DCFS was requested to prepare an update for the A.C.R. 57 Study. In September 1999, Mr. Larry Carter, Juvenile Justice Specialist for the DCFS met with Jim Toner at the National Council of Juvenile and Family Court Judges (NCJFCJ) to seek their assistance in developing a new needs assessment. Mr. Toner suggested that the DCFS work with the National Center for Juvenile Justice (NCJJ). She explained that she and Mr. Carter met with the NCJJ on October 26, 1999, which resulted in the DCFS preparing a draft of the scope of work for an interlocal agreement between the DCFS and the NCJJ to initiate an updated study. She noted that Hunter Hurst III, Director of NCJJ has been recommended to lead the study. Ms. Smith said that she would provide a copy of Mr. Hurst's bio to staff. She said that Mr. Hurst was appointed as Director of NCJJ when the center was founded in 1973. The NCJJ is a private, non-profit research organization in Pittsburgh, Pennsylvania, that conducts legal, basic applied and systems research. Prior to becoming director of the NCJJ, Mr. Hurst's career was preceded by 12 years of progressively responsible positions including director of intake, East Baton Rouge Family Court, Louisiana, and director of survey and planning services for the NCCD. Mr. Hurst's expertise in the field has taken him to every state in the country, plus South America, Europe and the Middle East to study juvenile justice problems. Ms. Smith noted that he has directed more than 30 applied research studies and authored numerous publications. Mr. Hurst's academic credentials include a bachelor's degree in sociology and a master's degree from Louisiana State University.

In conclusion, Ms. Smith said DCFS is about to initiate an interlocal agreement with the NCJJ to conduct the study.

Responding to Senator Wiener, Ms. Smith said the Division hopes to have the agreement complete by January 1, 2000.

Regarding Recommendation 2(b), Evaluation of the DCFS Juvenile Justice Data Collection System (page 90, Exhibit A), Ms. Smith said the system has been an ongoing process over the last several years and some progress has been made. Several problems still exist, but they are not noted to be insurmountable.

Continuing, Ms. Smith said that the juvenile justice data collection system was completed in 1998 and currently includes over 78,000 records. Recently, the requirements of Senate Bill 103 (Chapter 528, *Statutes of Nevada 1997*)

were added to capture sexual offender data. She indicated that all counties are reporting into the system, but some issues are evolving around the quality of the data. She said this has been the result of the automated systems that are being put in place in Clark and Washoe Counties that are not compatible with the system designed for the state. These counties are working on alleviating any problems the technology may be causing with the data collection. Ms. Smith added that other problems with the system are it does not send errors back for correction, but just drops the record. For example: If a youth's birth date is incorrectly entered, the data will just be dropped and the information will be lost.

According to Ms. Smith, one of the primary concerns with the system is that the staff person responsible for conducting the data analysis does not report to youth corrections, but works in another part of the division. Thus, proper interpretation of juvenile justice terminology and priority of assignments have become issues that must be addressed. Ms. Smith noted that she has recommended to Mr. Shaw that this position be transferred to her supervision so that she can have direct oversight of the data collection and be more accountable to this body, as well as the citizens of the state.

Responding to Assemblyman Anderson, Ms. Smith said that the juvenile justice data collection system was a separate structure from the Central Repository for Criminal Records, but was unsure if it was integrated.

Replying to Assemblyman Anderson, Mr. Carter, said that *Nevada Revised Statutes* 62.420, "Division of child and family services to establish standardized system for collecting and analyzing information concerning juvenile justice; regulations," states that the data collected in the juvenile justice system is not identifiable by specific offender, but includes a general identifiable number. Therefore, this information cannot be used in the adult system to track if the offender committed a criminal offense as a juvenile.

Responding to Chairman Wiener, Ms. Smith said that the data collection system was discussed with Mr. Hurst. Ms. Smith noted that the existing problems are not insurmountable, but they need to be focused on. She also said that once the necessary staff is moved into youth corrections and can be supervised correctly, the problem should be taken care of in a short time period.

Continuing, Ms. Smith said that perhaps Mr. Hurst could provide an evaluation of the juvenile corrections needs assessment. She noted that Mr. Hurst works with Howard Snyder on the National level, who analyzes juvenile justice data.

The Chairman suggested that Ms. Smith also speak to Mr. Snyder for his input.

Larry Carter

Regarding Recommendation No. 2(c), Evaluation of the DCFS Community Corrections Block Grant Program, Mr. Carter said the program was established by the 1997 Legislature to provide block grants to judicial districts to be used to implement programs that would help reduce the necessity of incarceration to a state facility. As a result, several recommendations were made by the Legislature regarding the requirements for the programs (page 98, Exhibit A). Distribution of the funding was done in conjunction with the DCFS and the Nevada Juvenile Justice Administrators developing a formula that was fair to all jurisdictions involved. He noted that White Pine County is not included in the block grant program because the district did not want to adhere to the requirements of the program.

Continuing, Mr. Carter noted that since the program's inception in 1997, it has been a complicated task to develop intermediate and graduated sanctions. One of the requirements of the program was to develop graduated sanctions. He noted that each county developed its own system of sanctions to ensure an action exists to cover each adjudication of delinquency within the juvenile courts. Mr. Carter said that not only has this helped implement the program, but also it has helped to keep the level of commitments to state facilities down, and has also made the state eligible for additional federal funding.

Mr. Carter noted that it was requested the National Council of Juvenile and Family Court Judges review the Community Partnership Block Grant and evaluate the progress made. The primary issue that was focused on was to make sure proper performance evaluations and outcome measures were taking place. Mr. Carter said that his staff has revamped the performance evaluation process and performance outcomes for this grant program

Referring to item 2 "Consideration should be given to streamlining the program evaluation reporting process. Independent evaluators should be utilized for this process," on page 105 of Exhibit A, Chairman Wiener asked if steps have been taken to begin the independent evaluation process.

Responding, Mr. Carter said that the DCFS has not yet begun, but will be included in Mr. Hurst's overall review of Nevada's juvenile justice system.

In reply to the Chairman, Mr. Carter said he did not have a specific time on when Mr. Hurst's evaluation would commence.

Regarding Recommendation No. 2(d), Evaluation of the DCFS Transitional Community Reintegration Program, Mr. Carter said this program was also established by the 1997 Legislature and has enabled the DCFS to conduct early assessments on juveniles who are committed to division custody. There are teams of assessment counselors throughout the state that conduct complete assessments on each child. The program also helps to immediately place the child appropriately. For example, prior to development of this program, all boys committed to the DCFS for correctional placement were taken to the Nevada Youth Training Center in Elko. After an initial evaluation, many were transferred back to the Caliente facility where the younger, less sophisticated male offenders are placed.

Continuing, Mr. Carter said that another major component of the program is day treatment and residential bed slots, both in northern and southern Nevada, used to help transition children back into the community. For example, a child may be in the system for six or seven months and a great deal of progress is made with their behavior, coping with situations and academically. When the child is placed back into his original situation, he may quickly revert back to his prior pattern of behavior. The DCFS is trying to use the residential placements as a transition period where the parole staff, and the child and family can work together on reintegration issues.

The Chairman recommended that Mr. Hurst also review this program and provide input.

Ms. Smith added that the summary of the Transitional Community Reintegration Program (TCRP) begins on page 108 of Exhibit A. She said that the providers of the residential treatment centers are in the audience today if the Subcommittee has any questions regarding the operation of the program. SageWind is the provider in Reno and the Center for Independent Living is the provider in Las Vegas.

Mr. Shaw added that the reason Mr. Hurst was hired is to provide meaningful data for the Subcommittee to make recommendations on. Since there was no specific time frame set for this study, the DCFS decided to use an interlocal agreement rather than going for a contract request for proposal (RFP). He noted that the Division is close to settling on the elements to be included in the agreement and he hoped to submit information to the Subcommittee in time to make the necessary recommendations to the 2001 Legislature.

In closing, Mr. Shaw said that Mr. Ed Burgess from the Nevada Youth Training Center said he wished he could be here today, but he had other commitments and instead is listening to the Subcommittee through the Internet. He mentioned that anyone who has visited the facility has been impressed with the way it is operated.

Kirby Burgess commented on Recommendation No. 4, the existing drug court models in Clark and Washoe Counties. On page 158 of Exhibit A is a letter from Judge Charles M. McGee of Washoe County and Judge Gaston is the Juvenile Judge in Clark County. Judge Gaston has been very instrumental in many of the changes that have taken place in the Clark County's Drug Court. Therefore, Mr. Burgess deferred the response to this recommendation to Judge Gaston.

Judge Gaston

Addressing the Subcommittee and persons in the audience, Judge Gaston said that the Drug Court Program is one of the most exciting programs occurring in the juvenile justice system because it can make a tremendous difference with children. He noted that 85 percent of the adult prison population is incarcerated due to drug related offenses. In his opinion, if these offenders were helped when they were juveniles, the statistics would be much lower.

He noted that the Drug Court Program in Clark County involves many aspects, including:

- A Parent Involvement Program, where the parents are integrally involved in the Drug Court Program and are required to attend the drug court with their child. The parents are also required to attend a parent education and support group seminar that occurs twice each month. This program was organized to educate the parents as to the effects of the drugs on the child, but it is also a support group to teach both the parents and child how they should be supporting each other;
- A School Liaison Program, which includes a contact person for the treatment program to help get the child back in school, find an alternative school, or provide them with materials to obtain a General Education Diploma (GED). Some of the high schools have mentors that work with these kids on a voluntary basis and report back to the court.

Judge Gaston said that the children in the program are required to either be in school full-time or work full-time. If they are not doing either, the court will assign them to a community service project. Many of the children have been suspended from school because of truancy or drugs and it is difficult getting them back into school, and the alternative schools at certain times of the year only admit seniors. Because of this situation, Judge Gaston requested that the Governor and the Legislature consider the possibility of having the funds follow the child.

- A Community Involvement Program supported through the Boys and Girls Club. In Judge Gaston's opinion, the children need to be kept off the street and kept busy. The children are picked up from either their home or school and are brought to the Boys and Girls Club, where multiple programs are available, including: tutoring, assistance in completing homework, and job interview assistance.

He noted that this program has been funded through a grant, which needs to continue since it has proven to be very beneficial.

- A Treatment Provider Program, which requires regular urinalysis (UA) testing every other day. As the child progresses through the program, he is tested less, but never any less frequent than every 72 hours. The program also includes:
 - 1) Group therapy;
 - 2) Acupuncture, which helps the child get through the first phase when there is an addiction involved;
 - 3) Drug court counselors are assigned to each of the children; and
 - 4) Court intervention – the children are seen by the court on a weekly basis to discuss their progress.

He explained that the most difficult part of being involved in a juvenile drug court is that the child must be motivated through educational philosophies. With an adult who has committed a felony, they must either participate in a program or go to prison. He stated that they are in the process of working on a mentor program.

A detention program is also being developed for children who begin using drugs again. During the time in detention, the child will be provided an intensive therapy program. He said that the Drug Court Program is looking for individuals who are interested in working with this part of the program. A drug court manager will be needed.

In closing, Judge Gaston said that the drug court format has been so effective, that he envisions it being applied in other areas of juvenile law. A pilot program in the area of parole and probation is being reviewed, where children can be placed on parole with the same type of assistance as the drug court. Another pilot program is being implemented in the Adoption and Safe Families Act, which relates to children that have been neglected and abused or children in foster care.

Responding to Chairman Wiener, Mr. Pugh addressed the letter on page 158 of Exhibit A, from Judge McGee. He said that Judge McGee wanted the Subcommittee to know that an evaluation of the juvenile drug court in Washoe County has begun. The NCJFCJ was contacted a few months ago, but the evaluation only began recently. The evaluation is being coordinated by Iris Key of the NCJFCJ and Judge Schumacher who presides over the juvenile drug court. Surveys are being sent to the Washoe County Department of Juvenile Services and to various treatment providers. He noted that a more complete report will be available to the Subcommittee at a later date, but he could not give a specific date.

The Chairman requested that this report be provided to the Subcommittee as soon as possible.

Mr. Anderson said that in his opinion, the drug court programs for both juveniles and adults are programs that will change the recidivist problems that exist throughout the country.

Responding to Assemblyman Anderson, Judge Gaston said that discussions have occurred between the school districts, Clark County and the Drug Courts, but they have not been productive. The schools are stating that they cannot place these children; therefore, the court is left with the placement responsibility. In his opinion, if the court is responsible for placement, it should be able to decide where to place the child. He also said that the school districts are appropriated funding for these children; therefore, if the schools do not want to make room for these children, the funding received by the school district ought to follow the child.

Judge Gaston stressed the issue that if the funds were to follow the child, the school districts would be more apt to provide the educational needs of these children; and if they did not, it would give the court the extra funding to provide separate educational training.

Peg Hellman

Ms. Hellman, Acting Chief, BADA, said that Yvonne Sylva, the Administrator of the Health Division said that she regrets she was unable to be here today. She introduced Barbara Caskey, Rehabilitation Program Specialist, BADA. Ms. Hellman noted that she would be providing an update to the Subcommittee on Recommendation No. 3, Assessment of Existing Substance Abuse Programs for Juveniles (see page 128, Exhibit A). Ms. Hellman noted that:

- The Substance Abuse Work Group mailed 254 Substance Abuse Program Data Surveys to a variety of persons in Nevada, including prevention, education, treatment and aftercare program providers;
- BADA presented program information from its Client Data System to indicate the number of juvenile admissions to substance abuse residential and outpatient programs.
- The DCFS presented information on state and federally funded juvenile justice programs in Nevada.
- In conjunction with the University of Nevada, Reno, BADA funded an evaluation of treatment impact on adolescents who have participated in BADA funded programs. Ms. Hellman said this was not included in Exhibit A, but is available from BADA.

Chairman Wiener requested that a copy be sent to the members of the Subcommittee and LCB staff (approximately 15 copies).

- In Fiscal Year 1999, BADA awarded approximately \$274,000 in funding to one program in each judicial district within the state, following the "Communities that Care" model.

Responding to Chairman Wiener about a third party evaluation being conducted on the juvenile justice program, Ms. Hellman said that she was not working for BADA at that time and therefore, deferred the response to Ms. Caskey.

Barbara Caskey

Responding to Assemblyman Anderson, Ms. Caskey said that the criteria for the program allocated \$274,000 for Juvenile Justice programs is not included in the packet, but she would provide the information to the Subcommittee.

Responding to the Chairman, Ms. Caskey said that she began with the work group in October of 1998. Prior to her employment with the group, a decision had been made not to bring in an outside evaluator. She noted that Denise Everett, Willie Smith and Larry Carter were part of the work group before she began to work with it.

Judge Gaston said that in of January 1999 an independent evaluation began on the Drug Court Program in Las Vegas, as well as the Juvenile and Adult System. He said a report would be available on that study by January 2000 and he would provide it to the Subcommittee.

Responding to the Chairman, Mr. Shaw, said that since BADA is not part of the DCFS the evaluation on that program could not be incorporated into the evaluation that will be done by Hunter Hurst for the DCFS.

The Chairman asked if Mr. Burgess or Mr. Carter could explain the evaluation process with BADA.

Mr. Burgess said that he was not sure why BADA did not conduct an independent evaluation and noted that he has not had extensive involvement with the BADA programs.

Assemblyman Anderson asked how BADA programs are generally evaluated.

Ms. Hellman said that outside evaluations are used when BADA is requesting proposals for funding, which is done on a yearly basis. Volunteers are asked to review the proposals and prepare criteria on which to grade the proposals. She repeated that she did not know why an independent evaluation was not done for the juvenile justice program because she did not work at BADA during the time that decision was made, but that she would find out and send the information to the Subcommittee.

Ms. Caskey said that regarding enhanced funding for adolescent services, Assembly Bill 181 (Chapter 394, *Statutes of Nevada 1999*) provided funding in the amount of \$500,000 for fiscal years 2000 and 2001. She said that BADA has recently released an RFP to award \$500,000 for this funding cycle and expects to be able to grant those funds in January 2000. In addition, BADA has become part of the State Health Division. She explained that the Division has a standing committee that seeks to secure additional funding for targeted populations, and juveniles needing substance abuse treatment and prevention education is one of the targeted populations that the committee is focusing on.

Referring to page 124 of Exhibit A, Chairman Wiener asked if BADA requested enhanced funding separate from A.B. 181, which was proposed by Assemblywoman Evans.

Ms. Caskey said that individual programs from the various communities requested enhanced funding. Referring to page 125 of Exhibit A, she noted that about 28 percent of the population, ages 19 and younger, are individuals that require treatment in the State of Nevada. Ms. Caskey informed the Subcommittee that 65.5 percent of the money available is used for adults and 34.5 percent is used for adolescents.

Continuing, Ms. Caskey explained that BADA is aware of the need for additional funding for adolescent services and during the last year no effort was made towards getting enhanced funding. She noted that BADA plans to make this a priority in the future.

Responding to Chairman Wiener, Ms. Caskey said that more than 28 percent in funds were allocated to adolescents and, therefore, prevention efforts were enhanced with more money being put toward those efforts.

In her opinion, Ms. Caskey believes more funding should be put toward juveniles because of the many different types of interventions that can be provided, which have been proven to be effective for children.

The Chairman asked if the state were to put more funding into these programs, would there be matched federal funding available.

In reply, Ms. Hellman said she was not aware of any specific funds available, but is confident that the committee of the State Health Division that has been researching targeted population funding sources, may be able to locate the type of funding that can be federally matched.

Robert S. Hadfield

Mr. Hadfield questioned the source of funding for the \$2.4 million placed in the prevention fund for adolescent services.

In reply, Ms. Caskey said that most of BADA's funding is received through a federal block grant. She said that no programs were cut and that last year additional funding was received from the Federal Government.

Responding to Mr. Hadfield, Ms. Hellman said that funding for the substance abuse and treatment block grant would probably remain the same at \$9 million since BADA is not anticipating an increase over the next two-year period.

On behalf of the Subcommittee, Chairman Wiener stressed the importance of getting involved early to improve lives. She noted the importance of researching funding possibilities to get more money to Nevada, and said the Subcommittee will do what it can to raise additional state funds.

Ms. Hellman informed the Subcommittee that BADA will soon have a permanent bureau chief. The Health Division is in the process of scheduling interviews for the permanent position beginning on November 18, 1999. She said that she has been acting chief since July 1, 1999, and has also been working at her permanent position in Reno. She said she would relay to the person selected and to Yvonne Sylva, the Subcommittee's strong feelings about the need for additional funding of juvenile programs.

Judge Gaston noted his concern that BADA's criterion is so restrictive that it precludes some programs from being funded.

Ms. Caskey said she understood his concern, but explained that the federal money received by BADA is bound by federal block grant requirements; and if BADA does not place those requirements on the agencies the money is allocated to, the funding could be discontinued.

Mr. Shaw said that Ms. Smith would be addressing Recommendation No. 5.

Addressing Recommendation No. 5, status report on the new all male Secure Serious and Chronic Juvenile Offender Facility (page 161, Exhibit A), Ms. Smith said the DCFS was awarded funding to construct and operate this facility a few years ago. In 1999, the state entered into a contract with Correctional Services Corporation (CSC), a Florida for-profit corporation, for the design, construction, installment purchase, and management services to operate the new facility. Clark and Sullivan, a Nevada licensed building contractor was selected by CSC as the design/build team for the project. Currently, the facility is under construction in North Las Vegas near Nellis Air Force Base. The facility is being constructed with two 48-bed residential units (totaling 96 beds) and an integrated central core unit, which is designed and equipped to support potential future expansion by two additional 48-bed residential units. At present, the facility is being designed with classrooms and vocational education space for 96 students. At this point in time, the residential units and central core unit which houses administration, chapel visiting rooms, classrooms, kitchen and dining facility, laundry facility, nursing and medical facilities are well under construction with both interior and exterior walls constructed. She also noted that the ceilings have been completed in the two residential units.

Continuing, Ms. Smith said that as of November 2, 1999, when she last visited the site, the metal structure for the gymnasium was in place. She advised the Subcommittee that construction was about two months ahead of schedule. On pages 162 through 165 of Exhibit A are photographs from an October 21, 1999, visit to the facility.

Ms. Smith said that she is working very closely with Sheri Short, Vice President for Business Development with CSC. Contacts have been established to work with the school district to set up the school program. Originally, it was discussed whether or not to put a charter school program in place, but because charter schools are fairly new to Nevada, it was decided to work with the Alternative Education Division of the Clark County School District to establish the school program for children in the facility. The facility will have a full-time monitor position, which the contractor will pay for, but the person will be a state employee and will report directly to Youth Corrections, to ensure that all of the DCFS's requirements are being met and the children in the facility are being cared for.

In closing, Ms. Smith said the facility cost the state \$14.725 million and the per diem rate will be \$120 per day and the facility is expected to open no later than June 2000.

Responding to Senator Washington, Ms. Smith said the facility will house youngsters who are serious and chronic juvenile offenders (level 4 type offender).

Mr. Shaw added that this would be the first secure facility at the state level. Presently, these children are being placed out of state.

Judge Gaston said that the Subcommittee should be aware that the State of Nevada has only one female facility that is

located in Caliente and is an excellent facility. However, because there is only one facility, females are not separated into intermediate, chronic or serious categories. He stressed the importance of looking into the future and providing more services in detention facilities for female offenders.

The Chairman informed Judge Gaston that the female facility issue would be addressed later during this meeting. She noted that money has been earmarked for the China Spring Youth Camp for a female facility.

Mr. Shaw added that DCFS has entered into a contract for an outdoor female program in Utah for day treatment. The DCFS is aware of the problem from the 1997 Session and has advised the new deputy administrator to proceed in addressing this issue.

Continuing, Mr. Shaw moved on to Recommendation No. 6, a status report on potential recommendations to restructure Nevada's state-county juvenile justice relationship, including a model similar to the Reclaim Ohio Program. He noted that during the last interim, a group of people, including Robert Hadfield, Larry Peri, and Scott Cook, traveled to Ohio to review the Reclaim Ohio model. He explained that in restructuring the juvenile justice system, it must be decided if the state or the county will implement the practices. With the Reclaim Ohio plan, the judicial districts (counties) are paid a certain amount of money based on historical commitment. If they develop programs for their own area, they are funded for those activities. On the other hand, if they commit juveniles to a state facility, the county must pay the state. However, rape and violent/armed crimes are omitted from the state fees.

Mr. Shaw indicated that the State of Ohio has moved to using this model because it was experiencing the same growth problems as Nevada. This model was not approved in Nevada during the 1999 Session because of the economic downturn the counties were experiencing. As an alternative, the serious and chronic facility was funded. Mr. Shaw noted that he would like to explore the Ohio model again in the future. He recommended bringing Carol Zimmerman from Ohio to make a presentation to the Subcommittee. In his opinion, this is a way to restructure the relationship between state and county without moving the whole system to either the state or the county.

The Chairman said that she appreciated his support for the Reclaim Ohio model. She recalled the recommendation made by the A.C.R.57 Subcommittee and Dr. Howell's suggestion that the Legislature review the Ohio model to discern if it could work for Nevada.

Referring to page 167 of Exhibit A, the Chairman said it is noted that the Reclaim Ohio model shows great promise through its enhanced community-based systems. She said that the subcommittee would be willing to address these needs. She also noted that the Subcommittee has members that participate in the legislative money committees who are interested in juvenile justice. She noted that more information would be forthcoming as to what the Subcommittee can do to take this issue forward.

Mr. Shaw noted that the former administration did not want to go in that direction due to financial reasons. He noted that it would be his pleasure to pursue the Ohio model if the Subcommittee was in agreement.

The Chairman said that it is known that the model is working for Ohio, but more details on the program are needed in order for the Subcommittee to make the appropriate recommendation.

Mr. Shaw added that he met with the Governor's staff last week and he was directed to review restructuring the juvenile justice system. He discussed the Reclaim Ohio model and was asked by the Governor's staff to pursue implementation of this program.

As a member of the A.C.R. 57 Subcommittee, Senator Washington said that the Reclaim Ohio model was reviewed and it was recommended that information be gathered on the effectiveness of a merge between the state and county.

Mr. Pugh indicated to the Subcommittee that discussions took place during work study group sessions to proceed in developing the pilot program based on the Ohio model in Washoe County. It was decided that Clark County was too populated, but Washoe County was a more manageable size to test a pilot program. It is hoped that Washoe County will be able to advise the other entities about the successes or problems that occur from the new plan.

The Chairman asked if appropriate funding was available in Washoe County to ensure the program could be implemented effectively.

Responding, Mr. Pugh said that the funding would have to be provided by the state to subsidize the county and the county would make the final determination as to whether or not a child should be committed.

The Chairman said she presumed there was funding attached to the program if Washoe County has already begun implementation.

Mr. Shaw said that initially the DCFS identified federal funding for the initiation of the pilot project. Because of the economic condition of the state at the time budgets were being prepared, a serious decision had to be made. The money that DCFS had for the pilot program came from the federal block grant, but the former administration felt that the serious and chronic offender facility was needed first. Therefore, the pilot program was deferred.

The Chairman explained that Mr. Pugh's reference to the pilot program is a historic reference. Therefore, the program cannot begin until additional funding is received.

Mr. Anderson asked Mr. Shaw if the expert from Ohio would be able to advise the Subcommittee of how the Ohio model could benefit Nevada. He also questioned if she has already been asked to make a presentation. Responding, Mr. Shaw said that she has not been scheduled yet to make a presentation. He also noted that it might not be necessary if the Subcommittee is already agreeable to the conceptual framework of the model.

In reply to Assemblyman Anderson, Mr. Shaw said, in his opinion, the people that went to Ohio were extremely satisfied with the concept of the model.

Mr. Hadfield said that he attended the Ohio presentation and it was the opinion of the group that by following the Ohio model some major shifts could be made to get things closer to the community level.

Mr. Shaw added that the plan did not close any institutions in the State of Ohio, but just stops or substantially slows the growth within the institutions that are available.

In reply to the Chairman, Mr. Shaw said that the Community Corrections Partnership Block Grant Program would be explained under item F of the agenda. That program in conjunction with two other programs was meant to develop community alternatives to help the backlog in juvenile hall, and the state goal is to build more programs at the community level.

Responding to Assemblyman Anderson, Mr. Shaw said that DCFS's goal is to receive the Subcommittee's support with the Reclaim Ohio Program, so that additional funding would be recommended to the 2001 Legislature to support the program.

Assemblyman Anderson said that it was his understanding that the Chairman has already mentioned that there is no need for such a presentation from an Ohio representative because there is already sufficient evidence that the subcommittee will be moving in that direction.

Chairman Wiener said that she was not sure she said there was no need for a presentation, but the subcommittee's budget would have to be reviewed, along with the costs of bringing in an expert.

Mr. Shaw said the DCFS is trying to locate funds in its OJJDP budget to pay the costs of bringing an expert here from Ohio to make the presentation.

In response, the Chairman said that the Subcommittee looked forward to working with him if he could make this presentation available to them. She added that any information is welcome that will enable the Subcommittee to make appropriate decisions for the State of Nevada.

Replying to Senator Washington, Mr. Shaw indicated that he would review the information available from the pilot program established from Senate Bill 288 (Chapter 508, *Statutes of Nevada 1999*) that could help this Subcommittee, but, he was unsure that an analogy between the child welfare system and the juvenile justice system could be made. In his opinion, the two systems are very different and he did not feel any valid comparisons could be made.

Mr. Shaw added that the DCFS has a sophisticated evaluation system set up on the S.B. 288 pilot program, which can be made available to the Subcommittee.

Commitment of Youth to State of Nevada Juvenile Correctional Facilities

Referring to page 175 of Exhibit A, Ms. Smith provided the Subcommittee with the status of youths awaiting placement. She noted that in March 1997, county detention facilities had over 103 youth awaiting placement at state institutions. Seventy of those youth had been waiting for more than 30 days. As a result of some of the funding received by DCFS for the Community Corrections Partnership Block Grant and the Transitional Community Reintegration Program, additional federal funds were put into programming and the Division has been able to reduce the number of youngsters waiting. She said that as of Fiscal Year 1999, the average number of youngsters waiting was 31.4, with an average of 1.9 waiting more than 30 days, which is a significant reduction in waiting time.

Continuing, Ms. Smith indicated that no matter how many programs are established, there will always be a number of youngsters in the detention facilities awaiting placement. She noted that before placement can be made, the child must be assessed, receive a physical examination, transportation arrangements must be confirmed, and at times these items delay the transfer for a youngster moving into one of the institutions.

Ms. Smith explained that Mr. Carter compiled the charts outlined on pages 177 to 187 of Exhibit A, which contain the three fiscal periods that the DCFS was requested to provide information on. The charts list the number of children waiting in detention centers to enter the institutions. She reviewed the chart on page 177, which showed a total reduction in youth awaiting placement of 20 from July 1997 to February 1998. Another chart on page 179, "Committed Youth Awaiting Placement Over 30 Days," illustrates that on July 1999, 18 youth were waiting over 30 days, and in June 1998, there were no youngsters held over 30 days.

Mr. Shaw added that the additional funding received has gotten the state through the crisis period by building community programs that were needed.

The Chairman specified that she knew a lot of work went into creating the charts submitted, but indicated that the Subcommittee has a short period of time to interpret the information, she said that it would be more helpful if a brief overview was prepared in written text.

Judge Gaston concurred with Mr. Shaw and Ms. Smith and noted that the cooperation between the state and county to establish new programs in the community has been remarkable. Because of the waiting period in Clark County, the Spring Mountain Youth Camp staff has begun to go to the Clark County Detention Center to start their program as soon as a youth has been assigned to Spring Mountain, even though the child may have a 30-day waiting period. The staff of Spring Mountain begins to work with the child while he is still located at the detention center by conducting orientations regarding the program. Judge Gaston explained that when the Spring Mountain staff work with a child before he is transferred to their facility, the time is counted towards their sentence.

Lastly, Mr. Shaw said that the serious and chronic facility will give the state the ability to work with children in Las Vegas and not relocate them to Elko or Caliente where they are separated from their families.

Continuing Ms. Smith referred to page 189 of Exhibit C, which is a chart listing commitment and population data for the Caliente Youth Center. The chart illustrates the average daily population of the Caliente Youth Center for Fiscal Years 1998, 1999 and 2000, broken down by male and female. She noted that the design capacity for the facility is 140, and in FY 1998 the average daily population (ADP) was 154.8; in FY 1999 the ADP was 152.6; and in FY 2000 the ADP is 163.9. Ms. Smith indicated that at the bottom of the chart, for the same three fiscal periods is a listing of the counties the offenders came from. Clark and Washoe Counties had the largest number of commitments.

Ms. Smith referred to page 191 of Exhibit A, the Nevada Youth Training Center in Elko, and noted that as a result of a retrofit project in 1995, the facility was decreased from a 160-bed capacity down to 157 beds. However, the programs available for the youngsters were not affected. Ms. Smith added that the average daily population for FY 1995-1996 was 170, FY 1996-1997 was 176, FY 1997-1998 was 185 and FY 1998-1999 was 171.

Responding to Senator Washington about the national rate of juvenile crime, Mr. Shaw said that according to the Uniform Crime Report received from the Department of Motor Vehicles and Public Safety, juvenile crime has

lessened in every area in the country. However, because of the rapid population growth in Nevada, it is difficult to determine Nevada's rate. He noted that once the data system was fully integrated, it would be easier to establish Nevada's statistics. He also noted that Caliente and the Nevada Youth Training Center have their own firefighting crews, and up until 1972 Nevada had the only male firefighting crew in the United States and as of this year also has a female certified firefighting crew. These firefighting crews have fought fires all over the United States and have earned income, which was used to pay restitution bills. Mr. Shaw indicated that these crews are working well to develop self-esteem with the inmates and has also enabled some of the offenders to acquire jobs. Mr. Shaw further noted that the female firefighting crew became operational due to a suggestion made by Ms. Smith.

Continuing, Mr. Shaw said that Governor Guinn addressed a crowd of approximately 300 adults and 150 students, at the Caliente facility about three weeks ago

Responding to Senator Washington, Ms. Smith added that Nevada's two facilities were built in the early 1960s and have not had that much of an increase in terms of the design capacity keeping up with the state's population.

UPDATE OF CHANGE TO NEVADA REVISED STATUTES BY 1999 LEGISLATURE AFFECTING JUVENILE JUSTICE

Kevin C. Powers, Senior Deputy Legislative Counsel, Legal Division, L.C.B.

Mr. Powers advised the subcommittee that the material relating to his testimony was provided as a separate handout (see Exhibit C). He said he would provide a brief overview of Legislation that was passed during the 1999 Session relating to Chapter 62 of *Nevada Revised Statutes* (NRS) and would not provide information on any of the bills relating to appropriations or the operation of detention facilities. Outlining the legislation, Mr. Powers noted that:

- **The Alternative Programs and Restorative Justice** created programs, including:
 - 1) **Programs of restitution through work (S.B. 77)**, which are intended for juveniles who are not violent offenders and provides a program through work where the offender is given skills in employment and work ethics and if practicable, is required to sign an authorization form that permits money to be deducted from the wages to pay restitution;
 - 2) **Programs of cognitive training and human development (A.B. 229)**, which are intended for first time non-violent offenders and contains many elements designed to rehabilitate juvenile offenders; and
 - 3) **Supervised programs for the arts (S.B. 87)** -- first-time non-violent offenders; the courts are provided the opportunity to order that the offender participate in a program of sports and physical fitness. The program for the arts is in addition to the programs of sports and physical fitness and may include drawing, painting, photography, music, dance or theatre, or writing.
- **Custody, Detention and Disposition of Juveniles who commit certain acts** -- The three measures relating directly to custody and detention are:
 - 1) **Notice of custody to parent, guardian or custodian (A.B. 262)** -- Before enactment of A.B. 262, the provisions of NRS 62.170 provided that when a juvenile was taken into custody the arresting officer had to immediately attempt to notify the parent and now the statutes provides "shall, with undue delay, attempt to notify" the parent of the child, allowing more flexibility for law enforcement officers.
 2. **Battery constituting domestic violence (A.B. 473)** -- Provides a 12-hour holding period for juveniles charged with battery constituting domestic violence, which is similar to the 12-hour holding period applied to adults when they are arrested for battery which constitutes domestic violence.
 3. **Possession, use or threatened use of a firearm (A.B. 221)** -- The first requirement under A.B. 221 is that all such juveniles must be taken into custody if there is probable cause to believe they have committed an offense that involves the possession, use or threatened use of a firearm. The second component is if a juvenile

is suspected of committing a firearm offense, he cannot be released immediately to his parents. Instead, the juvenile must be detained until a detention hearing is held before the judge or master, and at that time the juvenile's continued detention is determined by the judicial officer. The final component is if the judicial officer at the detention hearing determines that the juvenile needs to be evaluated by a qualified professional, then the juvenile is to be detained 14 additional days or placed under a program of electronic surveillance at his home.

4. **Cruelty to animals (A.B. 221)** – If a juvenile is adjudicated delinquent for an offense regarding cruelty to animals, the juvenile is to be ordered to participate in counseling or other psychological treatment.
5. **School-Related violent felonies (A.B. 53)** – This bill excluded certain offenses from the jurisdiction of the juvenile courts and the two components of the offense include: (1) any felony that results in death or substantial bodily injury, if the felony was committed on the property of the school during school activity and the juvenile who committed the offense intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person. The juvenile would be excluded from the jurisdiction of the juvenile court and would automatically be placed in the adult criminal justice system.
6. **Payment of restitution (A.B. 165)** – Amended the section of NRS 62.2245 dealing with restitution. The judicial officer, judge or master has the ability to order restitution. In 1997, restitution was made a requirement when the juvenile damaged property and now the same requirement also applies when the juvenile injures an individual during the commission of the unlawful act.
7. **Habitual truants (A.B. 15)** – This bill modified the provisions in Chapter 392 of NRS relating to public schools dealing with advisory boards for truancy. The provisions to Chapter 62 of NRS provides: (a) that a juvenile probation officer can act as a master and therefore, make findings and recommendations to the juvenile court concerning habitual truants; (b) that a school police officer or other school officer may sign a petition alleging that the juvenile is a habitual truant; and (c) changes related to the sanctions for juveniles that are found to be habitual truants. For a first offense, the court is ordered to impose a fine of not more than \$100 and the court may also order that the juvenile perform not less than eight hours, but not more than 16 hours of community service; and suspension of the driver's license of the juvenile prior to the 1999 Session was 30 days, now it is at least 30 days, but not more than six months for the first offense. The change for a subsequent offense was 60 days prior to the 1999 Session, but now is at least 60 days, but not more than one year for a subsequent offense.

- **Fingerprints, Photographs And Records**

1. **Fingerprints and information submitted to the Central Repository (A.B. 621)** – Fingerprints that are sent to the Central Repository, must now include information describing the juvenile and the unlawful act that the juvenile committed.
2. **Photographic lineups (A.B. 165)** – Prior to the 1999 Session, inspection of photographs of juveniles was limited to persons conducting criminal investigations. The district attorneys requested that be expanded to criminal investigations and photographic lineups, which was the change made by A.B. 165.

- **Related Resolutions and Studies**

1. Senate Concurrent Resolution No. 14 requested that the Eighth Judicial District Court assign its juvenile court judge to serve as the juvenile court judge for a period of three years.
2. Assembly Bill 686 created the Commission on School Safety and Juvenile Violence to develop and adopt a statewide plan of emergency response to incidents of school violence.

In reply to Senator Neal, Mr. Powers said that if the juvenile is adjudicated delinquent, there is no limitation on the amount of time a photograph is kept on file. According to NRS 62.350, "the photographs of the child must be kept

in the file pertaining to the child under special security measures which provide that the photographs may be inspected only to conduct criminal investigations and photographic lineups. If a court subsequently determines that the child is not delinquent, the court shall order the photographs to be destroyed.”

Mr. Powers further noted that the definition of delinquency is a finding of guilt.

Regarding S.B. 77, Senator Washington asked if the juvenile is required to find his own job or if assistance was provided.

Responding, Mr. Powers said the juvenile would be provided assistance through the program that was established by the county.

Chairman Wiener added that she recently attended a meeting in Clark County regarding S.B. 77, with staff from Mr. Burgess’ office and also with the Chamber of Commerce who has made a strong commitment to work with its members, to persuade them to offer employment opportunities to juveniles through these programs. She indicated that a video will be made and possibly a luncheon program for the Chamber of Commerce to alert the business community about the program.

Mr. Burgess said that he met with county staff yesterday to begin preparing the video. In his opinion, this is one of the most beneficial program to help keep juveniles from re-offending by providing a job skill, and allowing the juvenile to pay restitution and fines that they owe.

Questioning Mr. Powers, Senator Neal asked if the changes to the statutes outlined in his testimony were reactive in nature and were not provided as prevention methods

Mr. Powers said that the changes he focused on dealt specifically with Chapter 62 of NRS and the procedure after the child enters a juvenile justice system. However, there are restorative and rehabilitative effects from the program of restitution through work and the program of cognitive training and human development that are intended to prevent recidivism.

Senator Wiener added that the bills she introduced focused on first time and non-violent offenders. The bills were formulated to get the offender out of the system as soon as possible through diversion by using early intervention.

Further commenting, Senator Neal said that it seems that programs are being developed to chase the activity or crime that has been committed rather than trying to prevent the crime.

As a sponsor of the measures discussed by Mr. Powers identifying the possession and use of a firearm by a juvenile and cruelty to animals, Assemblyman Anderson said the most convincing arguments used to get this measure adopted was that it could be a precursor to higher criminality at a later time. He also concurred with Senator Neal and noted that most of the legislation is based on reaction more than prevention.

STATUS REPORTS ON 1997 AND 1999 LEGISLATIVE APPROPRIATIONS TO COUNTIES FOR CONSTRUCTION OF FACILITIES -- A.B. 464 AND S.B. 497, 1997 LEGISLATURE AND A.B. 330, A.B. 703 AND S.B. 560, 1999 LEGISLATURE

Mr. Burgess provided the Subcommittee with a report on A.B. 464 (Chapter 579, *Statutes of Nevada 1997*), which was enacted to allocate funds for the construction of Spring Mountain Youth Camp. He noted that the project called for the construction of an additional 20 beds (see page 203, Exhibit A and Exhibit D). Since that time Clark County has been trying to get the camp constructed, and also ensure that the funds allocated were used to directly benefit the children. Continuing, Mr. Burgess said that Phase I of the project consisted of three dorms: two 40 bed dorms and a 20-bed dorm for a total of 100 beds in the central plant. This is presently under construction and it is anticipated the facility will become operational sometime between April and June 2000. Mr. Burgess noted that last week several legislators visited the facility, including Senator Neal. Due to the severe winter conditions at Spring Mountain, which is located on Mount Charleston at an altitude of about 8,000 feet, the contractors are closing in the facility so that

they can begin to concentrate on the interior. The Youth Camp has a partnership with:

- Clark County Department of Education, which will be located directly on the site to provide education.
- The U.S. Department of Forestry constructs trails and trail signs, and cleans out the picnic sites.
- The local boys and girls club provides on-site staff to connect with the youths, and when the child goes back into the community they are reintegrated into the community with connection to the boys and child club.

Mr. Burgess said he is anxious to see the balance of the camp constructed, which includes a schoolhouse, gymnasium, and youth services center where visitors and children will receive healthcare, and will also house the administrative offices. In closing, he said he would be happy to provide the Subcommittee with a report and tour of the facility when it has been completed.

Senator Neal concurred that he visited the camp and noted that it is a secure facility.

Judge Gaston added that the forestry programs in Caliente and Elko are run extremely well and that building the trails is extremely hard work. He also added that the Spring Mountain facility is coming along really well and is built on solid rock. He suggested that maybe in the future an all female facility could be built at this location.

Mr. Burgess also noted that Clark County is in the process of contracting for a residential girls service. Clark County's detention center has a 24-bed living unit for females and lately there are approximately 40 females housed daily. Since there has been a dramatic rise in female offenders, Clark County, in conjunction with the state are working to put together a contract to have a facility for females constructed in Clark County.

Fernando Serrano

Mr. Serrano, Chief Probation Officer for the Sixth Judicial District consisting of Humboldt, Lander and Pershing Counties said he was sorry Assemblywoman Evans had to leave the meeting and noted that as the President of the Nevada Association of Juvenile Justice Administrators during the A.C.R. 57 Study, he worked closely with her and Mr. Peri. He said he appreciated her enthusiasm and said he can see the same enthusiasm in Chairman Wiener. He said that a great deal of time was allocated to rural issues during the A.C.R. 57 Study, which he appreciated since it is clear that the bulk of Nevada's youth population is located in Clark and Washoe Counties.

The Chairman directed the Subcommittee to page 214 of Exhibit A.

Continuing, Mr. Serrano said that the Sixth Judicial District received funding from A.B. 464 (*Chapter 579, Statutes of Nevada 1997*) and A.B. 703 (*Chapter 584, Statutes of Nevada 1999*) to construct a juvenile detention center. This was combined with funding from the Humboldt, Lander and Pershing County Commissioners, together with the City of Winnemucca. On August 19, 1999, ground breaking took place on this 24-bed facility and the scheduled completion date is April 26, 2000. The current juvenile detention facility is housed in abandoned Air Force quon-set huts totaling 4,500 square feet that were constructed in the early 1950s.

Mr. Serrano thanked Mr. Hadfield and Tom Grady of the Nevada League of Cities for setting up a rural Nevada tour during August 1999. A number of legislators were brought on the tour and a stop was made at Leighton Hall Juvenile Detention. This gave legislators the opportunity to see the quon-set huts and district representatives were able to describe some of the its programs.

Continuing, Mr. Serrano said that the position of the Sixth Judicial District has always been to develop programs for alternative education and substance abuse. He noted that the new facility will enable juveniles to be held for a longer period of time and receive more intensive substance abuse counseling and academic assistance. One of the best things about having a facility located in the district is that the family can be included in the treatment program.

Charles R. Steele

Mr. Steele, Chief Juvenile Probation Officer, Third Judicial District, Lyon County, introduced Mr. Steve Mathews,

who will provide a brief presentation regarding the progress on the Western Nevada Regional Youth Center (WNRVC).

Steve Mathews

Mr. Mathews, Administrator, WNRVC said it was a pleasure to be here today to present to the Subcommittee, the status of the facility. He noted that the \$1.25 million provided by A.B. 464 (Chapter 579, *Statutes of Nevada 1997*) was put to use constructing the building (see page 219, Exhibit A). He said that by November 12, 1999, a certificate of occupancy should be obtained. He said that collaboration between the five counties involved has been tremendous and he thanked the juvenile probation officers from Carson City and Churchill, Douglas and Lyon Counties for their support. He said the main focus of the facility would be substance abuse and that a full-time therapist has been assigned to the facility. It is anticipated that the facility will open on February 1, 2000. He noted that since being hired one-month ago, he has spent much of his time writing job specifications. A school program has been settled upon through the Lyon County School District.

Continuing, he said that if the youth were not in school or therapy, they would be assigned to duties in the community working on the sides of roadways, or at local school districts, parks and recreation facilities. After school, the first goal will be therapy, to figure out what caused the child to be brought to the facility. He indicated that the children would wear recognizable uniforms when working in the community.

Mr. Mathews remarked that there is a great deal to be accomplished before the facility opens and he is working on getting the best prices for the various types of merchandise that will be needed by contacting four different suppliers of institutional products.

Patricia Plaster

Ms. Plaster, Detention Director, Elko County, Fourth Judicial District testified on behalf of Sandy Tedsen, Chief Juvenile Probation Officer, Elko County (see page 221, Exhibit A). Ms. Plaster said that funds were provided to construct a new juvenile detention center in Elko. While the new facility was being constructed, the probation department moved into a block of the Elko County Jail occupying one 12-bed cellblock. Because this was a more secure facility, it enabled the county to house more at-risk youth, as well as provide the staff with a more secure setting. A trailer located in front of the building was used as a booking area and administration.

Continuing, Ms. Plaster said that the new Northeastern Nevada Juvenile Center was completed in May 1997 thanks to joint funding from:

- Eureka County (\$1 million) – Beds will be made available to Eureka County as part of the contract with them. Eureka also loaned Elko an additional \$1 million.
- Eureka County School District (\$200,000), which helped finance classrooms and the alternative education program.
- Elko County School District (\$100,000), which was put towards the building construction funds.
- Local gold mines and casinos and residents of Elko County contributed a total of \$90,613.

She explained that the county was \$532,574 short for construction costs, which was provided by a Legislative Appropriation.

Ms. Plaster indicated that the school district is working with the juvenile detention center to provide educational opportunities within the secure setting, as well as a large alternative educational program. She had the Subcommittee view a large poster drawing of the building and commented that several existing facilities were toured before the plans were designed for Elko. She advised that besides the offices located in Elko, which houses two probation officers, the juvenile master and juvenile court, two satellite offices are also located in Spring Creek and Wendover, Nevada.

Responding to Senator Washington, Ms. Plaster said that the facility contains one female cellblock. As previously noted, Elko County is also struggling to provide appropriate female programs.

In reply to Chairman Wiener, Ms. Plaster said that the county is experiencing a notable increase in female delinquency.

The Chairman added that approximately 30 percent of gang members are young women.

Ms. Plaster said that Elko County has not reached capacity at the new facility, and has had only two or three days where 24 juveniles were in custody.

In addition, Ms. Plaster said that Elko has developed a new program for Treatment and Education of Drug Abuse (TESA), which is a 28-day in-house program. It was being used for the local children, but youths from other counties have also been placed into the program.

Responding to Assemblyman Anderson, Ms. Plaster said that CHINS (Child in Need of Supervision) youth are not placed in secure settings. She said that the assessment forms have been reviewed, but Elko County has not had the need to use them yet. She noted that the county conducts its own assessment. A small number of youth are sent on to state facilities due to Elko's small population. The county does not have a boys and girls club and the other programs available are few.

Steven J. Thaler

Mr. Thaler, Director, China Spring Youth Camp (CSYC) (see Exhibit E) provided the Subcommittee with an overview of the progress at CSYC. He noted that S.B. 497 (Chapter 655, *Statutes of Nevada 1997*) provided an appropriation for a new Gym/Multipurpose building at the CSYC, which was recently dedicated to Senator Lawrence E. Jacobsen. A color photograph is provided on page 5 of Exhibit E. The funds provided were spent in full and the facility is in full operation. The facility has provided extra space for visiting, church services and the athletic program.

Continuing, Mr. Thaler noted that the S.B. 560 (Chapter 544, *Statutes of Nevada 1999*) provided \$2.8 million for the expansion of the CSYC. When the bill was passed, it provided the funds would be available on July 1, 2000. A plan for the expansion was developed and brought before the Legislature and with the help of Senator Jacobsen and the Subcommittee members, the measure passed. Mr. Thaler said that since the funds would not be available until July 2000, he requested a loan from the Douglas County Board of Commissioners to begin the project by hiring an architect and engineer, which was provided.

He noted that he originally estimated the female facility to be open in July 2000, but that date has proven to be unrealistic and has been changed to January 1, 2002.

Mr. Thaler thanked the A.C.R. 57 Subcommittee and remarked that the help provided by the Legislature has enabled these programs to keep growing. He encouraged the Subcommittee, the Legislature, and the Governor to keep progressing forward regarding juvenile justice issues.

Senator Jacobsen said that Mr. Thaler runs a good program at the CSYC. The camp has full community support and the Gardnerville Kiwanis Club handles all social situations for the facility. The success of this facility is that it operates cheaper than any other facility in the state. In closing, the Senator said he takes a lot of pride in the facility and is somewhat embarrassed that the Gymnasium was dedicated to him. He said that anyone is welcome to pay a visit to the facility. In his opinion, visitors would be impressed with the youths in the facility who are dressed properly and are extremely well mannered. He congratulated Mr. Thaler and his staff for a job well done.

Responding to Senator Washington, Mr. Thaler said that CSYC is a Level 2/Intermediate facility. One of the goals at CSYC is to provide good treatment programs so that they do not go on to institutions for more severe offenders. He also noted that children throughout the state are taken at CSYC except for those from Clark County.

In closing, Mr. Thaler said that the largest task CSYC will be facing is obtaining the funding needed to run the new

programs once the facility is built. He said that he has a good relationship with Mr. Shaw and the state. He welcomed Ms. Smith and noted that she will be a fine addition to the staff. He hoped that this Subcommittee and the Legislature foresee the future needs at CSYC.

Mr. Pugh (previously identified) said that Washoe County appropriated \$1.5 million in the existing budget for design work and a down payment on land for a new facility. In addition to that, approximately \$600,000 in salary savings from last year has also been committed to the project. The \$3 million appropriation from the Legislature becomes available on July 1, 2000. The county will not be ready to begin construction until that point in time anyway. Currently, an RFP has been disseminated to select an architectural programming consultant and a master planner for the facility. The deadline for the proposals was Friday, October 29, 1999. The proposals will be scored tomorrow, November 5, 1999, however, only three proposals were received. Therefore, all three of the firms will most likely be interviewed. The Public Works Division has indicated that the programming and master plan should take approximately 90 to 100 days. During that time, the county will distribute an RFP for an architectural design and engineering firm to actually design the building. Because of the urgency involved, efforts are being made to expedite the project, while ensuring that a quality facility is built. The preliminary projections from the county architect were the year 2003, but the county is trying to move it forward to 2002.

For the Subcommittee's information, and as a token of Washoe County's appreciation for the appropriation received from the state, Assemblywoman Jan Evans and Senator Bernice Mathews have been asked to participate on the county's steering committee for that project. They will receive monthly status reports as to the process the county is using and how the project is proceeding.

In reply to Senator Washington, Mr. Pugh said the bill that provided funding to the WNRYS did not allocate funding to Washoe County. He advised that the total funding for construction of the facility is in place and will be acquired through selling the existing property (Wittenberg Hall) and refinancing of debt service. Mr. Pugh added that Wittenberg Hall was appraised a few years ago at \$4.4 million.

PUBLIC TESTIMONY

The Chairman asked how many persons wished to make public comment. There being none, the Chairman moved to the next agenda item.

DISCUSSION OF FUTURE MEETING DATES AND TOPICS, AND DIRECTION TO STAFF

Chairman Wiener advised the Subcommittee that the location for the next meeting will be changed to Las Vegas because two of the members will already be at that location for other meetings. Therefore, the December 9, 1999, meeting will be in Las Vegas with videoconferencing to Carson City and the February 24, 2000, meeting will be in Carson City with videoconferencing to Las Vegas.

There being no further business before the Subcommittee, the Chairman adjourned the meeting at 3 p.m.

Respectfully submitted,

Jeanne Peyton
Secretary

APPROVED:

Senator Valerie Wiener, Chairman

Date

Copies of the exhibits mentioned in these minutes are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the library at (775-684-6827).