

MINUTES OF THE MEETING OF
THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
TO STUDY THE SYSTEM OF JUVENILE JUSTICE IN NEVADA
(ACR 57)

Held at the Legislative Building, Room 1214
401 South Carson Street, Carson City, Nevada
June 17, 1998

The sixth and final meeting of the Legislative Commission's Subcommittee to Study the System of Juvenile Justice in Nevada (created as a result of Assembly Concurrent Resolution 57), was held at 9:00 a.m. on Wednesday, June 17, 1998, at the Legislative Building in Carson City, Nevada, and was simultaneously teleconferenced to the Grant Sawyer State Office Building in Las Vegas, Nevada.

SUBCOMMITTEE MEMBERS PRESENT IN CARSON CITY:

Assemblywoman Jan Evans, Chairman

Senator Valerie Wiener, Vice Chairman

Senator Ernest A. Adler

Senator Maurice Washington

Assemblywoman Marcia de Braga

Assemblyman David Humke

Assemblywoman Gene Wines Segerblom

SUBCOMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Mark James

SUBCOMMITTEE MEMBERS ABSENT:

none

ADVISORY MEMBERS PRESENT IN CARSON CITY:

Judge Deborah Schumacher

Robert Hadfield

ADVISORY MEMBERS PRESENT IN LAS VEGAS:

David F. Bash III

ADVISORY MEMBERS ABSENT:

none

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

- Reba Coombs, Committee Secretary
- Larry L. Peri, Senior Program Analyst
- Kimberly Morgan, Chief Deputy Legislative Counsel
- Juliann Jenson, Senior Research Analyst
- Mark Stevens, Assembly Fiscal Analyst

ATTENDING IN CARSON CITY:

- Kathy Bartosz, Bureau of Alcohol and Drug Abuse
- Anne Cathcart, Attorney General's Office
- Larry Carter, Juvenile Justice Specialist, Division of Child and Family Services
- Tony Clark, Adjutant General, Nevada Army National Guard
- Geoff Dornan, Carson Appeal
- Mary Henderson, Washoe County
- Mike Henderson, Reno Gazette-Journal
- Carol Gulantuomini, Washoe County Juvenile Services
- Bill Lewis, Carson City Juvenile Probation
- Marilynn Morrical, BADA
- Leonard Pugh, Washoe County Juvenile Services
- Chief Master Sergeant Ronald Ramoni
- Cy Ryan, Las Vegas Sun
- Senior Master Sergeant Lucienne Scoggin
- Steve Shaw, Division of Child and Family Services

Mike
Simonsen,
Elko
County
Juvenile
Probation

- Alicia Smalley, Nevada Association of Social Workers
- Major Michael Stafford
- Charles Steele, Lyon County Juvenile Probation

ATTENDING IN LAS VEGAS:

Kirby Burgess, Clark County Family & Youth Services

Bruce Kennedy, Youth Parole

Linda Johnson, State of Nevada Employees Association

Willie B. Smith, Juvenile Justice Commission

Colleen Wilson-Pappa, Clark County

EXHIBITS:

Exhibit A- Meeting Notice and Agenda

Exhibit B- Attendance Roster

Exhibit C- Informational Meeting Packet (on file at the Research Library)

Exhibit D- Final Minutes from May 20, 1998 (on file at the Research Library)

Exhibit E- Second Draft of Amendments to NRS 62.360

Exhibit F- Additional Possible Recommendations for Committee Consideration

Exhibit G- Letter to Assemblywoman Jan Evans Regarding Truancy Centers

1. ROLL CALL.

Chairman Jan Evans called the meeting to order at 9:40 a.m. The roll was called by the secretary and it was noted a quorum was present.

Before beginning the last hearing of the committee, Chairman Evans stated it had been a great pleasure working with the committee and all the others who had cooperated in the committee's endeavors. The amount of work involved was a great burden to staff and she thanked Kim Morgan and Kevin Powers of the Legal Division and Juliann Jenson of the Research Division. She complimented Reba Coombs of the Fiscal Division for her outstanding work on the minutes and offered a special thanks to Larry Peri of the Fiscal Division who acted as lead staff. Chairman Evans noted the burden of the committee always fell to the lead staff person, and Mr. Peri had done a remarkable job.

Chairman Evans also thanked the advisory members of the committee. They had performed beyond expectations, had enriched the discussions of the committee and had made a generous investment of time. She thanked Mr. Bash for the research papers he had prepared and his kindness in sharing the same with the committee to increase their understanding of the issues.

Calling attention to Mr. Hadfield, Chairman Evans thanked him for bringing the counties' perspective to the committee. Nevada had 17 counties and when the large issues of the urban counties were discussed, sometimes the rural counties were neglected. Chairman Evans also thanked Judge Schumacher and her colleagues in the Washoe County courts for making arrangements so she could attend the committee meetings. The judicial perspective was highly valued.

Chairman Evans also thanked many other participants, including Steve Shaw, Kathy Bartosz, Marilynn Morrical, and Fernando Serrano, for making the time to repeatedly attend the meetings and participate in the process. This cooperation was a tribute to the success of the committee so far.

Thanks were also extended to the legislative members of the committee. Chairman Evans was very appreciative of the perseverance and persistence of the members, their hard work, concern and being well informed.

2. REVIEW AND APPROVAL OF MAY 20, 1998, MEETING MINUTES.

There being no questions or corrections regarding the minutes, the chairman asked the pleasure of the committee.

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SENATOR ADLER MOVED TO APPROVE THE MINUTES.

MRS. DE BRAGA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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C. VIDEO TAPE PRESENTATION — "WHAT CCA (CORRECTIONS CORPORATION OF AMERICA) DOESN'T WANT YOU TO KNOW ABOUT PRIVATE PRISONS."

Chairman Evans recognized Linda Johnson with the State of Nevada Employees Association. Ms. Johnson said she had been following the meetings of this committee and was aware of the types of information which had been gathered. Approximately one month ago, she received a copy of the video "What CCA Doesn't Want You to Know About Private Prisons." Because of a reference in the video to a youth center in Colorado, Ms. Johnson wanted to share this information with the committee. The video was only seven and a half minutes, but it contained to-the-point information. She appreciated the time allotted to share this information with the committee, and apprised them additional information was being compiled which would be available at a later date.

(The video contained information presented as a public service of AFSCME Corrections United which indicated that privatized facilities had a higher risk of rioting, sexual abuse of inmates and juveniles, financial losses for the state, and unlimited liability for city, county and state governments, than non-privatized facilities.)

After the video finished, Chairman Evans thanked Ms. Johnson for bringing this information forward; it served as a caution flag for the legislature. As was known, the authorization for a juvenile facility was voted upon last session where it was determined the facility would be built privately and the request for proposal (RFP) also included a portion for the potential privatized operation of that facility. It was at the behest of this committee that the Budget Division and the group working on the RFP brought in some outside technical assistance to put together the best possible RFP. The work product which resulted was quite good, nothing was perfect, but it was certainly the charge of the legislature as well as state agencies to have careful oversight on the building and operation of that facility. Chairman Evans stated she appreciated Ms. Johnson bringing this information to the committee.

Before the hearing could continue, technical difficulties were experienced with the video conferencing equipment, which delayed the hearing for approximately one hour.

When the hearing resumed, Chairman Evans recognized Mr. Bash, who said he wished to comment on the videotape. He was unable to distinguish which of the facilities were for juveniles and which were for adults. When he was in Tennessee three or four years ago, the Tennessee legislature authorized the construction of two juvenile facilities, one to be run by state employees and one to be run by a private corporation. The legislature also authorized a contract with the university to study the effectiveness of those two programs, side-by-side. Mr. Bash felt it would be useful for the legislature and the executive branch to obtain a copy of that evaluation if it had been completed by Tennessee.

Chairman Evans said that was an excellent suggestion. She could not, however, answer the question whether the facilities in the video were juvenile or adult. The High Plains facility in Colorado was a juvenile facility, and it sounded as if the Youngstown facility in Ohio may have been an adult facility.

D. OVERVIEW OF YOUTH PROGRAMS COORDINATED BY THE NEVADA ARMY NATIONAL GUARD: PROJECT CHALLENGE; CAMP WALKABOUT; AND FRIENDS FOR LIFE.

Chairman Evans explained this item was on the agenda today because General Clark was going to appear in front of the

Interim Finance Committee next week regarding his budget and this item. In a recent discussion, Chairman Evans asked General Clark and his staff to provide this committee with an overview of how the programs were working. Those legislators who served on the money committees were familiar with the youth programs through the budget review process and she felt this committee should be aware of this option when discussing interventions and graduated sanctions.

Chairman Evans recognized Adjutant General Drennan A. "Tony" Clark, of the Nevada Military Department. General Clark introduced:

- Chief Master Sergeant Ronald Ramoni, Special Project Officer for Project Challenge;
- Senior Master Sergeant Lucienne Scoggin, Special Project Officer for the Camp Walkabout and Friends for Life programs; and
- Major Michael Stafford, Counter Drug Coordinator, this venture was the umbrella under which these three programs and other youth programs ran.

General Clark indicated he would give a brief overview of the three programs and the subject matter experts would be able to answer any questions for members of the committee on the specifics of the program. (See Exhibit D, tab D.)

Project Challenge

Project Challenge was until this year a totally federally funded program for high school dropouts. It was a five-month in-residence program run in a military boot camp-type of operation, aimed toward getting youngsters who had dropped out of school a GED, teaching them life skills, how to resolve problems with other people without resorting to violence, and teaching them community service and some self-responsibility, self-control and self-respect.

General Clark explained the Nevada Army National Guard had been partnering with the state of Arizona because Arizona had physical facilities. A barracks, classrooms and a dining hall were located at the former Williams Air Force Base just south of Phoenix. The federal monies received by Nevada had been going to Arizona along with the Nevada youth who were being sent there. Two five-month in-residence programs were operated each year. Approximately two weeks ago, General Clark said the graduation was held for the first class. Eight Nevada students graduated from a class of 115, with Arizona students making up the balance. A new class will be started at the beginning of July.

Camp Walkabout

General Clark stated Camp Walkabout was a new program which would be run this summer by the Nevada Army National Guard in Nevada. This program was very similar to Project Challenge in that it was a military boot camp-type of operation, but it would only be a six week in-residence program. The program would start in Washoe County in conjunction with the University of Nevada, the Washoe County Sheriff's Office, and Truckee Meadows Community College. The Guard would be providing housing and the military training cadre; the University of Nevada would be providing classrooms and student teachers who would teach the courses to help students get their GED; the Sheriff's Office would be providing some cadre, but would also be providing three meals per day for the students; and Truckee Meadows Community College would provide three free credit hours for each of the students who graduated from the program.

General Clark testified this program was aimed at those kids who drop out, but could not go away from home for five months to join Project Challenge for whatever reason. If the program was successful in northern Nevada this summer, the Guard planned to try to expand it into southern Nevada next summer. The program would work in conjunction with the University of Nevada in Las Vegas, Las Vegas Metro and Clark County Community College.

Friends for Life

Calling attention to the Friends for Life program, General Clark indicated guardsmen were provided to train mentors and act as mentors for at-risk youth in the grammar school level. Mentors were in 12 schools, General Clark believed, and these adults were trained by the Guard. When at-risk students were identified by their schools, the Guard entered into an agreement with the school and the parent and a mentor was sent into the school for up to one hour at a time for up to twice a week to meet with at-risk kids. This program provided someone to these kids who was not a teacher, not a parent, and

not in a position of any authority over the child, but who could try to help the child solve problems. The mentoring would include helping the child get in touch with where they needed to be going, and how to get there to solve some of their problems.

This was a synopsis of the programs and General Clark commented if there were specific questions, he asked they be directed to CMSgt. Ramoni or SMSgt. Scoggin.

Senator Wiener called attention to the Camp Walkabout program and General Clark's comment about gaining a GED in six weeks. She asked if there was a screening process which the children went through wherein they would be able to complete the GED program in six weeks. SMSgt. Scoggin responded during the assessment phase, the youth took a pre-GED test which would indicate where the youth needed help. Some of the applications received from these youth indicated they had already passed two or three sections and needed only two or three more to complete the GED. The program provided tutoring and mentoring to get them through the program. The university staff provided 15 hours a week for six weeks of classroom training just on the GED.

Senator Wiener inquired about the funding for the program, if federal dollars were utilized or some other source. SMSgt. Scoggin replied a grant of \$31,100 was received from the Helen Close Foundation. She said she had also been out in the community, visiting businesses and raised some money in that fashion. Additionally, the National Guard Bureau provided \$20,000. There was just exactly the amount of funding in place to provide for 40 kids. The funding was at the bare minimum and more would be requested.

Commenting about the inventiveness of the programs, Senator Wiener asked if they had been modeled after successful programs in other communities. CMSgt. Ramoni interjected the Project Challenge program had been in existence since early 1994, and they were in class 10 now. Each class was 22 weeks, a five-month in-residence program. Twenty-one states were participating, with five more coming on line, so there was a track record of success and the program was doing well.

Senator Wiener inquired why the Guard took an interest in taking on this type of community-based program. General Clark responded originally the Guard was tasked with counter drug operations and under that umbrella, it was requested the Guard run programs to address disadvantaged youth. The United States Senate and the House of Representatives provided some funding for a project where the Guard would run boot camp-type school operations to try to address school dropouts nationwide. Twenty-one states had signed up for the program.

General Clark revealed he had been at a retirement dinner for his counterpart in Arizona, where three members of Project Challenge's first graduating class were in attendance. One young man had left high school as a sophomore and when he got into Project Challenge, he could not read. This young man read a letter he had written to General Don Owens on the occasion of his retirement which had 350 people at the dinner in tears. General Clark said he was amazed and asked General Owens how he could become involved in this program to address Nevada's youth. When asked if Nevada had any facilities, General Clark said no, and General Owens suggested the youth be sent to Arizona because they had plenty of room. He suggested Nevada apply to the program through the Guard Bureau and send the funding to Arizona when approved. Arizona would then take as many kids as Nevada could send.

General Clark did as suggested by General Owens and Nevada had youth in the third class offered by Project Challenge and had placed youth in every class since then. The program was under the aegis of counter drug operations, related General Clark, and Congress wanted the Guard to get involved because they were located in so many communities around the states.

Senator Wiener recalled General Clark had stated eight youth had been sent to Arizona and inquired if eight was the limit or if the participation level could be expanded. CMSgt. Ramoni responded Nevada was given a budget at this time which amounted to \$15,000 per student, therefore, there was some limitation. Nevada had graduated eight students just two weeks ago and the next pre-Challenge assessment class had been started with approximately 15 applications. It was probable that the 15 youth would be approved, but there was attrition and most likely, only six to eight youth would actually go. There would be 140 students in Arizona, so Nevada was a very small part of their organization, but they were accepted with open arms and the two states worked very well together.

Mrs. Segerblom inquired if juvenile offenders were taken into the program. General Clark responded juveniles in the

juvenile justice system were not accepted, but some on parole for misdemeanors were taken, if the violations were no higher than a misdemeanor. Additionally, the youth must be drug free.

Chairman Evans referred to the education component of the program and inquired if the youngsters tended to have other problems or risk factors. For instance, had they been involved in scrapes at school or in the community and were there other problems than simply a lack of motivation to attend school. CMSgt Ramoni responded the youth had tremendous problems, from A to Z. Drug usage was a common thread with most students, although not all, fights were common, and there were many other problems common in society today. There was an attempt to screen out as much as possible through a four-day pre-assessment which had been mentioned by General Clark, and there was a board of directors who interviewed the students. This board was comprised of high school principals, members of the Fourth Street Youth Council, colonels in the Army/Air National Guard, and others. These board members asked a lot of questions and went into the depth of why the youth was before them and what they wanted to do in the future. Additionally, the youth were required to write an essay.

CMSgt. Ramoni noted the youth came from every walk of life, broken families, no families. A young man from Elko just graduated who had been on drugs since he was 10 years old, after being introduced to them by his father. He gained 30 pounds in five months by just being off drugs. This youth was now back at home and had a high school counselor who acted as a mentor who was keeping a very close eye on his behavior. The youth no longer wanted anything to do with the drug environment.

Mr. Bash inquired after the programs were completed, what kind of follow-through or aftercare was provided to support the youngsters and families. Additionally, he asked what role was played by the juvenile probation departments. CMSgt. Ramoni responded the Guard had a 17-month program, including five months in residency and 12 months of mentoring. The mentor program was a very important part, and was based in northern Nevada. Unfortunately, this made it difficult to work with youth from the southern part of the state, although the mentors made visits as often as possible. The mentor was the key role in the following year, when the student returned home, he must change his ways and obviously could not go back to the same environment. As an example, CMSgt. Ramoni said one student wanted to be a fireman, so the Guard was able to locate a fireman to be a mentor. This mentor looked in on the youth twice a month and sent the Guard a report on how he was doing. The program worked well, but it was only as good as the student who wanted to stay with it. After the youth had been in a structured society, he would do very well, and his graduation was one of the highlights of his life. The key was to have the mentor start working with the youth immediately after graduation to help him stand on his own two feet. Many youth joined the military, although enlistment was not the object of the program, and there they had a great mentor.

Calling attention to Mr. Bash's question about the role of the juvenile probation department, CMSgt. Ramoni indicated there was not much after the initial contact. The youth could not be on probation at the time they enrolled in the program and most judges and courts would set probation aside for the youth.

Senator Wiener inquired how the program was marketed and how young people found out about it. CMSgt. Ramoni replied there were two ways. One, there were a lot of referrals from previous students. Secondly, high school counselors were a big part of the program and members of the Guard had gone into rural communities such as Yerington, Winnemucca, and Elko to speak with school counselors about the program. Primarily, word of mouth was the recruiter and there had been no problems filling the available spots in the program. The Sheriff's Department in southern Nevada had been a great link through their youth programs. They had sent a tremendous amount of applicants to the program from Las Vegas.

Chairman Evans commented this was clearly a niche program, which was not a single solution, but one of many approaches which needed to be taken in helping youngsters. She understood the program was for both boys and girls. Additionally, Project Challenge was a federal program which was being transitioned into a joint federal/state program and inquired what was the present ratio of funding.

General Clark responded the present ratio was 75 percent federal and 25 percent state. That ratio would reduce five percent each year from federal fiscal year 1998 forward until it reached 60 percent federal and 40 percent state and this ratio was programmed to remain into the future. General Clark calculated that 60:40 funding ratio would start in 2001. Chairman Evans said this seemed to indicate the program would likely continue as there was a federal commitment. General Clark responded affirmatively, there had been too much success in the program for it to be dropped now. There was very strong

support in the United States House of Representatives and the Senate.

Chairman Evans reiterated the cost was \$15,000 per student for the five month program in Arizona, with the state contributing what will be 40 percent. She felt that was very cost effective for the state when other placement options were considered.

Senator Adler inquired if there was a possibility a Project Challenge facility could be located in Nevada. General Clark responded it was possible, but Nevada did not have the facilities which matched those available in Arizona. Additionally, Arizona had a much larger full-time Army and Air National Guard population from which to choose the cadre to run the school. Nevada did not have that many full-time people who could be dedicated to those positions, separate and apart from their regular military duties. It had been more beneficial for Nevada to "piggy back" with another state such as Arizona, which was close by.

Senator Wiener noted the cost for Camp Walkabout was \$125 to attend. She called attention to the \$50 which could be reimbursed to parents if they attended parenting classes twice per week for four weeks, and asked if that had been a successful incentive. This was a key component, whether the child could go back into their home environment. SMSgt. Scoggin responded Camp Walkabout was a pilot program which was piggy backed off Project Challenge. The reason for applying for grants and raising money for the program was to reduce the cost to kids and their families. The only reason for charging anything at all was to try to get a commitment from the kids. By attending the parenting classes, the parents could be brought closer to their children and possibly, when the child returns to his home environment, the parenting classes would help. Many of the kids who attended the program did not have a lot of money and the idea was not to charge them very much.

Senator Wiener commented the focus of her question was not necessarily the money, but the incentive to parents. Although this was a pilot program, she wondered if there had been any parental response, and if so, what kind of impact had been seen. SMSgt. Scoggin answered she had spoken to most of the kids who had applied for the program and most of their parents. She estimated that 99 percent of the parents indicated they would attend the classes because they thought it was a good idea. However, some of the parents would not be able to attend as they lived in Elko or Las Vegas, and their attendance would not be feasible.

Chairman Evans thanked General Clark and his colleagues for their testimony. She explained the committee was in the process of assigning tasks on several topics to work groups, and one work group would focus on the development of a range of sanctions for youngsters who were having problems. From this testimony, it would appear there was a place for these programs and perhaps they could be expanded. There was a lot of merit in what had been accomplished and Chairman Evans hoped the Guard could work with the legislature. She had many questions and stated she would be in contact in the future.

General Clark expressed the Guard would cooperate in anyway they could. They would report back to the legislature when some experience had been gained from Camp Walkabout. The first iteration of that program would be running at the end of July so there would be some statistics from the program as well as further information from Project Challenge as it continued. Chairman Evans asked that when the reports were assembled, if they could be shared with the legislature, and she encouraged them to keep up the good work.

E. OVERVIEW OF TRIGGER LOCK LEGISLATION.

Chairman Evans commented the subject of trigger lock legislation was raised in northern Nevada. As the committee was aware, a few weeks ago there was a very unfortunate incident in Battle Mountain with a youngster on a shooting spree (the youth shot and killed three members of his family — his parents and a sister). Several legislators had calls and inquiries on the subject of trigger locks and Ms. Jenson had been asked to prepare a briefing about what was being considered in other states. This item had been placed on the agenda simply for informational purposes.

Juliann K. Jenson, Senior Research Analyst, Research Division, Legislative Counsel Bureau, stated this subject had become of interest throughout the states and the shootings in Battle Mountain were particularly close to home. There had also been recent school shootings in Springfield, Oregon and Richmond, Virginia. She indicated she would be reviewing the memorandum to the committee which could be found in the packet (Exhibit D, tab E).

Ms. Jenson said trigger locking devices were a specially designed mechanism, similar in design to a padlock, that wrapped around the trigger and immobilized it. Before the trigger lock was applied, the ammunition must be removed from the gun. To unlock it, a key was required. Trigger locks could be purchased in most gun stores for about \$13.

According to the National Conference of State Legislatures, no state has a law requiring gun owners to purchase and use trigger locks. However, a number of states and cities held gun dealers to different standards. Additionally, various communities and gun manufacturers were experimenting with ways to increase the use of trigger locks, absent an ordinance or state law.

For example, Ms. Jenson explained, Connecticut and Massachusetts presently required that either the dealer provide or the purchaser buy a trigger lock with the sale of each handgun. Several cities in California and Chicago, Illinois, had recently passed ordinances requiring the sale of a trigger lock with every handgun purchase. Other communities were experimenting with "trigger lock giveaways" and Smith and Wesson had recently decided to package all of their handguns with trigger locks.

With reference to the arguments for and against trigger locking devices, Ms. Jenson explained Washington state recently presented Initiative 676 to the voters which proposed to require trigger locking devices with the purchase of any handgun in addition to handgun safety licenses for owners. The measure failed, but for the purposes of this presentation, Ms. Jenson said she had extrapolated the arguments in favor of and against this initiative.

The arguments most used in favor of the devices included:

- Too many citizens were killed by handguns every year. A reasonable law was needed to decrease deaths and resolve the lethal combination of irresponsible adults, vulnerable children, and unlocked guns. In short, trigger locks would save lives.
- Trigger locks would require handgun owners to be more responsible. Those who were not responsible would be subject to losing their right to own handguns.
- With mandatory trigger locks, law enforcement would be given another more powerful tool to confiscate handguns of irresponsible gun owners.
- Guns posed a public health risk. Too many deaths were related to firearm death and injury. Preventive measures, such as trigger locks, would positively impact public health.

Ms. Jenson related the arguments against this initiative were:

- Trigger locks gave users a false sense of security, and still could result in an accidental discharge.
- Trigger locks did nothing to address the greater, underlying social problems surrounding violent crime.
- Mandating trigger locking devices would result in another level of bureaucracy which intruded on privacy and freedom.
- Civil liberties and an individual's right to bear arms would be infringed upon when more requirements were placed on gun owners.

Trigger locks were often associated with issues surrounding the availability of firearms to children and young adults, stated Ms. Jenson. There had been many surveys conducted which had gauged this availability and its ramifications.

- A National Institute of Justice study showed that 55 percent of all handgun owners kept their handguns loaded, and 34 percent kept a handgun that was loaded and unlocked.
- The Center for Disease Control and Prevention found that firearm deaths among children zero to 14 years of age was nearly 12 times higher in the United States than in 25 other industrialized countries.
- Forty-five percent of parents had a gun in their house according to *Prevention* magazine's Children's Health Index.

Twelve percent of the gun-owning parents surveyed reported that the gun was accessible, meaning that as many as one in ten children had direct access to a gun.

- A 1996 Louis Harris poll revealed that more than half of the teens who lived in homes where there was a handgun or rifle believed they could access the gun if they wanted to.

Absent safety control devices, Ms. Jenson said some states, (Nevada not included) currently had "Child Access Prevention" (CAP) laws. CAP laws were often referred to as "safe storage" laws, and required adults either to store loaded guns in a place that was reasonably inaccessible to children, or use a device to lock the gun. If a child obtained an improperly stored, loaded gun, the adult owner could be held criminally liable.

In conclusion, Ms. Jenson said it appeared that trigger locks were a very contentious issue, especially when discussed in the legislative arena. Proponents argued that accidental handgun deaths were preventable, and that mandating the sale of trigger locks or other safety devices with a handgun purchase was an important first step in educating the public about the danger of guns in the home. In contrast, opponents stressed that mandating such a device would do nothing (except impinge on civil liberties and create more government) to address societal problems relating to violence.

Despite the arguments, handgun control, safety devices, and accessibility issues would most likely continue to be the subject of debate in many legislatures across the country, especially in the wake of recent school shootings. In short, lawmakers would be faced with difficult choices regarding firearms and juvenile violence, in particular.

Chairman Evans said she had not asked Ms. Jenson to prepare any recommendations from this committee simply because this was an issue which had not been studied very carefully or debated. There were lots of arguments to be made on both sides of the issue, and this was presented for informational purposes only. Of course, it did not preclude any member of this committee or the legislature from introducing their own proposals around the issue.

Senator James commended the chairman and committee members for the focus of the juvenile justice committee, i.e., trying to concentrate on the underlying problems associated with juvenile crime. The committee had not been lured into such issues as trigger locking legislation. This type of legislation would not really accomplish anything having to do with the goals of decreasing juvenile crime and violence. Certainly, trigger locks may be a prudent step by a gun owner, particularly one with small children in the home, which was a totally separate issue.

The statistics which gave Senator James the greatest concern was the 34 percent of people who kept a loaded and unlocked gun in the home, especially if they had children. Nonetheless, it was not the place for government to become involved. He suspected there were other reasons motivating this kind of juvenile violence, not the smallest cause was the media who threw these stories across the front page, which could give an idea to a disturbed individual to commit a violent act. This was of a greater concern to Senator James than trigger locking devices.

Senator James commented he had been contacted by the media after the shooting in Battle Mountain as were some other legislators. However, this subject was a "knee jerk" reaction to force people to lock up their guns or be prosecuted. That was an unfocused way to deal with the issue of violence and he again commended the committee for not taking this path. Nevertheless, it was appropriate to be informed of the locking devices given the media interest and he thanked Ms. Jenson for presenting a balanced memorandum for review.

Mr. Humke acknowledged he was new to the committee, but he echoed Senator James' remarks. Although Ms. Jenson's report was balanced, a few passages showed the true intent. In her report at page 19 of Exhibit D, it said trigger locks would do nothing to address the greater underlying social problems surrounding violent crime. On the same page, it said civil liberties and an individual's right to bear arms were infringed upon when more requirements, i.e., safety devices, were placed on gun owners. Finally, on the same page, a 1996 Louis Harris poll revealed that more than half the teens (53 percent) who lived in homes where there was a handgun or rifle believed that if they wanted to, they could obtain the weapon without their parents' knowledge. Mr. Humke observed someone had commissioned that poll and that question, to him, was absolutely worthless. He felt it might be interesting to find out what a teenager believed, but he cautioned the committee to remember what it was like to be a teenager, to believe they would bulletproof and would live forever. A poll question such as this could say anything when posed to teenagers. Therefore, that part of the report answered all the questions itself.

Mrs. Segerblom apprised the committee she had asked for a bill to be drafted regarding adults being held criminally liable if a youngster took a gun from the adult's house and shot someone with it. She stated she was not afraid to stand up for this issue. Chairman Evans thanked Mrs. Segerblom for sharing that information and said it was each individual legislator's prerogative to introduce such legislation.

***F. REVIEW AND DISCUSSION OF PROPOSED RECOMMENDATIONS FOR THE 1999 LEGISLATURE CONCERNING THE SYSTEM OF JUVENILE JUSTICE IN NEVADA.**

Chairman Evans explained the committee would review the proposed recommendations from the last meeting which were the product of research and discussion over many months. Normally testimony would not be taken from the audience at this time; however, the chairman would leave that option open for any agency personnel or others who had a concern about one of the recommendations. This was the time to do fine tuning and make corrections to any misrepresentations or misinterpretations. She encouraged the committee members to offer suggestions on how the proposed recommendations might be improved because this would become the final work product of the committee.

Chairman Evans asked Mr. Peri to review the recommendations item by item. In each case, there were some introductory remarks and the recommendation itself was in bold type. After discussion on each recommendation, Chairman Evans said she would call for a motion and votes would be taken.

Mr. Peri called attention to Exhibit D, under tab F, which listed the recommendations for consideration by the committee. The list was divided into two parts, the first part reflected recommendations presented by Dr. James C. Howell to the committee on April 9, 1998, and his list of recommendations appeared on pages 30-31. The second part of the listing consisted of ideas and other subjects and issues which committee members had identified.

Mr. Peri indicated he would review the preface information for each recommendation, and this information for the most part was discussed by the committee at the May 20, 1998, meeting and had been summarized in bold print as a recommendation which the committee could consider. The recommendations provided by Dr. Howell to reform the juvenile justice system were divided into three portions, the first being immediate implementation, the second was suggestions for the next two years, and then for the two to ten year time frame.

1. Need for Consistent Placement Instruments

Dr. Howell had observed that from the information which had been provided to him prior to his arrival in Nevada as well as the testimony and discussions he participated in while here, there were three instruments which he felt needed improvement. Consistency was needed across the board by the various jurisdictions within the state, both on the local and state level. The three placement instruments he suggested were the detention placement instrument, which was something that could be developed and utilized by all counties to assist in objective decisions as to whether or not an offender should be detained. It would assess the risk to public safety and other associated factors.

Mr. Peri explained the next instrument recommended by Dr. Howell was the probation community placement instrument. This instrument, consistently applied, would assist local probation offices in determining the success of placing youth on probation and/or situating them in a community placement. It would also assess the risk of recidivism, what type of supervision was needed and other information.

The third instrument, noted Mr. Peri, was the corrections placement instrument. Similar to the detention placement instrument, this would measure risk factors and assist in determining the appropriate level of security for an offender. The committee received testimony and discussed on several occasions the potential of mixing offenders who did not belong in the same facility because of varying levels of risk, the seriousness of violations and the differing criminal history among offenders. Hopefully, the implementation of this instrument would move toward making those placement decisions much more consistent and objective.

Mr. Peri stated Dr. Howell had also discussed that hand-in-hand with the development of these instruments should be the development and use of a risk assessment with a needs assessment. He explained the risk assessment would determine the proper sanction or punishment for an offender, while the needs assessment would determine the proper intervention or treatment for an offender. That information, with the instruments consistently applied, would hopefully result in a decrease of the mix of different levels of offenders.

The bold type under item number 1 was information discussed by the committee at the last meeting on how the development of these instruments might be accomplished. For consideration by the committee today, Mr. Peri noted, the conclusions reached at the May 20 meeting were that development of those three instruments, the detention placement instrument, the probation community placement instrument and the corrections placement instrument, be undertaken as a joint effort by the Juvenile Justice Commission, the Juvenile Justice Commission's Work Study Group, and the Nevada Association of Juvenile Justice Administrators. Also, that group, once formed, consider obtaining technical assistance through the National Council of Juvenile and Family Court Judges headquartered in Reno. More importantly, that a final report containing those completed instruments be submitted to the 1999 Legislature by February 1, 1999. Mr. Peri indicated staff had also recommended for consideration by the committee a formal document, such as a letter of request, which would convey the committee's recommendations which would be distributed to the above-mentioned organizations with the specifics of the request and the deadline contained therein.

Mrs. de Braga stated these particular instruments were probably one of the most important aspects of the committee's overall objectives. Some of the studies which had been reviewed by the committee said the incidence of recidivism was definitely reduced when certain types of offenders were not institutionalized. She specifically was pleased that the committee had gone out of its way to ensure the rights of the children were protected. So often, they did not have rights and the best interests of the children had been not considered in determining their placement.

Senator Wiener called attention to the overview of the immediate needs, the next two years and in the future ten years, and noted there was a real dilemma to consider. One, the committee was trying very hard to immediately develop graduated or progressive sanctions which met the issues involving the individual. This meant a greater need for more facilities because the young people must be "culled out." Another factor was keeping the offenders close to home for family support and to reeducate the family so the children could be returned to the home whenever possible. Therefore, there was a geographical need to have facilities close to the families. There was also the issue of utilizing the facilities already in existence, and if overcrowding was an issue, children may have to be shuttled to other facilities. As a committee, Senator Wiener voiced her concern about the conflicting demands of sanctions, being close to home, and utilization of existing space due to the growth factor in the state and the needs of juveniles.

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SENATOR JAMES MOVED FOR APPROVAL OF RECOMMENDATION NUMBER 1 — THAT THE DEVELOPMENT OF: A DETENTION PLACEMENT INSTRUMENT; A PROBATION COMMUNITY PLACEMENT INSTRUMENT; AND A CORRECTIONS PLACEMENT INSTRUMENT BE UNDERTAKEN AS A JOINT EFFORT BY THE JUVENILE JUSTICE COMMISSION, THE JUVENILE JUSTICE COMMISSION'S WORK STUDY GROUP, AND THE NEVADA ASSOCIATION OF JUVENILE JUSTICE ADMINISTRATORS. ALSO THAT THIS ENDEAVOR INCLUDE THE PURSUIT OF TECHNICAL ASSISTANCE FROM THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES AND THAT A FINAL REPORT CONTAINING THE COMPLETED INSTRUMENTS BE SUBMITTED TO THE 1999 LEGISLATURE BY FEBRUARY 1, 1999.

THE COMMITTEE ALSO RECOMMENDED THAT A LETTER OF REQUEST, SIGNED BY THE COMMITTEE CHAIR AND CONVEYING THE COMMITTEE'S RECOMMENDATIONS, BE PREPARED AND DISTRIBUTED TO THE ABOVE-MENTIONED ORGANIZATIONS.

THE MOTION WAS SECONDED BY MRS. SEGERBLOM.

Senator Washington wondered if the work group would have enough time, only eight months, to report back to the legislature by February 1, 1999. Judge Schumacher indicated the members of the Work Study Group suggested a specific time frame and they believed the project could be accomplished by then.

Senator Washington inquired that due to the overcrowding at Wittenberg Hall were there any alternative placements for juveniles currently at the facility. Chairman Evans commented that was an important question. As an aside, there had been some recommendations made by the legislature and monies appropriated in the last session to assist in relieving the overcrowding in the two main detention centers. That undertaking was in progress and reports were being returned which

showed the problem was being alleviated to a great extent, although it had not been solved. More specifically in Washoe County, Chairman Evans said a group was being formed to deal with the overcrowding issue. She understood this group was organizing itself and she believed it pertained specifically to Wittenberg Hall.

Senator Adler commented Senator Washington had missed the last meeting where there was a discussion about the Work Study Group having been studying placement instruments for some time and Senator Adler felt the report to the legislature would be complete by 1999. Chairman Evans stated the dates noted throughout the recommendations were discussed in the May meeting. There had been much discussion about whether too much or too little time had been allowed, and the resulting dates had been determined with the input of the various work groups.

Chairman Evans pointed out two additional items which appeared throughout the recommendations with reference to the National Council of Juvenile and Family Court Judges. She announced she had been authorized by Dean Louis McHardy, Executive Director of the National Council to share with the committee that the council was prepared and willing to do everything possible to assist the work of Nevadans in moving the juvenile justice agenda along. The council had access to a great variety of consultants, technical assistance in every category, and they would be happy to work with them to bring them to Nevada for a day or longer to help. Additionally, this expertise would be provided at no cost to the state. If it was determined that longer range studies and plans would be required, other funding avenues would have to be explored, which would be discussed subsequently. Dean McHardy also offered the use of his facility located in Reno. Chairman Evans said Dean McHardy would be happy to host any forums or meetings for the various work groups.

As Mr. Peri had pointed out earlier, a "letter of request" consistently appeared throughout the recommendations. Chairman Evans related that all agencies and organizations which were named in the recommendations would be given a letter outlining the work of the committee, what the committee was trying to accomplish, and enlisting their support and cooperation in doing the further study and analysis for the reports requested by the committee. In some cases, the work groups would report to the next legislature or to the next legislative interim committee. Chairman Evans noted one of the recommendations from the committee would be that another legislative interim committee on juvenile justice be appointed following the 1999 Legislative Session.

THE MOTION CARRIED UNANIMOUSLY.

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Chairman Evans commented although the advisory members were not allowed to vote on the recommendations, she encouraged their comments and participation in the discussion.

2. Need to Create Intermediate Sanctions and Interventions

Mr. Peri said Dr. Howell had spoken to the committee about the apparent lack of intermediate sanctions and corresponding interventions between probation at the local level and confinement at the state-operated training centers. Going hand in hand with the subject matter and recommendation under number 1 to develop various placement and assessment instruments, Dr. Howell recommended extensive consideration be given to studying the current array of intermediate sanctions and those interventions which go with the sanctions. He suggested those sanctions and interventions be expanded and more be developed at different levels. The committee discussed the Juvenile Justice Commission's Work Study Group and the Juvenile Justice Administrators to be the logical choice to pursue this recommendation, and hopefully some technical assistance from the National Council on Crime and Delinquency could be obtained.

The 1997 Legislature approved several new programs for the Division of Child and Family Services in response to the crisis situations which surfaced during the legislative session, i.e., the huge backup in local detention facilities. Some of the programs, with funding provided by the legislature, included the Community Corrections Block Grant program and the Transitional Community Re-Integration program.

Mr. Peri stated at the May 20 meeting, the committee discussed the need to evaluate these particular programs because they were, in effect, different alternatives, sanctions or interventions which could be considered in lieu of youth being sent to state-operated training centers. The committee discussed the potential to have the National Council on Crime and Delinquency (NCCD) look at those programs to determine how they were working. Consideration was also given to updating a needs assessment which NCCD had prepared for Nevada in 1992. The 1991 Legislature approved a \$40,000

appropriation and NCCD spent \$38,000 in a contract with the state of Nevada to complete that needs assessment. The subject of updating the needs assessment was discussed because it was critical that a population be projected for the juvenile justice experts to work with. The assessment would hopefully show the various level of offenders and the particular numbers related to the growth in the state.

The committee also discussed recommending a bill draft request be prepared with an appropriation to pay for updating the needs assessment, continued Mr. Peri. Last week, several discussions had been held with NCCD representatives, and as late as yesterday afternoon, and he was now waiting for a figure which could be considered by the committee as an appropriation. The bill draft had been suggested in the event enough financial assistance could not be obtained from the National Council of Juvenile and Family Court Judges.

Mr. Peri stated another important item related to this recommendation was the hopeful evaluation of the Division of Child and Family Services' Juvenile Justice Data Collection System. This system was authorized by the 1995 Legislature and had been implemented by DCFS. The committee had heard several times the necessity for good, accurate data to track offenders. The need for that information could not be stressed enough.

In conclusion, Mr. Peri said the committee could consider the recommendation to ask that the group identified to work on the intermediate sanctions and interventions consider and develop one or two of those by the fall of 1998, for possible consideration by the 1999 Legislature. A comprehensive report and recommended sanctions could be completed by the next interim for review by the next interim committee on juvenile justice.

Mr. Peri reviewed the proposed recommendations which included the recommendation for the creation of additional intermediate sanctions and corresponding interventions through a joint effort of the Juvenile Justice Commission and its Work Study Group and the Nevada Association of Juvenile Justice Administrators. Technical assistance from the National Council on Crime and Delinquency could be considered through cooperation from the National Council of Juvenile and Family Court Judges.

Similarly, the National Council on Crime and Delinquency could be used to evaluate the Community Corrections Block Grant program, the Transitional Community Re-Integration program and the Juvenile Justice Data Collection System, all administered by the Division of Child and Family Services, as well as completing an update of the 1992 National Council on Crime and Delinquency needs assessment for the state of Nevada. The committee could consider a bill draft request with an appropriation to fund the update of the needs assessment in the event other funding mechanisms were not successfully identified.

One or two recommendations for alternative sanctions should be completed by November 1, 1998, which was a more specific date rather than the fall of 1998, and these recommendations should be submitted to the Division of Child and Family Services, Department of Administration, Budget Division, and the Legislative Counsel Bureau, Fiscal Analysis Division. This time frame would hopefully allow the budget director to review the recommendations for possible inclusion in the 1999-2001 Executive Budget and for possible consideration by the 1999 Legislature, if some of the recommended intermediate sanctions and interventions required new programs and/or funding.

Mr. Peri called attention to the remaining recommended alternative sanctions, the updated needs assessment by NCCD and the evaluation of the juvenile justice data collection system administered by Division of Child and Family Services and said these could be considered for presentation to the next interim committee to study juvenile justice to be formed after the conclusion of the 1999 Legislative Session.

Findings on the evaluation of the Division of Child and Family Services Community Corrections Block Grant Program and the Transitional Community Re-Integration program could be developed and submitted to the Division of Child and Family Services, the Department of Administration, Budget Division, and the Legislative Counsel Bureau, Fiscal Analysis Division by November 1, 1998, for consideration in preparation of the 1999-2001 Executive Budget.

Lastly, Mr. Peri said if the committee chose all these recommendations, or a combination of some of them, they be formally contained in a letter of request, signed by the committee chair which conveyed the committee's recommendations, that could be prepared and distributed to the above-mentioned organizations.

Senator Adler felt this was an extremely important recommendation and was one which he suggested the committee should

strongly support. Nevada had a rather on/off relationship with juvenile justice in that either a youngster remained in the community and nothing happened to him or he was sent off to Elko or Caliente. Something was needed between those two positions to deal with those kids who did not need to go to a camp, but certainly did not belong in the community either. Senator Adler urged the committee to strongly support this recommendation.

Mr. Humke agreed with Senator Adler. These issues had been around at least the 15 years he had been involved with the legislature, and probably longer. There was a very nice flow between this recommendation and the one contained in number 1, as well as with later recommendations dealing with a long-term plan for blended funding. However, one issue which went to the heart of the chairman's concerns was the data collection system to ensure the various juvenile justice agencies provided good and accurate data to the state. It was essential this was done first before agreeing to a blended funding system. Mr. Humke heartily supported this recommendation.

Mrs. Segerblom commented that Dr. Howell seemed amazed that Nevada did not have any interim sanctions and too many children were being sent to Elko or Caliente with no intermediate treatment, which many students needed. Those students who were sent to the training centers easily became criminals. She also supported the recommendation for intermediate sanctions and interventions.

Senator Washington indicated he also strongly supported this recommendation.

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MR. HUMKE MOVED TO ADOPT RECOMMENDATION NUMBER 2.

THE MOTION WAS SECONDED BY MRS. DE BRAGA.

Chairman Evans asked the committee to consider making a part of the recommendation the inclusion of the Nevada Army National Guard programs as described by General Clark and his staff. She asked if that was acceptable to Mr. Humke and Mrs. de Braga. Mr. Humke replied "absolutely." As a former Nevada Army National Guard officer, Mr. Humke indicated he heartily encouraged the suggestion. Mrs. de Braga also agreed.

Senator Washington suggested the state could help with the provision of facilities and staffing as General Clark said not enough were available. He wondered if there was a way to facilitate and staff a program in-state in coordination with the state of Arizona. Even though the state was only paying for eight students, there was probably a much larger need for more than eight students. He remarked this could be added to the recommendation.

Chairman Evans agreed an inquiry could be made to Arizona in terms of urging continuing association with Arizona or whether Project Challenge was something Nevada might undertake on its own.

Senator Wiener reiterated her comment from the last meeting about contacting the Youth Service Providers of Nevada. She had attended a function and realized how much about the group she did not know. These providers responded to many very specific needs statewide and she would appreciate their being brought into the loop somehow. Chairman Evans felt that was an invitation which could be extended as this was not the time to exclude anyone. Youth Service Providers of Nevada could have some important information to share.

Kim Morgan, Legal Division, Legislative Counsel Bureau, asked for some clarification on the appropriation portion of the recommendation. Perhaps the amount was unknown and the motion could include a reasonable amount not to exceed an amount to be divulged later. Chairman Evans asked if Mr. Stevens could provide some guidance about a figure for the bill draft request.

Mark Stevens, Fiscal Analysis Division, Legislative Counsel Bureau, indicated he spoke with Jim Austin of the National Council on Crime and Delinquency, and asked for a "ball park" type of figure to place in a bill to be considered during the 1999 Legislature, if approved by this committee. Mr. Austin was to research the issue and indicated he would get back before the meeting, but Mr. Stevens had not yet heard a final figure. The amount of \$40,000 was appropriated by the 1991 Legislature to do the first needs assessment. Although he was unsure of the amount, Mr. Stevens felt the amount would be approximately \$40,000 and more than likely a bit more to complete the update. If that amount could be left open ended in some fashion, he was confident Mr. Austin would be calling back with an amount which could be added if that was the

committee's desire. (Mr. Stevens did speak with Mr. Austin after the hearing on this date and it was estimated by Mr. Austin that the cost to update the needs assessment would be approximately \$75,000 to \$100,000.)

Chairman Evans noted she would need some input from the committee on that issue, if the committee was comfortable leaving the amount unspecified at this time. Certainly, the amount would be greater than \$40,000 as the last assessment was authorized in 1991. She recalled the committee's previous discussion where the committee was comfortable they would be able to access grant dollars. There was a lot of money available through the Department of Justice, the Office of Juvenile Justice and Delinquency Prevention, in the new Juvenile Justice Act and a whole variety of programs. Mr. Shaw had been a part of that discussion and it was felt there was a strong likelihood that no general fund dollars would be needed; however, a figure must be added into the bill draft at the same time as the grant writing was being undertaken. She asked if Mr. Shaw had any comment on the issue.

Steve Shaw, Administrator of the Division of Child and Family Services, believed the funding could be derived from a variety of different federal funds and grant revenue. Currently, there was OJJDP money and other monies which could be used for this purpose. He doubted there would be a general fund commitment, although it was a possibility.

Chairman Evans said a figure would be added into the bill draft, but she said other funding sources would be actively pursued. She asked the pleasure of the committee.

Mr. Humke felt the issue had been dealt with and it was unnecessary to include a dollar amount in the recommendation for the appropriation for NCCD. A record had been created with a suggested dollar amount and the main plan was to use grant funding.

Ms. Morgan said she would be comfortable if the motion included language which said an amount not to exceed a certain figure provided by the chairman based on the information which Mr. Stevens expected to receive. Senator Washington asked if the figure could be made available to the committee when it was determined. Chairman Evans indicated that would be done.

The committee voted to adopt the following recommendations and amendments thereto:

THAT THE CREATION OF ADDITIONAL INTERMEDIATE SANCTIONS AND CORRESPONDING INTERVENTIONS BE UNDERTAKEN BY A JOINT EFFORT OF THE JUVENILE JUSTICE COMMISSION AND ITS WORK STUDY GROUP AND THE NEVADA ASSOCIATION OF JUVENILE JUSTICE ADMINISTRATORS. THE EFFORT SHALL INVOLVE TECHNICAL ASSISTANCE FROM THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY THROUGH COOPERATION FROM THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES. PROGRAMS ADMINISTERED BY THE NEVADA ARMY NATIONAL GUARD, INCLUDING PROJECT CHALLENGE, CAMP WALKABOUT AND FRIENDS FOR LIFE, AS WELL AS PROGRAMS OPERATED THROUGH YOUTH SERVICE PROVIDERS OF NEVADA SHOULD ALSO BE CONSIDERED IN THE EFFORT TO CREATE ADDITIONAL INTERMEDIATE SANCTIONS AND CORRESPONDING INTERVENTIONS.

THIS TASK WILL ALSO INVOLVE ASSISTANCE FROM THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY IN EVALUATING THE COMMUNITY CORRECTIONS BLOCK GRANT PROGRAM, THE TRANSITIONAL COMMUNITY RE-INTEGRATION PROGRAM AND THE JUVENILE JUSTICE DATA COLLECTION SYSTEM, ALL ADMINISTERED BY THE DIVISION OF CHILD AND FAMILY SERVICES, AS WELL AS AN UPDATE OF THE 1992 NATIONAL COUNCIL ON CRIME AND DELINQUENCY NEEDS ASSESSMENT FOR NEVADA. THE COMMITTEE ALSO RECOMMENDS A BILL DRAFT REQUEST WITH AN APPROPRIATION FOR NATIONAL COUNCIL ON CRIME AND DELINQUENCY ASSISTANCE TO UPDATE THE 1992 NEEDS ASSESSMENT, TO BE USED IN THE EVENT OTHER FUNDING MECHANISMS ARE NOT SUCCESSFULLY IDENTIFIED. THE CHAIRMAN WILL PROVIDE THE DOLLAR AMOUNT TO BE INCLUDED IN THE BILL DRAFT REQUEST.

ONE OR TWO RECOMMENDATIONS FOR ALTERNATIVE SANCTIONS SHOULD BE COMPLETED BY NOVEMBER 1, 1998, AND SUBMITTED TO THE DIVISION OF CHILD AND

FAMILY SERVICES, THE DEPARTMENT OF ADMINISTRATION, BUDGET DIVISION, AND THE LEGISLATIVE COUNSEL BUREAU, FISCAL ANALYSIS DIVISION. THE BUDGET DIRECTOR SHALL REVIEW THE RECOMMENDATIONS FOR POSSIBLE INCLUSION IN THE 1999-2001 EXECUTIVE BUDGET AND FOR POSSIBLE CONSIDERATION BY THE 1999 LEGISLATURE. THE REMAINING RECOMMENDED ALTERNATIVE SANCTIONS, THE UPDATED NATIONAL COUNCIL ON CRIME AND DELINQUENCY NEEDS ASSESSMENT AND THE EVALUATION OF THE DIVISION OF THE CHILD AND FAMILY SERVICES DATA COLLECTION SYSTEM SHOULD BE PRESENTED TO THE NEXT INTERIM COMMITTEE TO STUDY JUVENILE JUSTICE TO BE FORMED AFTER THE CONCLUSION OF THE 1999 LEGISLATIVE SESSION.

FINDINGS ON THE EVALUATION OF THE DIVISION OF CHILD AND FAMILY SERVICES COMMUNITY CORRECTIONS BLOCK GRANT PROGRAM AND THE TRANSITIONAL COMMUNITY RE-INTEGRATION PROGRAM SHOULD BE DEVELOPED AND SUBMITTED TO THE DIVISION OF CHILD AND FAMILY SERVICES, THE DEPARTMENT OF ADMINISTRATION, BUDGET DIVISION, AND THE LEGISLATIVE COUNSEL BUREAU, FISCAL ANALYSIS DIVISION BY NOVEMBER 1, 1998, FOR CONSIDERATION IN PREPARATION OF THE 1999-2001 EXECUTIVE BUDGET.

THE COMMITTEE ALSO RECOMMENDS THAT A LETTER OF REQUEST, SIGNED BY THE COMMITTEE CHAIR AND CONVEYING THE COMMITTEE'S RECOMMENDATIONS, BE PREPARED AND DISTRIBUTED TO THE ABOVE-MENTIONED ORGANIZATIONS.

THE MOTION CARRIED UNANIMOUSLY.

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3. Assess Existing Drug Treatment Programs

Mr. Peri commented this subject had been discussed in numerous committee meetings due to the high correlation of delinquent youth and their involvement with substance abuse. Dr. Howell suggested the committee consider assessing existing drug treatment programs to determine which programs were successful in order to maximize financial resources invested in treatment efforts.

At the May 20, 1998, meeting, several committee members expressed their concern that this topic was narrow and focused and should be broadened to reflect *both* drug and alcohol abuse. The issue should be similarly broadened to reflect prevention and education efforts, and not be solely limited to drug treatment programs. The committee agreed with that idea and also discussed the need to enhance resources for prevention and treatment efforts and to seek a better balance of the funding allocated between adult and juvenile programs.

Additionally, Mr. Peri related that Dr. Howell had suggested the committee consider technical assistance which could be obtained from Leslie Acoca, a nationally recognized expert in this field who did a considerable amount of work for the National Council of Juvenile and Family Court Judges. The Communities That Care program had a component which assessed risk factors of kids in communities which focused on substance abuse. Discussion from the committee recommended moving that component from the Next Two Years suggested time frame to the Immediate time frame area.

Mr. Peri indicated the formal recommendations were that a work group be formed consisting of representatives from the Bureau of Alcohol and Drug Abuse, the Division of Child and Family Services, the Division of Mental Hygiene/Mental Retardation, school representatives, 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 assessment shall include both drug and alcohol programs, as well as prevention, education and treatment efforts. Technical assistance should be pursued through cooperation with the National Council of Juvenile and Family Court Judges.

At a minimum, the work group's status report should be submitted to the 1999 Legislature by February 1, 1999, to allow sufficient time for review and consideration by members of the legislature of the work group's findings and recommendations. Also, the substance abuse component of the Communities That Care program be considered by the

Bureau of Alcohol and Drug Abuse for statewide implementation immediately, with the entire program being considered for implementation in the next two year period.

Mr. Peri stated the committee recommended that the Bureau of Alcohol and Drug Abuse seek enhanced funding for substance abuse prevention and treatment efforts and that consideration be given by the bureau to seek a more equitable balance in the distribution of grant funding between adult and juvenile programs. If any of these recommendations were approved by the committee, a letter of request would be conveyed with those recommendations to the above-mentioned organizations.

Mrs. de Braga referred to items the assessments should include under treatment efforts, and felt there was a need to specify follow-up and aftercare as part of the overall assessment of the program.

Mr. Bash suggested for the committee's consideration two additional pieces of language. The first related to the testimony on risk factors and the kids and families at risk. Mr. Bash referred to the first paragraph of item 3 at page 24 of Exhibit D which said "assess existing substance abuse programs for juveniles and their families" and suggested the addition of the language "with particular focus on youth and families currently being served by child protective, child welfare and juvenile justice agencies." He felt there was a good case to be made that although there needed to be an overall view of all juveniles in the state, there was also a need to address the most at-risk families and youth.

The second recommendation made by Mr. Bash was located under the second to last paragraph where it mentioned enhanced funding. Mr. Bash suggested the committee consider that in addition to the distribution between adult and juvenile, the distribution across the state be reviewed and that additional funds being sought be earmarked for use by youth and families who were clients of child protection and juvenile justice agencies. This would be in an effort to target those resources rather than taking a shotgun approach.

Chairman Evans inquired how that recommendation would work in terms of those who were currently in the program insofar as education needs on the front end. She asked if those components would be excluded from the new monies. Mr. Bash responded that the child protection services and the juvenile justice agencies would have authority to provide those prevention services. The intent was to attempt to earmark monies so that it was used for or by the people who were currently overwhelmed by at-risk kids and families who did not have the ability to go onto a waiting list or to compete with the general population.

Judge Schumacher said she agreed with the clarification as to the monies being used for or by these entities. She agreed with Chairman Evans and did not know prevention efforts would be appropriately funded. The goal was not to have these at-risk people become clients of DCFS or juvenile services if it could be helped. However, on the other hand, there was no doubt there were enormous waiting lists with no spots to place kids who needed treatment. Judge Schumacher queried if the funding was to be used for prevention efforts, she felt more thought should be given to whether other entities who provided prevention efforts would be deprived of access to any funds. She cautioned the issue needed some careful thought before any limitation was added.

Senator Washington indicated he also had some reservations about this recommendation. He wondered if the agencies would be too restricted to do the job they needed to do. The intent was to create some flexibilities in order to help at-risk youth and families. By earmarking the funding, there would be some restriction to the flexibility and ability to work within the community. He had reservations about earmarking funding.

Chairman Evans stated to Mr. Bash she agreed with his idea and the goal, there was good intent. Historically, however, she said the money committees did not like to earmark funds. As pointed by out Senator Washington, directives could be given in terms of preferences, but earmarking carried a special connotation in the minds of many. Chairman Evans asked Ms. Morgan if she would provide some insight from the legal standpoint.

Ms. Morgan replied the bottom line was if funds were earmarked by the legislature, there was no discussion about how the funds were used, it could not be changed and there was no flexibility. As the chairman had stated, the money committees have been very hesitant in the past. The greatest difficulty encountered by the Legal Division was if funds were earmarked and subsequently the intent of the legislature changed and there was a desire to spend the funds for something outside what had been narrowly defined. The advice generally provided by the Legal Division was that the funds could not be spent elsewhere as it would be against the law to use the funds in some other way. She felt that was why the legislature typically

chose to be more flexible in the way it described how things were to be used. However, this was certainly a policy choice before the committee.

Senator Wiener pointed out in the proposed recommendations, two different terms had been used, one which referred to substance abuse and in the first paragraph, it stated the assessments shall include both drug and alcohol programs. She foresaw that something not legally defined as a drug should be referred to as substance abuse rather than drug and alcohol abuse, because of the addictive nature when abused. For example, glue fell into that category.

Mr. Bash commented he understood the committee's concerns about the use of the expression "earmark" and he wished to withdraw the term. He had been advised that currently the Bureau of Alcohol and Drug Abuse approached this issue by designating certain special populations. Perhaps an alternative way to accomplish this recommendation without restrictive language would be to ask that BADA consider that any additional funds be used for juveniles who came from a special population such as youth and families involved in child welfare and juvenile probation.

Mr. Humke said he had sat on the money committee for a long time and pointed out it was a question of killing the proposal now or during the session. Earmarking was just bad policy and begs the question why Senate Finance and Assembly Ways and Means should exist if funding was to be earmarked without their input.

Senator Washington inquired if it was possible to accomplish Mr. Bash's suggestion by sending a letter of recommendation with this proposed legislation to the appropriate money committees as to the intent of the use of the funding without earmarking the same. Chairman Evans stated that a letter could be prepared. Part of the recommendation had been that consideration be given to seek a more equitable balance in the distribution between adult and juvenile programs, not every program available, which was restrictive in itself. She felt direction was being given in this recommendation and some limitations were already being place. The question was how much more should be added to the requirement.

Senator Wiener pointed out one of the concerns of the committee had been that juveniles were getting such a small percentage of the adult population BADA dollars. If there was a measurable change, an effort to get to a more equitable balance could be enhanced without too much restriction, after all, the senator stated the agency must come before the legislature to discuss their program development at some point. Equitable balance was subjective and would be defined according to the times and needs which would need to be weighed carefully. However, if this issue was the main focus, the committee did not have much vision.

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MRS. DE BRAGA MOVED TO ADOPT THE RECOMMENDATIONS IN NUMBER 3, THAT A WORK GROUP BE FORMED CONSISTING OF REPRESENTATIVES FROM THE BUREAU OF ALCOHOL AND DRUG ABUSE, THE DIVISION OF CHILD AND FAMILY SERVICES, THE DIVISION OF MENTAL HYGIENE/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 ASSESSMENT SHALL INCLUDE SUBSTANCE ABUSE PROGRAMS, AS WELL AS PREVENTION, EDUCATION, TREATMENT, AND AFTERCARE EFFORTS. THE WORK GROUP SHOULD PURSUE TECHNICAL ASSISTANCE THROUGH COOPERATION WITH THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES.

THE WORK GROUP'S FINAL REPORT, OR AT A MINIMUM, A STATUS REPORT, SHOULD BE SUBMITTED TO THE 1999 LEGISLATURE BY FEBRUARY 1, 1999, TO ALLOW SUFFICIENT TIME FOR REVIEW AND CONSIDERATION BY MEMBERS OF THE LEGISLATURE OF THE WORK GROUP'S FINDINGS AND RECOMMENDATIONS.

THE COMMITTEE ALSO RECOMMENDS THAT THE SUBSTANCE ABUSE COMPONENT OF THE COMMUNITIES THAT CARE PROGRAM BE CONSIDERED BY THE BUREAU OF ALCOHOL AND DRUG ABUSE FOR STATEWIDE IMPLEMENTATION IMMEDIATELY, WITH THE ENTIRE PROGRAM BEING CONSIDERED FOR IMPLEMENTATION IN THE NEXT TWO YEAR PERIOD.

THE COMMITTEE RECOMMENDS THAT THE BUREAU OF ALCOHOL AND DRUG ABUSE SEEK ENHANCED FUNDING FOR SUBSTANCE ABUSE PREVENTION AND TREATMENT EFFORTS AND THAT CONSIDERATION BE GIVEN TO SEEK A MORE EQUITABLE BALANCE IN THE DISTRIBUTION OF FUNDING BETWEEN ADULT AND JUVENILE PROGRAMS.

THE COMMITTEE RECOMMENDS THAT A LETTER OF REQUEST, SIGNED BY THE COMMITTEE CHAIR AND CONVEYING THE COMMITTEE'S RECOMMENDATIONS, BE PREPARED AND DISTRIBUTED TO THE ABOVE-MENTIONED ORGANIZATIONS.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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4. Assess Existing Drug Court Models in Clark and Washoe Counties

Mr. Peri explained Dr. Howell recommended that existing drug court models in Clark and Washoe counties be assessed and evaluated for possible replication and expansion in other jurisdictions within Nevada. The committee discussed the relative newness of these programs and the fact that an evaluation of the programs was already underway. Therefore, Mr. Peri said the committee should consider the recommendation that existing drug court models in Clark and Washoe counties be assessed and evaluated for possible replication and expansion. It was also recommended that a work group comprised of Judge Deborah Schumacher and Judge Charles McGee from Washoe County and Judge Gerald Hardcastle from Clark County lead this effort in conjunction with technical assistance from the National Council of Juvenile and Family Court Judges.

A report of the assessment should be provided to members of the 1999 Legislature by March 1, 1999. If the committee chose to accept this recommendation, or whatever other recommendations approved by the committee, it could be compiled into a letter of request to be sent to those above-mentioned individuals.

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MR. HUMKE MOVED TO APPROVE RECOMMENDATION NUMBER 4, THAT EXISTING DRUG COURT MODELS IN CLARK AND WASHOE COUNTIES BE ASSESSED FOR THEIR EFFECTIVENESS AND EVALUATED FOR POSSIBLE REPLICATION AND EXPANSION IN OTHER NEVADA JURISDICTIONS. JUDGE DEBORAH SCHUMACHER, JUDGE CHARLES MCGEE AND JUDGE GERALD HARDCASTLE WILL LEAD THIS EFFORT IN CONJUNCTION WITH TECHNICAL ASSISTANCE FROM THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES. A REPORT OF THE ASSESSMENT SHALL BE PROVIDED TO MEMBERS OF THE 1999 LEGISLATURE BY MARCH 1, 1999.

THE COMMITTEE RECOMMENDS THAT A LETTER OF REQUEST, SIGNED BY THE COMMITTEE CHAIR AND CONVEYING THE COMMITTEE'S RECOMMENDATIONS, BE PREPARED AND DISTRIBUTED TO THE ABOVE-MENTIONED INDIVIDUALS.

MRS. SEGERBLOM SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Senator James suggested that the statewide gang survey be moved from the two year time frame to the immediate category. This was clearly an item which should be addressed in the immediate future. Chairman Evans stated if there were other items which the committee wished moved into the immediate time frame, this was an option which could be discussed. However, she would like to discuss the items in numerical order and when a particular recommendation came up, it could be moved at that time.

5. Complete New Serious and Chronic Juvenile Offender Facility

Mr. Peri pointed out the committee heard testimony regarding Senate Bill 495, approved by the 1997 Legislature, which authorized the Director of the Department of Administration to enter into a contract to finance, acquire and construct a correctional facility for juveniles. SB 495 also allowed for the privatized operation of the new facility which was tentatively scheduled for opening in August 1999. Dr. Howell recommended that Nevada proceed with plans to complete the new facility.

One of the major problems faced by the 1997 Legislature was the overcrowding of state facilities, which resulted in a backup in local detention facilities. This new secure juvenile correctional facility would increase bed space at the state level. This recommendation went hand in hand with the need for a consistent corrections placement instrument which would ensure that youth were committed to the proper facility.

The recommendation before the committee was that a status report prepared by the Department of Administration and DCFS on the new secure, serious and chronic juvenile offender facility, authorized by Senate Bill 495 of the 1997 Legislature, be submitted in conjunction with recommendation number 1, regarding the development of the detention placement instrument, the probation community placement instrument, and the corrections placement instrument. A status report should be submitted with the final report on the completed instruments to the 1999 Legislature by February 1, 1999. Similarly, a letter of request could be prepared and distributed to the above-mentioned organizations.

Mrs. Segerblom inquired if the juvenile facility was now under construction. Mr. Peri replied it was not, a committee had been formed to oversee this project, consisting of representatives of DCFS, the Public Works Board, and Purchasing Division. The project was in the RFP (request for proposal) stage, and Mr. Peri understood there were nine respondents to the initial RFP and the committee narrowed the potential bidders down to four. On June 16, a pre-proposal bid conference was held and one group had dropped out, leaving three bidders in contention. The next phase would be an RFP for those three groups to submit bids to either build and/or operate the facility. Therefore, nothing had been started with reference to construction.

Mr. Humke felt this was a good measure to be passed by the committee regardless whether the facility was to be built and operated privately. This was a good area for the state to be involved in order to see an evaluation of how the state operated its juvenile facilities.

Senator Washington inquired if it was possible to obtain a comparison study between the privatized and the state operated facilities in Tennessee. He had reservations about being restricted to either privatized or state operated facilities. Chairman Evans said it had been noted that a copy of the Tennessee report would be very beneficial. There would be no further meetings of this committee prior to the 1999 Legislative Session, but findings from that study could be shared with the legislature. It would not impact the progress of the secure juvenile facility because the RFP was a legislative product which had been voted on in 1997 and it was moving forward.

Senator Washington suggested the Tennessee report be made a part of this committee's final report to the legislature. Chairman Evans agreed and asked Mr. Shaw to include the findings in his report to the legislature.

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MR. HUMKE MOVED APPROVAL OF RECOMMENDATION NUMBER 5.

THE MOTION WAS SECONDED BY MRS. DE BRAGA.

Senator Wiener inquired if staff could check to see if there were other states beside Tennessee which had studied the differences between state and privately operated juvenile facilities. Chairman Evans said it made good sense not to limit sources of information and thereby limit knowledge and understanding. Therefore, whatever was available in terms of evaluation of the operations of these juvenile facilities would be entirely appropriate to obtain.

The committee moved to adopt recommendation number 5, including amendments as follows:

THAT A STATUS REPORT PREPARED BY THE DEPARTMENT OF ADMINISTRATION AND THE DIVISION OF CHILD AND FAMILY SERVICES ON THE NEW SECURE SERIOUS AND CHRONIC JUVENILE OFFENDER FACILITY, AUTHORIZED BY SENATE BILL 495, APPROVED BY THE 1997 LEGISLATURE, BE SUBMITTED IN CONJUNCTION WITH RECOMMENDATION NUMBER 1, REGARDING THE DEVELOPMENT OF THE DETENTION PLACEMENT INSTRUMENT, THE PROBATION COMMUNITY PLACEMENT INSTRUMENT, AND THE CORRECTIONS PLACEMENT INSTRUMENT. THE STATUS REPORT SHOULD BE SUBMITTED WITH THE FINAL REPORT ON THE COMPLETED INSTRUMENTS TO THE 1999 LEGISLATURE BY FEBRUARY 1, 1999, AND INCLUDE AS PART OF THE REPORT THE FINDINGS FROM THE TENNESSEE STUDY COMPARING THE OPERATION OF PRIVATIZED AND STATE OPERATED JUVENILE FACILITIES AND FINDINGS FROM SIMILAR STUDIES BY OTHER STATES.

THE COMMITTEE RECOMMENDS THAT A LETTER OF REQUEST, SIGNED BY THE COMMITTEE CHAIR AND CONVEYING THE COMMITTEE'S RECOMMENDATIONS, BE PREPARED AND DISTRIBUTED TO THE ABOVE-MENTIONED ORGANIZATIONS.

THE MOTION CARRIED UNANIMOUSLY WITH SENATOR ADLER ABSENT AT THE TIME OF THE VOTE.

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6. Restructure State-County Relationship

Mr. Peri commented that for the two to ten year time frame, Dr. Howell recommended the committee consider the restructure of the state-county relationship. The suggestion made by Dr. Howell during his April visit was that Nevada consider reviewing the Reclaim Ohio Program. This pilot program was launched in January 1994 and implemented a revised funding formula which provided funding to counties in Ohio with the purpose of retaining and serving delinquent youth at the local level. The only youth committed to a state facility was the more serious, violent offender. There was an incentive for the counties to serve the youth at the local level because they were able to retain funding if they did so. If a youth was committed to a state facility, they would have to pay some of the money back to the state.

On a personal note, Mr. Peri stated last week he had accompanied a contingent from Nevada, consisting of Mr. Hadfield, Steve Shaw, and Larry Carter of DCFS as well as several other representatives to Ohio to attend the Reclaim Ohio Academy. Speaking for the group, Mr. Peri found the program interesting and it had some potential in part for the state of Nevada to consider.

The committee recommended that DCFS act as the lead agency to develop potential recommendations for a similar model for Nevada and to consider restructuring Nevada's state-county relationship. DCFS would report on formal recommendations to restructure the relationship at the first meeting of the next interim committee to study juvenile justice issues anticipated to be formed after the conclusion of the 1999 Legislature. Mr. Peri indicated if this recommendation was approved, the committee could send a letter of request conveying the recommendations to DCFS.

Mr. Hadfield remarked from his perspective, this was perhaps the most far reaching recommendation the committee could make. He concurred with Mr. Peri's comments about the potential application of the good ideas observed in Ohio. At the present time Nevada's counties had a very good relationship with DCFS, so his comments were not directed at the current administration; however, Mr. Hadfield would feel more comfortable with a minor change in wording. He suggested that DCFS act as the lead agency in a collaborative effort with county government only because no one knew what would happen in 1999 with regard to state and county government in terms of the election.

Chairman Evans commented that was an excellent suggestion because the entities named in the recommendations would receive the letter of request which could be formalized through the Nevada Association of Counties.

Mr. Humke noted he had been looking at this concept for years and could not disagree with Mr. Hadfield. A comparison could be made with the education system in Nevada, particularly, the K-12 education system. If the state was to provide funding to local government for this function, collaborative rule making would be included similar to the K-12 educational

arena. He did not want to suggest the replication of the bureaucratic structure in state education due to federal mandates; however, some state standard setting was needed. Mr. Humke declared it was his intention to bring the subject up every time juvenile justice was discussed.

Senator Washington called attention to recommendation number 8, *Determine How to Coordinate Services in a Continuum of Care* (contained in Dr. Howell's Recommended Nevada Phased Plan list), and inquired if this would fall under the current recommendation. Chairman Evans responded this issue had not been specifically addressed by the committee. Senator Washington indicated he would like to see coordinated services in a continuum of care itemized because based on testimony given by police departments and other non-profit agencies, this was necessary throughout the state and the counties. Chairman Evans said that suggestion could simply be appended in the letter of request, i.e., the recommendation to include coordinated services in a continuum of care.

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MR. HUMKE MOVED TO ADOPT RECOMMENDATION NUMBER 6 THAT THE DIVISION OF CHILD AND FAMILY SERVICES 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 AND TO ALSO CONSIDER RESTRUCTURING NEVADA'S STATE-COUNTY RELATIONSHIP. THE DIVISION OF CHILD AND FAMILY SERVICES WILL REPORT ON FORMAL RECOMMENDATIONS TO RESTRUCTURE THE RELATIONSHIP AT THE FIRST MEETING OF THE NEXT INTERIM COMMITTEE TO STUDY JUVENILE JUSTICE ISSUES ANTICIPATED TO BE FORMED AFTER THE CONCLUSION OF THE 1999 LEGISLATURE.

THE COMMITTEE RECOMMENDS THAT A LETTER OF REQUEST, SIGNED BY THE COMMITTEE CHAIR AND CONVEYING THE COMMITTEE'S RECOMMENDATIONS, BE PREPARED AND DISTRIBUTED TO THE ABOVE-MENTIONED ORGANIZATIONS. THE COLLABORATIVE EFFORT SHOULD ALSO INCLUDE A DETERMINATION OF HOW TO COORDINATE SERVICES IN A CONTINUUM OF CARE.

THE MOTION WAS SECONDED BY MRS. DE BRAGA.

THE MOTION PASSED UNANIMOUSLY WITH SENATOR ADLER ABSENT AT THE TIME OF THE VOTE.

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7. Conduct Statewide Gang Survey

Mr. Peri explained this recommendation came from Dr. Howell. The committee expressed their concern regarding the escalating gang membership, violence and shootings, the recruitment and utilization of youth in organized criminal gang activity and the fact that this growing problem was not limited to the metropolitan areas of the state, but affected rural Nevada as well. As mentioned by Senator James this morning, the committee also discussed the importance of moving this recommendation from the next two year period to the immediate time frame.

The committee discussed requesting recommendations from law enforcement organizations such as the Las Vegas Metropolitan Police Department Gang Division, the Clark County District Attorney's Office and the Reno Police Department on how to effectively deal with and prosecute gang members and counter gang activity which could be considered for possible legislation during the 1999 Legislative Session.

A recommendation which could be considered by the committee would be to request local law enforcement agencies in conjunction with the Nevada Association of Juvenile Justice Administrators assess the extent and nature of gang activity in Nevada, commented Mr. Peri. This group's review could include the development of recommendations on the apprehension and prosecution of gang members as well as identifying alternative programs which could be implemented to reduce gang membership. The assessment of gang activity and recommendations on how best to deal with this issue could be provided at the first meeting of the next interim committee to study juvenile justice issues anticipated to be formed after

the conclusion of the 1999 Legislature.

There was a suggestion that if some of these recommendations were approved by the committee, the letter of request would be similarly constructed and conveyed to the appropriate organizations. The committee could consider moving this recommendation from the two to ten year time frame into the immediate arena.

Senator James felt this recommendation should be moved into the immediate time frame. Juliann Jenson of the Legislative Counsel Bureau Research Division drafted a letter to law enforcement agencies which Senator James admitted he had not had an opportunity to discuss with her. There were several changes which he would discuss concerning gang surveys to be undertaken by law enforcement. He felt it was important this information be compiled and ready at the beginning of the 1999 Legislative Session rather than at the conclusion of the session.

Senator James asked that the second sentence of the recommendation be changed to reflect the agencies be directed to specifically review the usefulness of Nevada's RICO (Racketeer Influenced and Corrupt Organizations) statutes to prosecute gangs. In addition to law enforcement, Senator James wished the same letter be directed to the district attorneys throughout the state as well as the Nevada District Attorneys Association so the prosecutorial side of the issue could be effectively addressed.

An additional change recommended by Senator James was that a report be finished by February 1, 1999, and be directed to Chairman Evans as well as the chairmen of the respective judiciary committees in each house of the legislature. This would give the committees enough time to discuss potential legislation, particularly concerning the RICO statutes, where Senator James felt the solution to the problem could be found.

Chairman Evans indicated the committee would discuss the senator's four recommendations one by one.

Mrs. de Braga agreed with Senator James that the gang surveys should be included in the immediate time frame. She suggested that education, school administration or other such parties should be involved in this survey. However, this may not be the appropriate way to approach the issue, but possibly to state there was a need for their collaboration. Mrs. de Braga knew many of the rural areas were in denial with regard to the subject of gangs, but any kid knew about the gangs, how many there were, who were members, etc. She felt the schools held some responsibility because they allowed students to hang out and smoke or do other things which contributed to gang activity. This may not be the appropriate place to include schools, but she wanted the committee to consider this suggestion.

Mr. Humke indicated he was unsure what was actually being sought from law enforcement because he had not been to previous committee meetings. He felt there was some dissidence in the committee in that the recommendation title mentioned a survey. If the committee was truly interested in a survey, Mr. Humke could direct the members to three or four departments at either of the universities of Nevada where survey research could be done. The opinions of law enforcement personnel, district attorneys and education personnel could be measured and completed by the end of the summer for the survey.

However, Mr. Humke felt the word survey was a misnomer and what the committee clearly desired was an assessment or an analysis of the gang problem which would lead to a report. He felt the chairman and committee would agree this would be a major undertaking and he was uncertain the various agencies suggested by Senator James would be able to report that information so it could be compiled by February 1, 1999. He had very serious concerns if that would be an adequate assessment or analysis and it would be rushed to some extent.

Chairman Evans thanked Mr. Humke for his comments and pointed out the heading for this recommendation had been suggested by Dr. Howell. The bolded portion (at page 27 of Exhibit D) was the suggested recommendation, which included the assessment of the extent and nature of gang activity. The motion could be worded to reflect what the committee actually recommended.

To follow up with Mrs. de Braga's comment, Chairman Evans said this recommendation was somewhat in the negative, i.e., "nail 'em and jail 'em" and she wished a more positive component be incorporated. As Mrs. de Braga suggested, it was more than just catching the kids and locking them up, but what other kinds of things were being done and could be done, such as gang prevention programs. Their

effectiveness should be evaluated in relation to gang formation and membership.

With reference to Senator James' comments, Chairman Evans said she agreed the various law enforcement agencies should be encouraged to look at the RICO statutes. The district attorneys would be an important voice on this issue. The recommendation which seemed to be a bit more controversial and should be discussed further was the deadline for information. The question was whether the report could be ready by February 1, 1999 or if it should be submitted to the next interim study.

Chairman Evans indicated she had spoken to some of the people who were active in the gang problems about this recommendation. They were pleased the committee was looking at the issue and conveyed their concern about doing something this comprehensive and thorough in such a short window of time. There was nothing which said the committee could not change the deadline, but these people were more comfortable in having in excess of a year to accomplish all that the committee requested. Chairman Evans stated the other amendments were very acceptable and all the committee really must decide is the time frame.

Senator Wiener stated for the record she was writing a book entitled *Winning the War Against Gangs* which would focus on prevention and intervention and she was researching the issue now. She had focused a great deal on law enforcement and education in the gang arena and had gathered a lot of input from young people. Some of their insights were invaluable as to what might work and what would not. She realized there was a need for professional input and insight, but young people who had made the choice not to join a gang or who have left a gang should be integrated into the assessment.

In response to Chairman Evans' question, Senator Wiener said she would provide some suggested language which could be included into the recommendation.

Senator James felt there was an urgency about this issue because it was not a problem which could wait two years before being addressed. This must be addressed in the 1999 session, and Senator James said he would do everything in his power to see that it was. He suggested this committee was in a position to assist the legislature by asking law enforcement agencies and others to provide an assessment so the situation could be addressed effectively. Testimony had been heard from Lt. Stan Olsen about the Los Angeles gangs moving into Las Vegas, who were running sophisticated crime syndicates and the crime was increasing daily. This was one of the most pressing criminal justice and juvenile justice problems faced by the state. Therefore, no option existed about waiting with regard to this issue.

Secondly, Senator James did not understand why law enforcement would not have the ability to provide information to the legislature by February 1, 1999. The committee had already voted and approved four other assessments of similar breadth and scope involving more agencies and private organizations with due dates of February 1, 1999 and March 1, 1999. He felt this could be accomplished, after all, Lt. Olsen had already submitted a report to the committee which was fairly comprehensive with all the data already collected. That existing information could be collated into an assessment, the district attorneys could research the RICO statutes and see how they were being utilized in Nevada to prosecute gangs, and Senator James felt that could be accomplished in seven and a half months. He asked the committee to approve this recommendation with the four changes he suggested.

Senator James felt the recommendation should include something about the "nail 'em and jail 'em" philosophy as he very strongly wanted to be identified with seeing that those gang members who were recruiting Nevada youth and carrying out major crimes be incarcerated.

Senator Washington strongly agreed with Senator James that this recommendation be moved into the immediate time frame. There was a tremendous problem not only in Clark County, but in Reno as well. Reno officials had provided the committee with numerous reports of gang activity recruitment, names and other information. If the gang problems were not addressed immediately, the problem would only intensify that much more. He was also in favor of the "nail 'em and jail 'em" philosophy if gangs continued to recruit youth to participate in their criminal activity. The infiltration may not necessarily come from Los Angeles, but there were gangs coming from the Bay Area.

Mr. Humke did not disagree with the urgency of the matter at hand. There was some ability to perform by the affected agencies and personnel, specifically outside Clark County. There was a very urgent

situation of crisis proportion generated by the Los Angeles gangs moving into Clark County. Nevertheless, Mr. Humke also agreed with Mrs. de Braga with reference to the rural areas of the state. In the rural regions, law enforcement did not typically specialize in gang intervention as there was not enough personnel, and everyone was a generalist. The same was true regarding prosecution of gangs in those areas and for school personnel.

As a way of compromise, Mr. Humke reminded the committee they were recommending a letter of request to other agencies. Perhaps there could be a two-tiered approach. Senator James' request for a report on February 1, 1999, was extremely possible and that report could be an overview of what Lt. Olsen had in his data base today and what other Clark County agencies had gathered to date. He also suggested a follow-on report, perhaps due by October 1, 1999, which would meet the suggested language to provide updated material to the second generation of this interim study. This would provide a fuller analysis which was statewide in nature. Mr. Humke stated he was uncertain that law enforcement, the educational establishment and prosecutors in Washoe County would be able to perform by February 1, 1999, and he felt certain the rural counties would not be able to participate adequately by the February date.

As Senator Washington recalled the testimony, law enforcement agencies in Washoe County had been and were currently doing reports on gang activity. He remembered the rural areas, possibly Winnemucca and Elko, had reported an increase in gang membership and activity and were well aware of the participation of gangs in their areas. He strongly felt this study should be done statewide as soon as possible and moved forward quickly, efficiently and effectively in reforming Nevada's juvenile justice system.

Senator James remarked there was not much difference in opinion between the committee members. He appreciated Mr. Humke's concern about the ability of the rural areas to provide information as easily as the larger counties. He commented this was a letter of request from the committee, and if some of the counties could not get the information together fully for the report, they could so indicate. Notwithstanding, the report should advance all the information available. There were seven months to gather information to present to the legislature. Possibly another change in the recommendation could be made whereby if a county or agency was not able to collect all the information available to them, it could be so indicated and there would be an opportunity for a subsequent report on October 15, 1999. Senator James would still like to ask everyone participating statewide for all the information possible and then appropriate actions could be taken by the legislature as a whole, recognizing further information would become available in the future.

Chairman Evans thanked Senator James for his comments. As a point of clarification, Lt. Olsen's report concerned gangs in their full form, not just juvenile gangs and juvenile information. In terms of the recommendation under discussion, she understood the committee did not want to limit this assessment to juvenile gang involvement, but would include all ages of gang members.

Senator James absolutely wanted to include everyone because gangs recruit youth, which was the juvenile justice link. Whether the gang members were 17 years of age or older, they were recruiting youth and this was the heart of the juvenile justice problem caused by gangs. There needed to be a comprehensive assessment of the gang problem, which was not limited to youth.

Chairman Evans noted for the record the amendments which had been discussed so far to the recommendation to conduct a gang assessment in the state:

- Mr. Humke and Senator James recommended the report be completed by February 1, 1999, which would contain as much information as could be gathered and submitted by that date. A follow-up would be made for additional analysis and information which would be expected for presentation to the next interim study on juvenile justice.
- The district attorneys should be specifically added as part of the cooperative study group.
- The district attorneys should be asked to review the RICO statutes in relation to gang prosecutions.
- Senator James wished to make it clear that everyone would be asked to participate statewide, not

just the two big counties.

- Mrs. de Braga and Senator Wiener suggested prevention and who would participate as a member of the study group. Chairman Evans asked if Mr. Peri would elaborate on behalf of Senator Wiener and Mrs. de Braga. Mr. Peri stated this undertaking should also take into consideration the front end of the process, i.e., prevention and intervention issues. Not only should prosecution efforts go forward, but the reasons why at-risk kids get involved in gangs should be explored as well as why kids do not get involved in gangs. Senator Wiener would like the study group to consider talking to youth, both those who were involved with gangs and those who chose not to. The effort should also include input from youth who were exposed to or involved with gang activity. This input should specifically address intervention and prevention recommendations.

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MR. HUMKE MOVED TO APPROVE RECOMMENDATION NUMBER 7 WITH AMENDMENTS.

MRS. DE BRAGA SECONDED THE MOTION.

Senator James inquired if the motion included the suggestion to change the name of the recommendation from survey to assessment. Chairman Evans agreed that could be changed. The actual motion does not contain the word "survey," but for clarification, that change would be made in the record.

Senator James asked what would happen to the report which was due on February 1, 1999, if it would be made available to the legislature. Chairman Evans felt this should be two-fold, not only members of the committee should receive a copy, but since the bills would be processed through the judiciary committees, the two judiciary chairs should be included. The list could be expanded to include all members of the judiciary committees and distribution could be accommodated as widely as desired.

Ms. Morgan stated she understood the director's office of the Legislative Counsel Bureau kept a record of all such reports which came to the legislature. When the Legal Division was asked to draft a provision such as the one under discussion, the language would read that the report would be sent to the director for dissemination. If there was a specific dissemination, that would be set forth in the language. Senator James indicated that was satisfactory.

The committee voted to adopt the following recommendation and amendments thereto:

RECOMMENDATION 7 — CONDUCT STATEWIDE GANG ASSESSMENT — THE COMMITTEE RECOMMENDS 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. THIS GROUP'S REVIEW SHOULD INCLUDE THE DEVELOPMENT OF RECOMMENDATIONS ON THE APPREHENSION AND PROSECUTION OF GANG MEMBERS INCLUDING AN EVALUATION OF THE EFFECTIVENESS OF NEVADA'S RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS (RICO) STATUTES IN PROSECUTING GANG MEMBERS. THE REVIEW SHOULD ALSO ASSESS PREVENTION AND INTERVENTION EFFORTS AND IDENTIFY ALTERNATIVE PROGRAMS WHICH COULD BE IMPLEMENTED TO REDUCE GANG MEMBERSHIP.

REASONS WHY AT-RISK YOUTH EITHER GET INVOLVED OR DO NOT GET INVOLVED WITH GANGS SHOULD BE EXPLORED. THE EFFORT SHOULD ALSO INCLUDE INPUT FROM YOUTH WHO WERE EXPOSED TO OR INVOLVED WITH GANG ACTIVITY. THIS INPUT SHOULD SPECIFICALLY ADDRESS INTERVENTION AND PREVENTION RECOMMENDATIONS.

A REPORT ON THE ASSESSMENT OF GANG ACTIVITY RELATED ISSUES AND RECOMMENDATIONS ON HOW BEST TO DEAL WITH THIS ISSUE SHOULD BE COMPLETED BY FEBRUARY 1, 1999, AND SHOULD CONTAIN AS MUCH INFORMATION AS CAN BE GATHERED AND SUBMITTED BY THAT DATE. THE REPORT SHOULD BE SUBMITTED TO THE DIRECTOR OF THE LEGISLATIVE COUNSEL BUREAU FOR DISTRIBUTION TO ALL MEMBERS OF THE 1999 LEGISLATURE. A FOLLOW-UP REPORT CONTAINING ADDITIONAL ANALYSIS

AND INFORMATION SHOULD BE SUBMITTED BY OCTOBER 1,1999, AND PRESENTED TO THE FIRST MEETING OF THE NEXT INTERIM COMMITTEE TO STUDY JUVENILE JUSTICE ISSUES ANTICIPATED TO BE FORMED AFTER THE CONCLUSION OF THE 1999 LEGISLATURE.

THE COMMITTEE RECOMMENDS THAT A LETTER OF REQUEST, SIGNED BY THE COMMITTEE CHAIR AND CONVEYING THE COMMITTEE'S RECOMMENDATIONS, BE PREPARED AND DISTRIBUTED TO THE APPROPRIATE ORGANIZATIONS.

THE MOTION CARRIED UNANIMOUSLY.

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In order to accommodate Judge Schumacher's schedule, Chairman Evans asked that number 10 of the recommendations be taken out of order for the committee's consideration.

10. Amend the Nevada Revised Statutes per Recommendations from County District Attorneys

Chairman Evans recognized Kim Morgan of the Legislative Counsel Bureau Legal Division and asked that she walk the committee through this recommendation. Ms. Morgan called attention to page 33 of Exhibit D, which was a summary of the two points made by the office of the Washoe County District Attorney and page 34 contained the points suggested by the office of the Clark County District Attorney. Rather than belaboring the recommendations because there had already been a great deal of discussion about the issue by the committee, the first recommendation from Washoe County concerned the limitation of the use of photographs of juveniles. The current law stated the inspection would be limited to law enforcement officers who were conducting criminal investigations. The proposed amendment would change the statute to be very specific to limit the use of the photographs to law enforcement officers who were conducting photographic lineups. Ms. Morgan stated that would be the only authorized use of those pictures. The draft for that amendment was located on page 35 of Exhibit D, and the changes were at the top of page 36.

Judge Schumacher apologized for asking that this item be taken out of order, but she was required to conduct a hearing in Reno shortly. She had a great deal of concern about the amendment requested by Deputy District Attorney Bob Teuton of Clark County, to NRS 62.360. (See second draft of the amendment, Exhibit E.) It was not the intent of the proposed amendment which concerned Judge Schumacher, but the definition of court records. The statute read the records that the courts have may be opened to inspection by order of the court *or* with the following exceptions which were listed, including the additions recommended by Mr. Teuton. The addition was at subsection (f), records not otherwise sealed which were to be used by a prosecuting attorney or other law enforcement officer.

From a practical standpoint, Judge Schumacher said her uneasiness was what happened to these exceptions as they related to sealed records if someone came to the court clerk's desk and asked to see a file. There was no practical way that a court clerk would know how to implement this change. The clerk would not know what records were going to be used by a prosecuting attorney or law enforcement officer. In fact, they would not know what *was* used in the prosecution of a case, emphasized Judge Schumacher. The other records were more easily identifiable, e.g., traffic violation records. The amendment stated the court clerk would have to determine whether a record should be opened if it was used by a prosecuting attorney or law enforcement officer.

Judge Schumacher suggested that if the intent was to give access to documents used by a prosecuting attorney or law enforcement officer, then that should be said directly. Language should not be used which said a person could access that information by going to the court record, because a court clerk would have to determine whether or not that information should be released. She did not feel this statute could be implemented as written.

Mr. Humke stated he understood the judge's concern and asked if the ambiguity could be cured by an order of the court in an instance where a record might be sealed, the order would specify which records could be released and which were sealed. Judge Schumacher responded it was always possible to apply to the court to see a record, and she felt the point of the exceptions was to avoid that process. The

actual language of the amendment referred to records in the future tense, *which will be used*, which would not only be problematic, but would require a court clerk to somehow understand what happened during the hearing to determine what document was used or not used by certain entities.

Judge Schumacher remarked if the idea was to be able to release information used by prosecutors and law enforcement, this should not be inserted in Chapter 62 where the information could be accessed through court records. She suggested a more direct way should be found of saying that prosecutors and law enforcement personnel should be authorized to release what they had used in a hearing. This would not require the court clerk to make a determination whether or not to release information. Judge Schumacher stated the policy issue as to whether this was an appropriate release of information should be left to the legislature to determine. Nonetheless, she reiterated that as written, the statute could not be implemented.

Chairman Evans welcomed comment from the committee, but said one of two things could be done. Either the committee could discuss and agree on some alternate language to address the concerns of Judge Schumacher. The other option would be for this committee to decline to make any recommendations on the four proposed amendments from the district attorneys. Clearly, the district attorneys have the ability to carry legislation forward, it was not necessary for the bill drafts to come from this committee. The committee could carry the amendments or introduce them for the district attorneys, but it was not necessary for it to be involved. Chairman Evans opened the discussion to the members.

Senator James acknowledged his agreement with the chairman and suggested the district attorneys propose the amendments through the normal legislative process. These issues were very important, but they could be dealt with later. Senator Adler indicated his agreement.

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SENATOR JAMES MOVED TO DEFER THE AMENDMENTS TO STATUTE RECOMMENDED BY THE DISTRICT ATTORNEYS AS ITEMIZED IN RECOMMENDATION NUMBER 10 TO THE DISTRICT ATTORNEYS TO FOLLOW THE NORMAL LEGISLATIVE PROCESS.

THE MOTION WAS SECONDED BY SENATOR ADLER.

Mr. Humke commented he was familiar with the work of both deputies district attorney who appeared before the committee. He suggested Chairman Evans could draft a letter of intent to the Nevada District Attorneys Association including the information supplied by the deputies, because the two deputy DAs took the time to come before the committee. Mr. Humke observed it was difficult at times for the issues which concerned juvenile deputy district attorneys to come to the surface when discussing the same with their own district attorney or with the Nevada District Attorneys Association when bill drafts were being prioritized before the legislative session. He felt a letter of intent from the committee could assist these deputies.

Chairman Evans requested Kim Morgan of the Legal Division to draft a letter to the association thanking the deputies for their suggestions and informing the association of the committee's concerns about not being in a position to resolve the issues surrounding the proposed amendments.

THE MOTION CARRIED UNANIMOUSLY.

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Returning to the numerical order of the recommendations, Chairman Evans asked Mr. Peri to proceed with his presentation.

8. Conduct School Violence Assessment

Mr. Peri indicated this recommendation had been made by Dr. Howell and there was no preceding information or development of the idea, but this was a recommendation the committee could consider. The committee may wish to send a letter to the State Board of Education asking that a survey be

conducted of Nevada's school districts on school violence. The survey could poll students, assess security measures and procedures in place, assess gang problems in schools and solicit recommendations to improve security, reduce violence and protect students.

As a consideration, Mr. Peri said the committee could recommend that the results of the survey be provided at the first meeting of the next interim committee to study juvenile justice issues anticipated to be formed after the conclusion of the 1999 Legislature. Also, a letter of request could be developed and sent to the State Board of Education conveying this recommendation.

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MR. HUMKE MOVED TO APPROVE RECOMMENDATION NUMBER 8.

SENATOR WASHINGTON SECONDED THE MOTION.

Senator Adler remarked this was a nice thought, but last session a truancy bill was passed and he had heard from the Clark County School District they were having difficulty measuring which students were truant. If the district could not determine who was truant or not, he wondered how they could identify the violence rate. Senator Adler stated he did not intend to be flippant, but the districts were still trying to determine whether students were at school or not.

Chairman Evans thanked Senator Adler and agreed it was a matter of adequacy of reporting. When she spoke to representatives of the Department of Education about this suggestion, they referred her to a publication entitled *The Nevada Youth Risk Behavior Survey Report for 1997*, which had been sent to all legislators. The representatives felt they had already done what the committee was recommending, but Chairman Evans commented after she had reviewed the report, it was not what the committee had in mind. There were many reasons why the report was not adequate, one of which was the survey was only for grades 9 through 12, and it was just basically a question and answer type of report. What the committee had in mind and what Dr. Howell had recommended was the report be much more than simply surveying students.

Senator James questioned why the committee was allowing two years for these assessments to be done; he felt the seven and a half month time frame discussed earlier was adequate. School violence was on everyone's mind and it was a national problem. If the assessment was not completed until the next interim, the results would not be presented to the legislature until the 2001 Legislative Session. Senator James suggested the letter of request push the time frame up so the report could be presented to the 1999 Legislature and it could be utilized in the deliberations on bills which will certainly come forward on the school violence issue. Additionally, the State Board of Education would be up-to-speed on the issues when the bills were heard during the legislature.

Senator James recognized there was motion on the floor, but he encouraged the maker of the motion to amend it so this information could be obtained, if at all possible, by February 1, 1999. Mr. Humke indicated his agreement.

Senator Washington pointed out that during previous testimony, it was reiterated to the committee that Juvenile Parole and Probation did not interact with the school districts. He wondered if this recommendation could be amended to include the State Board of Education as well as Juvenile Parole and Probation to work in conjunction with one another. There were some students who were on probation and testimony was received that some probation officers do not frequent the schools to ensure the student was in attendance. Chairman Evans remarked this was a good suggested amendment to the recommendation.

Mr. Bash suggested if this amendment was approved, the Board of Education and Juvenile Parole and Probation should be asked for recommendations on how to improve communication and coordination between the two entities.

Mrs. Segerblom recalled testimony from the principal of Clark High School who stated a probation officer had turned up at the school to remove a student who was in violation of his probation, and the principal was unaware the student was on probation at all. She felt there should be more cooperation between the

juvenile authorities and the schools so the schools knew which students in class should be under surveillance.

Chairman Evans inquired if there was any specific language; Mr. Bash had stated better communication and collaboration should exist between the two entities.

Directing a comment to Mr. Humke, a member of the Juvenile Justice Commission's Work Study Group, Chairman Evans asked if the Work Study Group should be included because of the broad-based nature of their work. This suggestion had been precipitated because after discussions with Dean McHardy of the National Council of Juvenile and Family Court Judges, Chairman Evans had been told they had the capability to bring in some consultants. The point being, an assessment such as the one under discussion did not have to be started from scratch to determine a methodology, what questions to ask and what to look for because it had been done in many jurisdictions. There was no point in recreating the wheel.

Mr. Humke noted that Mr. Hadfield was also a member of the Work Study Group and they had taken very seriously the mandates of this committee to them. As a practical matter, the group met year round and could serve as a monitoring group for the National Council of Juvenile and Family Court Judges because such an assessment should not be left entirely to the schools to complete.

Mr. Bash informed the committee that Willie Smith, Chairman of the Juvenile Justice Commission was present in Las Vegas. Chairman Evans recognized Ms. Smith and asked if the committee could call upon the commission for assistance in conducting a school violence assessment. Ms. Smith responded the commission could perhaps participate in some way in working with the school districts and the Department of Education.

Chairman Evans recapped the amendments to the recommendation:

- The addition of Juvenile Parole and Probation and the Juvenile Justice Commission's Work Study Group to help with the assessment.
- The recommendations should include ways to improve communication and cooperation between the schools and Juvenile Parole and Probation.
- Move the deadline earlier and make the report available to the next legislative session.

Chairman Evans asked if Senator James had a specific date he would like to see the report completed. Senator James suggested February 1, 1999. Chairman Evans noted that as this would be an extensive undertaking, perhaps as had been done previously, a progress report and recommendations could be requested containing all the information available to that time, with a follow-up report to the next interim committee.

Mr. Peri called attention to the discussion about Juvenile Parole and Probation and asked for clarification whether the local probation offices should be included, thereby including the Nevada Association of Juvenile Justice Administrators. Parole, of course, was administered by the state, the Nevada Youth Parole Bureau. If that was the committee's desire, he would ensure the recommendation was clear in that area.

When asked about his intent by the Chairman, Mr. Bash responded the administrators' association included all those mentioned, parole and juvenile probation, and would provide adequate coverage.

Mr. Humke declared he embraced all the amendments. Two versions of direction to the agencies had been discussed, one was to the State Board of Education and local schools and the other was to the National Council of Juvenile and Family Court Judges, with oversight by the Work Study Group. Mr. Humke indicated he preferred the latter direction, as the National Council understood violence and violent kids better for the purposes of this study. As the maker of the motion, this was the direction he preferred.

Chairman Evans observed this would be consistent with what had been asked of the council before and she did not feel there was a problem.

Senator James asked if the Department of Education and the school districts would still provide input on this issue. Chairman Evans responded the schools were very much involved in this assessment and no one had suggested their removal. This would be a collaborative effort among agencies. Senator James indicated he was confused as he understood an assessment would be conducted by the school districts under the auspices of the State Board of Education on security in schools, gang problems, how to reduce violence and protect students. He had no objection to adding such entities as parole and probation as participants.

However, Senator James pointed out he was a parent and his child would be going from the relatively safe sanctum of elementary school next year into middle school. He wanted to know what exactly was happening in those middle schools and in high schools. He wanted to know if teachers and administrators felt they needed metal detectors in the schools; if action should be taken with respect to school buses so students were not put in peril at the bus stop; were teachers at risk from violent students and if so, where; were drugs becoming more pervasive at lower levels and were they being trafficked in the hallways? These were the kinds of answers which must be known. He did not suggest the recommendation be amended any further, but he wanted to ensure his concerns were known for the record. This recommendation, in Senator James' opinion, was one of the most important of all and good information would lead to identifying key problems in the schools.

Chairman Evans informed Senator James there had been some brief discussion off the record in Carson City about the schools having to deal with this issue as a part of many other issues. There was concern about the schools' ability by themselves to carry this forward and obtain the results which had been described by Senator James. Perhaps by working in conjunction with the administrators association, with guidance from the Juvenile Justice Commission's Work Study Group, and some technical assistance through the National Council who would help the schools guide their work and make research available from other jurisdictions, a more thorough assessment could be conducted. Discussions with teachers and administrators would absolutely be part of this assessment, if in fact, a more comprehensive assessment was the desire of the committee. The report previously discussed was highly inadequate, and was just a document prepared internally. The schools would be directed to take the leadership role, but there was a need to bring in some more knowledge and experience to work with them. Senator James indicated he understood.

Chairman Evans commented that now that other groups had been added to this recommendation, she suggested a lead agency should be designated, and asked if the committee had a preference. Mrs. Segerblom suggested the schools take the lead because the committee had assigned so many tasks to the other entities. In fact, the concerns were with the schools and what was happening in them.

Senator Wiener appreciated Mrs. Segerblom's suggestion, but before choosing a lead agency, she felt Ms. Smith of the Juvenile Justice Commission should be consulted as they would be involved in the assessment. Ms. Smith responded the school districts or the State Department of Education should take the lead role because the assessment related to violence in schools. Groups such as the Juvenile Justice Commission and some others who had been mentioned should participate and collaborate in conducting the assessment, but the Department of Education should take the lead.

The committee voted to approve recommendation number 8 with the following amendments:

THAT A REQUEST BE MADE TO THE STATE BOARD OF EDUCATION ASKING THAT AN ASSESSMENT BE CONDUCTED OF 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 STATE BOARD OF EDUCATION SHOULD TAKE THE LEAD ROLE IN CONJUNCTION WITH THE NEVADA ASSOCIATION OF JUVENILE JUSTICE ADMINISTRATORS AND THE JUVENILE JUSTICE COMMISSION'S WORK STUDY GROUP. TECHNICAL ASSISTANCE SHOULD BE PURSUED AND OBTAINED FROM THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES.

THE STATE BOARD OF EDUCATION AND THE ASSOCIATION OF JUVENILE JUSTICE

ADMINISTRATORS, REPRESENTING BOTH NEVADA STATE YOUTH PAROLE AND LOCAL COUNTY PROBATION DEPARTMENTS, SHOULD BE ENCOURAGED TO DEVELOP BETTER COMMUNICATION AND COOPERATION BETWEEN THEM WITH RESPECT TO JUVENILES.

THE REPORT ON THE ASSESSMENT OF SCHOOL VIOLENCE SHOULD BE COMPLETED BY FEBRUARY 1, 1999, AND SHOULD CONTAIN AS MUCH INFORMATION AS CAN BE GATHERED AND SUBMITTED BY THAT DATE. THE REPORT SHOULD BE SUBMITTED TO THE DIRECTOR OF THE LEGISLATIVE COUNSEL BUREAU FOR DISTRIBUTION TO ALL MEMBERS OF THE 1999 LEGISLATURE. A FOLLOW-UP REPORT CONTAINING ADDITIONAL INFORMATION, ANALYSIS, AND RECOMMENDATIONS SHOULD BE SUBMITTED TO THE FIRST MEETING OF THE NEXT INTERIM COMMITTEE TO STUDY JUVENILE JUSTICE ISSUES ANTICIPATED TO BE FORMED AFTER THE CONCLUSION OF THE 1999 LEGISLATURE.

A LETTER OF REQUEST, SIGNED BY THE COMMITTEE CHAIR AND CONVEYING THE COMMITTEE'S RECOMMENDATIONS, SHOULD BE PREPARED AND DISTRIBUTED TO THE STATE BOARD OF EDUCATION, THE NEVADA ASSOCIATION OF JUVENILE JUSTICE ADMINISTRATORS AND THE JUVENILE JUSTICE COMMISSION'S WORK STUDY GROUP.

THE MOTION PASSED UNANIMOUSLY.

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Mr. Peri continued with the remaining possible recommendations for the committee's review and consideration. These remaining issues and subjects were not specifically recommended by Dr. Howell, but had been identified by committee members as possible recommendations. Mr. Peri referred to Exhibit F which provided more detailed information which could be considered by the committee when making specific recommendations. This additional information did not pertain to each of the items 9 through 15, but there was information on several items, beginning with number 11.

9. Alternative Programs Offered by Local School Districts

This subject concerned educational programs offered by local school districts to students and youth who could not or were not allowed to access traditional educational programs. Mr. Peri stated testimony had been heard regarding youth who had been expelled from school or youth who were incarcerated in detention facilities who, in some instances were not afforded educational programs. There were alternative educational programs designed specifically for these groups of youth.

The committee discussed sending a letter 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 were available. The survey could possibly be reviewed and considered by the next interim committee on juvenile justice after the 1999 Legislative Session.

Senator Adler suggested a modification to read alternative programs offered by public schools, as there was one public charter school in Washoe County which taught culinary arts, and it would be useful to have data on that school.

Senator Washington inquired if there was some duplication because the Legislative Committee on Education established by SB 482 (of the 1997 Legislative Session) was looking at alternative forms of education. It might be in the purview of this committee to send a letter of recommendation to that committee indicating the juvenile justice committee had looked at this issue and strongly suggested that the education committee consider asking the State Board of Education to look at alternative education. Chairman Evans asked where the SB 482 committee was in its deliberations. Senator Washington believed the work session was coming up soon — he was a member of the committee and knew they had discussed alternative education on several occasions. Chairman Evans believed the main concern of the committee was to receive a report for review and further consideration during the next interim.

Mrs. de Braga noted the SB 482 education committee was accepting proposals now for the committee's work session and she agreed with Senator Washington that both committees, the juvenile justice committee and the education committee should not be directing the State Board of Education to do the

same thing. However, the issue of alternative education was important to both committees and possibly a recommendation could be made to the education committee that alternative education be explored further. Senator Washington indicated his agreement.

Chairman Evans remarked that would be an appropriate way to proceed with the understanding the Board of Education would report back to both committees.

Senator Wiener elaborated that this committee was interested in youth who were "in the system" or incarcerated and unable to graduate. The focus of this committee may fall through the cracks when discussing alternative education unless these issues were specifically addressed. Emphasis should be placed where it needed to be, as had been done with graduated sanctions. Chairman Evans stated she had no problem using another vehicle to promote the recommendation of this committee, but someone would have to take the responsibility to appear before the education committee to make a presentation to explain what the juvenile justice committee's objectives were and what had been done. This would ensure that the recommendation of this committee would not get lost in the larger scope.

Mrs. de Braga said even if the alternative education issue overlapped with another committee, this was a very important component and there was legitimate concern that it might not pass one committee or another. She suggested the committee pass this recommendation and share their action with the other committee. If this was duplicative, one committee could back off so it was only done once. Nevertheless, this was an important issue and needed to be followed up upon, and was as much an education issue as it was a juvenile justice issue.

Senator Washington said there were three committees who were actually discussing this issue, including the Interim Study on Special Education and Student Discipline (ACR 44 of the 1997 Legislative Session), in addition to the Legislative Committee on Education (SB 482 of the 1997 Legislative Session) and this juvenile justice committee. He suggested that a letter of intent be sent to those other two chairmen which indicated the recommendation passed by the juvenile justice committee.

Chairman Evans agreed that was an excellent suggestion. The juvenile justice committee had heard testimony on alternative education and the subject had been discussed by the committee. She felt there should be some communication between the committees to inform them what action the juvenile justice committee had recommended.

Senator Wiener said there were now three vested interests and asked if the letter would be drafted in such a way that each particular committee's focus area would be addressed. In other words, if there was an omnibus survey, would everyone's concerns be resolved. Chairman Evans responded she would guess the Department of Education would sort that out and decide which would be the best way to proceed.

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SENATOR WASHINGTON MOVED TO APPROVE THE RECOMMENDATION 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 WERE AVAILABLE. THE SURVEY COULD POSSIBLY BE REVIEWED AND CONSIDERED BY THE NEXT INTERIM COMMITTEE ON JUVENILE JUSTICE AFTER THE 1999 LEGISLATIVE SESSION.

ADDITIONALLY, A COPY OF THE LETTER SHOULD BE SENT TO THE CHAIRMEN OF THE LEGISLATIVE COMMITTEE ON EDUCATION (SB 482 OF THE 1997 LEGISLATIVE SESSION) AND THE INTERIM STUDY ON SPECIAL EDUCATION AND STUDENT DISCIPLINE (ACR 44 OF THE 1997 LEGISLATIVE SESSION) TO INFORM THEM OF THE RECOMMENDATIONS WHICH HAD BEEN APPROVED BY THE COMMITTEE TO STUDY THE SYSTEM OF JUVENILE JUSTICE IN NEVADA.

MRS. DE BRAGA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH MR. HUMKE ABSENT AT THE TIME OF THE VOTE.

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

Chairman Evans informed the committee a vote had been taken on one of these recommendations, but three proposed amendments remained.

Prior to discussing this issue, Senator Wiener indicated she had listened very carefully to Senator James' remarks while addressing these issues. She stated the committee could not over consider their role as legislators. Some of these issues would result in very critical pieces of legislation and she felt the same due process should be afforded them as other bills during session. This would include full hearings, the ability to reason both sides of the issue and to appear before both houses of the legislature. She recommended these proposed statutory amendments be afforded the due process provided by the legislature while in session.

Chairman Evans explained Senator Wiener's comments referred to the recommendations from the district attorneys to make some statutory changes which could be found starting at page 33 of Exhibit D. The amendment on page 34 was considered earlier when Judge Schumacher voiced her concern. The chairman reminded the committee a vote had been taken to defer to the district attorneys on this particular issue and the committee could choose to do the same with the remaining proposed amendments. It had been months since the district attorneys had made their presentation and there had been very little other discussion on the same. She asked the pleasure of the committee.

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MR. HUMKE MOVED TO DEFER ALL STATUTORY AMENDMENTS PROPOSED BY THE DISTRICT ATTORNEYS BACK TO THE DISTRICT ATTORNEYS.

THE MOTION WAS SECONDED BY SENATOR WASHINGTON.

THE MOTION PASSED UNANIMOUSLY.

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Kimberly Morgan of the Legislative Counsel Bureau Legal Division inquired if she should prepare one letter to the district attorneys informing them of the committee's action on all the proposed amendments. Chairman Evans responded that would be appropriate and thanked Ms. Morgan for her efforts.

Chairman Evans commented as Mr. Peri said earlier, with reference to items 11 through 14, a supplement (Exhibit F) had been provided the members with additional information which had been received after the packet had been printed.

11. Consider Developing Standards of Operation for Juvenile Facilities

Mr. Peri explained the committee discussed considering the development of minimum qualifications, training and educational standards for staff employed in juvenile facilities. Also, the need could be considered for developing licensing standards for juvenile facilities. Referring to Exhibit F at item 11, Mr. Peri said this information was based on testimony received by the committee from Fernando Serrano during the hearing held on May 20, 1998. The committee could request that the Association of Juvenile Justice Administrators undertake this effort since they have already begun work on standards. The Division of Child and Family Services was represented in the Juvenile Justice Administrators group and would ensure that state facilities are included in the study. The Juvenile Justice Administrators could provide a report to the next interim committee on juvenile justice in the Fall of 1999. If this recommendation was agreed upon, a letter of request would need to be authored and sent to the appropriate agencies.

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MR. HUMKE MOVED TO ADOPT RECOMMENDATION NUMBER 11.

THE MOTION WAS SECONDED BY SENATOR WIENER.

Senator Washington contended he had some concerns about the licensing of staff and possibly some facilities due to the fact there were probably some non-profit groups serving juvenile delinquents. Some of their staff members may be ex-gang members, ex-felons and others and if licensing standards were established, they may be excluded from being on the staff or the facility itself may be excluded. Washoe County had certain special use permits which had to be certified for facilities and there may be some duplication. These special use permits could contain requirements for fire sprinkler systems or smoke detectors or whether there was adequate plumbing or other provisions. Senator Washington thought the state could be stepping into arenas where the county already had jurisdiction.

Mr. Hadfield agreed the counties do look at these facilities; however, he believed the intent of the recommendation was for the administrations to have standards for themselves for the people who were in the facilities so the administrators would be protected from liability and there would be some consistency. Staff would have to be grandfathered in because Mr. Hadfield believed any standards that would be developed would be achievable for everyone. To reiterate, this would be more a facility management issue as opposed to the location or licensing of the facility.

Mr. Shaw said Senator Washington had brought up a good point which he had not considered. For clarification purposes, the Juvenile Justice Administrators were looking at county operated facilities and state facilities. The question was whether these standards should apply to privately run juvenile facilities and/or solely juvenile correctional facilities. There were many group home facilities and Mr. Shaw felt it had not been the committee's intention to develop standards at the private level, the primary concern was with detention and correctional facilities. For instance, Rite of Passage was a privately operated facility and was not represented in the Juvenile Justice Administrators group. Nevertheless, this was a clarification which the committee needed to make.

Chairman Evans stated Mr. Shaw had made a good point and was something which should be specified — just how inclusive was this effort and if anyone should be excluded.

Senator Adler felt the private facilities should be included because protection of the kids was the goal and standards should apply to everyone. In terms of some of the group homes, they would not be held to the same standards as a juvenile correctional facility, but they needed some sort of minimum standards such as not allowing certain people with certain types of criminal backgrounds to work at the facility. That was important to protect the kids. In a "Catch-22" situation, Senator Adler said some of the county group home regulations provided for licensing of group homes which have a license already. If the home did not have the ability to get a license, they did not have the ability to operate now in some of the counties. Group homes should have a lower standard than a juvenile correctional facility, but minimum standards should be met in terms of health, safety and staffing.

Mr. Shaw commented the senator may be correct, but the Juvenile Justice Administrators did not have any particular expertise in group home issues. The administrators' expertise was in operating correctional facilities and detention facilities. Privately operated correctional facilities could be included and Mr. Shaw felt the one existing in Nevada would look forward to having some consistent standards. However, the Juvenile Justice Administrators had no expertise with group homes, of which there were approximately 70 to 80 facilities, both public and privately operated in the state.

Senator Adler interjected he was not referring to all group homes, just group homes which were transitional housing for kids coming out of juvenile facilities. He asked if that was something for which a standard could be set. Mr. Shaw responded that would simplify the issue greatly.

Mr. Humke understood the Juvenile Justice Administrators wanted to regulate their own facilities and suggested that the state and county-run facilities have standards, but leave those in the private sector out at this point. The bill could be amended during the session, but it would be a cleaner bill without the private sector. With reference to group homes, Mr. Humke explained he had a client from his law practice who operated a group home and if they handled state kids, they may not have a license for the facility, but every person who worked at the home had a foster care license, and were some of the most

regulated of all. Mr. Humke declared he was very satisfied the state knew exactly what was going on and the kids were protected. To that extent, the expansion of this licensing would be a tremendous redundancy with no improved outcome.

Senator Washington indicated he had the same sentiments. Group homes needed to be excluded from this recommendation, but if the state and county facilities wanted to regulate themselves and administer licenses and standards for their facilities, they could do so. However, when it came to staffing, there may be some staff members, depending on the crime they committed, who may aid in counseling younger juveniles. This goes along with Senator Wiener's comment about youth being able to offer counseling and resolution to other juveniles in gangs. It had been proven over and over again that those staff members probably make some of the best counselors. It would not be right if they could not pass the minimum requirements for staff. Senator Washington felt the administrators could regulate themselves and make their own judgments based on police background checks.

Senator Adler conceded he would go along with the exclusion of group homes, but since an RFP was out for the privately operated secure juvenile facility in Clark County, he felt the facility should be licensed.

Senator Washington admitted there was a liability factor with group homes and privately run facilities. They must protect themselves also from inappropriate behavior or accidents which may be caused by negligence. He was confident these facilities were policing and governing themselves as there were a lot of factors weighing upon them.

Mrs. Segerblom commented if the facility was funded by the state or county, the people working there should be licensed as in a care center. Great care must be taken and the administrators must know the people who work for them.

Mr. Bash pointed out the original intent of this recommendation was simply to cover the state correctional centers, the county camps and detention centers which do not currently have any standards at all. Group homes and those other facilities already have standards and were licensed. Mr. Bash recommended the correctional facilities operated by the state, county and privately contracted by them for correctional care have consistent standards.

Senator Washington agreed with Mr. Bash's suggestion and said administrators themselves should be licensed and allow the administrators to handle their own staffing. The way the recommendation was worded, it included administrators and staffing.

Mr. Hadfield directed his comment to Senator Washington. He interpreted the recommendation as not a license for facilities, the issue was setting minimum standards in the hiring of people who would work in these facilities. He felt Senator Washington's concern was a valid one, but Mr. Hadfield did not believe that setting these minimum standards would preclude the county from hiring expertise, even knowing that part of that expertise may be that the person committed some crime which ironically made them a better qualified counselor. This recommendation was simply to establish an across-the-board minimum standard so the people employed in these facilities have certain qualifications as opposed to being concerned about licensing facilities.

Chairman Evans felt there may be some confusion between the original language on page 28 of Exhibit D compared to page 1 of Exhibit F which was reworked and reworded. The updated version did not contain the word "licensing;" the issue was standards. Senator Washington reiterated the wording in Exhibit F replaced the wording in Exhibit D. Chairman Evans indicated that was correct, the purpose of the handout was to replace items 11 through 14. With that understanding, Senator Washington stated he would retract his previous statements about licensing.

As had been stated by Mr. Bash, Chairman Evans thought the committee may want to consider standards for state and county facilities with the exception of group homes. The committee could go forward with that recommendation, and if desired, a directive could be added that the committee could determine in their findings whether there was a need to go further in the future into other types of facilities.

Mr. Shaw pointed out in a practical manner, standard setting was a first step to possible licensing which could be considered in the next biennium, and certainly there was some advantages to that. However, the

first step was the standard setting and from that agreement, licensing could go forward. Mr. Shaw felt that was a very appropriate recommendation.

Chairman Evans recalled that was how the committee began discussing this issue in the first place, there had been deliberations about licensing and Mr. Bash had pointed out there must be standards before moving onto licensing, which was why the language in this recommendation had been changed.

Senator Wiener asked if the generic standards of operation were inclusive of minimum qualifications for personnel. Chairman Evans responded the language did not specifically say so, but minimum qualifications for personnel was always a part of the discussion. Language must be included which stated standards must be set for staff as well as the facility. She reminded the committee this was not about licensing, but setting standards.

Mr. Shaw commented his conception of standards included minimum qualifications, staffing standards, ratios, health and safety, and the whole gambit. When discussing minimum qualifications for staff, there may be an exception for someone who had a criminal record under certain conditions, which could be included in the standards, to alleviate Senator Washington's concerns.

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MRS. DE BRAGA MOVED TO ADOPT RECOMMENDATION NUMBER 11 WHEREBY THE COMMITTEE REQUESTS 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 JUVENILE FACILITIES. JUVENILE FACILITIES ARE DEFINED AS THOSE OPERATED BY THE STATE, COUNTIES, AND PRIVATELY CONTRACTED BY THEM FOR JUVENILE CORRECTIONAL CARE. THE DIVISION OF CHILD AND FAMILY SERVICES IS REPRESENTED IN THE JUVENILE JUSTICE ADMINISTRATORS GROUP AND WOULD ENSURE THAT STATE FACILITIES ARE INCLUDED IN THE STUDY. THE JUVENILE JUSTICE ADMINISTRATORS SHALL PROVIDE A REPORT TO THE NEXT INTERIM COMMITTEE ON JUVENILE JUSTICE IN THE FALL OF 1999.

A LETTER OF REQUEST TO THE DIVISION OF CHILD AND FAMILY SERVICES AND THE JUVENILE JUSTICE ADMINISTRATORS FOR THIS PROJECT IS RECOMMENDED.

MRS. SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY WITH MR. HUMKE ABSENT AT THE TIME OF THE VOTE.

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12. Evaluate Mental Health Needs for the Juvenile Offender Population

Mr. Peri indicated testimony had been heard by the committee on several occasions regarding mental health needs for the juvenile offender population. At the May 20, 1998, meeting, questions were raised about mental health assessments and screenings and if they were consistently performed by local and state agencies when a youth entered the juvenile justice system. Additionally, there were questions whether treatment or programming was available.

Under this item, the committee could also consider recommending an evaluation of the need to create an integrated data system to track youth across all agencies, both state and local. Mr. Peri explained this item had been offered by the Division of Mental Hygiene/Mental Retardation (MH/MR) at the May 20 meeting, indicating that some sort of data system could be implemented to track juveniles across state programs, for example between DCFS and MH/MR. Ideally, this system could ultimately track kids through the county systems as well. Mr. Peri said this item was included under this heading because it was brought up when testimony was heard on the mental health issues.

More importantly, Mr. Peri called attention to Exhibit F, which provided more detail to the committee for consideration. The Department of Human Resources, Director's Office, could function as the lead agency to coordinate this effort for DCFS and MH/MR. The Juvenile Justice Commission could complete an across-the-board needs assessment of mental health needs and services for children and youth at both the state and local level. A progress report could be provided to the 1999 Legislature by March 1, 1999, with a complete report being provided to the next interim committee on the study of juvenile justice. Any type of report generated should be based upon verifiable data and information, not simply a wish list, but would have to be justified and supported with conclusive information. The committee could request that the report also contain information on how mental health services interface with juvenile justice programs and facilities on both the local and state level.

Mr. Peri pointed out there was a draft memorandum of understanding between MH/MR and DCFS. The committee could request that the two divisions jointly provide a status report on the eventual finalization of that document to be provided to the 1999 Legislature by March 1, 1999. The report should indicate how well the agreement was working and if there was anything remaining to be accomplished.

Concerning the integrated data system, Mr. Peri remarked the committee could consider requesting MH/MR, DCFS and the Juvenile Justice Commission to assess the current level of compatibility between data processing systems within state and local government agencies related to the tracking of juveniles. This assessment should include all major data processing systems including, but not limited to, SMART (related to local school districts and education), UNITY (an acronym for the data system being developed for DCFS), AIMS (the MH/MR billing and client tracking system), etc., which were all currently independent systems. Recommendations should also be made on what steps were necessary to make the current data processing systems within state and local jurisdictions more compatible. In addition, the work group could consider the feasibility of developing an integrated data system to track youth across all agencies, both state and local. A report on the group's activity in this area could be provided in the Fall of 1999 to the next interim committee on the study of juvenile justice.

Mr. Peri said that any recommendation the committee chose to adopt would require a letter of request to the appropriate agencies.

Chairman Evans stated she had spoken to Charlotte Crawford, the Director of the Department of Human Resources about taking the lead on this issue and pulling her various divisions together. She told the chairman there would be no problem with her agency taking the lead. Chairman Evans commented she had also spoken with Mr. Shaw as well as Dr. Carlos Brandenburg of MH/MR, and everyone felt these issues should be reviewed and recommendations made.

One other idea which Chairman Evans wished to place before the committee's consideration was to review children's mental health in terms of its placement within DCFS. Some members may recall that when state government was restructured, mental health services for children in the rural areas stayed with MH/MR and the same services in the two urban areas stayed with DCFS. The committee could ask about the adequacy of that arrangement and whether it should be revisited.

Senator Adler noted there was only one facility to treat juveniles with mental health problems in northern Nevada. There had been more than one instance in Carson City where a juvenile was suicidal and was provided medication in Carson Tahoe Hospital, but when authorities attempted to transfer the youth to the mental health facility in Reno, the facility would not accept them. Therefore, the youth remained medicated in Carson City with no place to send them for treatment. This evaluation would assume that once the problem was defined, there would be available treatment. Senator Adler said in his experience, there was very limited available mental health treatment for juveniles in northern Nevada.

Chairman Evans agreed with Senator Adler and testimony had been heard from the mental health folks who had testified before the committee. There was no consistency across the state, in some areas there were good services, and in others, there was little or nothing. In terms of recommending changes, a good across-the-board needs assessment as required under this recommendation would establish the necessary data.

Senator Adler agreed with the necessity for a needs assessment and felt there should be a statement

with reference to the need for mental health services. Tremendous progress had been made in the adult system, but there was a real lack in the juvenile services area. Chairman Evans suggested that the language be taken further in this recommendation to include changes and/or improvements to mental health services.

Mrs. de Braga inquired how mental health services were provided for juveniles in detention centers. She knew the law did not require licensed psychiatrists or psychologists in the prison system, only that they be medical doctors, and she did not feel juveniles were being given the care they needed. Mrs. de Braga thought this tied into recommendation number 11 whereby those providing care should have certain standards to meet.

Senator Washington interpreted the recommendation as requiring a report and the Department of Human Resources would be the one in charge. He felt that information could be provided to Mrs. de Braga in the report as to how they provided services to juveniles with mental health disabilities.

Leonard Pugh, Assistant Director of the Washoe County Department of Juvenile Services, offered some information about what took place at the Washoe County Detention Center which might be helpful. With reference to assessment and diagnosis and through a grant provided by the Office of Juvenile Justice and Delinquency Prevention, there was a contract with a psychiatrist from the University of Nevada Medical School who came to the center and completed psychiatric evaluations on youth. There was a limited number of visits per month, but he also consulted with staff as to how to properly manage some of the more troubled kids in the facility. Additionally, the county paid for a certain number of psychological and substance abuse evaluations through private providers in the county. Those evaluations were then used to determine what level of treatment a child needed so appropriate referrals could be made.

Mr. Pugh said in terms of providing ongoing mental health services, it would be a rare occurrence that while a juvenile was in Wittenberg Hall the level of treatment needed was provided. There would be some weekly contact with a therapist who would work with them on a brief basis, but it was very hard to combine a correctional institution with a mental health treatment facility. Mr. Pugh did not feel a facility could be both and still be successful.

Chairman Evans declared that was the very point which was made at the previous hearing. Mental health services were not necessary for every single youngster, but the committee wanted to be assured different levels of treatment were available and were being provided throughout the state for those who needed help. It would then be a policy decision on the part of the legislature, after all that information was received, to decide whether that was important and if so, to ensure the resources were available. Chairman Evans stated she knew there were holes in the system and this was an attempt to define the lack of services and determine what should be done about it. This was the same issue as with drug treatment — there were some great treatment programs, but some not very successful and some non-existent in other cases. There was no good understanding of these issues, which was driving the work groups. Decisions needed to be made on hard facts on a statewide basis before making policy decisions and funding new programs.

Mr. Bash felt this item was very, very important. There was a group of juveniles who were currently dually diagnosed as being both delinquent and having mental health problems. He recommended this study include a review of the handling of those cases and the most appropriate treatment. Chairman Evans stated that was an excellent suggestion.

Chairman Evans itemized the considerations for amendments on the recommendation:

- Complete an across-the-board needs assessment of mental health needs and recommend changes and improvements.
- The possibility of including a review of the separation of mental health services between DCFS and MH/MR with reference to juveniles.
- Include in the first paragraph a review of qualifications of staffing as suggested by Mrs. de Braga.
- Mr. Bash's suggestion to review dually diagnosed youngsters to ensure they were being handled in

an adequate manner.

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SENATOR ADLER MOVED FOR ADOPTION OF RECOMMENDATION NUMBER 12 INCLUDING THE AMENDMENTS DISCUSSED WHEREBY THE DEPARTMENT OF HUMAN RESOURCES, DIRECTOR'S OFFICE, SHOULD FUNCTION AS THE LEAD AGENCY FOR THE DIVISION OF CHILD AND FAMILY SERVICES, 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. A PROGRESS REPORT SHALL BE PROVIDED TO THE 1999 LEGISLATURE BY MARCH 1, 1999, WITH A COMPLETE REPORT BEING PROVIDED TO THE NEXT INTERIM COMMITTEE ON THE STUDY OF JUVENILE JUSTICE. THE FINDINGS IN THE REPORT SHOULD BE BASED ON VERIFIABLE DATA AND INFORMATION.

THE COMMITTEE REQUESTED THAT THE REPORT ALSO CONTAIN INFORMATION ON HOW MENTAL HEALTH SERVICES INTERFACE WITH JUVENILE JUSTICE PROGRAMS AND FACILITIES ON BOTH THE LOCAL AND STATE LEVEL, INCLUDING A REVIEW OF QUALIFICATIONS OF MENTAL HEALTH TREATMENT STAFF IN JUVENILE DETENTION AND CORRECTIONAL FACILITIES, AND RECOMMENDED CHANGES AND IMPROVEMENTS. THE REPORT SHOULD ALSO CONTAIN A REVIEW OF DUALY DIAGNOSED JUVENILES (DELINQUENT AND HAVING MENTAL HEALTH PROBLEMS) TO ENSURE THEY ARE BEING HANDLED ADEQUATELY.

REGARDING THE DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN MENTAL HYGIENE/MENTAL RETARDATION AND THE DIVISION OF CHILD AND FAMILY SERVICES, IT IS REQUESTED THAT THE TWO DIVISIONS JOINTLY PROVIDE A STATUS REPORT ON THE EVENTUAL FINALIZATION OF THAT DOCUMENT TO BE PROVIDED TO THE 1999 LEGISLATURE BY MARCH 1, 1999. THE REPORT SHOULD INDICATE HOW WELL THE AGREEMENT IS WORKING AND IF THERE IS ANYTHING REMAINING TO BE ACCOMPLISHED. ADDITIONALLY, A REVIEW OF THE STATUS OF THE SEPARATION OF JUVENILE MENTAL HEALTH SERVICES PROVIDED BY THE DIVISION OF CHILD AND FAMILY SERVICES AND THE DIVISION OF MENTAL HYGIENE/MENTAL RETARDATION SHOULD BE EXAMINED FOR EFFECTIVENESS.

CONCERNING THE EVALUATION OF WHETHER AN INTEGRATED DATA SYSTEM SHOULD BE DEVELOPED TO TRACK YOUTH ACROSS ALL AGENCIES (BOTH STATE AND LOCAL), THE COMMITTEE REQUESTED THAT THE DIVISION OF MENTAL HYGIENE/MENTAL RETARDATION, THE DIVISION OF CHILD AND FAMILY SERVICES, AND THE JUVENILE JUSTICE COMMISSION ASSESS THE CURRENT LEVEL OF COMPATIBILITY BETWEEN DATA PROCESSING SYSTEMS WITHIN STATE AND LOCAL GOVERNMENT RELATING TO THE TRACKING OF JUVENILES.

THIS ASSESSMENT SHOULD INCLUDE ALL MAJOR DATA PROCESSING SYSTEMS INCLUDING, BUT NOT LIMITED TO, STATEWIDE MANAGEMENT OF AUTOMATED RECORD TRANSFER (SMART), UNIFIED NEVADA INFORMATION TECHNOLOGY FOR YOUTH (UNITY), AUTOMATED INFORMATION MANAGEMENT SYSTEM (AIMS), ETC. RECOMMENDATIONS SHOULD ALSO BE DEVELOPED ON WHAT STEPS ARE NECESSARY TO MAKE THE CURRENT DATA PROCESSING SYSTEMS WITHIN STATE AND LOCAL JURISDICTIONS MORE COMPATIBLE. IN ADDITION, THE WORK GROUP COULD CONSIDER THE FEASIBILITY OF DEVELOPING AN INTEGRATED DATA SYSTEM TO TRACK YOUTH ACROSS ALL AGENCIES, BOTH STATE AND LOCAL. A REPORT ON THE WORK GROUP'S ACTIVITY AND PROGRESS IN THIS AREA SHOULD BE PROVIDED IN THE FALL OF 1999 TO THE NEXT INTERIM COMMITTEE ON THE STUDY OF JUVENILE JUSTICE.

A LETTER OF REQUEST SHOULD BE PREPARED AND FORWARDED TO THE APPROPRIATE AGENCIES CONVEYING THE COMMITTEE'S RECOMMENDATIONS.

MRS. SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY WITH SENATOR JAMES ABSENT AT THE TIME OF THE VOTE.

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13. Evaluate the need to establish truancy centers.

14. Should professional social workers be employed by local school districts?

Mr. Peri explained these two recommendations were combined on Exhibit F because of their relationship to school districts. Based on the committee's discussion on truancy centers at its May 20 meeting, the Fiscal Analysis Division recently polled Nevada's 17 school districts to identify which counties have established truancy centers and how the centers operated. (The results of that poll are attached as Exhibit G.)

On the issue of truancy, the committee could request the Department of Education to work with the local advisory boards to review school attendance, created pursuant to AB 486 (of the 1997 Legislative Session), to identify factors which contributed to truancy. This review would be based on the annual evaluations conducted by each local advisory board as required by NRS 392.126 to determine the effectiveness of programs to reduce truancy established in each school district. The Department of Education could review the reports and synthesize those findings into a statewide report identifying factors which contributed to truancy. The department's report should also include recommendations concerning programs which have been found to be the most effective in reducing truancy. This report could be developed for review by the next interim committee to study juvenile issues after the conclusion of the 1999 Legislative Session.

Regarding the issue of school districts utilizing professional social workers, Mr. Peri explained the Department of Education could be requested to identify the number of social workers employed by each school district, how many social workers were assigned specifically to school sites within each school district, and develop information on whether school districts believe the use of social workers should be expanded. The report could also be developed by the Fall of 1999 and could be reviewed more thoroughly by the next interim committee on juvenile justice.

Mr. Peri said a letter of request would need to be prepared if the committee chose to make any of these recommendations.

Chairman Evans commented part of this recommendation stemmed from AB 486 (of the 1997 Legislative Session). Since Senator Adler had a great interest in truancy centers, Chairman Evans deferred to him.

Senator Adler remarked Carson City and Washoe County had truancy centers. He stated he did not see how Clark County could effectively enforce truancy laws with no truancy centers. If a truant student was picked up and then brought back and dropped at school, there was nothing to stop the student from leaving school a short while later. He felt there was a need for truancy centers in the large counties to help deal with the problem.

Chairman Evans indicated she had heard testimony that the counties were more than willing to consider truancy centers, but the bottom line was dollars for staffing, location, either on or off campus, and operational dollars. She felt this was a policy question, but the fiscal side of the issue could not be ignored. If the legislature mandated the centers, there would be concern about another unfunded mandate, therefore, funding must be a consideration as part of the recommendation.

Calling attention to the implementation of AB 486 (of the 1997 Legislative Session), Senator Adler indicated he had worked on the bill with Assemblywoman Chris Giunchigliani and Senator Washington. He understood most of the counties had implemented the advisory committees and some counties, Humboldt, Carson City, White Pine and to a certain extent, Washoe, had enforced the law. Clark County had not been able to enforce the law due to some turf battles as to who should issue the citation, the school police or the sheriff's department. Senator Adler had been informed Clark County had resolved

most of those issues and would be enforcing the law at the beginning of the next school year.

Senator Adler said he would like to make a simple motion to evaluate the need for truancy centers and he would like to have a report back before the next legislative session so if there was a need, a funding formula could be devised. In Carson City, the truancy center was funded by the county, the school district and several other sources, because it benefitted everyone. The center reduced the load on the juvenile detention center and solved a lot of school problems by not dropping the truant back at school. There should be a funding mechanism in all counties if everyone worked together.

Mr. Hadfield called attention to the earlier discussion about negative and positive recommendations. He wondered if the counties could be asked to identify how well these truancy centers were working on the positive side, and then look to see how they could be expanded to other jurisdictions. Mr. Hadfield stated he had heard nothing about the truancy centers because there was no incentive for the school districts to keep the kids in school once they took the census. Frankly, it appeared the schools did not care where the students were. He felt better results could be had by using this two-pronged approach.

Mrs. de Braga indicated her agreement with Mr. Hadfield. The counties who had models which worked could share that information. Obviously, the rural and urban areas were different. For example, in order to reduce the truancy problem, Ely did not allow senior students to attend school for only half a day. This would not work in Clark County or other places where there were school shortages. Eureka County had no truancy and zero dropout rates because there was nothing else going on in the community outside of school.

Chairman Evans stated that according to AB 486 (of the 1997 Legislative Session), the Department of Education was to review the reports submitted by the local advisory boards and synthesize those findings into a statewide report to identify factors which contributed to truancy. She wondered if there was a time line when these reports were due. Recommendations would then be made in terms of what had been found to be effective in reducing truancy. At the very least, Chairman Evans felt Mr. Hadfield's statements regarding how well the truancy centers were working and to share those successes with others should be added. Nevertheless, there was still the fiscal issue to consider. She asked the pleasure of the committee.

Mrs. de Braga did not feel there was a way the committee could require counties to evaluate truancy centers as the situation would be different in each school district. Aside from encouraging the areas to share information, she did not feel any mandates could be made.

Mr. Bash suggested the recommendation could be simplified by not dictating the form the solution might take, but just to identify the factors which contributed to delinquency and make a recommendation concerning programs which were most effective in reducing truancy. This would give the counties the opportunity to validate or to include or not include a truancy center as part of the solution.

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SENATOR WASHINGTON MOVED TO AMEND AND ADOPT RECOMMENDATION NUMBER 13 TO REQUEST THAT THE DEPARTMENT OF EDUCATION WORK WITH THE LOCAL ADVISORY BOARDS CREATED IN EACH COUNTY TO REVIEW SCHOOL ATTENDANCE TO IDENTIFY FACTORS WHICH CONTRIBUTE TO DELINQUENCY AND TO ALSO MAKE RECOMMENDATIONS CONCERNING PROGRAMS WHICH WERE MOST EFFECTIVE IN REDUCING TRUANCY.

A LETTER OF REQUEST SHOULD ALSO BE PREPARED AND FORWARDED TO THE DEPARTMENT OF EDUCATION CONVEYING THE COMMITTEE'S RECOMMENDATIONS.

THE MOTION WAS SECONDED BY MR. HUMKE.

THE MOTION CARRIED UNANIMOUSLY WITH SENATOR JAMES ABSENT AT THE TIME OF THE VOTE.

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Chairman Evans called attention to recommendation number 14 concerning social workers and asked the committee's pleasure.

Senator Washington indicated the Interim Study on Special Education and Student Discipline (ACR 44 of the 1997 Legislative Session) had this recommendation on the agenda for their work session scheduled for the end of June. He suggested the committee defer this recommendation. Chairman Evans requested a motion.

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SENATOR WASHINGTON MOVED TO DEFER RECOMMENDATION NUMBER 14 TO THE INTERIM STUDY ON SPECIAL EDUCATION AND STUDENT DISCIPLINE (ACR 44, OF THE 1997 LEGISLATIVE SESSION) WHO WILL BE MAKING A SIMILAR RECOMMENDATION AT THEIR MEETING SCHEDULED FOR THE END OF JUNE, 1998.

SENATOR ADLER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH SENATOR JAMES ABSENT AT THE TIME OF THE VOTE.

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Chairman Evans explained Mr. Stevens had found some information relative to AB 486 (of the 1997 Legislative Session) which said on or before June 15 of each year, each school district shall submit information to the State Board of Education.

15. Should the committee Recommend a Resolution to Create an Interim Study Committee on Juvenile Justice After the Adjournment of the 1999 Legislature.

Mr. Peri noted the proposed continuation of this interim committee had been referred to as "Juvenile Justice - Phase II" on several occasions and would require a bill draft request.

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MRS. DE BRAGA MOVED TO REQUEST A BILL DRAFT TO CREATE AN INTERIM STUDY COMMITTEE ON JUVENILE JUSTICE UPON THE ADJOURNMENT OF THE 1999 LEGISLATIVE SESSION.

THE MOTION WAS SECONDED BY MR. HUMKE.

THE MOTION CARRIED UNANIMOUSLY WITH SENATOR JAMES ABSENT AT THE TIME OF THE VOTE.

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Mr. Hadfield indicated he would like to take this opportunity to compliment the committee on their work. He felt great strides had been made in some very critical areas and he concurred the study should go forward in next interim. In the past, certain parts of the issue had been attacked, but it had never been linked all together. Mr. Hadfield also complimented the staff on the content of the report before the committee. He very much appreciated the hard work on behalf of the counties because everyone could now move forward together to find solutions.

Chairman Evans appreciated Mr. Hadfield's remarks. She also extended her thanks to Mark Stevens who had spent a great deal of time with the chairman and Mr. Peri on the work performed for the committee.

G. PUBLIC TESTIMONY.

Mr. Shaw added a final comment. He stated he had seen a lot of interim legislative studies, and he had

been particularly happy with the direction this committee was going. The fact there would be another interim study on these issues was very exciting as he felt it would take four years to get a handle on this complex system and he thought this had been a very successful committee.

Chairman Evans thanked Mr. Shaw for his comments and felt they were especially meaningful because his division had been given a great deal of the work generated by the committee.

There being no further business to come before the committee, Chairman Evans adjourned the meeting at 3:45 p.m.

Respectfully submitted,

Reba Coombs, Committee Secretary

Approved:

Assemblywoman Jan Evans, Chairman

Date: