

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  
May 20, 1998

The fifth 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, May 20, 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 Ernest A. Adler  
Assemblywoman Marcia de Braga  
Assemblywoman Gene Wines Segerblom

**SUBCOMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Senator Valerie Wiener, Vice Chairman

Senator Mark James

**SUBCOMMITTEE MEMBERS ABSENT:**

Senator Maurice Washington (Excused)

**ADVISORY MEMBERS PRESENT:**

David F. Bash III  
Judge Deborah Schumacher

**ADVISORY MEMBERS ABSENT:**

Robert Hadfield (Excused)

**OTHER LEGISLATORS PRESENT:**

Assemblyman David Humke

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Reba Coombs, Committee Secretary

Larry L. Peri, Senior Program Analyst

Kevin Powers, 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

Dr. Carlos Brandenburg, Administrator, Division of MH/MR

Kirby Burgess, Director, Clark County Family & Youth Services

Rob Calderone, Washoe County Juvenile Probation

Larry Carter, Juvenile Justice Specialist, Division of Child and Family Services

Barbara Clark, Nevada PTA

Denise Everett, SageWind

Bobbie Gang

Patrick Hardy, Division of Mental Hygiene/Mental Retardation

Sheila Leslie, Mental Health Commission

Bill Lewis, Carson City Juvenile Probation

Dr. Donald F. McHenry, Clark County School District

Ernie McKenzie, Carson City School District

Marilynn Morrical, BADA

Judge David Nielsen, Carson City Juvenile Court

Bonnie Parnell, Carson City Middle School

Leonard Pugh, Washoe County Juvenile Services

Georgia Rohrs

Fernando Serrano, Chief Probation Officer, Sixth Judicial District

Steve Shaw, Division of Child and Family Services

Mike  
Simonsen,  
Elko  
County  
Juvenile  
Probation

Alicia Smalley, Nevada Association of Social Workers

Willie B. Smith, Chairman, Governor's Juvenile Justice Commission

Charles Steele, Lyon County Juvenile Probation

Mary Jean Thomsen, Northern Nevada Center for Independent Living

**ATTENDING IN LAS VEGAS:**

Julie Abarzia, Bureau of Alcohol and Drug Abuse

Maureen Brower, WestCare

Jeanine D'Ebbco, Clark County

Mike Dreitzer, Deputy Attorney General

Linda Johnson, State of Nevada Employees Association

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 April 9, 1998 (on file at the Research Library)

Exhibit E- Memorandum from Juliann Jenson, LCB Research regarding Norfolk Interagency Consortium

Exhibit F- Position Statement of Mental Health Committee of the Community Unity Coalition

Exhibit G- Report of the Nevada Juvenile Justice Commission

Exhibit H- *Abolish the Juvenile Court? Nonsense!* Article by Dr. James C. Howell

Exhibit I- Recommended Nevada Phased Plan worksheet

Exhibit J - Nevada Needs Assessment Study by Bureau of Alcohol and Drug Abuse

1. ROLL CALL.

Chairman Jan Evans called the meeting to order at 9:25 a.m. The roll was called by the secretary and it was noted a quorum was present.

2. REVIEW AND APPROVAL OF APRIL 9, 1998, MEETING MINUTES.

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

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**MRS. SEGERBLOM MOVED TO APPROVE THE MINUTES.**

**MRS. DE BRAGA SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

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Chairman Evans said there were several things she wished to cover today in terms of further testimony and information. At the end of the meeting, the committee would review, discuss and distill down the recommendations made by Dr. Howell who appeared before the committee during the meeting held April 9, 1998.

**C. REVIEW OF INFORMATION ON:**

**1. "COMMUNITIES THAT CARE" PROGRAM**

Chairman Evans commented the committee had touched upon or heard a little bit about each of the four items of information in previous meetings. Some of the items came from Dr. Howell's presentation and she had asked Juliann Jenson of the Research Division, to look into these programs more thoroughly and provide that information to the committee. For example, the Communities That Care program was mentioned several times by Dr. Howell in his remarks.

Hoping that the committee members had taken an opportunity to review these programs, Chairman Evans encouraged questions relative to any of this new information. She asked Ms. Jenson how a state could pursue a Communities That Care initiative, if the state would have to be in touch with the two University of Washington professors who were cited as authors or take other steps.

Ms. Jenson understood the group to contact was Developmental Research and Programs, Inc., which was run in conjunction with the professors from the University of Washington, based in Seattle. It appeared representatives would come to the state to do training and help communities set up the program.

Mrs. Segerblom stated that her reading of the information indicated a small community would adapt this program to their needs. Knowing the problems in the community, it was difficult now to get parents involved in schools. She said in her district an advisory counsel to the school board had been formed and even then there was still difficulty getting parents to take part. She expressed scepticism that the Communities That Care program would be successful unless parents became involved.

Chairman Evans remarked that was an ongoing struggle. There were certainly some good features to the program and there was no quarrel with the suggestions made. Nevertheless, the program could be discussed further with Steve Shaw from the Division of Child and Family Services (DCFS) as well as local entities and possibly a pilot program could be initiated.

Senator Adler said the Ron Woods Truancy Center, located in Carson City, was rather unique in that it connected parents with kids who were having problems. When the police picked up a kid for truancy, they dropped them at the truancy center which had resources such as counselors. An effort was made then to bring in the parents and involve them with the overall truancy problem. He mentioned an interesting article in the Christian Science Monitor which indicated truancy was now referred to as a "gateway crime" for juvenile delinquency in the United States.

Senator Adler urged the committee to consider truancy centers at least in the major counties as a means of treating these kids and getting their parents involved. If a kid was dropped at the truancy center, the parent does pick them up and does have to meet with a counselor. This was a start to working on the overall family problem. These were not expensive centers to fund and would actually save money in the juvenile justice system through juvenile parole and probation. Money would also be saved by the school districts. One of the complaints received from Clark County was that the police would pick up a truant kid and take them back to school, but they would be gone again in an hour.

Mrs. Segerblom inquired if the truancy center was connected to the school. Senator Adler responded the center coordinated with the school district, but it was not located within the school. He felt it was very important than when a kid was truant, the kid should not be dropped off back at the school. The problems needed to be addressed before the kid was sent back to school.

Mr. Bash believed this fit into the policy discussed earlier about seeking leadership from the communities rather than dictating to them how they should organize themselves. Models or alternatives could be provided, and one such as this

called for a grass roots leadership where the community decided if it had a problem. When the issue arose about parental involvement, that became one of the challenges a strategy could be developed to address. Immediate full participation was unlikely, and it was better to start with core people who cared and were motivated to change. These people could work together to determine in their community what were the barriers to participation and ways to increase participation. This was more of a conceptual model approach rather than a set program.

Chairman Evans appreciated the comments and suggested the matter could be revisited when the committee got to item E on the agenda, the discussion of intervention programs by school representatives. Clearly, as Senator Adler pointed out, this was a recommendation which could be added to the final report from this committee. There was such a program in Washoe County, but she could not speak to other school districts.

## **2. THE NORFOLK INTERAGENCY CONSORTIUM**

Chairman Evans stated that information regarding the Norfolk Interagency Consortium had arrived too late to be included in the packet with the other items, but had been provided to the committee as Exhibit E. She strongly urged the committee members to read through this information carefully before the next meeting so that final action may be taken by the committee.

## **3. THOMAS AND TORBET ELEMENTS INCLUDED IN A MANAGEMENT INFORMATION SYSTEM**

Again, Chairman Evans indicated this system had been discussed by Dr. Howell. He suggested a progress check be done on what was in place in Nevada. Possibly, this could be a part of some of the other undertakings by the committee.

## **4. THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

Chairman Evans stated FERPA had been enacted in Nevada and wondered how this might impact information sharing among the schools and the juvenile justice agencies. Marcia Bandera, Superintendent of the Elko County School District suggested there should be better communication between the schools and juvenile justice agencies. The school districts had a program entitled the SMART Program, their new automated system, Mr. Shaw and DCFS had the UNITY Program and there were other types of data on youthful offenders which could be brought together within the guidelines of FERPA. It appeared some of the provisions would allow this sharing of information as some was allowed for the courts and for the juvenile justice administrators; however, she felt that subject should be discussed in more depth.

## **\*D. REVIEW AND DISCUSSION OF PROPOSED STATUTORY AMENDMENTS RECOMMENDED BY DEPUTIES DISTRICT ATTORNEY.**

Chairman Evans reminded the committee during the December 1997 meeting, Susan Edmondson, Deputy District Attorney from Washoe County and Robert Teuton, Chief Deputy District Attorney from Clark County suggested some statutory amendments regarding juveniles. She asked Kevin Powers from the Legal Division if he would assemble amendments from those two jurisdictions and those summaries appeared in Exhibit C, under tab D.

Chairman Evans inquired if anyone had questions for Mr. Powers as it was her intent to bring these items forward to the final meeting, the work session, of this committee for consideration. If the committee voted favorably on these recommendations, they would go forward as part of the report of this committee and bill drafts would be introduced and sponsored accordingly as a work product of the juvenile justice committee.

Judge Schumacher remarked that as she had received these amendments in advance, she had an opportunity to review them. With respect to the amendment as proposed by Mr. Teuton to open all records which were used by a prosecuting attorney or other law enforcement officer, she commented she did not know what was in those records and what exactly would be opened with reference to juveniles. It might be useful to the committee to understand what sorts of information would then not be confidential. Additionally, there may be some differences between the counties as to what records are kept.

Chairman Evans asked if Mr. Powers was able to respond to the judge's concerns. Mr. Powers replied he understood Mr. Teuton's request for amendment to NRS 62.360 applied specifically to the records kept by the court. Mr. Teuton would

like law enforcement and prosecuting attorneys to have access to those records without an order of the court.

Judge Schumacher remarked if that was what Mr. Teuton meant, the proposed amendment would have to be reworded. The language as proposed said "records which have not been sealed and which are to be used by a prosecuting attorney or other law enforcement officer in connection with a pending investigation . . ." was broad enough to suggest that whatever was used in preparation of the case could be accessible. If court records was what Mr. Teuton referred to, then the amendment should be changed to reflect that.

Senator Adler stated he also had a problem with the amendment when considering a pending investigation. There may be a situation where a juvenile was not adjudicated delinquent and for instance, had some very sensitive mental health records. Even though the child was not adjudicated delinquent, those records would be opened for everyone to look at and they may be very sensitive records, harmful to the family or to the juvenile, and could potentially haunt that individual for the rest of his life if made public. He felt great care must be taken. Senator Adler did not feel these records were available with reference to adults and wondered why children's records should be opened.

Mr. Powers called attention to page 58 of Exhibit C which reflected the specific section of the Nevada Revised Statutes proposed to be amended, 62.360. Subsection 1 provided that the court shall make and keep records of all cases brought before it. Therefore, this amendment specifically dealt with the records kept by the court. Subsection 2, where the language for the amendment would occur, provided the records may be opened to inspection only by order of the court to persons who had a legitimate interest therein, except that a release without a court order may be made of any ". . . records which have not been sealed and which are to be used by a prosecuting attorney or other law enforcement officer in connection with a pending investigation or prosecution." The amendment would not authorize opening records to the public, it would open the records by and for the court specifically to law enforcement and prosecuting attorneys.

Judge Schumacher appreciated that clarification; however, she still felt Senator Adler's point applied if there was an unsuccessful prosecution and in that unsuccessful prosecution, many things may be used which would then become part of the court record. She commented careful thought should be given to what this would mean. Mr. Powers agreed with Judge Schumacher that the records would be opened to a large group of individuals, prosecuting attorneys and all law enforcement officers.

Judge Schumacher did not feel the amendment would make the records available to only prosecutors or law enforcement, but anything the prosecutors or law enforcement used would be opened to the public. Mr. Powers responded that paragraph "f" as currently drafted related to records which were to be used by prosecuting attorneys or other law enforcement officers and would have to be used in connection with the pending investigation. Judge Schumacher said it appeared the records would be opened to anyone. She understood Mr. Powers to say the records would become opened to prosecutors and law enforcement; however, she read the language to say whatever records used by law enforcement and prosecutors would then be opened to the media, the public, families, whomever.

Mr. Powers contended that the language as written now was that the records would be *used by* the prosecuting attorney or law enforcement officer. Judge Schumacher asked if the records would only be available to them or opened to anyone once the records were used. Mr. Powers responded the statute did not specifically restrict the use of records once it was in the possession of the prosecuting attorney or other law enforcement officer.

Judge Schumacher commented if that was the case, then Senator Adler's point about a pending and not a successful prosecution, there was a lot of sensitive family information which possibly should not be released. She felt more discussion should be had to determine if this amendment was appropriate.

Mr. Powers pointed out that in the materials provided by Mr. Teuton in explanation of his request, he did say he was not opposed to adding language restricting further dissemination by prosecuting attorneys or law enforcement officers who had access to these juvenile records. Senator Adler remarked that was just his point. He knew that some investigative records or history records, once at the sheriff's or police office, could be accessed by other members of the public under the public records laws.

Chairman Evans asked Mr. Powers to have another discussion with Mr. Teuton to inform him of the committee's concerns about this amendment. He may himself offer an amendment. However, Chairman Evans requested Judge Schumacher and Senator Adler to continue studying this issue and when the committee met to make their final decision in June, she asked

them to be prepared with an amendment to be presented to the committee for their consideration which addressed these concerns.

Chairman Evans asked if there were any other questions or points the members would like to raise with regard to the other suggested amendments to the NRS.

Mrs. Segerblom recalled the Assembly Judiciary Committee had spent quite some time discussing the removal of records. It seemed to be rather indefinite how long a record lasted when a juvenile got into trouble and was found guilty, or even not guilty. If a juvenile did something at age 14 and wanted to get a job at age 19, she wondered if that record was still in place and available to others.

Mr. Powers explained that currently the records of juveniles could be sealed after a certain period of time. In most instances, the records were automatically sealed at age 24. However, during the 1997 Legislative Session, a bill was passed which reduced the offenses for which records may be sealed, and created a list of offenses where the juvenile's records may not be sealed. Additionally, the amendment proposed by Mr. Teuton specifically limited access to records which had not been sealed. Therefore, once the records had been sealed, the prosecuting attorney or other law enforcement officer would not have access to those records without a court order.

Mrs. Segerblom inquired if a juvenile's record was sealed, and not available to the potential employer, would it show up somewhere if he applied for a job at age 19. Mr. Powers said once the records were sealed, the juvenile was permitted to respond as if the offense did not occur and no other individuals would have access to his records.

Chairman Evans commented this section clearly needed to be reviewed because at the next meeting, a decision would be made whether any or all of these amendments would be incorporated in the final report.

Senator Adler referred to page 59, another suggested amendment by Mr. Teuton, which allowed ". . . the district attorney of a county may designate any act that violates a law, ordinance . . ." as ones which required the arrest of a juvenile. He had some questions as to the constitutionality of allowing the prosecuting attorney to be the one to make the determination rather than a legislative body. Senator Adler felt this would allow the district attorney to selectively institute penalties against people and to determine which class of offenders should be prosecuted. He did not feel it was constitutional to do so.

Senator Adler recalled a previous assault bill which allowed the district attorney the discretion to determine whether the crime would be prosecuted as a gross misdemeanor or a felony and the bill was deemed to be unconstitutional. This recommended amendment appeared to be the same in that the district attorney could determine which juveniles would be taken into custody and which ones would not. It did not seem right that the determination was not made by a judge or by parole or probation.

Mr. Powers explained he did consider the constitutionality issue when he received the materials from Mr. Teuton. Currently, as the law was written, a law enforcement officer had discretion whether or not to issue a citation or to arrest the juvenile and take him into custody for a misdemeanor violation. In this case, he believed it would fit into the discretion afforded the executive branch of government to enforce the laws. The district attorney would not determine which offenses to be prosecuted, but whether or not to take the child into custody or to issue the citation. From that point, whether a citation was issued or the child taken into custody, the prosecution would proceed in the same manner.

Judge Schumacher remarked if that point could be worked out satisfactorily, she was pleased to see this recommended amendment because there were a number of offenses in Washoe County for which someone was arrested but virtually never held. This required staff to do the booking procedures through Wittenberg Hall, but the type of offense did not meet the detention criteria. Therefore, the juvenile would be put through Wittenberg Hall and then sent on their way, a significant imposition. If this proposal could lead to a change where the juvenile was cited rather than arrested, it would assist the courts.

Senator Adler commented he was unsure if he disagreed with the amendment. He found it difficult, though, that the person who was prosecuting was also determining who was held in custody. If the family court judge or the juvenile court master made that determination, that was not a problem. However, allowing the prosecuting attorney to make the decision was a problem. Judge Schumacher inquired if Senator Adler was concerned about the statement of policy, because currently law

enforcement and arresting probation officers determined whether they were seeking detention. Senator Adler said that was correct. Justices of the peace set bail schedules and a judge was able to determine who was taken into physical custody and who was not. Judge Schumacher noted a judge could certainly make that determination. She was unsure whether she knew the answer to Senator Adler's concerns, but would be interested in the follow-up to this discussion.

Mr. Powers remarked he would definitely look into the issue further. As he had mentioned earlier, the law enforcement officer at the scene was exercising his executive branch discretion at the time to determine whether or not to cite the juvenile or to take him into custody. This issue seemed to fall into the general executive branch discretion to enforce the laws.

Mr. Bash observed that as he understood the amendment, there was no choice but to take a juvenile into detention at the present time. It appeared this was permissible law enforcement, by allowing some people not to be taken into detention, who otherwise would be, and issuing a citation instead. If the committee desired, he suggested a way to improve the amendment would be to require the prosecutor, in consultation with the judge or juvenile services, make a determination whether a juvenile should be placed in detention.

Chairman Evans said if the committee wanted to offer some amendments when this issue was considered at the next meeting, she would certainly like to see them.

Before moving to the next item on the agenda, Chairman Evans acknowledged the presence of Bonnie Parnell, a teacher from the Carson City Middle School. Ms. Parnell said she had brought her outstanding government leadership class to see how the legislature actually operated.

### **\*E. OVERVIEW AND DISCUSSION OF INTERVENTION PROGRAMS AND ALTERNATIVE EDUCATION PROGRAMS IN THE PUBLIC SCHOOL SYSTEM.**

Chairman Evans welcomed Dr. Donald McHenry with the Clark County School District and Ernie McKenzie of the Carson City School District.

Dr. McHenry indicated he was Area Superintendent for Alternative Education with the Clark County School District. He would like to share what was seen in the school system in terms of changing characteristics of the population and some of the responses which had been put together in terms of alternative schools and programs to try to address a number of those issues. He would explain some programs which worked and some things which needed to be addressed in the future.

Mr. McKenzie introduced himself and said he worked for Carson City School District as the Adult Education Director. Prior to this year, he was the Alternative Education Director and was asked to testify on behalf of his experience in that area.

Dr. McHenry wished to discuss some of the changes which had been seen in the school population. Certainly, over the decades, the characteristics of students had changed from the time he had been in school and received his education. He wanted to take this opportunity to acknowledge the contributions of his social studies teacher in Boulder City High School, Mrs. Segerblom.

The changes in the students were reflected in school programs. Dr. McHenry said the truancy problem which had been discussed earlier was certainly a major problem and he agreed it was gateway behavior to other problems if not stopped. The habitual attendance and drop out problems were reflected in the numbers seen in the school system. Through alternative education, a series of proactive programs were being put together designed to address those students who were not being successful on a traditional school campus.

Senator Adler said there was a policy in Nevada that if a student was expelled from school, that student would be expelled from every school district. He did not feel that made any sense. Recently, there was an incident in Lyon County where a girl allegedly handed a marijuana cigarette to some kid on the bus and although the cigarette was not found, the girl was expelled from the school district. Her probation officer said the girl was an A-B student, and if the judge had sent her to Caliente, she could have continued to go to school, but now she would miss a whole half year of school and could end up as a dropout. Senator Adler asked if there should be another system — as it was, if the juvenile had committed a serious crime, he could be sent to Caliente and be able to graduate from high school. However, if a juvenile committed a less



serious offense, he might end up dropping out of school. Senator Adler felt there was something wrong with the system.

Dr. McHenry said he did not believe any student, whether they had been expelled or incarcerated, should be without an educational opportunity. Clark County had developed a continuum of services where there was an alternative program which provided the opportunity to receive an education regardless of personal circumstances. If a person was incarcerated in a juvenile detention facility, was placed at the Spring Mountain Youth Camp, or had been expelled by the action of the school board, there was an educational program this person could participate in. Dr. McHenry explained later he would describe a few of those programs, the numbers of students being served and some of the characteristics of those programs which made them unique.

What had been seen were younger youth offenders and more violent youth offenders. Dr. McHenry noted that part of his responsibilities included the three state prison educational programs in southern Nevada. Right now the state of Nevada had 59 youth, who were 17 or younger, held as adults in state prisons. In those prisons, just as with Caliente and Spring Mountain Youth Camp and other programs, these juveniles were provided with an educational opportunity. One of the recommendations suggested by Dr. McHenry was to tighten the language to mandate those programs for school-aged youth in state prisons. Of those 59 youth, 56 were males and three were female. The committee might be aware there was a full educational program option in the new women's prison.

The other kinds of issues the schools were trying to deal with, Dr. McHenry continued, were the number of weapons offenses. For instance last quarter, in just the last nine weeks, Clark County had 57 referrals for expulsion on weapons charges. Most of those weapons were knives rather than guns, however, but a large number of weapons offenses which resulted in the schools referring the youth for expulsion. Because of these kinds of numbers, the alternative school programs were usually running at maximum capacity.

Dr. McHenry said six different programs were offered in the juvenile court facility area related to family and youth services. The detention program was probably the largest program in terms of a revolving door population. Youth were sometimes there for a few days, weeks or months. There was a large number of full-time staff, a full-time principal, and full-time counselors assigned to the detention program.

The Freedom Program was more of a house arrest type of arrangement. Dr. McHenry explained this detention-type program provided a full educational program for the students who typically were doing community work, under court supervision after school, and were under a controlled situation at home.

The Spring Mountain Youth Camp was a remote camp program on Mt. Charleston and ten full-time staff were assigned as well as a full-time principal, a full-time counselor, eight full-time teachers, plus support staff. The camp regularly had 80-85 youth in the camp who participate in a full educational program in all curriculum areas required for graduation. In addition, a GED and adult education program had been recently developed as a subcomponent as it had been found that some of the youth were 17 to 18 years of age and may only have two or three credits. It was not practical to transition back to a high school and realistically have enough time to graduate. This idea had been taken to some of the other incarceration programs as well.

Along with the court programs was Child Haven, a program designed for abused and neglected children. On any given day, 60 to 65 youth were seen from all age levels, grades K-12. Three teachers were assigned to the program and the staff would be increased next year with the new Agassi Center for Education, the facility that Clark County Family & Youth Services had been able to develop through a partnership. This was a beautiful new facility and a full educational curriculum would be offered, including Internet and state of the art technology which had been extremely effective in working with youth.

Dr. McHenry called attention to the sexual offender program, called Summit, which was designed for juvenile sexual offenders who were typically residential for approximately one year. A full-time teacher and aid was assigned to the program and they worked with those youth through both an educational curriculum and a therapeutic model with Clark County Family & Youth Services.

Another interesting program was located at the county jail. On any given day, 20 to 24 youth were held, typically on open murder charges and major crimes. They did not have access to bail and may often be in jail for in excess of a year. Itinerant teaching staff served those youth on a daily basis with computer-based programs as well ongoing educational

programming.

Mr. Bash noted the state was currently in the process of developing a private contract to operate a secure facility for serious and chronic juvenile offenders in Las Vegas. He inquired if the school district would provide education for those youngsters who were in a privately operated, but state committed institution. Dr. McHenry responded it would be his desire that the school district be responsible for education programming for all incarcerated youth in Clark County. There was a very successful program at the new female institution and he would like to see that modified and applied to the new youth program. This would provide the necessary continuity because so often, these youth were never seen in one place, but were duplicated in a number of different programs. The youth may initially be seen in Child Haven, then in detention or at the Spring Mountain Youth Camp or in any of the other programs. Therefore, the continuity of educational programs was essential for that model to be effective. In most of these facilities, particularly that kind of facility, education was typically the only true rehabilitation program in place and Dr. McHenry felt the school district should have that responsibility.

Chairman Evans indicated Mr. Bash had raised a very important point which would have to be discussed further. The request for proposal package included a variety of services which would be provided by the contractor and education was a part. However, she did not know if that would preclude them from subcontracting with the Clark County School District for educational programs. Dr. McHenry suggested looking at the model used when Corrections Corporation of America did the proposal for the Nevada Department of Prisons. As a part of that entire model, the educational responsibilities were excluded and through funding with the school district, a subpart of adult education, the funding was put into place to provide the educational program as an adult education model.

Senator Wiener requested a definition for educational opportunities, what it meant and how inclusive it was with regard to mainstream education. She had some very deep concerns about abandoned children; she had spent time at the Center for Independent Living for those 15 to 20 year olds who had no place to call home, and no ability to produce sufficient scholastic performance in a traditional school. There were many sites where "throw away" children needed education and she wanted to ensure those bases were covered. Additionally, she had concerns about the homeless children and how education was provided for them.

Dr. McHenry remarked he would answer the first question in terms of educational opportunity in correctional education or prison programs. This was really a three-pronged approach utilizing a GED program. This was the "hook" which got them into the educational program. Typically, nearly 100 students in each of the three facilities complete a GED program each year. They were encouraged to go from there into the adult high school program which resulted in an adult standard diploma and required all of the same curriculum and course work as any other high school diploma, including completion of the proficiency exam.

The third prong was a vocational program which was used as a part of the adult high school program. In each of the three prison programs, three to five vocational program options were available. The hope was the students would complete the program not only with a high school diploma, but with a marketable skill as well.

To recap, Dr. McHenry said the path for students to follow may be a GED certificate, then into the high school diploma program and then into one of the vocational programs. An example of some of the vocational programs included a full braille program at the Southern Desert Correctional Center which did all the braille work for the visually handicapped in the school district and other contracts as well. Computer application programs were based in all three sites, running landscape and horticulture programs. Recently, at the new women's facility, a full program had been developed to refurbish donated computers to be placed in schoolrooms. The program had been operating for approximately two months and over 50 refurbished computers had been returned back to classrooms.

Senator Wiener said she liked the three-pronged approach to education Dr. McHenry had described. She had a great concern about literacy screening and the opportunities provided to these children who could not advance through some of the programs without coaching and mentoring. She asked if there were any specific programs to help these children learn to read so they could progress through the three-pronged approach.

Dr. McHenry responded this program had been coordinated with the Literacy Coalition and full literacy programs were in place. This was more of a readiness program to ensure the students moved successfully into the other programs. There were two issues related to that, literacy certainly was a major component. The other component was the non or limited

English speaking population who were increasing in the system. Very often, inmate graduates were used as tutors in the program and they were paid a small fee, about \$20 per month to work with students as teacher aids. These inmates were supervised by a licensed teacher. A sequence of courses had been developed for these students which readied them to be successful in the school program, and was done for both language and literacy issues.

With reference to Senator Wiener's second question, Dr. McHenry called attention to homeless children and others who may not be accessing the traditional school program. A full homeless program was in place which he described as a "search and serve." There was staff in his division who were primarily responsible for seeking out and identifying those students and coordinating their enrollment with the closest neighborhood school. Dr. McHenry said he did not directly supervise that program and did not have a lot of additional information other than to make Senator Wiener aware of the program.

Dr. McHenry noted Clark County School District had a multi-level expulsion program because some offenses were much more severe than others. This could be identified as permanently expelled and limited expelled. Without going into great detail, he explained students were entitled to due process during their expulsion hearing. When they appeared before the board, the student had the immediate option of being enrolled in a continuation school program which was typically an 18-week minimum stay. The student must be successful there in terms of achievement, behavior and attendance before they could move to another level of program, Opportunity school. Opportunity school must be attended for a minimum of nine weeks and the students must be successful in the same three areas, achievement, behavior and attendance. If the student was not successful, they would be continued or retained until success was such they could be placed on a trial enrollment in a traditional school. If a student was on a permanent expulsion, typically because of weapons, they would be referred to alternative schools. They would not be allowed to return to a traditional school.

Dr. McHenry remarked a student on limited expulsion would remain on trial enrollment until they completed their graduation requirement. Once ready to graduate, the board may rescind the expulsion and allow the student to graduate from that school. If permanently expelled, the student could graduate from one of the alternative schools, Horizon or Sunset or adult education.

By the fact a student had been expelled, Dr. McHenry pointed out, did not necessarily mean their educational options were eliminated. To provide them with no educational opportunity was just compounding the problem.

Mrs. Segerblom called attention to a 12-year-old who was expelled on a weapons charge and said that child could not go into adult education. Dr. McHenry said that was true and there was a different regulation which provided for middle school students. They would still go through the continuation school program and Opportunity school program which went from grades six through twelve. Different facilities had different grade levels, sixth and seventh grade at one facility, eighth and ninth at another facility and yet another for tenth through twelfth grade.

Typically, these younger students were placed on limited expulsion regardless of the offense because they would have the option to earn a trial enrollment back to a traditional school at a high school level. This regulation had been reviewed but was still the policy the school district was following with the concept the student could get a fresh start in high school, depending on each individual offense.

Dr. McHenry divulged one of the most difficult things about expulsions was that they were never absolute. For instance, if a student brought a weapon on campus, there were always other circumstances to consider before expulsion. It could be that Sunday afternoon, the kid was out practicing in the desert with a b-b-gun and it was accidentally left in the trunk of the car. Or possibly the gun was in the car which belonged to dad, and the kid brought dad's car because his car had a flat tire. When the kid opened the trunk of the car, someone walked by and saw the gun.

Dr. McHenry remarked he was not making excuses for these students because this was a serious issue, under no condition should there ever be any weapon on campus. However, one must always look at those kinds of circumstances and a certain measure of reasonable judgement must be used. The student would be referred for expulsion, but there were times when an expulsion may be downgraded to an extended Opportunity school stay or some other kind of consequence. The student would virtually always be removed from the campus for a period of time, and under many circumstances, may not be returned. There had to be a measure of judgment, Dr. McHenry contended, along with the appropriate consequences applied to those circumstances. For instance, there was a recent story from the mid-west where a girl brought brownies and a knife to school and was expelled.

The other programs offered through alternative education included Horizon, which was a drop-out prevention program and put into place several years ago through a grant. The program had been highly successful and targeted students who were at high risk for dropping out. It provided a non-traditional approach for students who were not successful on a traditional campus. Child care was provided because in many circumstances, the reason the student was not successful was because she had gotten pregnant or had other issues revolving around child care which did not allow her to be successful or attend a regular campus. Support staff was on board including school success advocates who worked directly on attendance. When that student was absent, a person was assigned to call them, get them back into school, find out what was going on and monitor very closely the attendance issues. All these students were very close to dropping out and ultimately would drop out if they were not in a program such as Horizon high school.

Also an accredited high school, Sunset was the evening program. Dr. McHenry said in the last two to three years, the Sunset program had been developed for those students who had family obligations, must work during the day, but wanted to complete their education and attend evening high school. These campuses had been placed at the same facility as the Horizon day school. Essentially, the Horizon/Sunset high schools were operating from 6:30 a.m. to 9:00 p.m., and bridge classes were scheduled between the two to close the gap for those students who needed additional courses.

Juveniles were often very credit deficient. Given the number of credits required to graduate, the district must provide as many different options for these students to earn credits as possible. It was not at all unlikely that some of these students were daytime students in Horizon and were also concurrently enrolled in the evening in the Sunset program. Approximately 64 percent of the student population were concurrently enrolled in day and night programs in order to get the necessary credits. Sunset did not provide transportation as was done at Horizon, but child care support and the same type of close monitoring was provided.

Dr. McHenry remarked what made alternative schools different from a traditional school in all settings was smaller class sizes, and smaller campuses, with populations of 250 to 300 students rather than 3,300. These schools had a very dedicated staff because they chose to work with at-risk youth and were very serious about helping the students be successful.

This was also true of opportunity schools. It was known there were a large number of students just having a difficult behavior problem at any time on any given campus. These students were a pain in the neck for the school and not being successful. A place was needed for schools to refer those students for a short period of time to give the student a fresh start and to give the school a little respite. Opportunity schools were in place primarily for that purpose. Transportation was provided to the students who attended for a minimum of three weeks, and typically for approximately nine weeks. The same curriculum was provided as in the other schools, but was a highly structured, individualized behavior model. One condition was the student must return to the referring school and the opportunity school provided some transitional counseling and follow-up to ensure the student was successful.

Mr. Bash recalled Dr. McHenry's comments about the credit deficient youngsters. Very typically, youngsters who were in, or at risk of entering, the juvenile justice system had a credit problem. He asked if there were waivers to the fees for summer school or any way for youngsters to gain those credits other than having to pay for them. Dr. McHenry responded the board of trustees last year developed a funding package to fully fund Opportunity school summer school and Horizon high school summer school programs. Through grant efforts with Nevada Business Service, they had funded court-based programs as a summer school model, and included Spring Mountain Youth Camp, detention, the Freedom Program, continuation school, Opportunity school and Horizon all had tuition-free summer school options in place. This would be second year of operation; however, the camp and detention program had been funded by Nevada Business Service in excess of eight years.

Mr. Bash commented that was wonderful. His second question addressed those students on probation and in the community, either in crime prevention programs for at-risk kids or on formal probation supervision in regular schools. Dr. McHenry responded if they were in regular schools, their options were limited to those with the secondary division and those with summer schools. Summer school was offered, but these were tuition based programs. The programs offered by the school district were limited to those students enrolled through the alternative education division.

Senator Wiener noted she would like to return to alternative high schools. She had worked with a program where she went into alternative and night high schools and recalled one time she discovered several young people who were there by choice because they wanted full-time jobs during the day. She asked if that was still the practice or if the campuses were

dedicated to those children in need. Dr. McHenry clarified that the students were voluntarily enrolled at Sunset and Horizon high schools. They may be at-risk of dropping out, but they were there by choice and were students who chose to be in a nontraditional alternative approach because either they liked the structure or smaller class sizes, or the students recognized they would not be successful in a traditional setting.

Students may also choose adult high school as an alternative if they were age eligible. In Clark County, Dr. McHenry related more than 7,000 students were enrolled in adult high school programs in 45 different locations throughout the community. The only involuntary programs were Opportunity school, the court-based programs where students had been adjudicated and continuation school. The student did not have to choose to go to continuation school; however, they wanted to get back to trial enrollment, they would have to demonstrate success with alternative education.

Dr. McHenry called attention to previous comments about students being expelled from other districts or out of state. A large number of students were coming into Clark County, because of the more transient population, who had been expelled from elsewhere. The students would be evaluated and in most cases, they would have the opportunity to go back into continuation or Opportunity school.

Dr. McHenry indicated he would wrap up his discussion with one other piece which had been critical to the success of alternative education, and that was interagency collaboration. He said the schools had been able to enjoy a great deal of collaboration and cooperation with other agencies such as Family & Youth Services and the Department of Prisons. Particular with the number of programs through Family & Youth Services, the critical primary interaction was sharing of information. Recently in meetings with Kirby Burgess, Dr. McHenry and others, some new positions had been developed to ensure that within the guidelines of FERPA, information about juveniles would be shared back and forth. This would make sure that probation and parole and juvenile court had the information they needed regarding student achievement, and in particular, attendance. If that became a problem, the probation officer could immediately become involved. Information sharing was a very important piece of making all the programs work.

Some shared programs had been extremely successful, i.e., Practical Parenting, Back in School program, and Positive Choices program. Dr. McHenry said there were many more programs and most have been operated in cooperation with Family & Youth Services. In some cases, similar activities were being done with the Department of Prisons.

Mr. Bash commended the school districts in terms of outreach. They had assigned a staff member who worked with state Youth Parole. The staff member would go to the state youth training centers and worked to ensure those youngsters being released were transitioned into the Clark County School District and were not dropped at that critical point. Mr. Bash felt that was an excellent program.

Dr. McHenry reiterated there was a change in the student population in terms of severity and age of offenders and a need for the school districts to address that with a full continuum of services. A large number of programs had been put into place. This was not a perfect system, there were a number of areas which needed improvement with additional support services and interagency collaboration. However, it was with the cooperation and collaboration with other agencies that the school districts had been able to be successful with these youth.

Chairman Evans thanked Dr. McHenry for his comments. She directed her attention to Mr. McKenzie and said what the committee was particularly interested in was the issue of prevention, the earliest possible identification of youngsters who showed signs or behaviors they were "falling off the track." In addition to having programs which dealt with kids after the fact, she would like to focus some attention on keeping these kids out of the system. There was a staggering number of programs as described by Dr. McHenry, but she was interested in what could be done as early as possible to identify and help youngsters and their families so they did not end up in the system, needing one or more of these special programs. Chairman Evans asked what the schools were doing or could be doing to expand early identification of these children.

Mr. McKenzie felt schools were able to identify these students early on because typically they were the students who had been problems since first or second grade and continued on through school. Mr. McKenzie thought the bottom line was funding, because by the time all these kids got together, they were congregated in secondary schools and at that point, it became more cost effective to serve their needs.

Calling attention to Senator Adler's question about Carson City or a bordering county which did not take an expelled student, Mr. McKenzie explained it was up to the superintendents and the school boards to decide if there was alternative

education or opportunity school programs which could be utilized. The state law was very specific on weapons and drugs charges, the student was to be expelled. However, the second part of that law said a student could attend an opportunity school or alternative school in the district. As Lyon County did not have an opportunity or alternative school to refer the student to, there was no place for the student to go. Mr. McKenzie did not feel a bordering county in rural Nevada with limited resources to educate their own students would take on the problems of the bordering county. He remarked there was no earmarked funding for alternative education.

Senator Adler indicated California had a special funding formula for kids in detention, which allowed them to run a year round program for kids. He inquired how helpful that would be, would the funding be sufficient to run summer programs. Mr. McKenzie thought this would allow the type of planning which could not be done with soft money. At the present time, when schools have clearly identified a problem which needed to be fixed, they would channel resources into that problem. In terms of making a change concerning the student and tracking them through to another year, there were no programs in place to follow the student. Kids who were unsupervised and rebellious tended to get into trouble.

Mr. McKenzie explained the students in opportunity schools got into less trouble because the classes were smaller and they had something to lose. Kids were successful in school for one of two reasons. In most cases, for 80 percent of the students who attended school, they wanted to get good grades. The teacher had a certain influence over them because they controlled the grade. With the other 20 percent of students where the grade did not matter, the teacher did not make any difference to these students. These kids did not really want an education and when the schools started kicking them out, the kids went to opportunity schools if available. When in a continuation school, the kid had something to lose. By having smaller classes, the kids were still with their friends, able to do their school work and be successful. Once successful, the kids had earned something, felt success, and had something which could be taken away from them. Those kids who did not want to be in school, could not be kept in school.

Las Vegas and Carson City had set up layers of programs where kids could be successful and could have some buy-in. These programs originated from pressure, these kids were being squeezed out by other schools because they were not conforming and were creating problems. In addition to the opportunity schools, Carson City was starting an alternative education school which was optional. Either a student's anxiety level must be raised or there must be enough incentive for the student to be there.

Mr. McKenzie said he ran the opportunity school in Carson City for five years. The kids knew the system and if they did not want to be in school, there was nothing which could be done to make them be successful. The truancy rules were used to get kids into the school and when they got there, they would swear at the teacher and be suspended. Even if the student was dragged back to school, for example, they would bring a weapon, even a small pocket knife, drop it on the floor and be kicked out of school again.

Mr. McKenzie said he had seen very good success from court schools where attendance was mandated. Once the kids were in these schools and they could not see all their friends and they must be successful at school, they would be successful to get out. The problem was when they got out of school, the kids no longer knew how to be successful and ended up in trouble again.

The frustrating part for Mr. McKenzie in working with alternative education schools was there did not seem to be a good up-stream approach. In other words, a way to prevent these kids from becoming dropouts from high school, alternative education or opportunity school. Additionally, a system was being established which squeezed kids out of school. The state wanted to raise the bar with proficiency scores and credits had been raised to 22½ credits, which forced kids to become dropouts. Mr. McKenzie said when he was in school, the required credits were 18 and six classes, one every year, could be failed. Currently, a kid could not fail a class in a semester or he would have to drop out of school. He felt there should be a compromise.

Chairman Evans agreed this issue would see more debate as the state was now discussing the entire issue of academic standards and accountability. Philosophically, everyone supported the concept, but the latent results of requiring more and higher results could promote the very thing which the state was trying to prevent.

Mr. McKenzie pointed out alternative education schools were trying to fill a niche for the 20 percent of kids who did not do well in traditional schools. The kids in these programs wanted to get through school as quickly as possible so they could go to work. The alternative education schools were geared toward vocational education because the kids could go to school

after their job or before. They could get the training needed in order to be successful in work and many employers did not feel a diploma was important. Chairman Evans observed alternative education programs may become growth industry or perhaps they already had. Mr. McKenzie opined the programs were evolving in that direction.

Senator Wiener noted her concern about the presumption that kids were fastracking to vocational or nonprofessional career paths. She said previous testimony indicated students performed better in small environments, whether in a classroom or school itself. She did not presume that most kids wanted to fastrack, but were more comfortable in an alternative environment.

Dr. McHenry interjected there were six child care centers now operating, two Sunset schools and four Horizons. There would be two additional Sunsets operational next year. With reference to early intervention, it was a requirement that those students who have their children enrolled in these child care centers must take the child development and parenting classes along with their other courses, as a condition of utilizing the services of the child care program. The reason this was so critical was the knowledge that the earlier the cycle could be broken with good parenting skills, the better chance of stopping the continuation of other programs down the road.

Mr. McKenzie said unfortunately, he did not know the answer in terms of the upstream approach to this type of student; however they could be identified by teachers who tried to keep the kids from becoming delinquents. Everyone tried a lot of different approaches dealing with kids in junior high and as they got older, but he had not seen anything which really focused on children. Carson City School District was no different than the others.

Chairman Evans noted Dr. McHenry had spoken of good interagency collaboration which she was delighted to hear because often it was often heard such was not the case. She asked both Dr. McHenry and Mr. McKenzie if there were some other things which could be done to promote cooperation and collaboration even further in dealing with these youngsters.

Dr. McHenry responded that information sharing was certainly a critical piece, including among others, such programs as the SMART program described by Marcia Bandera. This would be a critical piece in assisting everyone because Nevada had a very transient population. If information about students could be obtained quickly, more appropriate placements could be made based on access to information. Although not under the state's jurisdiction, the one element which was needed in alternative programs and had been previously lost through funding reductions, was a social worker position. This was the key person responsible for doing the interagency contacts for those youth who needed a variety of community services from three or four different agencies. Without a person with the time and expertise to access those kinds of support services, many students go without. In terms of staffing and personnel, social workers were a very important piece which had been lost and Dr. McHenry would very much like to see those positions restored.

Mr. McKenzie added he was comfortable with the contacts Carson City had with other agencies. The school district worked closely with juvenile probation. FERPA changed how the school district did business with some, obviously because of the confidentiality and the ability to disclose was not what it used to be. The confidentiality issue was at time a hindrance to the progress of kids because the schools could not report, nor could juvenile probation report, information which the other agency could use to help the kids. However, truancy centers had been established, after school programs, and members of the community worked with law enforcement to do positive things with kids.

Mr. McKenzie indicated he had seen kids in continuation school who were on probation and had made great strides in school. The probation officer essentially became the parent, monitoring the kids for drugs, taking note of their grades, and so forth. When the kids got to the point where they were good students and off drugs, they were released from probation, but returned to the same behavior a large proportion of the time. It was frustrating for the schools to see these kids make such good progress and become very productive, he wished there was a way to sustain that achievement.

Chairman Evans revealed in previous discussions, one of the elements of success was aftercare programs. Not just aftercare when the youngster was released from the youth training center, but at different levels. As the state strove to establish a range of intermediate sanctions, aftercare would have to be a component all along the way. The committee was aware of the need and it must be coupled with whatever recommendations were made if there was to be long term success.

Dr. McHenry invited everyone to attend any or all of the four graduations which had been scheduled at each of the prisons on June 2, 3, 4, 1998. He encouraged anyone who wanted any more information to contact his office for details. The

combined graduation from Horizon and Sunset was set for June 10. There was nothing more enjoyable than attending these graduations and watching students who never in the world thought they would be graduating from school, either in prison or out of prison.

Mr. McKenzie commented he had reviewed some research from the dropout prevention network and interestingly, one of the most successful nationwide programs had continued to be adult education. Students were going to adult education after they had made their mistakes, they recognized they had made mistakes, but also realized they needed an education. These students had a personal "buy in" and wanted to be in school, which far surpassed any of the mandated programs or other safeguards put together for youth. At some point, a lot of these kids finally grew up and did very well when they got their lives together and went back to school. The success of adult schools was unbelievable and Mr. McKenzie said it was really fun to be associated with this effort.

Chairman Evans thanked the gentlemen for their testimony and for the good work they did for young people. For their information, she said she had seen an article on the Internet which said U.S. schools expelled 6,000 students for bringing weapons to school, which was a very disturbing fact as they had discussed earlier.

Additionally, Chairman Evans explained Dr. Howell had been before the committee last month. One of the items he suggested the state should undertake during the next couple of years was a school violence assessment. She inquired if any such assessment had been done in either the individual districts or anyplace in the state that Mr. McKenzie or Dr. McHenry were aware of and if it was something which would be useful. Chairman Evans said she was not interested in measuring things just for the sake of measuring them.

Dr. McHenry stated he was unsure of the exact nature of such an assessment, but he explained Clark County did a series of reports and surveys which would give a fairly broad scope of the violence or other inappropriate behavior as it existed in the schools. Perhaps Dr. Howell had referred to a component where direct surveys of students were undertaken on a campus-by-campus basis. There might have been some collection of data, but Dr. McHenry mentioned the closest Clark County got was with an intake interview for those students coming into an alternative program. However, this would not give a good overall view of all students on a regular campus. The assessment would certainly be doable, but he would like to know more about the parameters involved. Chairman Evans noted what the students might say on the survey may not match what was on the official record.

Mr. McKenzie pointed out the referral process was a paper trail of students into the principal or the dean's office, so every school offense could be tracked for a student for the entire year, but it did not track what was happening in the hallways.

Mrs. Segerblom called attention to the informal community meeting which had been held in Las Vegas where the principal of Clark High School attended. He said that often a juvenile justice administrator came to the school to withdraw a student for a violent offense whom the principal did not know was even in the school. There must be more cooperation between the schools and juvenile services. Mr. McKenzie remarked that in Carson City, this type of action was at the discretion of the probation officer. If they felt the school needed to know that type of information, they would disclose it. This was exactly the type of restricted information which the schools needed to know when FERPA came about.

Judge Schumacher thought when Dr. Howell spoke of a school violence assessment, he also felt that schools might not be collecting all the data because most violence happened during that window after school hours, between 3 p.m. and 5 p.m.

Mr. Bash said when violence was looked at in the schools or the community, there were two aspects, one was the official record which was gathered by the school police or the police department which recorded an arrest and investigation. There were also student assessments of the victimization, because a correlation had been seen that the more a youngster perceived the school to be violent or dangerous place, the more likely they were to bring a weapon to school or be truant. Their perception such as anti-bullying programs were also juvenile corrections programs because they were preventing some crimes. Additionally, a part of the below the surface reality, was a youngster who had been mugged or in fights on his way to and from school -- he still felt victimized even though there was no official assault and battery.

Mr. Powers wished to follow-up Mrs. Segerblom's concerns with reference to informing school districts of certain juvenile offenders in their schools. In 1997, legislation was passed which now required notification of the school district regarding children who were found to unlawfully cause or attempt cause serious bodily injury. Mrs. Segerblom inquired when that had gone into effect, she had remembered passing the bill. Mr. Powers responded unless the bill provided otherwise, it



would have gone into effect October 1, 1997. She thanked Mr. Powers and indicated she would inform the principal.

Dr. McHenry commented they had a contractual obligation to inform the staff that if an individual was enrolled in school who had a history of violence against staff, the staff would be informed. Senate Bill 102 of the 1997 Legislation Session required communication to the school district from probation and parole about juvenile sex offenders. Procedures must be put into place to ensure that upon their return, the offender was never placed on the same campus as the victim. Those procedures had been put in place in Clark County School District.

Mr. McKenzie referred to Dr. McHenry's comment about 59 juvenile offenders in Nevada prisons — there was a concern from other principals that these convicted felons would get out, still be of mandatory school age, and would by federal law be allowed to attend regular high schools. The principals considered making some kind of recommendation that these students not be allowed into traditional high schools, but would be required to go to either adult high school or alternative education schools. However, it was possible now for a convicted felon to return to his high school. With the type of sophistication learned inside a medium security prison, it was undesirable to have those students attend regular schools. Dr. McHenry indicated he had five of those types of cases in the last 18 months and in each case, the procedure was to require them to go to alternative education programs.

**\*F. OVERVIEW AND DISCUSSION OF THE DIVISION OF MENTAL HYGIENE AND MENTAL RETARDATION'S (MH/MR) CHILDREN AND ADOLESCENT SERVICES IN RURAL NEVADA AND THE RELATIONSHIP BETWEEN MH/MR AND THE DIVISION OF CHILD AND FAMILY SERVICES.**

Chairman Evans recognized Carlos Brandenburg, Ph.D., Administrator of the Division of Mental Health/Mental Retardation (MH/MR), Department of Human Resources, and Patrick J. Hardy, Director of Rural Clinics Community Outpatient Services, Division of MH/MR, Department of Human Resources.

Dr. Brandenburg believed his task today was to give some brief information about MH/MR and how the agency interfaced with DCFS. Historically, at one time all the children and adolescent services were under the Division of MH/MR. In a move to integrate these services into one division two or three legislative sessions ago, the adolescent and children's services in northern and southern Nevada were taken out of the MH/MR division and placed with the new DCFS. However, at that time children and adolescent services in rural Nevada were kept within the division of MH/MR.

As a result, there was a great deal of coordination and cooperation which needed to exist between MH/MR and DCFS. Dr. Brandenburg called attention to Exhibit C, behind tab F, a draft of a memorandum of understanding (MOU) which was being finalized by Mr. Shaw, himself and their staff. He hoped to have that MOU and a cooperative agreement between MH/MR finalized by July 1, 1998. Dr. Brandenburg explained this document was intended to delineate areas of responsibility; facilitate coordination of services; improve cooperation between the two divisions; improve communication and improve the process of referral and provision of services.

Since Mr. Shaw had become the administrator of DCFS, Dr. Brandenburg candidly said there was a great deal of cooperation between MH/MR and DCFS. Mr. Shaw and his deputies and Dr. Brandenburg and his deputies had met on an ongoing basis, not only to discuss the MOU, but to discuss services between the agencies. As could be imagined, DCFS might have a mentally retarded youngster who was brought to their attention by Clark County, and they would turn to MH/MR to secure placement. At the same time, DCFS might have a youngster in one of their facilities who was currently receiving services, but needed additional services from MH/MR. Therefore, those types of services would then be duly provided to the client who was currently residing under the jurisdiction of DCFS.

Dr. Brandenburg explained the other area was where a youngster was turning 18 who was in one of the residential programs of DCFS and now met the criteria to be served within the division of MH/MR, i.e., a residential program as an adult or in an outpatient program, to provide the continuity of care.

Dr. Brandenburg said this was a brief overview and he would like to turn the discussion over to Mr. Hardy to address the specific types of services provided to the children and adolescents in rural Nevada.

Mr. Hardy reiterated the leadership of Dr. Brandenburg and Mr. Shaw had ushered in a new era which was hallmarked by openness and collaboration and a clear acknowledgment that the agencies' respective missions were identical when it came

to working with impaired children and youth. Under that leadership at the administrative level, meetings had been held on a regular basis to examine how and where there could be collaboration, partnership and how best to enhance each other's efforts. The process lead to the MOU which had been referred to by Dr. Brandenburg. The MOU addressed how the agencies interfaced across all levels of care and how individuals were transitioned at that critical age 18 marker.

In the rural areas, Mr. Hardy said there was rural clinic representation on the regional council for DCFS, they worked very closely together on the block grant proposal, a collaborative document between the two divisions which was responsible for bringing over \$1.5 million in federal funds into the state. In conjunction with this activity was the support and nurturance of the mental health planning council which was comprised of agency people, advocates, family members and consumers. Rural clinics shared responsibilities for meetings and addressed requests and inquiries.

Currently, a co-location plan for DCFS and rural clinics personnel was being put into place in Silver Springs and the anticipated new office in Pahrump, which should open this summer. A relationship was being worked out in Silver Springs where assistance would be provided for clinical supervision of DCFS staff in their intensive family service program. Mr. Hardy said the agency continued to meet with DCFS's rural leadership to look at other areas where there might be collaboration, including budget and program development.

Finally, Mr. Hardy explained, the staff, especially Dr. Carol Tibbals from Yerington, was working closely with all parties in the planning and design of the new youth facility being planned for Silver Springs. Rural Clinics would be a major component in the treatment program for youth placed there.

On the other side of the coin, Mr. Hardy said the areas of challenge being confronted in the rural areas could be divided generally into two parts. One was administrative or systems problems and the second area in service delivery challenges. From a systems perspective, it was understood that this new level and spirit of cooperation currently in place was dependent upon the personalities currently in positions of leadership. The agencies were working hard to codify and memorialize the agreements between them so the gains being realized would not disappear with any future personnel changes. Secondly, the way in which the state was divided into regions was not the same, which introduced confusion and barriers to continued cooperation. Thirdly, Mr. Hardy said data compatibility issues had just begun being addressed across the two divisions. This was an issue which showed great promise for being resolved since DCFS was just in the formative stages of bringing their system up and Rural Clinics was working closely with them.

In the area of service delivery, Mr. Hardy commented the challenges stemmed from two different areas. The first area might be called the dearth of resources. Many Nevada clinics had an unacceptable waiting time to access services. For the population being addressed here, namely children and youth, any wait to access care could be critical. In that same vein, many screenings could not be ushered into appropriate levels of care due to the lack of bed space and speciality residential facilities for children and youth.

Mr. Hardy remarked the juvenile justice system regularly expressed frustration with the clinics as workers attempted to piece together a plan B or a plan C which did not really address the presenting issues in an effective way, but reflected the reality of inadequate residential capacity.

Secondly, the specter of having to address special needs populations in the rural areas was a great concern. For instance, among this group was the juvenile sex offender and treating them on an outpatient basis was a formidable task. There was neither the training nor the staff configuration to address the unique needs of these individuals. Given the support and encouragement from DCFS, Rural Clinics would offer in-service training to staff on the treatment issues of this difficult population, but it must be realized this was outside the training and scope of practice for many clinicians. The agency would do its best, assured Mr. Hardy, but he stated this population could clearly not be served through a patchwork quilt approach to service delivery; i.e., putting together a treatment plan from pieces of existing resources would not do the job.

Mr. Hardy pointed out another example was the effort to return kids from out-of-state placements who had multiple emotional and physical needs in placing them in rural communities, assuming that existing resources could be redeployed to wrap this child in enough support to make reintegration into homes, schools and the community successful. That cannot happen.

These were just a couple of examples at the service delivery area which were challenges for the state. Mr. Hardy hoped this information had provided some insight into how MH/MR and DCFS were cooperating administratively and at the

service levels and some of the challenges they were confronting.

Mrs. Segerblom directed her attention to Dr. Brandenburg and said she noticed Laughlin was not included. Dr. Brandenburg said his agency was currently meeting with the folks in Laughlin to determine the extent of their need. He had recently received a letter from a principal who had indicated a need for services in Laughlin. Those needs were being reviewed to determine one, if they were sufficient to consider an enhancement for the upcoming session of the legislature, and two, to consider interfacing with Arizona. Dr. Brandenburg noted the problem with Laughlin was Arizona had a mental health clinic there, 27,000 individuals lived on the Arizona side and 7,000 lived on the Nevada side. One of the issues which would have to be resolved was not to duplicate services, and to ensure the services which were provided were responsive to the needs of Nevadans. He said they would discuss the possibility of contract services with Arizona. The doctor hoped to have more information about Laughlin at this upcoming legislative session.

Mrs. Segerblom remarked she was getting copies of the letters which had been sent to Dr. Brandenburg because that was her district. Dr. Brandenburg indicated he would keep both Mrs. Segerblom and Senator Jon Porter (whose district also included Laughlin) informed.

Chairman Evans was pleased to hear of the cooperation between the two agencies and noted if the kids were to be helped, this was essential. With reference to waiting lists, Chairman Evans asked Mr. Hardy to briefly give some examples to the committee because this was a serious issue. Mr. Hardy responded at four centers, it would be close to eight weeks before a youth saw a clinician and it might be up to three months before seeing a psychiatrist.

Chairman Evans inquired if these waiting lists corresponded with all clients, or was this specifically isolated to children and youth. Mr. Hardy replied these figures related to anyone who requested services, whether youth or adults. The agency tried to triage emergencies, but even then, two centers could not handle cases on that basis. Chairman Evans contended these people were "on hold" and inquired just what that meant. Mr. Hardy answered the clinics tried to do telephone screening triaging, and if something could be arranged to hold the person in the interim, that would be done. What this actually meant was the person simply did not get services from the clinic.

Chairman Evans referred to Mr. Hardy's comments about the lack of resources in the delivery of services and asked in order to reduce the length of waiting lists, was personnel needed. Mr. Hardy responded personnel was needed as well as additional specialized residential facilities. Chairman Evans commented one of the problems encountered in the past was the difficulty of recruiting professional people to work in the rural areas, even if resources were available. She inquired if that was still the case. Mr. Hardy replied in some communities that was the case, but in other communities, recruitment was not a problem. The three areas most impacted now, Carson City, Douglas County and Lyon County, where the volume had increased dramatically, there had not been significant problems in recruitment. In other rural areas, there was difficulty because people did not want to go to a one person office in Lovelock or Battle Mountain, and people were not clamoring to move to Hawthorne.

Calling attention to Mr. Hardy's comments about residential capacity, sexual offenders, special populations, return of out-of-state placements, and others, Chairman Evans asked what was being collectively proposed in the agency's upcoming budget request. Mr. Hardy divulged he and Dr. Brandenburg had held initial discussions and were in the formative stages of preparing a plan. Accordingly, significant increases would be requested in the staffing patterns and some way to try to address the special needs populations.

Chairman Evans did not intend her inquiry to be a trick question and explained the committee had held a series of community outreach meetings in four areas of the state a couple of months ago. In the Washoe County meeting, testimony had been received to the effect there was appreciation for the efforts of the legislature in the 1997 session for mental health but scolded them because the primary focus was the adult population. There was encouragement to take another step to address youngsters. Mr. Hardy completely agreed and emphasized the importance of attending to the rural areas of Nevada.

Chairman Evans commented there had been a great deal of discussion in this committee with regard to understanding that so many juvenile offenders did have multiple problems; they were in trouble at school, had mental and physical health problems and other difficulties. She asked if at the present time youngsters coming into the juvenile justice system were being adequately screened for mental health services, because mental health issues were not as easily identified as, for instance, a broken arm. Mr. Hardy indicated he could not say with confidence that a youth coming into the juvenile justice

system would have thorough and effective screening to identify his emotional needs. For those kids involved with multiple agencies, almost every community had something which resembled a MDT (multi-disciplinary team) with representatives of education and other juvenile agencies. The team would discuss those cases which were common across their respective agencies.

Chairman Evans said that was the first step, to identify services and the sufficiency or lack thereof. The next step was to then provide — this was a two-pronged approach. She asked that Mr. Hardy and his agency, in his work with DCFS, to look at the issue of screening youngsters. Mr. Hardy thought if the children came into the system through DCFS, they were being screened appropriately, although he could not say the same for the rest of the juvenile justice system. Chairman Evans said a better picture was needed of what was available with reference to screening diagnosis, treatment and other needs. Mr. Hardy indicated he was fairly comfortable with the kids coming into MH/MR and DCFS. The frustration was in some of the clinics where there were waiting lists and the child could not be screened immediately. Time was so critical with this population. Chairman Evans pointed out that nevertheless, there were many children who did not come in contact with either agency, and this was an issue which needed to be addressed.

Chairman Evans inquired if either Mr. Hardy or Dr. Brandenburg knew of programs in other states which were providing mental health screening and treatment programs for youthful offenders. For instance, model programs which had been recognized as having particular success. Nevada was doing well under the circumstances, but she did not have a basis for comparison between Nevada and other states.

Dr. Brandenburg stated he could provide a list of programs, but he would prefer to answer this question by relaying the state-of-the-art in terms of a national perspective. Many states were going to integration, an analysis and synthesis of a data information system. For example, a youngster may be provided services in a county facility such as Wittenberg Hall, a facility of DCFS, or in the rural clinics. An integrated data system could be developed which allowed tracking the number of youngsters who might have mental health problems within the system, either those in contact with the state system, those in contact with the county system, or those in the private, nonprofit systems.

Rather than discussing state-of-the-art programs, Dr. Brandenburg felt that if programs were not interfaced or integrated without a way to analyze and synthesize the data, there would be no way of knowing positive outcomes or good performance indicators. Therefore, legislators and agency and division administrators could look at the data and be able to make decisions from it. At the present time, he did not feel that capability existed and the data was so fragmented, it had lead the chairman to ask her question. Dr. Brandenburg said he could tell how many youngsters were in his system, but he did not know about Rob Calderone of Washoe County or the Clark County detention facility or Elko. This was a system which needed to be integrated in order to properly analyze the data and outcome measures should be tied in with quality assurance. If not, there would be no way to evaluate the cost-effectiveness of the programs and whether they had positive outcomes.

Mrs. Segerblom inquired if Bullhead City, Arizona would be utilized instead of Laughlin until funding could be provided through the Executive Budget. Dr. Brandenburg responded no, the closest clinic to Laughlin was located in Henderson and no one from that clinic would be sent to Laughlin. It was a very complex issue, especially when the bulk of the residents were on the Arizona side and Dr. Brandenburg contended he would have to assure the legislature and the budget office that services would be provided to Nevadans and how those services would interface with the mental health clinic in Bullhead City. This issue must be reviewed very carefully.

Chairman Evans remarked she very much liked Dr. Brandenburg's comment about integrating data systems. There had been discussion earlier in the morning about the integration of the UNITY system in place at DCFS and the SMART system as discussed by Marcia Bandera of the Elko County School District. Clearly, this comment by Dr. Brandenburg was another component and was one of the recommendations made by Dr. Howell, as the state developed management information systems. Chairman Evans very much liked, and the money committees were attracted to, the idea of quality assurance and outcomes being result oriented. Mental health services for youngsters was an area which needed more attention.

Judge Schumacher commented she appreciated Dr. Brandenburg's candor. It was at times hard for people in charge to say what they really needed.

Chairman Evans recognized Leonard Pugh, who said today he was representing the Mental Health Committee of the

Community Unity Coalition. At recent meetings, he said it had been decided to draw up a position statement regarding mental health issues related to juveniles, and was specifically directed to Washoe County needs. The coalition had been meeting for over three years to try to identify mental health issues in northern Nevada. Mr. Pugh said several juvenile issues had been identified before the last session; however, a decision was made again to prioritize some of the adult needs. In the past, there had not been strong advocacy for juvenile issues, but that had changed. The coalition had identified juvenile issues as being a paramount need in the community and wanted to demonstrate a similar advocacy as during last session, but focusing on juvenile issues.

Mr. Pugh called attention to Exhibit F, and indicated he would like to highlight some of the points therein. The coalition would support any budgetary increases which were recommended for DCFS. The division was doing a good job of identifying gaps in services and needs. A couple of areas of immediate concern were the long waiting lists for children's behavioral services and the adolescent treatment center. Mr. Pugh understood in the past and during this session, there would be a recommendation that more therapists be added as well as other staff in order to meet the demands of the families of Washoe County. This new staff would include homemaker positions to provide additional support to more needy families. There was a recommendation for DCFS to interface with the Bureau of Alcohol and Drug Abuse (BADA) to discuss policy and programmatic issues related to mental health and substance abuse.

Mr. Pugh said the coalition had been meeting regularly with April Townely of the Welfare Division to discuss the issue of children who had Medicaid coverage, yet they had to wait to see a psychologist or psychiatrist in order to receive services. They were working together to try to change the regulations or expand the MOJAVE program in order to get quicker services for those children. The word in the field was there might be some problems with the federal funding related to the family preservation program, and although Mr. Pugh said he was not up-to-date on what the state intended to recommend, he felt this was an excellent program and had served the families of Washoe County very well. Last year, approximately 50 families were recommended to that program and only four kids had to be removed from their homes after participating in the program. This was a very cost effective service which needed to continue.

The coalition was recommending the state conduct a feasibility study into the addition of residential treatment beds for youth. This was a similar issue to outpatient services, but because of the limited number of residential treatment beds for kids with mental health problems, Mr. Pugh testified the coalition would like the state to develop potential public-private partnerships to fill the gaps in services.

Mr. Pugh said the coalition also urged DCFS to address cultural competency and consumer satisfaction as part of its quality assurance program. As had been mentioned by Dr. Brandenburg, the state must look at common or compatible database systems in order to share data and plan accordingly. The coalition also supported a continuum of services for mental health programs throughout the state, and specifically in northern Nevada. As Mr. Pugh had stated in the past, commonly kids were seen on extremely long waiting lists, families got frustrated, problems escalated and the kid ended up in the detention facility for long periods of time. Additionally, a higher and more expensive level of care was then needed because those issues were not being addressed earlier and adequately.

Chairman Evans thanked Mr. Pugh for his remarks, which related to some of the issues which had been previously discussed by the committee.

**\*G. OVERVIEW AND DISCUSSION OF THE NEVADA JUVENILE JUSTICE COMMISSION'S RECOMMENDATIONS REGARDING IDEAL COMPONENTS OF A MODEL JUVENILE JUSTICE SYSTEM AND SUGGESTED IMPROVEMENTS TO NEVADA'S JUVENILE JUSTICE SYSTEM.**

Chairman Evans called attention to the handout presented by Willie Smith (Exhibit G) and inquired if this was different than the information contained in the meeting packet, Exhibit C, behind tab G. Ms. Smith, Chairman of the Nevada Juvenile Justice Commission, stated Exhibit G was the approved document — the material in the packet was actually a draft. The Juvenile Justice Commission met yesterday and approved the final document, which included some corrections and an update, but Exhibit G was essentially the same document as in the packet.

Ms. Smith indicated she would like to briefly summarize the recommendations of the Juvenile Justice Commission to the committee. She introduced Kirby Burgess and Fernando Serrano, members of the Juvenile Justice Commission who served on the policy legislation committee. This committee had worked extremely hard over the past several months to prepare

these recommendations. Ms. Smith said Mr. Bash was also a member of the committee and they had met with members of the Nevada Association of Juvenile Justice Administrators, who had collaborated with the commission on the recommendations which would be summarized today.

As Exhibit G indicated, a model juvenile justice system was proposed and some areas which needed to be improved in Nevada's system had been addressed. Ms. Smith announced she would go through the model with the committee and then Mr. Burgess and Mr. Serrano would briefly discuss some recommendations for improving the system.

The proposed model included five major points, explained Ms. Smith. The first was community involvement along with consistent and reliable sources of funding. The second was prevention programs followed by a standardized and validated assessment system which drove not only classification, but services and placement. The fourth key point of the model was a system of consistent graduated sanctions using the balanced and restorative justice approach. The fifth component of the model was outcome measurements to determine success and areas for improvement.

In reference to the model, Ms. Smith said she would like to call the committee's attention to the video conference which took place on February 24, in which a comprehensive framework for juvenile justice was discussed which contained six key elements. Ms. Smith felt the model she had described hit on some of the common points discussed in that satellite conference. This framework would strength families and the details of the model took into consideration how communities and parents could be involved in implementing the system. Support for core institutions, such as schools and community organizations had been discussed to reduce risk factors.

Ways had been discussed to counter risk factors or known predictors of crime to increase protective factors, such as the environment surrounding children. That framework also looked at intervention when delinquency first occurred, with graduated sanctions and services. Ms. Smith remarked graduated sanctions should be established to hold offenders accountable while providing services. Identification and control of that small segment of serious, violent, and chronic juvenile offenders was necessary. The model covered most of the areas discussed in the videoconference. She asked Mr. Burgess to address some of the recommendations of the commission to improve the system.

Kirby Burgess, Director of Clark County Family & Youth Services in Las Vegas, noted the second section of Exhibit G, dealt with what needed to be addressed and/or improved. Before summarizing the recommendations, Mr. Burgess stated in his years of experience in working in Nevada's juvenile justice system, he learned Nevada did a lot of things well. There was a very unique population in this state, and the challenges had grown, but he was more hopeful than ever, especially, after working with the legislature over the last several sessions, with the Juvenile Justice Commission and the juvenile justice administrators, the state was on the right track and was beginning to establish a blueprint for the future. This certainly gave everyone a lot of hope.

The Juvenile Justice Commission had discussed putting together a strategic plan to determine where to go to make the system better. The information imparted to the commission by Dr. Howell was taken into consideration in an attempt to overlay what was now happening in Nevada to what was desirable in order to make that blueprint happen. In an attempt to address these issues, Mr. Burgess explained the commission had discussed adding value and enhancing the strengths of what already existed in the system in terms of the continuum of care.

Secondly, Mr. Burgess suggested that instead of doing everything themselves, they recognized there were programs out there as well as people such as Dr. Howell who had the best practical research to share so Nevada could improve the system already in place. Along those lines, the key was the whole concept of collaboration between the state and counties. What was good for one was good for all. Therefore, that collaboration was needed in the development and implementation of a standardized assessment system for commitment of youth to institutions. The kids who went to the state-run institutions or youth camps, would all be similarly assessed so the kids got the best treatment.

The commission also felt some service gaps needed to be addressed in the system, with a clear delineation of responsibility for funding and service delivery. Mr Burgess commented the commission wanted to ensure that everyone knew what their role would be. Among the recommendations was an increase in substance abuse treatment for juveniles. Based on testimony received by the commission, there was certainly not enough funding and services for juveniles throughout the state in that area.

Resources for the hard to place offenders throughout the state in all jurisdictions needed to be developed, pointed out Mr.

Burgess. Another issue which had not been addressed as significantly as it should be was the over-representation of minorities, especially in Clark County, and the needs of female offenders.

Mr. Burgess mentioned diversion options — there was a need to get kids out of the system before they penetrated further. Studies had shown that once a youngster got into the juvenile justice system, if nothing effective was done, the youngster would get bogged down and penetrate the system further. Finally, group homes or independent living situations and community based life skills would partner with those community-based agencies to provide better service.

Other areas which had been discussed by the commission included a case management system. Mr. Burgess felt the key was to make the system more family focused rather than dealing with just the individual, as was often done in the system now. The family focus would be a team concept, not only in juvenile justice but also in child welfare, because there was a huge correlation between kids who were abused and neglected and kids who went on to become delinquents. Other aspects would be incorporated such as services provided by the mental health system and community based agencies. The focus should also be on the staff, to train them to be more competent in order to deal with special needs groups, juvenile sex offenders, cultural issues or educational needs. Mr. Burgess observed parents should also be made part of this because often the child was treated rather than the parent and the parent was the key to making things happen. These were not new recommendations, but they had been discussed in the commission and Mr. Burgess felt the committee should be aware of their discussions.

Another item discussed by the commission was the fact they should do a better job of marketing and providing better public information not only to the media, but to each other, the legislative body, county commissions who fund the juvenile services and to people in the community. The community should be made a part of the successes and they should know what services were provided to juveniles and families. Mr. Burgess commented the system had too long been shrouded in confidentiality and secrecy and it was time to "toot their own horn."

Lastly, a big issue to the commission as well as to the committee was data collection. Mr. Burgess stated there must be a focus on collection of data as well as a process whereby that data could be interpreted to find out what worked and what did not, what trends were on the horizon, so that the systems could be linked from child protective services to the juvenile justice system, to law enforcement and on down the line. He said the commission really believed these were the key elements which should be focused on to make the system better.

Mrs. de Braga called attention to the town hall meetings which were conducted by the committee throughout the state. Over and over the committee heard that regardless of the delinquency or the crime, so many of the programs designed to deal with these issues failed because of a lack of follow-up. She asked if follow-up was part of the recommendations made by the commission. Ms. Smith responded that in terms of a continuum of services, aftercare was definitely a part of that continuum, because Mrs. de Braga was right, unless some support was provided from families, over time the kids would go back to the problem areas where they were before. Therefore, the commission supported the concepts and programs which were currently in aftercare and would like to improve those efforts.

Ms. Smith informed the committee the strength of the Juvenile Justice Commission and her strength as chair was due to people like Kirby Burgess and Fernando Serrano who supported the commission and helped to prepare these recommendations. She also recognized the juvenile justice specialists, such as Larry Carter from DCFS and Steve Shaw, the administrator, who served on the commission and provided support to it. Ms. Smith referred to the letter of intent which had been received from Assemblyman Arberry and Senator Raggio about whether youth corrections should remain within DCFS or be placed in a separate division. The Juvenile Justice Commission had met several times and had conducted four public hearings in Las Vegas, two in Reno and one in Elko where comment was solicited and opinions gathered from the various citizens in those communities about their feelings around youth corrections and what should happen. Ms. Smith commented the commission was in the process of writing the report back to Assemblyman Arberry and Senator Raggio. She disclosed the recommendations would be that youth corrections remain within the Division of Child and Family Services. Several suggestions, based on the concerns heard in the various jurisdictions would be for some statute changes. Primarily, concerns were with administration, personality, and leadership of DCFS in years past. Under the currently leadership of Mr. Shaw, Ms. Smith said some changes were being seen and many of the jurisdictions expressed they were happy with the direction of the division now.

Chairman Evans indicated her appreciation for the advanced information from the commission. Explaining to the committee, Chairman Evans said the issue arose in the budget process during the 1997 Legislative Session. Many

questions, as mentioned by Ms. Smith, were raised about the adequacy of the current arrangement with the result the money committees asked the Juvenile Justice Commission to look at the situation. They asked if there were valid reasons why there should be a break-off from DCFS to establish a separate division just for youth corrections. This issue arose near the end of the session and was not something which could be adequately addressed by the legislature. As a member of the Assembly Ways and Means Committee, Chairman Evans stated she was grateful for the commission's good work and feedback which gave important direction to the legislature. She thanked the commission for their efforts.

Ms. Smith said Mr. Serrano represented the Juvenile Justice Commission as well as rural areas in Nevada and she wanted to give him the opportunity to comment.

Fernando Serrano, Chief Juvenile Probation Officer for Humboldt, Lander and Pershing counties, and also President of the Juvenile Justice Administrators, said he just had a few brief comments. He thanked Ms. Smith as Chair of the Juvenile Justice Commission for her communication with the administrators' association. All the chiefs and juvenile justice administrators had felt very involved in the process. The document before the committee (Exhibit G) had taken place in several steps and the association had been involved every step of the way. He assured the chairman and committee members that statewide juvenile justice administrators were behind the commission's recommendations.

Mr. Serrano echoed some comments about collaboration, as no one agency or organization could accomplish what the collective goals were. He thanked Steve Shaw and Larry Carter from DCFS for their technical assistance concerning grant monies and their direction. In general, Mr. Serrano felt the core issues were being addressed from family issues to mental health and substance abuse. He was particularly pleased to hear the testimony on alternative education programs. For the committee's information, an alternative education program was operating in Winnemucca and one in Elko as well. Last year, 25 youth graduated from this program in Winnemucca. To put this figure in perspective, Mr. Serrano explained the average graduating class at Lowry High School was approximately 150 students. It was very gratifying to have 25 students graduate from alternative education and nearly everyone of those students, in all likelihood, would not have graduated if it weren't for the program. This year, approximately 30 were expected to graduate from alternative education. Mr. Serrano said he had not yet been able to speak to Mike Simonsen, Chief Probation Officer in Elko County, regarding specific data, but it was important to note that in rural Nevada, they were very concerned about alternative forms of education.

Returning to Exhibit G, Mr. Serrano said the juvenile justice administrator's had discussed the commission's recommendations at length. Some areas had received more discussion than others, in particular the enhancement of resources for hard to place offenders. Placing juvenile sex offenders and those with mental health needs was a great priority for the chiefs and had been previously discussed with the committee. The minority over-representation was a concern of the chiefs, especially in southern Nevada, as well as the lack of residential options for female offenders. As the committee may recall, Mr. Serrano commented the Home of the Good Shepard had operated to house female offenders. When that closed, it was a major setback in the system. Historically, in the rural parts of Nevada, the juvenile system was 90 percent male and 10 percent female. However, that percentage was changing to nearly 70/30 percent. Females historically had been incorrigible runaways, but now that was changing to include assault and battery and more serious offenses. A facility such as the Home of the Good Shepard or something similar was very important. China Spring Youth Camp and Spring Mountain were for adolescent boys who needed something more than probation, but not a state institution. Mr. Serrano felt something similar for female offenders would be very advantageous.

Mrs. Segerblom inquired if children in Pershing and Lander counties could go to the alternative school in Winnemucca. Mr. Serrano replied logistically, that would be very difficult now, but they were in the process of attempting to expand that program in Pershing and Lander counties. Responding to Mrs. Segerblom's question, Mr. Serrano said there was no place for these children to go at this time, the program in Humboldt County was relatively new and given its good track record, it was hoped to expand into Pershing and Lander Counties. Rural Nevada would never have the resources as were available in Clark County for programs, but nevertheless, the programs provided these troubled youth with an opportunity for an education, if even on a smaller scale, and it was very advantageous to expand this concept.

Ms. Smith stated if the committee planned to pursue Dr. Howell's recommendations in his phased plan, the Juvenile Justice Commission would be delighted to offer their services in helping to address any of those issues. She encouraged the committee to call upon the commission.

Chairman Evans noted it was striking in going through the very thorough recommendations of the Juvenile Justice Commission of the high level of congruence between the commission's recommendations and what Dr. Howell had also



recommended. There may be some nuances in wording and so forth, but both were talking about the same thing. Chairman Evans assured those present this was not an engineered coincidence, but it was very good that two nearly independent entities were able to formulate the same recommendations. The commission and its Work Study Group had a long standing reputation and Dr. Howell had spent two days with the committee. To have very similar responses was a great help to the committee so no one was at odds trying to pull in different directions. Dr. Howell's recommendations would be revisited this afternoon and Chairman Evans encouraged Ms. Smith to stay for the discussion and to take advantage of Ms. Smith's offer of assistance.

The committee broke for lunch and upon their return, Chairman Evans referred to an article which had just been distributed to the committee — *Juvenile Justice Update Abolish the Juvenile Court? Nonsense! (Exhibit H)* which was authored by Dr. James Howell who had addressed the committee last month.

Mr. Bash stated he would like to follow-up on a question by Senator Washington to Dr. Howell at the last meeting. At that time, Senator Washington had asked if restitution was a bona fide prevention program and Dr. Howell indicated he was unaware of any correlation between restitution, restorative justice, and recidivism. Mr. Bash indicated he had done some research and had identified a couple of studies which indicated in Utah there were lower rates of recidivism for youngsters, including youngsters involved in serious crimes, who were given restitution as their primary responsibility. In Idaho, Washington, D.C., Georgia and Oklahoma, another study also identified a reduction in recidivism for informally handled diversion cases which used restitution as an approach. Therefore, Mr. Bash concluded there was some documentation that restitution did more than just restore the victim, it also helped with the at-risk youngsters who were delinquent.

Chairman Evans informed the committee she had attended an NCSL (National Conference of State Legislatures) conference last December where Dennis Maloney of Oregon spoke about their comprehensive restorative justice program. The committee had also received a copy of a video courtesy of Mr. Bash which addressed restorative justice. This was clearly a topic which needed to be focused on early in phase two of the study of the juvenile justice system during the next interim. Chairman Evans felt the program had a lot of merit, but there was simply a lack of time to undertake a full discussion which she did not want to abbreviate. Possibly Dennis Maloney could be brought to Nevada to speak during the legislative session. There were some fledgling programs in Nevada, but Chairman Evans thought they should be expanded and placed into other counties.

Senator Wiener commented she had requested a bill draft under her name based on information she had received from a juvenile justice conference she had attended. To add to Mr. Bash's comments about the success of restorative justice, the particular program she desired to bring to Nevada involved the business community, the victim and the juvenile. This particular program measured success in two ways. One, if the juvenile did not re-offend for one year. This was felt to be reasonable because if this was the juvenile's first offense, he would tend to keep a clean record thereafter. Second, full restitution up to \$3,000 would be made. The program had been in place for approximately three years and hundreds of children had gone through it with an 82 percent success rate.

Chairman Evans noted she was pleased to hear of the bill draft request and when the bill was heard during session, it may be the appropriate time to bring Dennis Maloney or someone else to Nevada as a presenter.

Before moving into the final segments of the agenda, Chairman Evans recognized Assemblyman David Humke of Washoe County. As many of the members knew, Mr. Humke had a long record of working with juvenile justice issues and had been a leader on many bills. There was a vacancy on the committee due to the resignation of Assemblyman Brian Sandoval and Chairman Evans related that Mr. Humke had expressed an interest in joining the committee. She remarked she was delighted and after the Legislative Commission had an opportunity to approve the appointment, he would be able to join the committee. She asked Mr. Humke to come forward and join the committee on the dias. He should feel free to engage in the discussion and debate along with the other members of the committee.

#### **\*H. REVIEW, DISCUSSION AND FORMULATION OF POTENTIAL COMMITTEE RECOMMENDATIONS REGARDING THE NEVADA RECOMMENDED PHASED PLAN PREPARED BY JAMES C. "BUDDY" HOWELL, Ph.D., JUVENILE JUSTICE CONSULTANT.**

Chairman Evans called attention to Exhibit I, Recommended Nevada Phased Plan (Major Components). The elements in this document were generated by the committee and Dr. Howell when he was with the committee in April. Dr. Howell had made recommendations of immediate actions by the state, actions over the next two years, and then from two to ten years.

Chairman Evans explained Dr. Howell had been asked to help the committee set some priorities, what was urgent, what needed to be addressed immediately, and what should be undertaken over the long term.

The purpose of this afternoon would be to set the stage for the final work session to be held in June. For those who had not served on an interim committee before, Chairman Evans explained during the work session, the committee takes action on recommendations and as a result of today's meeting, Mr. Peri and she would be putting together the packet for the final meeting. The committee would be able to discuss and vote whether these items would be included in the final report to the Legislative Commission in the form of bill drafts or resolutions and recommendations for the future of juvenile justice issues to be considered by the Legislature. When the final recommendations were made, Chairman Evans said the committee would dissolve and then it remained the work of the next legislative session to pick up where the committee left off.

Today, the committee would review, discuss, and set the stage for the document which would guide it through the work session next month. Exhibit I contained the list of suggestions made by Dr. Howell and were simply listed in the way he presented them.

### ***1. Detention Placement Instrument***

### ***2. Probation Community Placement***

### ***3. Corrections Placement Instrument***

The first recommendation was to put into place a detention placement instrument, a probation community placement instrument, and corrections placement instrument. Dr. Howell had felt these were items which were greatly needed in Nevada to guide youngsters through the juvenile justice process. On each item, the questions posed would be who should undertake the task, by when should it be completed, and who, if anyone, should provide technical assistance. Chairman Evans said this committee had departed from procedure in many ways from other interim committees. Nevertheless, not much typically occurred after the report was submitted until the legislative session convened when legislators were presented with bills and/or resolutions to review and vote upon. However, Chairman Evans felt there was a lot of momentum and many of the things which needed doing did not require legislative authority. People were needed to pick up the torch and keep going.

Dr. Howell had suggested forming work groups around these various topics. He was highly complimentary of what he called the "resource people" who met with the committee and Dr. Howell during the preplanning session. These folks were from state and community agencies and Dr. Howell strongly suggested using their knowledge and expertise to put these recommendations into place.

Chairman Evans remarked it had been suggested that a work group be formed to assume the task of completing those placement instruments and the group be made up of the Juvenile Justice Commission members, the Work Study Group (where there was some overlap with the commission), and the juvenile justice administrators. Collectively, these three groups could be assigned the task of formulating those instruments. In consultation with some of the judges, including Judge Schumacher, it was suggested to the chairman this was a logical and reasonable way to proceed. She requested discussion from the committee as to their comfort with the assignment being made to these three groups to develop the placement instruments and then report back to the legislature.

That was the first question, if the committee was comfortable assigning the task to those three groups. Chairman Evans noted the second question was to set a time when the task would be completed. She felt it would be reasonable to set the time during the legislative session. The third question was whether anyone should provide technical assistance. She reminded the committee it did not have a budget, however, the National Council of Juvenile and Family Court Judges had assured her they would make some technical assistance available to that group, should they desire. This assistance would be provided at no charge to the state or those work groups.

Mrs. de Braga inquired if these instruments would be part of a statewide effort, broken down into different areas. She felt a lot of the work would revolve around gathering data about what was going on in specific areas and recommendations made for innovative plans such as alternative sentencing, etc. Chairman Evans said this was an important question and would definitely involve statewide effort. Representation would be needed from rural and urban counties, from those individuals

or entities who related to a particular issue. Having the appropriate mix of people would need to be incorporated into the statement of intent.

Mr. Bash commented the instruments would not yield a program-specific answer, e.g., specifically which program would have to be based in which region. He explained the result would be different levels of responses which were appropriate, for instance, a person might need residential or outpatient mental health counseling, but the instrument would not be specific by region in terms of how that service was delivered or what model was used. These instruments would be used as a guide to the decision makers, the probation administrators, judges and others who were involved in ascertaining the classification of the youngster and the most appropriate response. A placement instrument could be built which was standardized, but still allowed a lot of flexibility for individual community standards and community resources.

Chairman Evans said in considering those three placement instruments together, she requested Willie Smith, Kirby Burgess and Fernando Serrano to come forward for a moment. She understood the Juvenile Justice Commission and the Work Study Group had already undertaken work on placement instruments. Ms. Smith responded the Work Study Group was looking at various instruments and Mr. Burgess served on the group and could provide more detail.

Mr. Burgess stated an entire assessment instrument was being reviewed, which covered not only juvenile justice, but child welfare as well. The preliminary work had just been started and as the summer progressed, he expected to have some more definitive information.

Chairman Evans directed her question to Ms. Smith and Mr. Serrano and asked if they could speak on behalf of their organizations to work together on this issue and report back to the legislature with those instruments in addition to other matters which were works in progress. Ms. Smith responded "absolutely" and saw no difficulties interacting with the Work Study Group. Mr. Serrano added this was an exciting process and the juvenile justice administrators statewide very much supported the concept and could give a north/south/rural perspective as to what was doable. In responding to Chairman Evans' question, Mr. Serrano said absolutely yes his organization would help.

Chairman Evans emphasized that some of the processes were underway and this assignment would not be an entirely new concept. Mr. Burgess agreed that was the case.

Senator Wiener said she had attended a meeting of the Youth Service Providers of Nevada, which was a statewide organization of providers of an array of youth services, substance abuse, mental health, etc. This was an organization which was known to Mr. Burgess and Ms. Smith. She recommended consideration of their involvement as the group represented the entire state, either at the technical level or maybe a partner on this first level of undertaking the task. Chairman Evans thanked the senator for that suggestion and asked if she would be in touch with Ms. Smith in order to confirm the correct organization.

Chairman Evans wished to "cast the net widely" and try to be as inclusive and receive as much input as possible. None of the recommendations were predetermined, but were suggestions and the chairman welcomed additional ideas and suggestions.

With reference to item C, i.e., who if anyone should provide technical assistance, Chairman Evans remarked she had been in touch with the National Council of Juvenile and Family Court Judges. The council said they had resources and individuals who could be provided to the group to work through the process. She suggested existing efforts be continued, and at some point a consultant be brought in to review the progress in respect to how the program compared to other states. It would be helpful to know if Nevada was on track or if there were some other things which had not been considered. This technical assistance was possible and the council had made assurances the help would be available for the group. This would alleviate having to wait for the legislature to convene and make an appropriation to hire a consultant.

Ms. Smith remarked for the committee's information, through Nevada's relationship with OJJDP, the state was eligible for technical assistance through Community Research Associates. Larry Carter, Juvenile Justice Specialist, Division of Child and Family Services, would simply have to contact them with the state's needs and assistance would be provided at no charge.

Chairman Evans thanked Ms. Smith for that information. One of the things which had been discussed with Dr. Howell in terms of obtaining outside consulting help and expertise was the need that a consultant be "qualified." There were many

consultants doing this kind of work and many were eminently capable; nevertheless, the state had also worked with consultants who were less than satisfactory — not all consultants were created equal. The National Council had also offered their assistance in helping the state sift through possible individuals to ensure the best available could be contacted. She pointed out a standard had been set with Dr. Howell, a very capable and helpful person, and she did not want to settle for anyone less capable because she intended for Nevada to do a very good job improving the juvenile justice system.

Mrs. Segerblom asked how the judges' association would be involved. Chairman Evans responded it had been suggested that the three groups which would work together, along with others included at their discretion, be the Juvenile Justice Commission, the Work Study Group, the juvenile justice administrators, and the group referenced by Senator Wiener.

Chairman Evans observed the remaining decision on this issue was when the placement instruments should be completed. She asked the committee to consider a date during the 1999 Legislative Session. Her reasoning was if the recommendations on these instruments required some statutory change or some action by the legislature, there must be time to do so. Mr. Humke suggested March 1, 1999.

Chairman Evans inquired if that was a workable date for the witnesses. Mr. Burgess responded they would make the date work and have a report for the legislature at that time. Chairman Evans thanked Mr. Burgess and said it would be exceedingly helpful in the event something needed to be drafted and there would not be a two-year wait until the next legislative session. She did not wish to be unreasonable, but explained if any changes were not made during this next session, it would be two more years before implementation.

Mrs. Segerblom felt a March 1<sup>st</sup> date was somewhat unworkable. If the recommendations were heard by a couple of committees, legislative time could move the process to the last week of the session and there might not be time for a final vote. She asked if Mr. Humke would have any objections to moving the date to February 1<sup>st</sup>. Chairman Evans said Mr. Peri had correctly reminded her, if the 120-day session constitutional amendment passed, the convening of the legislature would be February 1<sup>st</sup>.

Ms. Smith commented the witnesses had discussed the matter between themselves and felt they could be ready by the first of the year before the session was convened and would provide their recommendations to Mr. Peri. Chairman Evans suggested that as a compromise for everyone the date be set for the beginning of the session.

Mr. Humke mentioned he was certain that Ms. Smith, as chair of the Juvenile Justice Commission, would take these recommendations to all juvenile court judges in the state and to the juvenile justice administrators. It had been his experience that if the recommendations were not approved by those two groups, it did not matter at what stage of the legislative session the recommendations were brought forward, they would not be passed.

Judge Schumacher indicated she did not disagree with Mr. Humke, but the difference was this process was well underway, had been a topic under consideration for a long time and had a lot of consensus. If that was not the situation already, she agreed the time frame would be very questionable. However, she reiterated the process was operating differently on this issue.

Being very frank, Chairman Evans observed diverse groups of people would be asked to come together in work groups not only on the issue of placement instruments, but on subsequent issues. Ultimately the people in the work groups would be the ones who would have to make the recommendations work. The process would come full circle, the work groups would generate the recommendations and if they were approved, the finished product would reappear on their desks. This was a process or an instrument which would have to be implemented on a daily basis by those making the recommendations. If a level of comfort was not reached by the work group, the tool would not be used. Therefore, it was not just a matter of delegating a large amount of work, but a matter of being realistic. The front-line people deal with these issues all the time and the committee and legislature needed their cooperation and agreement. If the project was assigned to some outside group or another legislative committee to make recommendations, the process would not work. The recommendations would only work if those using the instruments were the ones who fashioned them initially. Chairman Evans remarked that was the reasoning behind making this approach and she hoped it made sense to those asked to participate in work groups. If this was a process which would not work, she needed to know.

Mr. Serrano voiced his agreement with the chair's comments and he felt the other juvenile justice administrators would

take the issue a step further by taking the recommendations to their respective line staff who were in the trenches and could provide their input. As an administrator, Mr. Serrano indicated he planned to convey his line staff's feelings to create a more efficient instrument in the end.

Senator Adler reminded the committee of discussions about peer review or licensing of detention facilities from the last session. There had been disagreement about who would do the licensing, the state or the counties or a combination, and if so, which state agency. He was not implying that all institutions must follow ACA (American Correctional Association) guidelines, but he felt there needed to be some legislation which at least had some peer inspections or licensing as to how programs and institutions operated. Senator Adler indicated Nevada was one of the few states which did not license its facilities in any form.

Mr. Bash commented when the long term goals were discussed by the committee, one item which should be discussed was not only institutions but standards for community programs. However, before something could be licensed or inspected, Nevada standards of quality and consistency must be in place. The long term goal would be a two-stage process — first establishing the standards and then applying and maintaining them in the operations.

Senator Adler inquired if the standards were part of the recommendations made by Dr. Howell. No, Chairman Evans responded. The committee was not limited to only what had been recommended by Dr. Howell. Senator Adler felt Mr. Bash was correct and standards should be set for detention facilities, community programs, etc. However, then it would have to be determined who would issue licenses and carry out reviews to ensure the standards were met.

Mr. Humke said there were some standards being met which fell under the OJJDP Juvenile Justice Act. The federal government literally regulated the detention facilities and he believed Nevada was in compliance now. This was not the same as a licensing standard, and he felt the feds considered that a fairly low standard which all states should achieve. However, Mr. Humke agreed with Senator Adler there should be a tougher and higher standard for youth. Perhaps it would be a good time to suggest licensure of state facilities as well. Senator Adler interjected he felt all state facilities and private facilities should be licensed.

Mr. Bash commented this was one of the fundamental building blocks of a competent system. Time and care must be taken because once standards were established, for example, the capacity in a detention facility, decisions would flow from that standard which would imply either that youngsters were not detained who needed to be detained, or the capacity was increased. If health and overcrowding standards were established, Mr. Bash said there must be realization there were other manifestations and results from those standards which must be considered to restructure the system or make modifications.

Chairman Evans directed her comment to Senator Adler and said she recalled earlier discussions about not just standards and licensing for the facility, but discussions about standards pertaining to training and education for personnel. Senator Adler said that was correct and the standards would range from the physical facility to training personnel for such things as CPR and use of restraints. There should also be standards for staffing ratios. The prison system had standards, classification, staffing, and training which did not appear in the juvenile system.

Chairman Evans referred to Mr. Bash's statement that standards must be established before licensing could occur, i.e., quality indicators. She proposed that idea could be undertaken on a long term basis, the standards could be set forth, so in phase two of juvenile justice during the next interim, those standards would be ready to go and the recommendations could be included in the next packet of recommendations. Therefore, all the preliminary work would be done. She asked who would be responsible for that task. Senator Adler suggested the counties and DCFS would probably be the best in conjunction with some private group homes.

Noting Mr. Serrano's presence at the witness table, Chairman Evans asked for his comment and whether quality standards could be recommended on which to build a statute for licensing. Mr. Serrano responded this was an important topic and the timing was just right. Just last week at the meeting of the juvenile justice administrators in Minden, a committee was formed to begin work on standards. The administrators would be very active in developing standards and he would be more than willing to keep the committee and Senator Adler informed. Mr. Serrano agreed that in order to be as effective as possible, there must be a basic set of guidelines on which to focus and hopefully exceed.

Mr. Humke commented Mr. Serrano's information was excellent and in light of the recommendation for increased cooperation between the state and counties, he felt this would be a good time to add DCFS personnel and perhaps other

state agencies in this effort with the county juvenile justice administrators so that state facilities could be reviewed. Some states did not have the cooperation and Mr. Humke felt that it was a reprehensible technique to require counties to have quality and licensing standards, but not to require state institutions have the same.

Chairman Evans felt Mr. Humke had made a good point and suggested the closing report include a directive to the juvenile justice administrators, in conjunction with DCFS, asking to proceed with this effort and be prepared to make a report to the initial meeting of the next interim committee on juvenile justice. This would mean the report would be due in the fall of 1999.

Steve Shaw, Administrator of DCFS, said DCFS was an active participant with the juvenile justice administrators so therefore, state institutions would be involved. Chairman Evans inquired if both Mr. Shaw and Mr. Serrano would be comfortable with a letter from this committee requesting assistance in providing a report to the next interim committee. Both Mr. Shaw and Mr. Serrano agreed.

Mr. Bash suggested this item be included as one of the components of the strategic plan for the next two years.

Chairman Evans inquired if these suggestions were satisfactory to Senator Adler. Senator Adler declared his agreement with this directive. When the Department of Prisons began their licensing procedures, they hired the former director of the California prison system to work with the committee on standards, and was a suggestion which could be considered later.

#### ***4. Create Intermediate Sanctions and Interventions***

Moving to item 4 of Exhibit I, Chairman Evans recalled Dr. Howell's statement about the lack of intermediate sanctions and interventions between probation and training centers. This was something which would appear to be done cooperatively with the state and counties working together. It had been suggested that technical support be obtained from the National Council on Crime and Delinquency, who in 1991 did a juvenile justice assessment and report for Nevada. Again, she reminded the committee assurances had been received from the National Council of Juvenile and Family Court Judges they would be willing to help initiate the project with NCCD. After the scope of work had been defined, more than one day of technical assistance might be needed which would require some resources. If that proved to be the case, the multitude of grants should be reviewed. A recent publication by the Department of Justice on the Juvenile Justice Act was full of various grants which were available to the state and might be something which could be pursued.

A work group must be defined who would undertake this task, commented Chairman Evans, and wondered whether the Juvenile Justice Commission would be willing to take the lead. Clearly staff personnel from local entities and DCFS should be included as well.

Senator Adler agreed DCFS should be included, but expressed some confusion as to the definition of intermediate sanctions. He asked if this would include intermediate camp programs, short stay and high impact programs and whether they should be identified as state projects or otherwise. His concern was that if a state program was not identified, it might not receive the appropriate funding. Chairman Evans felt Dr. Howell had not intended to lay any boundaries on the types of intermediate sanctions, but Senator Adler had made a good point, and this was something which would have to be defined.

Senator Adler inquired who would be paying for these intermediate sanctions and interventions, the county or the state. Chairman Evans explained that would become part of a question which was raised earlier and would be answered momentarily as there was a subsequent recommendation on that point.

Mr. Humke mentioned while attending the Juvenile Justice Commission meeting yesterday, Judge Charles McGee had spoken of the development of a citation program which would provide easier and more rapid access to the juvenile court literally at the front end of the system. He wondered if this could be considered an intermediate sanction or even an immediate sanction. Chairman Evans agreed this should be given some consideration because she wished to look at a whole spectrum of interventions and/or sanctions. The only limitation would be creativity as the need was defined and the gaps filled with appropriate programs. For example, during the last session, one of the recommendations concerning DCFS and the community reintegration program was to report back with how successful the program was and if it should be continued. Nevertheless, nothing was outside the realm of consideration, the challenge was knowing there were limitations in defining programmatic responses.

Mr. Bash said it was reasonable to define intermediate sanctions as being anything after prevention and before formal commitment because a continuum of responses was desirable to address the issues presented.

Chairman Evans commented the question was still the assignment of the task. She felt the people who were working with youngsters and programs on a daily basis were best able to participate and make recommendations along the way. She stated this logically would fall back to the juvenile justice administrators for their input, representatives from law enforcement and from groups or entities who were already providing some type of intermediate intervention.

Mr. Bash said he would be very comfortable making the same assignment as with the placement instruments because basically, all the groups were interlocking with joint memberships. Judges served on the Juvenile Justice Commission and on the Work Study Group and juvenile justice administrators served on both panels. He did not feel that anyone was more dominant and the method of proceeding would be collaborative in any event. In terms of whom would have responsibility in writing the final document, the answer would be the same three groups as previously identified. Mr. Humke agreed.

Senator Wiener inquired if law enforcement would be included in either of these assignments. Ms. Smith explained law enforcement had been and will continue to participate. No matter what assignments were given to the Juvenile Justice Commission, Ms. Smith assured the committee the proper agency representation would be included if a member was not already serving on the commission, on the Work Study Group or with the juvenile justice administrators.

How did the process work, inquired Mrs. de Braga, when holding a meeting to discuss these issues, were the local people involved such as when this committee held its informal meetings. She contended the possibilities for solutions were entirely different in rural areas. Ms. Smith responded all the meetings were noticed, public hearings, and at times there was a lot of participation, other times not. With reference to these issues, Ms. Smith remarked she would ensure that personal invitations would be followed up with telephone calls to the appropriate people who could provide input. For example, if law enforcement was needed from one of the rural areas, the commission would personally contact the chief of police or the sheriff and invite them to participate in the discussions and make recommendations.

Mrs. de Braga said she was unaware how the availability of resources compared to the need, but she did know there were many instances where possible solutions had to be looked at realistically. The situation was different from one area to another, rural to urban, rural to rural, and so forth. The solutions must be doable, not mandates which could not be fulfilled and through the sharing of resources, there were a lot of possibilities.

Ms. Smith noted there was representation on the commission and in the Work Study Group from all the areas of the state, including the rural areas. Input was regularly received from various areas and what was reasonable in Clark or Washoe counties may not be in other jurisdictions. The commission could be taken to another jurisdiction or representatives could be brought to the commission through some funding available to the commission in order to bring out the best information possible.

Mr. Humke wished to address Mrs. de Braga's concern as well as he served on the Work Study Group and the Juvenile Justice Commission. Members of the Work Study Group included Bob Hadfield from the Nevada Association of Counties, Scott Cook, Chief Juvenile Probation Officer of Douglas County and Steve Shaw, the Administrator of DCFS. All of those people represented rural areas, and did a good job taking into account rural concerns and had rural constituencies to which they must answer. Mrs. de Braga noted Mr. Humke's comments but added that the best information came from the people who were actually working in the street.

Chairman Evans reminded the committee that when creating intermediate sanctions and interventions, one of the things which really drove the committee on this issue was to address overcrowding in detention centers, which came to a head during the last legislative session. It became very apparent there were not enough other types of sanctions in place. If there was a continuum along the way, it should go a long way toward addressing this backup in detention facilities.

Judge Schumacher called attention to the issues of intermediate sanctions and said Washoe County was at the point, if only the statutory criterion for detention of juveniles was considered, of an overcrowding problem at Wittenberg Hall. Chairman Evans agreed and also remarked about the very old age of the facility.

Returning to item 4, Chairman Evans reminded the committee that part of the assignment would be the continuing

evaluation of the new DCFS programs and DCFS would be coming back to the legislature with a requested status report. It had been suggested that part of this assignment would be an update of the 1992 NCCD needs assessment and an evaluation of the data collection system which was currently underway.

There was a lot to be done concerning intermediate sanctions and interventions. Working with NCCD would require a lot more in the way of resources. Clearly, Chairman Evans said, through OJJDP or through some other kind of grant writing, those resources could probably be tapped. Pending receipt of any funding since it was not known exactly how big the undertaking would be and how much it would cost, the committee might want to consider a bill draft request which would request funding for consultation through NCCD or some other such entity to assist with this part of the plan. This was a bigger project than designing placement instruments, and would take more funding and more technical assistance. Chairman Evans was confident other funding mechanisms could be found which would not require a bill draft, but it would be nice to have a backup vehicle in place which could be pulled at a later date. She asked this be considered as part of the final recommendations.

Another one of the recommendations which the committee must consider was when this project should be completed. Chairman Evans said there was a lot more work involved and doubted an actual completion date could be established. However, it was always a good idea to have a time line rather than to leave the matter open-ended. She asked if Ms. Smith would like to offer a comment.

Ms. Smith inquired if the committee's goal was to create these intermediate sanctions and interventions for consideration during this legislative session. Chairman Evans responded that would be ideal, however, she wondered if it would be realistic. Ms. Smith indicated if there was no objection, as the committee worked through Dr. Howell's list, there would be other issues which the Juvenile Justice Commission would be asked to help coordinate. She would like to determine how many projects the commission would be asked to participate in and then have an opportunity to meet with the juvenile justice administrators and the Work Study Group before the committee's June meeting. By then, the committee could be given a better idea of what work could be done and the time frame. Chairman Evans commented that suggestion made very good sense.

Senator Adler indicated he knew the Work Study Group had discussed this issue in more detail than the committee and he said he would like to have a list of what the Work Study Group considered the needs in intermediate sanctions. This would be preferable to the committee dictating sanctions and interventions. Ms. Smith asked if the senator would like that available by the next meeting in June. Senator Adler replied that would be fine, he was not asking for a detailed list, but some recommendations the committee could look at for possible implementation in the next biennium. He felt most of the juvenile justice administrators in the counties knew what they wanted since the discussions had been going on for some time. Ms. Smith stated that information could be provided by the June meeting or sooner if needed.

Mr. Shaw said that with the other issues before the committee, work was in progress and the work groups would not be starting from ground zero. He explained DCFS was about to enter into a contract with the Boys and Girls Club to provide a 40-slot day treatment program in Clark County which would be located in five high-risk areas. A co-ed program would be coupled with electronic monitoring where the child would be picked up from his home at 7:00 a.m. and kept at the program until 8:00 p.m. The active treatment would include vocational training.

Referring to Senator Adler's comment about resources, Mr. Shaw said he was trying to use existing resources more effectively and couple them with federal funding. This was much cheaper than institutional care, and the costs for this program would be \$35 per day. Mr. Shaw indicated that Kirby Burgess was interested in the program for county kids, so this was coupling state resources to build a program with the county. Rob Calderone had also expressed an interest if the program was successful in southern Nevada that the same should be done in the north. Day treatment was an extremely critical intermediate sanction and when the transportation was provided, i.e., picking the child up and dropping them off at the end of the day, coupled with electronic monitoring, the program was really a prison without walls. This was certainly not an appropriate program for every violent offender, but there was a certain segment who could benefit from this important intermediate sanction. Should the program be successful in the south and then the north, rural Nevada might be the next consideration.

Mr. Shaw commented the possibility of a 12-bed staff secure facility for females was being explored in Las Vegas using existing funding. There was an attempt to tie this program to federal revenue in order to leverage dollars. Senator Adler interjected this was the type of list he would like to see, the things which were being done and the things which could be



expanded, and so forth. Mr. Shaw explained part of this was the result of the work done by the Work Study Group and part as a result of the work done by this committee. He had not realized how vulnerable the state was in terms of equal protection and the lack of alternatives for females. He wished to move aggressively in that area trying to use existing resources. This did not mean he would not be before the legislature requesting more funding, but he did not want to wait until then to address the situation.

Chairman Evans stated that since there were so many more components to this undertaking, she felt it should be viewed in the short term as well as the long term. It may be that if there were some programs in mind which had been analyzed and there was a consensus the program needed be implemented, she suggested a deadline be established, possibly this fall, for completion of a recommendation on one or two intermediate sanctions. Therefore, these could be included and considered in the next legislative session. She would not ask the work groups to be responsible for having everything done by that time, but would suggest a fuller report would be due when the next interim committee convened. Thus, there would be a shorter time line to start some programs, but more time would be allowed for the whole project. She asked if that was a reasonable proposal. Ms. Smith responded it was.

Chairman Evans reiterated Senator Adler's request for a list of the programs in place, realizing there would be differences in the amount and types of programs in Clark County compared to other jurisdictions. She asked if the committee could proceed with this understanding. Ms. Smith replied this could be done without problem.

Chairman Evans inquired how the committee felt about including a request for some funding in a bill draft, with the goal that it would not be utilized, but available if necessary. She was very optimistic the bill draft request would not be needed as there were a lot of federal monies available now for juvenile justice programs and studies. The committee members nodded their approval.

### ***5. Assess Existing Drug Treatment Programs***

With reference to item 5, Chairman Evans stated Dr. Howell made a recommendation to do a thorough assessment of the existing drug treatment programs. This committee had heard a great deal of testimony on drug treatment programs, and asked Kathy Bartosz and Marilynn Morrical of the Bureau of Alcohol and Drug Abuse (BADA) to approach the witness table.

Senator Wiener called attention to item 5, Assess Existing Drug Treatment Programs, and inquired if this was the correct wording for the task at hand, or if it should be changed to reflect a more broadly based continuum of substance abuse issues. Chairman Evans noted prevention was not excluded from this recommendation, and when Dr. Howell discussed it with the preplanning group, there were issues raised about the adequacy of treatment programs. There was some doubt about certain education programs which were referred to as treatment.

As the experts were at the witness table, Senator Wiener wondered if there was a BADA-related word which brought together the scope of programs. If the recommendation was to assess existing programs, the entire scope should be considered, not just treatment programs.

Ms. Morrical indicated her interpretation of Senator Wiener's question was if persons providing treatment or prevention activities should be certified by BADA as one of the standards included in the recommendations, then she was in absolute agreement. This was a special body of knowledge and expertise which the state recognized. A person must be certified by BADA in order to represent themselves as a certified counselor dealing with substance abuse issues.

Chairman Evans inquired if there were any procedures underway at BADA to assess the programs which were currently in place in terms of their effectiveness, adequacy and so forth. Ms. Morrical replied an outcome study was underway which had been funded through the University of Nevada, Reno (UNR), Center for Applied Sciences. A number of outcome measures were being considered specifically for the adolescent treatment population. This process would include the juvenile justice system, the child's attachment to school, their grades and other related issues. There were a tremendous variety of questions being asked in this outcome study and the preliminary results should be available by the end of July. Individual programs assessed their own outcome measures, but this was an independent study which had been funded through UNR.

Additionally, Ms. Morrical said BADA had just completed a two-year needs assessment study. Some preliminary data was

available now, with the final report due at the end of June. She called attention to Exhibit J, an outline of the preliminary data on the unmet need for substance abuse treatment in Nevada. This needs assessment defined not only numbers at the statewide level, but by area of the state, north/south/balance, as well as the level of care needed. There were some staggering numbers available now which defined the unmet need.

Statewide, 2,595 adolescents had been identified as in need of substance abuse treatment today, pronounced Ms. Morrical. These adolescents would access treatment if they could, but there were no services available. That figure could be broken down by county and level of care based on the needs assessment data. In response to a question by Chairman Evans, Ms. Morrical said this was final, valid information, and there would be more available for distribution. Chairman Evans said if there were no objections, this information would be duplicated and made available for the next meeting.

Mr. Bash felt this was just the tip of the iceberg given the historical involvement of youngsters in the juvenile justice system who had drug and alcohol problems in their family and/or with personal involvement. When defining drug treatment programs, he asked if the assessment could be made expansive enough to include those programs delivered within the detention centers, the state youth training centers, the county camps, and in the community. Mr. Bash understood the issue was raised in the context of juvenile justice and meant not only identification of the youngsters who needed treatment, but the proper matching of them with programs. He knew there were a number of youngsters who had problems who were not on the waiting list because they had not been assessed or screened and were in alternative placements. Mr. Bash felt those programs could be improved, for instance, by bringing the program to the kid rather than having the kid go to the program.

Chairman Evans thought that was a very good point. When the committee heard testimony from the mental health division this morning, one of the questions asked was if everyone who should be screened was being screened and then getting the necessary services. The same question applied to substance abuse.

Mrs. de Braga suggested rewording the focus of this recommendation by saying "assessing existing substance abuse programs," not just defining the recommendation to treatment, but include alcohol and all other contributing substances. The programs to be assessed would include prevention programs, treatment programs, educational programs and others.

Chairman Evans inquired of Ms. Morrical if she envisioned any additional funding requests in light of the results of this needs assessment. Chairman Evans encouraged BADA to make those requests, and this was also something this committee could make as a recommendation. However, she reminded those present the money committees were not fond of numbers which were simply plucked out of the air, but the request must be factually based. The committee was interested in pursuing this assessment of substance abuse programs, either through efforts by BADA or through a recommendation by the committee to the legislature as part of the final report. It was clear from testimony heard months ago that there was not enough in terms of resources, and this was something which could be considered and voted upon during the final meeting.

Ms. Morrical commented it would be very useful to have this committee make some recommendations around enhanced funding for both prevention and treatment options. The agency had been told there were very limited dollars for budget enhancement line items; therefore, they had been restricted as to what could be requested in their budget. Chairman Evans indicated this was something which must be revisited and suggested Ms. Morrical prepare their numbers, i.e., if additional resources were available, what programs could be developed or enhanced.

Senator Wiener called attention to Exhibit J, which indicated that 90 percent of Nevadans currently in need of treatment had not received any. If that figure was juxtaposed with an actuarial study from Washington that showed 18.6 percent of those in need of treatment would actually seek it, what was actually happening to the remaining 71.4 percent. That was a large group who had substance abuse problems and were not receiving any help. Senator Wiener inquired how that hole could be plugged in some way, the figures were horrendous.

Mr. Bash interjected in reference to the issue of total resources, one of the things which had been discussed earlier was the allocation of resources between adults and juveniles. It must be kept in mind the youngsters who needed treatment but were not seeking it were in the juvenile justice system. One of the proposals was to have proportionally allocated funding earmarked for those involuntary clients who may be resistive, but could be converted into willing clients with the support and inducement of the juvenile justice system.

Ms. Morrical commented there was a tremendous problem with parents of adolescents who were seeking treatment. For

example, when she was working at St. Mary's Hospital, a physician who had very good insurance refused to use his insurance to access treatment services for his adolescent son who was deeply in trouble. The only way the juvenile actually got treatment was because his probation officer was able to put him on Medicaid and mandated he enter into a treatment facility. Therefore, Medicaid paid for a physician's son who had insurance. There were a lot of reasons why people did not access treatment; however, many times the parents not only may not have the money, but wouldn't allow their children to have treatment. Chairman Evans declared that was a shameful and despicable incident.

Mr. Bash remarked that was precisely the group where judicial involvement and coercion would be very appropriate. At some point, there was a need to mandate cooperation of dysfunctional families so they could get better. If he had been the probation officer, Mr. Bash commented that family would have appeared before the judge to explain why they would not use their insurance.

Judge Schumacher said she was unsure why such a case had not been brought to the court's attention. Perhaps, the person had such standing in the community that the probation officer was not comfortable bringing the person before the court. Certainly, however, parents could be ordered to utilize their insurance, and they have been when it was available, but any individual story could go awry. Nevada statutes, the envy of other states who learned of this, allowed the court to make orders, not only for the parents, but any adult in the household could be ordered to do whatever was necessary to try to put the child back on track. Many households consisted of blended families and many state statutes only included biological parents, therefore, Nevada's statutes were much stronger and allowed those orders.

Could parents ultimately be reformed, Judge Schumacher said no, but they could be ordered kicking and screaming to parenting classes or could be held in contempt. There was a limit, of course, and treatment providers have claimed this was the worse group — those who were ordered by the court to attend classes and did not want to be there. However, others have said that no one seeks treatment on their own, but once they are there, the barriers could be broken. Not having been in treatment, Judge Schumacher indicated she did not know which scenario was correct, but she definitely thought the parents' involvement was necessary to the child's improvement. An assessment could be done later whether the treatment was working, and if not, something else could be recommended.

To recap, Chairman Evans remarked it had been suggested the wording of item 5 be changed to existing substance abuse programs rather than drug treatment programs. She suggested the work group responsibilities should be assigned jointly to BADA and DCFS because DCFS was responsible for the juveniles and BADA dealt with the substance abuse side. Perhaps, adding to the work group, there had been recommendations to bring in resource staff from mental health and schools. Through the National Council of Juvenile and Family Court Judges, they have offered technical assistance. The woman suggested by Dr. Howell, Leslie Acoca, had a national reputation and standing. The council would see that she was brought in to work with the group.

BADA had testified that good progress was being made already, one needs assessment report appeared to be done and Ms. Morrical had said there was an outcome study which was underway. Chairman Evans suggested that a couple of meetings be held initially to determine what was available and then bring in Ms. Acoca for some technical assistance.

Denise Everett, Chairman of the Governor's Commission on Substance Abuse, Education, Prevention, Enforcement and Treatment, stated she would like to volunteer their services in this portion of the committee's endeavors. Chairman Evans stated that was wonderful and asked if she would team with BADA and become part of the work group. She very much appreciated Ms. Everett's input and participation.

As part of the final consideration, Chairman Evans said a deadline should be established for the work group to report back. She suggested Ms. Morrical and Mr. Shaw from DCFS would be the two lead agencies and if a report was made early enough to the legislature, there would be time to take specific action on the recommendations.

Mr. Bartosz referred to item 7 on Exhibit I and suggested that since the wording on item 5 had been changed to include substance abuse prevention and education, that was the beginning of the recommendation to implement a statewide prevention program (Communities That Care) over the next two years. The initial stages of that process had been concluded. The Communities That Care was a good model, but somewhat dated, however, it had since been enhanced and made somewhat more user friendly.

During the discussions this morning, some very good points had been made about having difficulty getting parents to PTA

meetings or to their children's school conferences. Ms. Bartosz wondered how parents could be persuaded to become part of the community for the benefit of youth when there was difficulty focusing on their own kids. This was a very legitimate point and had been addressed with focus groups based on judicial regions. Most of those focus groups had been completed with the exception of two regions— Douglas County was finished this morning and Elko was being done as she spoke. As stated by Mrs. de Braga, the rural areas were very different from the urban areas in Nevada, and the idea behind the judicial regions was to provide some valuable information and keep services as individualized to the regions as possible. When the allocation of prevention dollars was taken into consideration, it would be distributed to individual judicial districts rather than on a statewide basis.

The individual focus groups would be asked what they saw as the primary risk factors affecting the kids in their region. There was some commonality being identified among the regions — for instance poor family management and lack of communication were standard risk factors in all regions. Families were under stress and did not have margins of down time anymore, quality time must be scheduled around soccer tournaments and other events. Family dinners were difficult to structure anymore, so the communication time with kids was down. Kids were feeling the stress of a faster paced lifestyle with fax machines and cellular phones.

In the focus groups, when the children were asked what issues needed to be addressed, their response was their stress. Ms. Bartosz indicated the target, region by region, would be the five primary risk factors identified by the regions and the requests for proposal would be tailored to address those priorities. Again, it was not just a matter of identifying a problem, but to back it up with data. Therefore, if the agenda was elderly medication abuse, the problem should be backed up with data before it was prioritized by BADA for funding.

Ms. Bartosz hoped there would be some preliminary results for the committee by the June meeting and the final document would be delivered by the end of the summer. This report would identify the five priorities, the backup data and who should be targeted with the available dollars, the little children, the 10-15 year olds, or high school kids at risk of dropping out of school. It would be up to each region to identify where the dollars should be focused.

This summary represented the expansion of the Communities That Care model, stated Ms. Bartosz, and represented the beginning of the needs assessment which was addressed in item 5. The juvenile justice folks had been very involved in the process, for which BADA was grateful.

Chairman Evans stated the Communities That Care model was scheduled to be implemented over the next two years. However, since BADA was so far down the road with the project, she inquired if it was possible to roll the model into item 5 and place it with the immediate recommendations. Ms. Bartosz stated that would be great.

Mr. Bash suggested the Communities That Care program be moved into the immediate realm as a separate bullet rather than in conjunction with item 5. This program did not deal solely with substance abuse prevention, but the larger issues of criminal prevention as well. He would rather the two items not be merged together so there would not be a problem of becoming too focused on drug prevention. Chairman Evans pointed out the Communities That Care program was included in the committee's information packet ([Exhibit C](#)) which went through all the risk factors, of which substance abuse was one. Her recommendation was the substance abuse component of the program should be moved into the immediate. The whole spectrum of Communities That Care would be implemented over the next two years.

Ms. Bartosz indicated when looking at the risk factors, they were the same for everything. If a dysfunctional family had an abusive father, the little girl in that family may get pregnant in an attempt to establish a more satisfactory family, may commit a crime or may go into drugs. The risk factors were the same for all these problems and one of the reasons for the importance of a collaborative effort at the state level as well as the community level. The health department, juvenile justice, drug and alcohol abuse, the schools, and everyone else was looking at the same risk factors and was why the communities were able to identify the five or six critical ones.

Returning to the question of reporting back to the legislature, Chairman Evans said a suggestion of March 1 had been made. Possibly at that time, whatever was available could be presented as a status report. Ms. Morrical stated she felt a status report could easily be given by the beginning of the legislative session. Chairman Evans stated that would be fine.

## ***6. Assess Existing Drug Court Models in Clark and Washoe Counties***

Chairman Evans referred to item 6, a recommendation to assess the existing drug court models in Clark and Washoe counties. She recognized these were some very new programs and did not have much longevity. Chairman Evans said she, Judge Schumacher and Judge McGee, both Washoe County judges, had discussed the matter and the recommendation was to turn this assessment right back to the judges.

Judge Schumacher said Judge McGee had spoken of some grant-related money which would cover the assessment of the programs and the release of information, therefore, this project was already underway. In response to Mr. Bash's question, Judge Schumacher said she did not know the time frame, but could find out. For the time being, Chairman Evans suggested placing a March 1<sup>st</sup> deadline, and asked Judge Schumacher for a time line which could be added to the final report.

With reference to technical assistance, again Chairman Evans stated, through the National Council of Juvenile and Family Court Judges, there were resources available. Dr. Howell had recommended a Judge Edwards from California who had been active in this area; or the Council could either provide assistance or make a recommendation of another person.

### ***11. Complete New Training School***

Calling attention to a few other recommended items for the committee's consideration, Chairman Evans said there was some concern about item 11. The questions which had been raised revolved around what juveniles would be placed there and what would be the determining factor for placement of youngsters at the secure facility, Elko and Caliente. Once the instruments identified in items 1, 2 and 3 were in place, they would give an indication of appropriate placement. She asked if Mr. Shaw would come forward to comment.

Mr. Shaw indicated she was absolutely correct. The determination of who would go to the serious and chronic facility would be predicated upon the classification assessment system which was discussed in item 3 particularly. Chairman Evans asked if a report on this item could be made part of the report on the development of the placement instruments. Mr. Shaw said he would report to the legislature because the corrections placement instrument would have to be done prior to the opening of the facility, which was scheduled for August of 1999.

Mr. Humke said the way item 11 was worded, it appeared the training school referred to an updated Nevada Youth Training Camp at Elko; however, from the discussion, it appeared the facility referred to was the one for serious and chronic offenders. Chairman Evans said that was correct, this was a term used by Dr. Howell; however, the actual facility was the new secure juvenile facility.

### ***17. Restructure State-County Relationship***

Chairman Evans said another recommendation she wanted to return to was the relationship between the state and the counties. So many things which had been discussed, i.e., intermediate sanctions and other elements, would come back to who was responsible for the program and who would pay for it. She suggested this item be considered sooner rather than later. Chairman Evans was aware that a group of people was making a journey next month to Ohio for a week to focus on the Reclaim Ohio program which had been discussed at the last meeting.

She said DCFS would be the lead agency to return from Ohio with recommendations for a model for Nevada and to consider this restructuring of the state/county relationship be addressed as well. This was a big issue and was for the longer term. The committee may want to consider this recommendation a kick-off for the next interim study as it would take that long to come to a resolution. This lack of a relationship was a big debate which had not been resolved in the 12 years Chairman Evans had been a legislator. It was an issue which must be faced and she would like to see a start by DCFS taking the lead.

Mr. Shaw responded he would be glad to address the recommendation. This was a joint effort with the Work Study Group and the judges. Bob Hadfield will be going to Ohio along with Scott Cook of the rural chief probation officers and several other people. He would give a progress report certainly before the beginning of the next legislative session.

Chairman Evans said that would be excellent. This was a major problem which affected so much of everything which had been discussed by the committee, i.e., who was going to do the work and who would pay. Mr. Shaw suggested giving a short presentation to the committee before the next hearing on federal monies coming into the state. Funding was a

concern, but there was quite a few dollars which were coming and could possibly address many of the issues discussed today.

Senator James stated he wished to make a comment about one of the recommendations in the two to ten-year time frame. The committee had focused a lot of time on intermediate sanctions, interventions and the treatment programs. One issue of which he was very concerned and had not heard addressed was gang activity and particularly the problems in Las Vegas. Although he was absent for the meeting of April 9, 1998, he was aware of some discussion about gangs during the hearing.

Gangs were an incredible problem in Las Vegas and he was concerned about the memo from Lt. Stan Olsen of the Las Vegas Metropolitan Police Department in which statistics were submitted on gang membership and activity in Las Vegas. Senator James felt these figures showed an incredibly alarming increase. There was evidence that literally scores of gangs from various parts of Los Angeles were transplanting themselves into Las Vegas. They were operating sophisticated crime syndicates primarily distributing illegal drugs. The gang membership over the last three years had doubled from about 3,000 gang members in Las Vegas to more than 6,000.

Senator James pointed out another interesting item was that drive-by shootings had decreased. The reason for this was obvious, and the public was less aware and less concerned about gang activity. However, the report showed that as these sophisticated gangs came into Las Vegas, they did not utilize drive-by shootings because that was what drew the heat of prosecution and public scrutiny of their activities. Close range shootings had gone up, so there were more people being killed in gang violence than before, but not in the high profile drive-by shootings with innocent bystanders hurt in the process.

As a juvenile justice committee, Senator James thought the committee should address the problem of gangs who utilized youth in their operation, either as actual members of a gang or as associates of a gang. Although these youth may be of juvenile jurisdictional age, they were qualitatively different in their character and activities than kids getting into trouble with drugs. The gangs were organized crime syndicates with members as the operatives and Senator James exclaimed they must be dealt with extremely severely in Nevada. He stated he could not sit in Las Vegas and countenance the importation of Los Angeles style gang activity into Las Vegas, and he would not.

Along with all the other things done by the committee, Senator James wanted it to speak in a very strong voice on this issue. This objective could be accomplished in a couple of ways. He recommended the final report make it clear the kinds of treatment and intervention programs which tried to save kids from going into the criminal justice system were not aimed at gang members, particularly those coming from out-of-state to commit crimes. Secondly, Senator James suggested working with prosecutors, although there may not be much time left for this committee, to find out what tools they needed to prosecute these criminals as crime syndicates. There was a RICO (Racketeer Influenced and Corrupt Organizations) statute in Nevada and he wondered if that was an effective tool for prosecutors. The federal RICO statutes had been utilized successfully to break up the Mafia. Nevada had the same problem, on a different scale but just as serious, with the gangs in the state, particularly in southern Nevada. Senator James wondered if the RICO statute was outdated or whether it could be amended or modified to become a better prosecution tool to address this terrible problem.

Referring to Exhibit I, Senator James noted a reference to gang issues which fell in the two to ten-year implementation time frame. He felt at a minimum something to address gang activity needed to be elevated into the first tier of recommendations to address the juvenile justice problem in Nevada. He did not feel it would be good for the committee not to address the gang problem immediately. Senator James emphasized his concern and reiterated this was a tremendous problem, it had gone subterranean so people were less aware than before, and these were sophisticated crime syndicates operating in Nevada. The murder of a rap star in Las Vegas was only one evidence of that which had received notoriety. The murder sent shock waves through law enforcement and was carried out by someone outside the state who was unwilling to commit the crime in Los Angeles, but was certainly willing to commit it in Las Vegas. Senator James commented the shock waves from that continued and it did not take long to affect the community reputation that there was this kind of criminal activity going unchecked.

Senator James urged the committee to elevate at least in the report, if not in terms of bill draft requests or specific legislative recommendations, a strong, extremely forceful position on addressing gang crime, which was nothing close to a treatment or an intermediate sanction model, but in a model of punitive sanctions that the state would not tolerate the importation of gang violence to Nevada.

Chairman Evans thanked Senator James for his comments. She, too, had made note of the gang issue because she had inquired and was told by someone on the Juvenile Justice Commission that the gang survey was basically done, although she could not verify that fact. She agreed the committee should discuss the matter and it deserved being moved forward for consideration. She encouraged the members to review the minutes from the last meeting as a copy of Lt. Stan Olsen's comments was attached as an exhibit.

Chairman Evans pointed out Dr. Howell had commented that all ages of gang members were lumped together, there were gang members who were more than 18 years of age, and the two must be separated. A decision would have to be made whether to treat them collectively or treat them in their appropriate category. Clearly, Lt. Olsen and others could be directed or requested to appear before the committee with recommendations on programs, enhanced penalties, change of prosecutorial procedure or other issues. The committee would be more than willing to look at these recommendations and move the gang issue into the first category.

Chairman Evans indicated her accordance with Senator James' concerns and she thought as with the other work groups, this issue should be assigned to a particular group. Possibly the Juvenile Justice Commission or the Work Study Group could be asked to participate and inquired of the members of those bodies who were in attendance to address this issue.

Ms. Smith informed the committee that neither the Work Study Group nor the commission was conducting any type of survey, but she did recall a survey conducted by the University of Nevada, Las Vegas (UNLV) and Dr. Randall Sheldon a few years ago. Perhaps this could be the survey which Mr. Humke spoke about. She volunteered to follow-up as to the status of that survey.

With reference to item 13, the recommendation to conduct a statewide survey on gangs, Ms. Smith suggested perhaps partnering with both Las Vegas Metro and UNLV and in the northern part of the state with UNR or others depending on the area of the state, to try to pull together some information. Judge Schumacher noted the Reno Police Department had done a lot of data collection.

Chairman Evans said to keep in mind one of the things Dr. Howell had stated was that gangs were not unique to the metropolitan areas of the state. The gang problem had been identified in several rural communities and was clearly a statewide problem. The scale could not be compared in the smaller communities, but on the other hand, the impact may be as great or greater because the communities were small. She did not want to ignore the issue in rural communities.

Senator Wiener referred to Senator James' comments about the exportation from Los Angeles of gangs which represented approximately 75 percent of the gang activity in Las Vegas. Unfortunately, one of the issues which was seen statewide was the recruitment of very young children. She had spoken to inmates who told of being exported specifically from Los Angeles to recruit very young children, with an average age of 11. In southern Nevada, 11-year-old children were being taught how to recruit 5 and 6-year-old children, who were identified as "Looney Tunes" to scout drug deals and introduce them to gang life.

Also being found, Senator Wiener explained, were more and more multi-generational gang families. Some were well into the second generation which made intervention very difficult when all family members have had a gang life. This was a complicated matter which was growing statewide and the committee needed to address those factors as well.

Senator James commented what made gangs particularly a juvenile justice problem, even though there were gang members who were adults and would be prosecuted as adults, was the modus operandi to utilize youth to carry out implementation of crimes because they knew the juvenile justice system was more tolerant. This was a difficult problem because if a small child was recruited by a gang, how could they be dealt with effectively when they did not know the scope of what they were becoming involved with.

Senator James opined that without minimizing the presence of seriousness of gang activity in rural areas, in order to drive a stake through the heart of the problem, it must be done by cutting deeply into the gangs' ability to run its sophisticated business network of drug distribution in the cities, primarily in Las Vegas and Reno. He suggested either a letter from this committee or some other vehicle as a directive requesting that Las Vegas Metro and its sophisticated gang division as well as the gang prosecutors of the Clark County District Attorney's office put their heads together with their counterparts in Reno and create a list of proposed recommendations for this committee which might be implemented in the next legislative session. Specifically, Senator James would like them to look at the RICO statutes in Nevada to see whether that was an

effective tool. If the statute was a dead letter, it should not be. He felt that rather than prosecuting people for individual crimes, they should be prosecuted for operating a criminal enterprise which was what the RICO statutes were designed to do. He would like to see some recommendations as to how the legislature could give law enforcement better tools to fight this problem. Senator James thought this law enforcement work group should comment on how the surveys and indent tracking systems as recommended by Dr. Howell fit into what was already being done.

As a final comment, Senator James stated he had read about and studied this problem and felt he was educated on the matter. One of the great reasons gangs had proliferated in California, aside from its large population and other social issues, was the tolerant legal system as directed toward juveniles. The system was much less conservative and much more tolerant than Nevada and certainly one which should not be allowed to exist in Nevada. This tolerant system allowed the growth of gangs in a great way because gangs could operate unchecked by utilizing the services of young people. He asked the chairman to comment on his proposed letter.

Chairman Evans suggested that between now and the next meeting, sooner rather than later, that Senator James offer his assistance in talking with Lt. Olsen, Willie Smith and others to determine the language which would go into the recommendations for the final report and submit that information to Larry Peri of the Legislative Counsel Bureau, Fiscal Analysis Division. Therefore, the recommendations would become part of the final package. She stated just the language was needed for consideration by the committee so it could be voted upon during the work session. Senator James indicated he would be happy to help and asked for some assistance from Juliann Jenson of the Research Division or Kevin Powers of the Legal Division to help draft some proposed correspondence. Chairman Evans felt they would be delighted to work with the senator.

Mr. Bash assured Senator James the Las Vegas Metropolitan Police Department and the District Attorney's office were using the RICO statutes to target gang activity. Senator James said that was good to hear and he would like to see how it was working and whether there were other tools available. He had not heard of any high profile convictions of gang leaders through that statute although maybe they were occurring.

Ms. Smith inquired of the chair if she wished Ms. Smith to follow the plan where a letter was to be drafted asking for law enforcement recommendations versus trying to find out the status of any gang surveys. Chairman Evans asked if Ms. Smith could make some inquiries about the surveys over the next few days and share whatever she found with Senator James so the information could be factored into whatever he chose to write and submit to the work session.

Directing the committee's attention back to Dr. Howell's recommendations, Chairman Evans said she felt the list had been extensively covered. However, it was not for Dr. Howell to decide what was best for the state, but a decision to be made by the committee in their recommendations. One of the things which had been a consideration from the beginning was the volume of work to be undertaken and the committee not wanting to extend themselves or the agencies too greatly so that everyone was overwhelmed. This was with the understanding that juvenile justice would be an ongoing effort, and there was a desire not to bite off more than could be chewed. On the other hand, Chairman Evans also did not want issues of great concern to be unduly delayed. She requested expression of interest on other possible items to be made part of the recommendations.

Chairman Evans indicated she would like to place a couple items on the table for consideration for the final work session. This morning, representatives from the school districts had spoken about their alternative programs. It was not clear just how many of these alternative programs were in place and for the final meeting, Chairman Evans asked that a letter be sent to the Nevada State Board of Education asking them to do a survey of the school districts to see what types of alternative programs were available.

Another item from this morning's discussions related to school violence and the assessment which already was on the list prepared by Dr. Howell. There was some information which was officially on the record, but she would like to hear about what the students and others may know about the level of violence in and around school. A victim survey had been suggested and interviews with students to find what was happening after school. This may be a topic the committee would like to discuss in its final work session. This could also involve a letter to the state school board asking if that was something they could undertake and report back to the legislature or perhaps if more time was needed, to the next interim study on juvenile justice. Nonetheless, this was something which Chairman Evans felt should be moved along.

Chairman Evans felt another consideration should be the points made by the mental health representatives this morning



and could be in the form of a resolution. They had asked the legislature to address the problem of waiting lists, lack of bed space facilities for children, the problems of dealing with special populations and the lack of adequate programs for the return of out-of-state children with multiple problems. The committee may want to consider all the items presented by Dr. Brandenburg and Mr. Hardy during the work session, perhaps as a resolution.

Finally, although she was unsure of the proper vehicle, Chairman Evans mentioned Dr. Brandenburg pointed out the importance of integrating the data system which allowed tracking of youngsters across all of the agencies and to look at a system wide approach of integration of information which could be tied to outcome measures, quality assurance, tests for cost effectiveness and outcomes. These were suggestions for the final work session and it would be decided at that time what, if anything the committee wanted to recommend; however, these were recommendations from testimony presented this morning.

Chairman Evans asked if there were any additional items to be added for discussion and possible action during the June meeting.

Alicia Smalley stated she was president-elect of the National Association of Social Workers. She called attention to school social workers and their being part of the solution. Although unsure where they would fit into the recommendations, she felt this was a gap which was being neglected. Chairman Evans remarked this was something which could be added in very easily because there was discussion about a letter to the Nevada State Board of Education asking about several other items and school social workers could be added to the list. She noted they served a special purpose for dealing with youngsters and social workers accessed multiple agencies because many times that was what a youngster needed. The schools could be asked to revisit the issue and the importance of having that type of professional expertise in the schools.

Mr. Bash noted his agreement and he thought this should be included in the issue of prevention. It would be very appropriate to have Ms. Smalley at the Juvenile Justice Commission and other settings to discuss this component which prevented the escalation of kids' problems. Early identification in the schools was one of the best places to identify where the kids became involved in criminal activity.

Ms. Smalley commented she had talked with someone from the Nevada State Board of Education who had spoken about the development of their bill draft requests. Social workers had been discussed, but they were unsure how to ask for the funding and so none had been requested by the board. Chairman Evans thanked Ms. Smalley for her good recommendation.

## **I. PUBLIC TESTIMONY.**

There being no public testimony, Chairman Evans moved to the last item on the agenda.

## **\*J. DISCUSSION OF FINAL MEETING TOPICS AND DATE AND DIRECTION TO STAFF.**

Chairman Evans commented the committee had covered a lot of territory today and in closing she requested staff, cooperatively between Mr. Peri, Ms. Jenson and Mr. Powers to compile these proposed recommendations in a report for the committee's consideration at the final meeting. Although there had been discussion and some consensus, these were not action items. In the next meeting, however, they become action items, whether a bill draft, a resolution, a letter or a directive of some kind to an individual or agency or a group of agencies, these recommendations must be formalized in that final meeting. There will be time for additional input and refinements before voting.

The voting members of the committee were only the legislators. However, declared Chairman Evans, she would welcome the return of the community advisory members, Mr. Bash, Judge Schumacher and Mr. Hadfield because their opinions, ideas and views were very much respected and they were welcome to participate in the discussion during the final meeting. She invited them to attend the meeting on June 17, 1998.

There being no further business before the committee, Chairman Evans adjourned the meeting at 4:10 p.m.

Respectfully submitted,

Reba Coombs, Secretary

Approved:

Assemblywoman Jan Evans, Chairman

Date: